

FILED

JUN 28 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

ADKT NO. 544

IN THE MATTER OF THE
AMENDMENT OF RULES OF PRACTICE
FOR THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA
(COUNTY OF WASHOE)

**PETITION TO AMEND RULES OF PRACTICE FOR THE
SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA (COUNTY
OF WASHOE)**

In accordance with Rule 3.2 of the Nevada Rules on the Administrative Docket, the Second Judicial District Court in and for Washoe County, State of Nevada ("SJDC"), by and through the Honorable Scott N. Freeman, petitions this Honorable Court to amend the Rules of Practice for the Second Judicial District Court of the State of Nevada (County of Washoe), commonly known and cited to as the Washoe District Court Rules or WDCR. WDCR 1.

DISCUSSION OF PROPOSED CHANGES

By Order in ADKT 0522, In the Matter of Creating a Committee to Update and Revise the Nevada Rules of Civil Procedure ("ADKT 0522"), dated December 31, 2018, this Court amended the Nevada Rules of Civil Procedure ("NRCF"), the Nevada Rules of Appellate Procedure and the Nevada Electronic Filing and Conversion Rules, effective prospectively on March 1, 2019. Thereafter, an Errata to the December 31, 2018 Order in ADKT 0522 was entered correcting the designation of Rules 86(b)(12), 16.22 and 16.23 as effective on March 1, 2019 as well.

On February 28, 2019, this Court entered its Order, directing the district courts as follows:

The district courts are hereby directed to submit for this court's approval any amendments to the local district court rules that are necessary to conform their rules to the amended NRCF, NRAP and NEFCR by June 30, 2019. Petitions seeking to amend local rules shall comply with the Nevada Rules on the Administrative Docket.

RECEIVED
JUN 28 2019
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

19-28051

1 ADKT 0522, Order entered February 28, 2019 (“Order to Conform”).

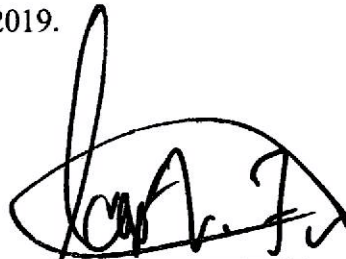
2 By this petition, the SJDC complies with the Order to Conform and requests the WDCR
3 be amended accordingly,

4 During the review of the WDCR Rules were identified as requiring amendment to
5 conform or warranting amendment. Required changes were made pursuant to the Order to
6 Conform. Additional warranted changes were made, consistent with best practices, SJDC
7 policies and the day to day operation of the SJDC. A “red-lined” copy of the WDCR as
8 currently effectuated with the requested amendments highlighted is attached as Exhibit 1. The
9 WDCR in the proposed final form should this Court grant the Petition is attached as Exhibit 2.

10 In the next year, the SJDC intends to propose additional amendments, not required at
11 this time to comply with the Order to Conform, after discussion with stakeholders and bench
12 bar committees representative of different practice areas. The SJDC will thereafter submit a
13 petition to amend the WDCR and the Criminal Rules of Practice for the Second Judicial
14 District Court of the State of Nevada, commonly cited as LCR. LCR 1. For example, the
15 SDJC intends to move WDCR Rule 22 to the LCR, revise the rules applicable to probate and
16 trust proceedings, as well as make other identified as warranted changes to the rules applicable
17 to other civil matters.

18 THIS DOCUMENT DOES NOT CONTAIN THE
19 SOCIAL SECURITY NUMBER OF ANY PERSON.

20 Dated this 28 day of June, 2019.

21
22
23 

24 SCOTT N. FREEMAN
25 CHIEF DISTRICT COURT JUDGE
26 SECOND JUDICIAL DISTRICT COURT
27
28

ADKT EXHIBIT 1

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

EXHIBIT 1
RULES OF PRACTICE FOR THE SECOND JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA

APPROVED BY THE SUPREME COURT OF NEVADA

Effective January 31, 1994 and Including Amendments Through February 5, 2018

ORDER

It Is Hereby Ordered that the Rules of Practice for the Second Judicial District Court of the State of Nevada be, and the same hereby are, adopted. The rules shall read as set forth in the attached Exhibit A.

It Is Further Ordered that the Rules of Practice for the Second Judicial District Court of the State of Nevada shall become effective January 31, 1994. The rules shall govern all proceedings in actions brought after that date and all further proceedings in actions pending on that date, unless in the opinion of the district court their application in a particular pending action would not be feasible or would work an injustice, in which event the former procedure applies.

It Is Further Ordered that the Rules of Practice for the Second Judicial District Court of the State of Nevada previously approved by the Supreme Court of Nevada are hereby superseded and repealed, effective January 31, 1994.

It Is Further Ordered that publication of this order shall be made by the mailing of a copy by the clerk of this court to each member of the State Bar of Nevada according to the clerk's official list of membership for such bar (which will include all district court judges and district attorneys), and the certificate of the clerk of this court as to the accomplishment of such mailing shall be conclusive evidence of the adoption and publication of the foregoing rules.

Dated this 30th day of December, 1993.

BY THE COURT

Robert E. Rose, *Chief Justice*

Thomas L. Steffen
Associate Justice

Charles E. Springer
Associate Justice

Cliff Young
Associate Justice

Miriam Shearing
Associate Justice

RULES OF PRACTICE FOR THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA

Rule 1. Applicability and citation of rules.

1. These rules shall be known and may be cited as Washoe District Court Rules or WDCR. All domestic relations and juvenile rules cited in Rules 27-57, of these rules shall be known and may be cited as the Washoe District Family Court Rules or WDFCR.

2. These rules do not apply to the following matters:

(a) Cases submitted on agreed statements of fact.

- (b) Applications for judgments by default, except as provided in Rules 26 and 48.
- (c) Criminal matters, except as otherwise expressly stated.
- (d) Motions under N.R.C.P. 65.

3. ~~Whenever the judge who will try the case, upon motion of a party, or upon the judge's own motion, determines that a case should not follow regular procedure, the judge may make such orders as deemed advisable for all subsequent proceedings. The judge of the department in which a case is pending may sua sponte, or upon motion of a party, exempt all or any portion of the case from these rules, in whole or part, upon a showing of good cause.~~

4. Unless a specific provision of the Washoe District Family Court Rules provides otherwise, these rules shall apply to all cases within the jurisdiction of the family division of the district court.

Rule 2. Organization of the court; chief judge; court administrator.

1. All civil and criminal cases shall be randomly assigned except as otherwise provided by these rules.
2. The district judges shall elect from among the general jurisdiction division and family court division judges a chief judge for a term of 2 years. The chief judge is the presiding judge as referred to in NRS 3.025 and the chief judge referred to in Supreme Court Rule 8.
3. Election of the chief judge shall be by secret ballot at the regular December meeting of judges. Nomination shall likewise be made and closed at the November meeting. The term of the chief judge shall commence the first Monday of January in even years. Election shall be by majority vote. The chief judge may be removed by motion made at any regular meeting and a two-thirds vote of the judges at the next regular meeting.
4. The chief judge may be, or may appoint, the presiding judge of the division of his or her jurisdiction and shall appoint a presiding judge of the remaining division. The presiding judge or judges shall serve at the pleasure of the chief judge and shall perform such duties as are delegated by the chief judge.
5. The chief judge shall supervise the court administrator and presiding judge(s). The chief judge shall appoint committees of the court. The chief judge shall preside over all judges meetings and shall speak for the court on matters therein approved by the judges. The chief judge shall represent the court in its relations with other agencies of the government, the bar, the general public and the news media.
6. The chief judge shall supervise caseload management, assign overflow trials and other overflow matters from the other judges and shall assist the other judges who request assistance in disposition of their caseload within the court by obtaining senior judges or other sitting judges in other districts within the state. The chief judge shall be the arbitrator in resolving conflicts between judges on calendaring and case assignment and procedural policy disputes. The caseloads of the chief judge and the presiding judge of the family division shall be reduced by 20 percent. The chief judge shall be responsible for compilation and distribution of statistics of the court.
7. The chief judge may assign one or more district judges to act temporarily as a judge or judges of the family court, if the caseload of the family court so requires or if for any reason a judge of the family court is unable to act.
8. The district court administrator shall be selected by the court and is responsible for the administration of the rules, policies and directives of the district court. In addition to the duties prescribed below, the district court administrator shall be denominated the clerk of the court and shall perform all the statutory and other duties assigned to that office. Subject to the direction of the chief judge acting on behalf of the district judges, the district court administrator shall:
 - (a) Supervise the assistant court administrator, family division administrator, jury commissioner and other officers and employees of or serving the district court, except for the staff of each judge;
 - (b) Supervise the office of the court clerk and the processing of all pleadings and papers related to court business and the court clerks;
 - (c) Direct the implementation and operation of a court interpreter program;
 - (d) Plan, organize and direct the budgetary, and fiscal operations of the district court;
 - (e) Plan for, organize, hire, train, and supervise all personnel deemed necessary by the district court to adequately conduct the operations of the district court, except for the staff of each judge;
 - (f) Monitor a system of internal controls which includes payroll, purchasing, accounts payable, accounts receivable, information systems and inventory along with all other fiscal aspects of the district court, including adjudication, administration, family mediation services, and jury services;
 - (g) Expedite movement of the court calendars and coordinate and monitor automated case management systems including, but not limited to, the development of integrated data entry systems;
 - (h) Supervise preparation and submission of reports and activities of the court to state, regional and local authorities as required;

- (i) Determine statistics to be gathered for the statewide uniform system of judicial records and manage the flow of information through and about the court;
- (j) Direct research, evaluation and monitoring and propose new and revised policies as necessary to improve court operations;
- (k) Coordinate the calendars and activities of judges visiting from other jurisdictions and of hearing officers or masters assigned for specific purposes;
- (l) Represent the court on regional, statewide, judicial and justice system coordinating councils, conferences, conventions and committees as assigned by the chief judge;
- (m) Handle public information and liaison with other government executive, legislative and judicial agencies in the community as assigned by the chief judge;
- (n) Perform such other functions and duties as may be assigned by the chief judge.

Rule 2.1. Business court docket.

1. A civil action shall be assigned to the business court docket if, regardless of the nature of relief sought, the primary subject matter of the action is:

(a) A dispute concerning the validity, control, operation or governance of entities created under NRS Chapters 78-88, including shareholder derivative actions;

(b) A dispute concerning a trade-mark or trade name; a claim asserted pursuant to the Nevada Trade Secrets Act, NRS 600A.010, et seq.; a claim asserted pursuant to the Nevada Securities Act, NRS 90.211, et seq.; a claim asserted pursuant to the Nevada Deceptive Trade Practices Act, NRS 598.0903, et seq.; a claim involving investment securities governed by NRS 104.8101, et seq.; or,

(c) Any dispute among business entities if the presiding judge of the business court docket determines that the case would benefit from enhanced case management.

2. Actions in which the primary claim alleges personal injury or products liability, damage of a consumer by a business, wrongful termination of employment, or actions arising from a landlord-tenant relationship shall not be included in the business court docket.

3. A party in an action assigned to another department of the court may request that the action be transferred to the business court docket. Upon filing of such a request, the clerk shall transfer the case file to the presiding judge of the business court docket who shall thereupon determine whether to assume jurisdiction of the case. The decision of the presiding judge of the business court docket to accept or decline jurisdiction of the action is final, and is not appealable nor reviewable upon any petition for extraordinary relief.

4. The judges of the business court docket may hear and decide all other civil and criminal actions assigned to such judge as any other general jurisdiction district court judge.

5. The chief judge shall assign at least two judges of the district to the business court docket. The judges so selected shall have experience as a judge or practitioner in the subject matters listed in subsection 1 of this rule, and shall serve for a term of two years unless reappointed. Each judge assigned to the business court docket shall receive an equal, random assignment of business court cases. Management of the business court docket shall be the highest case management priority of the judges of the business court docket, who may request reassignment by the chief judge of civil or criminal cases, as necessary, consistent with this case management priority.

6. Subject to approval by the judges of the business court docket and the chief judge, an action filed in any other judicial district may be transferred to the business court docket of this district if all parties and the district judge assigned to the case consent.

7. The judges of the business court docket may transfer a business action to another judge of this district for any and all proceedings, subject to the consent of the judge to whom the action is transferred.

8. If any judge of the business court docket is the subject of a peremptory challenge pursuant to S.C.R. 48.1, the clerk shall randomly reassign the case to another department of the court.

Rule 3. Criminal trials; appearance and withdrawal of attorneys.

1. Judges shall set all criminal trials in accordance with their own individual calendars. Such cases shall be randomly assigned to each department, and shall stay with that department through final disposition, unless the case is reassigned by that judge with the concurrence of the court to which it is reassigned. All related cases on the same defendant shall be assigned to the same judge. This random assignment system shall also apply to all criminal appeals, material witnesses and all other miscellaneous criminal matters.

2. If more criminal trials are scheduled on any day than an individual judge can handle that judge shall find another department willing to take the overflow. If the calendar overflow problem cannot be resolved by the individual judge the matter shall be referred to the chief judge who shall assign the overflow trials to other judges as necessary.

3. Criminal arraignments shall be set by the individual judges. If a judge is conducting a criminal jury trial, criminal arraignments, motions, and other criminal matters which are also assigned to that department may be referred by that judge to a department which does not have a trial.

4. Criminal arraignments, motions, pleas, sentencing hearings, and other proceedings, shall be heard by each court department in accordance with their own individual calendars at a time and date specified by each department.

5. Except as may be otherwise ordered by the judge in writing all motions for probation revocation shall be set to be heard by the court as soon as possible and no later than 10 days after the incarceration of the defendant.

6. Attorneys representing defendants in criminal cases shall promptly serve written notice of their appearances upon the district attorney, and file the same with the filing office. When desiring to withdraw from a case, attorneys shall serve a motion upon the district attorney and their client, file the same with the filing office, and set the motion for hearing.

7. Effective January 2, 1992, any status conference and/or "Motions to Confirm" shall be held 1 week prior to the trial date. This will provide at least 5 days' notice of the status of a pending trial to all parties and the jury office. Prior to January 2, 1992, any such status conferences shall be held at least 3 days prior to trial.

Rule 4. Setting of cases.

1. All matters shall be set in the Office of the Administrative Judicial Assistants in the department where the case is filed. The office shall be open for that purpose from 9:00 a.m. to 12:00 noon, Tuesday through Thursday. All other calendaring shall be done by appointment. If any department wishes to deviate from this procedure it shall be responsible for setting its own calendar in a manner and at a time specified. The times and procedures for such calendaring shall be advertised by each department.

2. If any case may not be heard because of another case or the unavailability of the judge, it shall be the primary responsibility of that judge or the administrative judicial assistant to arrange a transfer to another department with the agreement of the new department. In the event that the department cannot successfully transfer the case the matter shall be referred to the chief judge for resolution.

3. In every civil case, except in cases within the jurisdiction of the family division, within 30 days after the last answer is filed, the parties must obtain a date for trial unless the judge waives this requirement for good cause shown. If the parties fail to obtain a trial date, the court may set the case for trial at its discretion.

4. All cases shall be set for trial within 12 months of the date that the setting occurs, unless ordered otherwise by the trial court.

5. Contested matters shall be set by each court department on dates agreeable to counsel. A ~~14~~14-day notice to appear and set a time for trial may be given by any party upon certification that the case is at issue. At the time fixed in the notice, with showing of service upon all parties, a court department shall set the case for trial at a time certain. If fewer than all parties appear before a court department on an application for setting, and file with the court department a conformed copy of written notice to appear for setting at that hour and day, a court department shall set the matter to be heard on a date satisfactory to the counsel present. Time shall be computed as provided in N.R.C.P.

6. An individual court department may dispense with these procedures if necessary. Cases can be set via telephone conference or any other convenient method.

6. If the parties cannot agree on a trial date, a court department shall set the case for trial on the first available date in accordance with the judge's individual calendar.

7. All disputes concerning calendar settings shall be resolved by each court department in accordance with procedures established by that department.

8. Matters set in each department shall be heard in the order set unless otherwise ordered by the trial judge. Matters which cannot be heard in the department in which set because of a conflict with a prior matter, shall be assigned to another department, if one is available, by the affected department, to be heard at the same time as originally set. If a matter cannot be heard at the time originally set because of conflicts in all other departments, the matter shall be continued by order of the affected department. Thereafter, such matters shall be entitled to priority for resetting in accordance with the judge's individual calendar. Each court department shall determine the maximum allowed time that a matter can be set out on the calendar, subject to the 12-month setting rule.

9. All applications for setting shall be made on a printed form designated "Application for Setting," copies of which shall be available at each court department, unless this requirement is waived by the department. It shall be the responsibility of the applicant to produce for the court department one original and the necessary copies of the

"Application for Setting" form on which the court department shall endorse the date and time of such setting. The applicant shall file the original and serve a copy upon counsel for each other party.

10. If there are multiple settings, each court department shall endorse on the application the priority of the case in numerical order.

11. Except in cases within the jurisdiction of the family division, Once set, a case may be removed from the calendar only with the consent of the trial judge or the chief judge, if the trial judge is unavailable. Cases within the family division, once set, may be removed from the calendar only with the consent of the trial judge or, if the trial judge is unavailable, by the chief judge or presiding judge of the family division.

~~12. When a trial judge or the chief judge signs an order in chambers setting forth a calendar date, a copy of said order shall be delivered by counsel to the individual responsible for calendaring cases in each court department, together with any "Application for Setting" form.~~

~~12-13.~~ Effective January 2, 1992, the judge who determines that a certain criminal defendant is incompetent shall be responsible for impanelling the Sanity Commission.

~~13-14.~~ Effective January 2, 1992, the District Attorney's Office shall be responsible for contacting each court department in succession to find someone willing to schedule the Grand Jury hearings.

~~14-15.~~ Any questions arising under this Rule 4 which cannot be resolved by the individual court department shall be referred to the chief judge for decision.

~~15-16.~~ Each district judge shall be willing and prepared to take overflow work from another department as each judge's calendar permits.

Rule 5. Trial statements.

1. ~~Five calendar~~ Seven days before the trial, each party shall serve and file a trial statement which shall set forth the following matters in the following order:

(a) A concise statement of the claimed facts supporting the party's claims or defenses. Such facts shall be organized by listing each essential element of the claim or defense and separately stating the facts in support of each such element.

(b) A statement of admitted or undisputed facts.

(c) A statement of issues of law supported by a memorandum of authorities.

(d) In non-jury cases, a list of summaries of schedules referring to attached, itemized exhibits concerning any subject matter which involves accounting, computation, chronology, or similar data reasonably calling for orderly itemization, e.g., wages, income, expenses, inventories, business operations, tax computations, disability periods, property losses, itemizations of claimed losses or injuries, and the data and reasons upon which an expert bases his opinion (not the opinion itself), which clearly reflect the claims, defenses, or evidence of the party, together with references to the records or other sources upon which such summaries or schedules are based.

(e) The names and addresses of all witnesses, except impeaching witnesses.

(f) Any other appropriate comment, suggestion, or information for the assistance of the court in the trial of the case.

(g) A list of special questions requested to be propounded to prospective jurors.

(h) Certification by counsel that discovery has been completed, unless late discovery has been allowed by order of the court.

(i) Certification by counsel that, prior to the filing of the trial statement, they have personally met and conferred in good faith to resolve the case by settlement.

2. All motions in limine to exclude or admit evidence must be in writing and attached to the trial statement. The court may refuse to consider any oral motion in limine and any motion in limine which is not filed with the trial statement.

Rule 6. Pretrial conferences.

1. The trial judge may require a pretrial conference upon the judge's own motion or upon motion made at least 30 days prior to trial.

2. Pretrial conferences may include settlement negotiations. In the event either party desires to conduct a settlement conference before a judge other than the trial judge, that party shall first obtain the authorization of the trial judge, who may then assign the settlement conference to another judge, senior judge or master.

3. The judge may, for good cause, continue the pretrial conference for a limited period of time to a time certain.

Rule 7. Jury instructions.

1. This rule on jury instructions applies to both civil and criminal cases.
2. All proposed jury instructions shall be in clear, legible type on clean, white, heavy paper, 8 1/2 by 11 inches in size, and not lighter than 16-lb. weight with a black border line and no less than 24 numbered lines.
3. The signature line with the words "district judge" typed thereunder, shall be placed on the right half of the page, a few lines below the last line of type on the last instruction. (See NRS 16.110 and NRS 175.161.)
4. The designation "Instruction No." shall be near the lower left hand corner of the page.
5. The original instructions shall not bear any markings identifying the attorney submitting the same, and shall not contain any citations of authority, except that such instructions may bear the numerical reference to Nevada Pattern Civil Jury Instructions. No portion thereof shall be in capital letters, underlined or otherwise emphasized.
6. Authorities for any instruction must be attached to the original instructions by removable adhesive paper.
7. Any rejected instructions (i.e., submitted to the judge, but not delivered to the jury) shall be made a part of the case file as having been proposed.
8. Proposed jury instructions shall be submitted to the court by delivering the original to the judge's chambers no later than 5:00 p.m. on the Friday before trial. Proposed jury instructions shall be personally served upon opposing counsel, if counsel maintains an office in Washoe County, on the same day that they are submitted to the court. Otherwise, opposing counsel shall be served at the first day of trial. A judge may order jury instructions to be submitted to the court at a pretrial conference.
9. Plaintiff's attorney shall prepare the stock instructions.

Rule 8. Communication with law clerks. No attorney may argue to or attempt to influence a law clerk upon the merits of a contested matter pending before the judge or judicial officer to whom that law clerk is assigned.

Rule 9. Preparation of findings, conclusions, and judgment. In a non-jury case, where a judge directs an attorney to prepare findings of fact, conclusions of law, and judgment, the attorney shall serve a copy of the proposed document upon counsel for all parties who have appeared at the trial and are affected by the judgment. Five Seven days after service counsel shall submit the same to the court for signature together with proof of such service.

Rule 10. Form of pleadings, motions, and other papers.

1. **Format.**
 - (a) **General.**
 - (1) All documents presented for filing must be:
 - (i) Signed with the filer's signature;
 - (ii) In English;
 - (iii) On white paper of standard quality;
 - (iv) 8 1/2 x 11 inches in size;
 - (v) Lined with numbers in the left margin or on legal pleading paper;
 - (vi) Double spaced, except that descriptions of real property may be single spaced; and
 - (vii) Numbered consecutively at the bottom.
 - (2) All typed documents must be in a font size that is of 12 points.
 - (3) All handwritten documents must be:
 - (i) Clearly legible and neat; and
 - (ii) Written on one side of the paper only.
 - (b) **Electronically Filed Documents Format.**
 - (1) The Second Judicial District Court has established and approves the use of an electronic filing system, consistent with the technical standards established by the Nevada Electronic Filing and Conversion Rules.
 - (2) All pleadings and papers presented for electronic filing must be:
 - (i) In portrait style;
 - (ii) Converted to a PDF; and
 - (iii) Rotated right-side up.
 - (~~2~~)⁽³⁾ Some exhibits may be in landscape style.
 - (c) **Paper Filed Document Format.**
 - (1) All documents presented for paper filing must be flat and stapled.
2. **Multiple Case Numbers.**
 - (a) A separate pleading or document must be filed for each individual case.

(b) Pleadings or documents must not be filed with multiple case numbers.

3. Motion, Opposition, Reply.

(a) Any motion, opposition, reply, etc., must be filed as a separate document unless it is pleaded in the alternative.

4. Citations.

(a) **Supreme Court of the State of Nevada** — The citation to the *Nevada Reports* must be given together with the citation to *West's Pacific Reporter* and the year of the decision.

(b) **Nevada Court of Appeals** — The citation to the *Nevada Reports* must be given together with the citation to *West's Pacific Reporter* and the year of the decision.

(c) **Appellate Court of Any Other State** — The citation to *West's Regional Reporter System* must be given together with the state and year of the decision.

(d) **United States Supreme Court** — The citation to the *United States Reports* and year of decision must be given.

(e) **All Court Citations** — When a decision of the court of appeals, or of a district court, or other court of the United States has been reported in the *West's Federal Reporter System*, that citation, court, and year of decision must be given.

5. Signatures.

(a) **Paper.**

(1) Original handwritten signatures on paper filed documents are required.

(b) **Electronic Signatures.**

(1) The Second Judicial District Court has approved the use of electronic signatures consistent with the technical standards established by the Nevada Electronic Filing and Conversion Rules. Electronic signatures (e.g., /s/) are permissible on electronically filed documents submitted from the e filer's E-Flex account. (See Nevada Electronic Filing and Conversion Rules, Rule 11.)

(2) Electronically filed documents requiring signatures of opposing parties, such as a stipulation, must contain the handwritten signature of all parties on a printed form of the document. The printed document bearing the original signatures must be scanned and electronically filed in a format that accurately reproduces the original signatures and document contents. (Rule 11(c), Nevada Electronic Filing and Conversion Rules.)

(3) In criminal cases, electronic signatures are acceptable on filed documents requiring the signatures of all parties, such as a stipulation.

6. Corrections.

(a) No original pleading or paper may be amended by using tape, making erasures, or attaching slips, except by leave of court.

(b) Interlineations and striking through are acceptable if initialed by the filer.

7. Required Affirmation.

(a) An Affirmation must be attached as the last page of each document presented for filing and before any attached exhibits. No such Affirmation shall be included in proposed orders submitted to the court. NRS 239B.030(4).

(b) The Affirmation may also be the last sentence before the signature line on the document.

(c) The Affirmation must state that the document does not contain personal information.

(d) If the document does contain personal information, the Affirmation must indicate the specific state or federal law requiring the inclusion of said information.

(e) The Affirmation form is available at the Second Judicial District Court Filing Office and on the court's website at www.washoecourts.com.

8. Redacted Information.

(a) Except as otherwise provided by law, the following information must be redacted if it is in combination with a person's first name or first initial and last name:

(1) A social security number;

(2) A driver's license number, driver authorization card number, or identification card number;

(3) An account number, credit card number or debit card number in combination with a security or access code or password that permits access to the account;

(4) A user name, unique identifier or electronic mail address, in combination with any required access code or security question and answer; and

(5) A medical identification number or health insurance identification number.

(b) If any of these numbers are needed for identification purposes, all but the last four digits of that number must be redacted from the pleadings and documents. The primary duty for redaction rests with the filing party. See NRS 603A.040.

(c) A court may sanction a filer for disclosing personal information in violation of NRS 239B.030 or the Nevada Rules for Sealing and Redacting Court Records.

9. Exhibits.

(a) Exhibits, including accountings and financial reports, shall not be included in the body of any pleading or document.

(b) All exhibits attached to pleadings or papers must be 8 1/2 x 11 inches in size and must be labeled numerically, i.e., Exhibit 1, 2, 3, etc.

(c) An Index of Exhibits must be included before all attached exhibits.

(1) The Index of Exhibits must indicate each exhibit number, a description of each exhibit, and the length of each exhibit (number of pages).

(d) All exhibits must be clearly marked with the exhibit number on the divider page.

(e) Original documents must be retained for introduction as exhibits at the time of a hearing or at the time of trial rather than attached to pleadings.

(f) Exhibits that are smaller must be attached to a blank sheet of paper 8 1/2 x 11 inches in size, with invisible adhesive tape on all sides.

(g) Exhibits that are larger than 8 1/2 x 11 inches must be reduced to 8 1/2 x 11 inches.

(h) Staples must not be used to affix an exhibit to a sheet of paper.

(i) Copies of exhibits must be clearly legible and not unnecessarily voluminous.

(j) Exhibits which are electronically filed must be submitted as a separate PDF document and may not be filed in batches or as one single document.

10. Filing Review Rejections.

(a) After a document is submitted, filed, and served, the clerk may review the document to determine whether it is a nonconforming document. Except in criminal cases and writs arising from criminal cases, Filing Office personnel shall refuse to file any document or pleading under the following circumstances or as otherwise provided by District Court rule, statute, or order of the court:

(b) On motion or on its own order to show cause, the court may strike a nonconforming document.

(c) The Second Judicial District Court has authorized the clerk to strike the following nonconforming documents:

(1) The A document that does not have a District Court case number;

(2) The A document that does not have an Affirmation; or

(3) The A document is not signed that is filed in the wrong case;

(4) An unsigned paper filed document; or

(5) An unsigned order that is not identified as a proposed order.

(d) The Second Judicial District Court has authorized the clerk to strike and seal confidential documents filed into the wrong case.

(e) If the court or clerk strikes a document, the filer and all other parties on the case must be notified.

11. Pleading Format. The following information shall appear upon the **first page** of every paper presented for filing:

(a) Filer's Information.

(1) Information (i)-(iv) shall be set on the far left side of the page, beginning at line 1, and shall be single spaced. The space to the far right of the pleading shall be reserved for the filing marks of the clerk.

(i) The document code (the list of document codes is available at the Second Judicial District Court Filing Office and on the District Court's website at www.washoecourts.com);

(ii) The name of the party filing the document;

(iii) The filer's Nevada State Bar identification number, if appropriate; and

(iv) The mailing address, electronic mailing address, and telephone number of the attorney and of any associated attorney appearing for the party filing the paper; whether such attorney appears for the plaintiff, defendant, or other party; or the name, address, and telephone number of a party appearing in proper person.

(b) Court Title.

(1) The title of the court shall appear at the center of the page, line 6.

(c) Name of Parties.

(1) The name of the parties to the action or proceeding shall appear in the space to the far left at line 9.

(d) Case and Department Number.

(1) The case number and department number shall appear to the right of the center at lines 11 and 12.

(e) Title of Pleading.

(1) The title of the pleading, motion, or other document must be typed or printed on the page and centered below the name of the parties to the action or proceeding. The title must be sufficient in description to apprise the respondent and clerk of the nature of the document filed, or the relief sought, e.g., Defendant's Motion for Summary Judgment against Plaintiff John Doe; Plaintiff's Motion to Compel Answers to Interrogatories.

CODE

This space is intentionally left blank for the Court issued file stamp. A 2" margin is required.

ATTORNEY NAME
BAR NUMBER
MAILING ADDRESS
EMAIL ADDRESS
CITY, STATE, ZIP CODE
PHONE NUMBER
ATTORNEY FOR:

IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE

JOHN DOE,

Plaintiff,

vs.

Case No. CV99-00000

RICHARD ROE,

Defendant.

Dept. No.

MOTION, ORDER, REPLY
JUDGMENT, ETC.

Sample Pleading

At least a 1" margin should remain below. Page numbers are required.

Rule 11. Extension or shortening of time.

1. All motions for extensions of time shall be made upon 7 days' notice to all counsel. Such motion shall

be made to the judge who is to try the case, or, if the judge is not in the courthouse during regular judicial hours, to a judge on the same floor or, if the case is within the jurisdiction of the family division, a judge within the family division, who shall set or cause the motion to be set for early hearing. (For the sake of this rule Department 10 is deemed to be on the second floor.)

2. Except as provided in this subsection, no ex parte application for extension of time will be granted. Upon presentation of a motion for extension, if a satisfactory showing is made to the judge that a good faith effort has been made to notify opposing counsel of the motion, and the judge finds good cause therefor, the judge may order ex parte a temporary extension pending a determination of the motion.

3. For good cause shown, the judge who is to try the case, or if the judge is not in the courthouse during regular judicial hours, the chief judge or, if the case is within the jurisdiction of the family division, the presiding judge of the family division, may make an ex parte order shortening time upon a satisfactory showing to the judge that a good faith effort has been made to notify the opposing counsel of the motion.

4. Stipulated Extensions of time to answer or otherwise respond to a complaint of 40 days or less are automatically deemed approved. Extensions of time in excess of 40 days must be approved by the court shall not exceed 40 days without court approval. The trial judge shall determine the appropriate sanction if this rule is violated.

5. A court must not extend the time to act under N.R.C.P. 50(b) and (d), 52(b), 59(b), (d), and (e), and 60(c)(1), and must not extend the time after it has expired under N.R.C.P. 54(d)(2).

Rule 12. Motions; points and authorities and decisions.

1. Except as provided in Rule 1, all motions shall be accompanied by points and authorities and any affidavits relied upon. Motions for support or allowances and opposition thereto in divorce and separate maintenance actions shall include disclosure of the financial condition of the respective parties upon a form approved by the court pursuant to Rule 40 of these rules.

2. The responding party shall file and serve upon all parties, within ~~40~~ 14 days after service of a motion, answering points and authorities and counter-affidavits.

3. The District Attorney's Office shall have 21 days to respond to any motions to seal criminal records pursuant to NRS 179.245.

4. The moving party may serve and file reply points and authorities within 5 ~~7~~ days after service of the answering points and authorities. Upon the expiration of the 5 ~~7~~-day period, either party may notify the filing office to submit the matter for decision by filing and serving all parties with a written request for submission of the motion on a form supplied by the filing office. The original of the submit form shall be delivered to the filing office. Proof of service shall be attached to the motion and response.

5. Decision shall be rendered without oral argument unless oral argument is ordered by the court, in which event the individual court department shall set a date and time for hearing.

6. All discovery motions shall include the certificate of moving counsel certifying that after consultation with opposing counsel, they have been unable to resolve the matter.

7. Except by leave of the court, all motions for summary judgment must be submitted to the court pursuant to subsection 4 of this rule at least 30 days prior to the date the case is set for trial.

8. The rehearing of motions must be done in conformity with D.C.R. 13, Section 7. A party seeking reconsideration of a ruling of the court, other than an order which may be addressed by motion pursuant to N.R.C.P. 50(b), 52(b), 59 or 60, must file a motion for such relief within ~~40~~ 14 days after service of written notice of entry of the order or judgment, unless the time is shortened or enlarged by order. A motion for rehearing or reconsideration must be served, noticed, filed, and heard as is any other motion. A motion for rehearing does not toll the 30-day period for filing a notice of appeal from a final order or judgment.

9. If a motion for rehearing is granted, the court may make a final disposition of the cause without reargument, or may restore it to the calendar for reargument or resubmission, or may make such other orders as are deemed appropriate under the circumstances of the particular case.

10. Drop box filing.

(a) Papers eligible for filing. All papers and pleadings, including motions, oppositions and replies may be filed in the drop box located outside the Court Clerk's Office, with the exception of filings which require the payment of filing fees. Filings which require the payment of filing fees must be made directly with the Court Clerk's Office.

(b) Procedure. Papers may be filed in the drop box during all hours the courthouse is open. Papers must be date and time stamped prior to being placed in the drop box. Drop box filings shall be deemed filed as of the date and time noted on the paper or pleading. If a drop box filing has not been date and time stamped, the paper or pleading shall be deemed filed at the time it is date and time stamped by the Court Clerk.

Rule 13. Continuances.

1. No continuance of a trial in a civil or criminal case shall be granted except for good cause. A motion or stipulation for continuance shall state the reason therefor and whether or not any previous request for continuance had been either sought or granted. The motion or stipulation must certify that the party or parties have been advised that a motion or stipulation for continuance is to be submitted in their behalf and must state any objection the parties may have thereto.

2. If a continuance of any trial is granted, the parties must appear in the individual court department within 5 7 days and reset the case, unless the court waives this requirement. Failure to follow this rule may result in the court setting the trial date.

Rule 14. Interrogatories and admissions.

1. Answers and objections to interrogatories pursuant to N.R.C.P. 33 shall identify and quote each interrogatory in full immediately preceding the statement of any answer or objection thereto.

2. Denials of, and objections to, requests for admissions pursuant to N.R.C.P. 36 shall identify and quote each request for admission in full immediately preceding the statement of any answer or objection thereto.

Rule 15. Copies of all pleadings to all parties. Each party to an action shall furnish to one Nevada counsel of record for each other party, copies of all papers served upon any party.

Rule 16. Claim of exempt property. A claim that property is exempt from execution or attachment shall be presented to the court by motion filed and served in the action out of which the writ of execution or attachment issued. Such motions shall be handled as are other motions under these rules, except that, on good cause shown, the time for submission or argument of the motion may be shortened.

Rule 17. Ex parte orders.

1. No proposed ex parte order, except an order to allow an indigent to file a complaint without payment of fees, shall be presented to a judge for signing before the case has been filed with the filing office, given a case number, and assigned to a department.

2. Proposed ex parte orders, orders based upon written stipulation of counsel, and orders in uncontested matters shall be presented only to the judge of the department in which the case is pending, unless such judge designates another judge to consider the order. If there is no designation, and the judge of the department in which the case is pending is not in the courthouse during regular judicial hours, a proposed ex parte order may be presented to a judge on the same floor or to the chief judge or, if the case is within the jurisdiction of the family division, to a judge of the family division.

Rule 18. Papers which do not comply with rules. ~~Except in criminal cases and writs arising from criminal cases, filing office personnel shall refuse to file any document or pleading which is not properly signed by all persons, or which does not comply with these rules, Nevada Rules of Civil Procedure, the District Court Rules, or applicable statutes. Reserved.~~

Rule 19. Appeals from municipal and justice courts.

1. All appeals from the municipal or justice courts in criminal cases shall be set for trial or hearing within 60 days of the date of application for setting. A setting beyond 60 days may be made only if approved in writing by the trial judge or the chief judge. If a trial setting is continued by order of the court, the case shall be reset within 60 days of the date of the order for continuance.

2. If multiple settings for appeal trials in any one court department exceed the capacity of that department, settings shall be made in the designated department scheduled to handle the overflow. If that court's calendar becomes full, assignment shall be made to any other available department.

3. Appeals in criminal cases shall be set for trial on Thursdays and Fridays, unless the trial judge or the chief judge grants permission to make such settings on other judicial days.

4. In civil appeals from the justice court, appellant shall file within 30 days after the filing of a notice of appeal a written brief containing a statement of the errors committed in the justice court with accompanying authorities which shall not exceed 5 pages. Within ~~20~~ 21 days after the filing and service of appellant's brief, respondent shall file a written answering brief which shall not exceed 5 pages.

Rule 20. Jury commissioner; jurors.

1. The court administrator, with the approval of the judges, shall designate a jury commissioner. The court administrator may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as are desirable for the efficient administration of the jury program.

2. The drawing of jurors for service is governed by automated procedures developed by the court administrator with the approval of the judges. Such procedures may be changed by the court to promote efficient operations consistent with the other laws governing jury selection.

3. When prospective jurors appear before the jury commissioner pursuant to summons, the jury commissioner shall direct them to their assigned courtroom. Jurors may be reassigned as needed or as directed by the court.

4. If any prospective juror summoned fails to appear before the jury commissioner, the jury commissioner immediately shall notify the trial judge to whom the juror was assigned. The jury commissioner shall ascertain whether service of summons was by mail or personal service. If summons was served by mail, the jury commissioner shall resubmit the prospective juror and cause summons to be served personally. If any prospective juror fails to appear after having been personally served, the jury commissioner shall immediately notify the trial judge to whom the juror was assigned. The jury commissioner shall prepare for the judge's signature and cause to be personally served upon the prospective juror an order to show cause why the prospective juror should not be held in contempt of court for failure to appear. If the prospective juror fails to appear personally as commanded in the order to show cause, the jury commissioner shall prepare a bench warrant for the trial judge's signature.

5. Each person summoned as a trial juror, pursuant to law and this rule, shall serve for a period of time set by the court.

6. Prospective jurors who have been assigned for service in a department of the court and whose services subsequently are not required, shall be directed to return to the jury commissioner for further assignment on that day if required.

Rule 21. Sanctions for noncompliance. If a party or an attorney fails or refuses to comply with these rules, the court may make such orders and impose such sanctions as are just, including, but not limited to the following:

1. Hold the disobedient party or attorney in contempt of court.
2. Continue any hearing until the disobedient party or attorney has complied with the requirements imposed.
3. Require the disobedient party to pay the other party's expenses, including a reasonable attorney's fee, incurred in preparing for and attending such hearing.
4. Enter an order authorized by N.R.C.P. 37.

Rule 22. Writs of habeas corpus.

1. Each petition for a writ of habeas corpus based on alleged want of probable cause or otherwise challenging the court's right or jurisdiction to proceed to the trial of a criminal charge shall be accompanied by a notice for the prosecutor to appear before the appropriate court department, at a specific date and time not less than 5 nor more than 10 days after filing such petition, to set the matter for hearing. The hearing on the writ shall be set within 21 days from the date the petition is filed.

2. Any other pretrial petition for writ of habeas corpus, including those alleging a delay in any of the proceedings before a magistrate or a denial of the petitioner's right to a speedy trial in justice court or municipal court, shall contain a notice of the hearing thereof setting the matter for hearing not less than 1 full judicial day from the date the petition is filed and served.

3. All points and authorities urged in support of the petition for writ of habeas corpus shall be served and filed at the time of the filing of the petition. The prosecutor shall serve and file a return and a response to the petitioner's points and authorities within 10 days from the receipt of a petition for a writ of habeas corpus based on alleged want of probable cause or otherwise challenging the court's rights or jurisdiction to proceed to the trial of a criminal charge (section 1 hereof). The prosecutor may serve and file a return and a response to the petitioner's points and authorities in open court at the time noticed for the hearing on a writ of habeas corpus covered under section 2 hereof.

4. Ex parte applications for extension of the 21-day period of limitation for filing writs of habeas corpus will only be entertained in the event that the transcript of the preliminary hearing or of the proceedings before the grand jury, as the case may be, is not available within 14 days after the defendant's initial appearance. Such ex parte applications shall be accompanied by a certificate of the defendant's attorney that the attorney has examined the file in the filing office and that the transcript of the preliminary hearing or the proceedings before the Washoe County Grand Jury has not been filed within the 14-day period (NRS 34.700(3)). Applications for extension of time to file writs of habeas corpus shall be for not more than 14 days, except where the ground for such application is the

unavailability of the transcript, in which case the extension may be for not more than 14 days after the transcript is available. Further extensions of time will be granted only in extraordinary cases.

5. Any writ filed on a criminal case at the district court level shall be assigned to the same department where the underlying criminal case is filed. If no such previous criminal case exists the writ shall be randomly assigned to a department.

Rule 23. Appearances; substitutions; withdrawal or change of attorneys.

1. When a party has appeared by counsel, that individual cannot thereafter appear on his/her own behalf in the case without the consent of the court. Counsel who has appeared for any party shall represent that party in the case and shall be recognized by the court and by all parties as having control of the client's case, until counsel withdraws, another attorney is substituted, or until counsel is discharged by the client in writing, filed with the filing office, in accordance with SCR 46 and this rule. The court in its discretion may hear a party in open court although the party is represented by counsel.

2. Counsel in any case may be changed:

(a) When a new attorney is to be substituted in place of the attorney withdrawing, by the written consent of both attorneys and the client, all of which shall be filed with the court and served upon all parties or their attorneys who have appeared in the action; or

(b) By order of the court, upon motion and notice as provided in these rules, when no attorney has been retained to replace the attorney withdrawing;

(1) If such motion is made by the attorney, counsel shall include in an affidavit the address, or last known address, at which the client may be served with notice of further proceedings taken in the case in the event the application for withdrawal is granted, and counsel shall serve a copy of such motion and supporting papers upon the client and all other parties to the action or their attorneys; or

(2) If such motion is made by the client, the client shall state therein the address at which the client may be served with notice of all further proceedings in the case in the event the application is granted, and shall serve a copy of the application upon the attorney and all other parties to the action or their attorneys.

3. Any form of order permitting withdrawal of an attorney submitted to the court for signature shall contain the address at which the party is to be served with notice of all further proceedings.

4. Except for good cause shown, no application for withdrawal or substitution shall be granted if a delay of the trial or of the hearing of any other matter in the case would result. Discharge of an attorney may not be grounds to delay a trial or other hearing.

5. A corporation may not appear in proper person.

Rule 24. Masters.

1. The Second Judicial District Court has approved the automatic referral to the discovery master commissioner all discovery proceedings pursuant to N.R.C.P. 16, 16.1 and 16.2.

(a) All domestic matters referred to masters shall comply with Rule 31 of these rules.

2. A district judge may refer any matter to a master for determination unless prohibited by law. Such referral may be by application of a party to the action or on the judge's own initiative.

3. Except as otherwise provided herein, proceedings before the master shall be in accordance with the provisions of N.R.C.P. 53 and any applicable statutes.

4. The master may request a district judge to make an immediate determination of appropriate sanctions for contemptuous behavior, issue a bench warrant, quash a warrant, or release persons arrested thereon.

5. Within ~~10~~ 14 days after the evidence presented in a matter is closed, the master shall file with the district judge written findings of fact and recommendations, which shall also be served upon each party. ~~Service as provided in this section shall be by personal delivery to each party or the party's attorney or by mail to the last known address of such person or to the address designated by such person appearing at the hearing before the master, or to the party's attorney, if any has appeared as an attorney of record.~~

6. A party shall have ~~10~~ 14 days from service of written findings of fact and recommendations within which to file and serve an objection, or a motion to adopt or modify the findings of fact and recommendations. A response to an objection or motion shall be filed and served within 7 days of service of the objection or motion. When an objection or motion has been filed, the district judge shall have discretion to determine the manner in which the master's recommendation will be reviewed.

7. Upon the request of a party or upon the district judge's initiative, the judge may enforce the provisions of the master's recommendation pending determination on appeal.

8. The master may direct counsel for a party to prepare the master's report, including findings and recommendations. If counsel is so directed, the report must be delivered to the master no later than ~~10~~ 14 judicial days after the hearing or notice of decision.

9. Any duly appointed master may perform the duties of any other duly appointed master as the administration of justice may require.

10. All proceedings before a master shall be conducted with appropriate decorum and procedure to insure respect and obedience to the court and its rules.

Rule 25. Special masters.

1. A judge may order the appointment from among the members of the bar of this court a special master for the purpose of settlement of cases or for any other proper purpose determined by the judge to whom a particular case has been assigned.

2. Subject to approval by the court, ~~the~~ parties to a civil action may stipulate in writing to, or the judge to whom the case has been assigned may order, the appointment of a special master to report upon particular issues in the case, including the holding of settlement conferences pursuant to Rule 6 of these rules. The stipulation may suggest the special master, in which case the judge may appoint the person named. A special master shall not be appointed to any particular case unless the master consents to such appointment.

3. The compensation of members of the panel of special masters shall be fixed by the court in its discretion, including any necessary disbursements, unless all interested parties consent to a rate of compensation or the special master consents to serve without compensation. Such compensation and disbursements shall be shared equally by the parties and taxed as costs, unless the court directs otherwise.

Rule 26. Default judgment. An application for a judgment by default irrespective of the amount of the proposed judgment must be made upon affidavit unless the court specifically requests the presentation of oral testimony. Supporting affidavits must be made on personal knowledge and shall set forth such facts as would be admissible in evidence, show affirmatively that the affiant is competent to testify to the matters stated therein, and avoid mere general conclusions or argument. An affidavit substantially defective in these respects may be stricken, wholly or in part, and the court may decline to consider the application for the default judgment.

Rule 27. Scope and citation of rules within the family division.

1. Rules 27 through 57 inclusive, are specific to the family division. These rules shall apply to all cases within the jurisdiction of the family division of the district court pursuant to NRS 3.223.

2. Unless otherwise stated herein, all proceedings before the family division shall comply with the Washoe District Court Rules (WDCR); State of Nevada District Court Rules (D.C.R.); and Nevada Rules of Civil Procedure (N.R.C.P.).

Rule 28. Reserved.

Rule 29. Reserved.

Rule 30. Judges within the family division.

1. Presiding judge.

(a) The chief judge of the district shall appoint a presiding judge over the family division of the district court.

(b) The presiding judge of the family court shall report to the chief judge of the district court in cases requiring referrals under Rules 2(-6) and 2(-7).

(c) The two-year term of the presiding judge shall coincide with the term of the chief judge and the appointment of the presiding judge of the family division shall be made effective the first Monday of January in even years.

(d) The family court judges may select one family court judge and recommend to the chief judge that the judge selected be appointed as presiding judge of the family court division. This selection shall be made during the December meeting of the district court judges and after the election of the chief judge.

(e) The chief judge, with the recommendation of the presiding judge of the family court, shall designate one district judge of the family court to assume administrative responsibility over each of the following case categories:

(1) Orders for Protection Against Domestic Violence (NRS Chapter 33);

(2) Juvenile Delinquency (NRS Chapter 62 NRS Title 5);

(3) Child Support Enforcement/UIFSA (NRS Chapter 130 NRS Chapters 130, 425, and 435);

- (4) Juvenile Dependency (NRS Chapter 432B); and
- (5) Mental Health/Developmental Disability Involuntary Civil Commitment (NRS Chapters 433A and 435).
- (f) For purposes of this rule, the term "administrative responsibility" means:
 - (1) Presiding over objections or motions to adopt or modify to masters' recommendations in cases that are not otherwise assigned to another district judge;
 - (2) Assuming primary responsibility for court policy involving the designated case categories and the related area of law; and
 - (3) Representing the court on community policy-making boards or committees (with interested court masters).
- (g) The chief judge, with the recommendation of the presiding judge of the family court, shall designate one district judge of the family court to serve on each of the following committees and any other board or committee which requires a family court representative:
 - (1) Forms and Procedures Committee;
 - (2) Self-Help Center Advisory Board;
 - (3) Washoe County Access to Justice Foundation;
 - (4) Court Technology Advisory Committee;
 - (5) Court Facilities Committee;
 - (6) Employee Relations Committee;
 - (7) Reclassification Committee;
 - (8) Bailiff Security Committee;
 - (9) Family Court Bench Bar Committee; and
 - (10) Others as deemed appropriate.
- 2. Powers. The presiding judge shall have all the powers and responsibilities set forth in NRS 3.025, subject to the powers and responsibilities of the chief judge under Rule 2(-2) and 2(-3).

Rule 31. Masters within the family division.

- 1. Rule 24 together with the following rules shall apply to the utilization of masters in all matters falling within the jurisdiction of the family division.
- 2. The following proceedings shall may be referred automatically to a master:
 - (a) Juvenile court proceedings pursuant to NRS Chapters 62 NRS Title 5 and Chapter 432B.
 - (b) Orders for protection against domestic violence pursuant to NRS Chapter 33.
 - (c) Support enforcement proceedings pursuant to NRS Chapters 425 and 435.
 - (d) URESAs proceedings pursuant to NRS 3.405.
 - ~~(e) Paternity proceedings pursuant to NRS Chapter 126.~~
- 3. Whenever possible, a case shall be assigned to one master and shall remain with that master.
- 4. In extraordinary circumstances, when an emergency hearing is required, the judge assigned to a case may refer pre- and post-trial motions in divorce, separate maintenance, and annulment actions to a master for hearing subject to the master's calendar.
- 5. In cases involving orders for protection against domestic violence, the recommendation of the master shall become effective upon notice to the parties, unless stayed pending review by the judge. A stay of the master's recommendation may be granted at the request of any party to the action or upon the initiative of the court.
- 6. Except in cases involving orders for protection against domestic violence, a master's recommendation shall not become effective until the time for objection has run and the recommendation has been confirmed by assigned judge, except as otherwise provided in Rule 32(-1)(f).
- 7. An attorney has an absolute right to disqualify a part-time master when the attorney and the part-time master are opposing counsel in any case.

Rule 32. Review of master's decision within the family division.

- 1. Unless otherwise ordered by the court, All proceedings before the master shall be reported by court reporter or recorded by audio tape or other means.
 - (a) When an objection or motion to adopt or modify to a master's recommendation is filed, the court shall have the discretion to determine the manner in which the master's recommendation will be reviewed.
 - (b) A hearing on an objection or motion to adopt or modify to a master's recommendation shall be in the form of a review of the record with oral argument, unless otherwise expressly ordered by the court. In extraordinary circumstances the court may grant a de novo trial.

(c) In all cases except juvenile matters, if a party objects or motions to adopt or modify to the master's recommendation, in whole or in part, the objection or motion to adopt or modify shall be filed within ~~10~~ 14 days after service of written findings of fact and recommendation.

(d) In juvenile matters, objection or motions to adopt or modify to the master's recommendation shall be filed within 5 ~~7~~ days after service of written findings of fact and recommendation.

(e) The objection or motion to adopt or modify shall briefly state the primary issues for review.

(f) Upon request of a party or upon the court's initiative, the judge may enforce the provisions of the master's recommendation pending determination on review.

2. ~~A~~The objection shall contain a notice requiring any opposing party to appear before the appropriate court department to set the objection for hearing in conformance with Rule 44.

~~(a)~~ The review hearing must be held within 30 days after the date the objection or motion to adopt or modify is filed, unless otherwise ordered by the court.

3. The presiding judge shall assign one or more judges to preside over the review of objections or motions to adopt or modify to master's recommendations in specific subject areas. Review of objections or motions to adopt or modify to master's recommendations shall be heard by the judge assigned to the case.

Rule 33. Motions for certification pursuant to ~~NRS 62.080~~ NRS 62B.390.

1. A motion to certify a child to be proceeded against as an adult and for investigation pursuant to ~~NRS 62.080~~ 62B.390 shall be filed and served no later than 30 days after a petition is filed pursuant to ~~NRS 62.128~~ 62C.110. Hearing on such motion shall be held within 35 days after entry of an order for investigation.

(a) The Juvenile Probation Department shall complete and file an investigation report no later than 5 ~~7~~ days prior to the hearing date.

(b) Once a juvenile is certified as an adult pursuant to ~~NRS 62.080~~ 62B.390, the case shall proceed in accordance with the rules of criminal procedure.

Rule 34. Notice of pending or prior actions. The parties and counsel shall notify the court of any pending or prior proceedings of which they have knowledge involving the parties, the children or the subject matter of the dispute now under the jurisdiction of the family division. The prior proceedings to be reported include proceedings in any court in Nevada or elsewhere. Such notification shall be included in the initial pleading filed on behalf of a party, and thereafter as information becomes known.

Rule 35. Guardianships.

~~1. All guardianship petitions shall be verified.~~

~~2. All petitions for appointment of guardian of an incompetent or person of limited capacity shall:~~

~~(a) Set forth the written factual allegations of a licensed physician or other qualified evaluator to support a finding of incompetency or limited capacity of the proposed ward, or explain why such factual allegations cannot be made.~~

~~3. Immediately upon appointment, every guardian shall complete and file with the clerk's office, an Acknowledgment of Receipt of the Instructions to Guardian on the form published by the court.~~

~~4. A guardian shall advise the court in writing of any change of address of the guardian or of the ward within 30 days of any change.~~

~~(a) Within 30 days after moving out of state a guardian shall file a petition naming a co-guardian who is qualified to serve under NRS 159.059.~~

~~5. Any change or withdrawal of counsel shall be submitted to the court for approval, except where another licensed attorney is substituted in accordance with Rule 23. Counsel for a guardian cannot withdraw or substitute in the guardian as his or her own counsel (in proper person) without prior court order.~~

~~6. Attorney's and/or guardian's fees payable from a guardianship estate shall be approved by the court prior to payment, after application, notice and hearing.~~

~~(a) Every application for fees shall state with specificity the information required by NRS 150.060(1)(a) (c).~~

~~(b) The notice of hearing shall contain the amount of attorney's and/or guardian's fees requested and shall be served in accordance with NRS 159.115.~~

~~7. The reporting requirements of NRS 159.081, 159.085 and 159.177 shall be strictly enforced and may be filed on the reporting form published by the court.~~

~~8. All accounting shall contain a summary or recapitulation showing:~~

~~(a) The beginning balance of cash accounts (the figure from the inventory if it is a first accounting, or the ending balance of the prior accounting if it is a subsequent accounting);~~

- ~~_____ (b) Itemization of disbursements including date, check number, payee, purpose and amount;~~
- ~~_____ (c) A recapitulation showing beginning balance, plus receipts, less disbursements and the balance in the account; and~~
- ~~_____ (d) A schedule of assets showing any gains on sales or other disposition of assets, with the remaining property on hand.~~
- ~~_____ 9. Proof of service of the Order of Appointment of Guardian in accordance with NRS 159.074 shall be filed with the court. **Reserved.**~~

Rule 36. Temporary guardianships.

- ~~_____ 1. All petitions for temporary guardianship shall be presented to the probate administrator for review and presentation to the court.~~
- ~~_____ (a) A proposed order shall accompany the petition.~~
- ~~_____ (b) Temporary and emergency guardianship orders shall be supported by a written statement from a licensed physician or other qualified evaluator in accordance with Rule 35.2(a).~~
- ~~_____ 2. Absent extraordinary circumstances, all petitions for temporary guardianship shall also contain a prayer for permanent guardianship.~~
- ~~_____ 3. If permanent guardianship is not sought or necessary, a petition to terminate temporary guardianship with a complete and detailed accounting shall be filed and set for hearing prior to the expiration of the statutory period.~~
- ~~_____ 4. Every order of temporary guardianship and/or letters of temporary guardianship shall include an expiration date and set out the specific powers granted. **Reserved.**~~

Rule 37. Assignment, transfer and tracking of cases.

- 1. Court clerk's responsibilities.
 - ~~(a) The court clerk shall reject for filing all pleadings and legal documents which do not conform to Rules 18 and 40.~~
 - ~~(b) When a case within the jurisdiction of the family division is filed, the court clerk shall determine whether other cases involving the same parties or their children were or are before the family division of the court.~~
 - ~~(c) All cases involving any of the same parties or their children shall be assigned to the original department which first dealt with the parties.~~
 - ~~(d) Upon the filing of an answer in an action for divorce, separate maintenance, or annulment, the court clerk shall deliver the case file to the assigned judge, along with all other related files.~~
- 2. Except as provided in subsection 1 above, the court clerk shall randomly assign all new cases among the departments of the family division.
- 3. If all family division judges are disqualified or preempted from a case, the chief judge of the district court shall assign the case to another district judge in compliance with Rule 2(-3).

Rule 38. Caption for all pleadings and other legal documents.

- 1. Every document submitted for filing in the family division shall bear the following caption:

"IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE"
- 2. Every document submitted for filing in the family division by which child custody is at issue shall identify in its title that custody is at issue.
- 3. All pleadings shall conform with Rules 10 and 18 except that the family division may accept simple court-approved forms in which blanks are completed in legible black print.

Rule 39. Custody and UCCJEA requirements. Every initial pleading on behalf of any party in a divorce, annulment, separate maintenance, protection order against domestic violence, dependency, guardianship of a minor, paternity, termination of parental rights, or other custody action, except joint petitions, by which custody of children is at issue, and every post-judgment motion and opposition in which custody of children is at issue, shall include or be accompanied by a sworn statement setting out whether the party has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number and the date of the child custody determination, if any; knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights and adoptions and, if so, identify the court, the case number and the

nature of the proceeding; and knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons comply with NRS 125A.120.

Rule 40. Financial Declaration/Case Information Statement.

1. A Case Information Statement shall be filed with the initial pleading on behalf of any party in a divorce, annulment, or separate maintenance action, except for joint petitions. Parties shall use the Case Information Statement form published by the court.

2. In divorce, annulment, or separate maintenance actions, a Financial Declaration shall be filed upon motion ~~for to establish or modify support in compliance with Rule 12 or within 10 days after an answer is filed.~~ The court-approved form shall be used.

(a) If any party resides with one or more adult persons other than the opposing party, that party's Financial Declaration shall reflect the number of all adult persons living in the household and the extent to which the adult persons provide support and share in the party's living expenses.

(b) The requirements of this rule may not be waived as to content or time except by order of the court for good cause shown.

(c) The Financial Declaration form filed on behalf of any party shall be amended forthwith as material information is obtained by a party or counsel.

3. Filing and service of the Financial Declaration shall not supplant nor limit such discovery as either party is entitled to undertake pursuant to the Nevada Rules of Civil Procedure.

4. At such time that it appears to the parties and/or the court that resolution of the case is unlikely and trial is likely, the court may direct additional filing of a more comprehensive Financial Declaration on the court-approved form.

Rule 41. Procedure in divorce and other cases.

1. An application or joint petition for divorce filed pursuant to NRS 125.123 or NRS 125.181 to 125.184, inclusive, shall be submitted to the court for consideration without hearing.

(a) In addition to those matters described above, all contested divorces which are settled by the parties with all issues resolved; and uncontested divorces and all annulments, may be submitted without hearing by agreement of the parties and with the approval of the court.

2. Affidavits in divorce cases shall comply with the requirements of N.R.C.P. 56(ec)(4).

3. Affidavits of residence witnesses shall state the affiant's residence address, and the length of time affiant has resided in this state. The affiant shall state: (a) that the affiant is personally acquainted with the party to the action whose residence is being corroborated; (b) the party's residence address; (c) the date from which the affiant knows that the party has resided at that address; and (d) the total length of time affiant knows the party has resided within the State of Nevada. If the jurisdiction of the court is based upon the minimum legal residency, the affiant shall specify the days that the party has been physically present in Nevada.

Rule 42. Affidavits.

1. All affidavits shall contain sufficient factual information within the personal knowledge of the affiant; such facts shall be specific and shall adequately support the relief requested.

(a) A party shall provide a fact-specific affidavit to the court when extraordinary relief is sought; including, but not limited to the dates of incidents, descriptive facts and specific harm caused.

(b) Extraordinary relief includes, but is not limited to ~~temporary custody, restriction of visitation, removal of one party from the family residence and ex parte orders for protection against domestic violence.~~ an application to take a person alleged to be a person in a mental health crisis into custody, a motion for service of process by an alternative method, or a motion for order to show cause.

2. The fact-specific affidavit required by Rule 42(1)(b) shall be filed concurrently with a motion for order to show cause and shall, at minimum, state the title and filing date of the order the moving party claims has been violated, the date and method of service of the order on the party alleged to be in contempt, and specific facts which support each claim, as set forth in the motion, the party allegedly in contempt violated the order.

Rule 43. Ex parte orders within the family division.

1. Reasonable notice.

(a) Except as set forth below, the party requesting an ex parte order shall give reasonable notice to the opposing party, or his or her counsel.

- (b) Reasonable notice includes the date, time and place the request will be made.
- (c) Reasonable notice must afford the opposing party 24 hours within which the application may be opposed.
- 2. Notice exceptions.
 - (a) A party is excused from giving such notice where notice would frustrate the very purpose of the order or cause the party or child to suffer immediate and irreparable injury.
 - (b) Ex parte orders may be obtained without notice in the following circumstances:
 - (1) Where the order mutually restrains the parties from transferring, encumbering, hypothecating, concealing or in any way disposing of any property, real or personal, whether community or separate, except in the usual course of business or for the necessities of life;
 - (2) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance coverage, including life, health, automobile, and disability coverage;
 - (3) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of retirement benefits or pension plans for the benefit (or election for benefit) of the parties or their minor child or children;
 - (4) Where a child's health and safety is in danger; or
 - (5) Where such other circumstances exist as the court may find to warrant the issuance of an order without notice.
- 3. Automatic hearing.
 - (a) No hearing shall be held on an ex parte order entered under subsections 2(b)(1), (2) and (3) herein above.
 - (b) All other ex parte orders shall be heard within ~~40~~ 14 days of their entry.
 - (c) The hearing date shall be stated in the ex parte order.
 - (d) This rule shall not apply to temporary orders for protection against domestic violence.

Rule 44. Setting of cases.

- 1. Rule 4 shall govern the setting of cases in the family court, except as provided below.
- 2. Setting days/hours.
 - (a) Unless the court orders otherwise, all matters shall be set in the office of the family division clerk or ~~administrative~~ judicial assistant.
 - (b) Setting of cases shall be from 9:00 a.m. to 12:00 noon Tuesday through Thursday. All other calendaring shall be done by appointment.
- 3. Trials. Trials shall be set and heard within 6 months of service of the complaint, unless the court waives this requirement for good cause shown.
- 4. Law and motion.
 - (a) Unless otherwise required by statute or court rule, all motions, except motions affecting child custody, shall be submitted for decision without oral argument or hearing, unless otherwise ordered by the court.
 - ~~(b) Contested motions affecting child custody, including temporary custody, modification of custody and/or request to move out of state with children, shall be set for hearing. At the time of filing any motion affecting custody, the party filing it shall simultaneously file and serve a notice to appear and set the matter for hearing.~~
 - (e) Hearing on motions shall be held within 6 months of service of the motion, unless the court waives this requirement for good cause shown.
 - (d) Appropriate motions may be brought before the court on an ex parte basis in compliance with Rule 43.

Rule 45. Settlement conference.

- 1. Contact before hearings. Attorneys are required to contact opposing attorneys at least 48 hours before a motion is heard to discuss the settlement.
- 2. Settlement conference.
 - (a) A settlement conference may be held in all domestic relations cases set for trial.
 - (b) When a settlement conference is ordered, the settlement conference shall be conducted after the N.R.C.P. 16.1 N.R.C.P. 16.2 or 16.205 case management conference, if applicable, and completion of mediation, if appropriate, and shall be scheduled at a time to be determined by the judge who is to preside over the settlement conference.
 - ~~(c) The settlement conference shall be set contemporaneously with the setting of the trial.~~
- 3. Judge presiding over settlement conference.
 - (a) The judge assigned the case shall preside over the settlement conference.
 - (b) The judge presiding in the case may assign the settlement conference to another judge or master if appropriate.

4. **Mandatory attendance.**

(a) Each party and the attorney for each party shall personally attend the settlement conference unless the court excuses such attendance.

(b) Prior to the settlement conference, each party shall prepare and present a statement indicating the significant issues in dispute.

5. All parties shall attend the settlement conference fully prepared for trial on all unresolved issues except that non-party witnesses need not be present.

6. **Waiver of settlement conference.** The parties may, by stipulation, and with the court's consent, waive the settlement conference.

Rule 46. Trial — Statements and documentary evidence.

1. **Stipulating to documents.** Before trial, the parties shall stipulate which documents are admissible. Such stipulation will avoid the need for foundational witnesses.

2. **Exchanging documents.** Copies of documents shall be exchanged by counsel and marked for identification by the court clerk no later than 1 business day prior to the commencement of trial.

3. A trial statement shall be filed in accordance with Rule 5.

Rule 47. Hearings — Producing evidence.

1. Where a party intends to use documents in the party's case-in-chief, copies of such documents shall be:

(a) Provided to the opposing party within a reasonable time of receipt, creation or collation; and

(b) Provided to the opposing party no later than 48 hours before the hearing or immediately upon receipt if obtained within the 48 hours.

Rule 48. Default divorces judgments involving child custody.

1. Affidavit required.

(a) Where a default judgment in an action for divorce involving minor children is sought, and the proposed judgment does not include or refer to a written custody and visitation agreement, the moving party shall attach an affidavit setting forth the following:

(1) The date the parties were separated;

(2) The person with whom the child has lived during the past 6 months; and

(3) The extent of contact the child has had with both parents in the past 6 months.

2. In addition:

(a) Where the party seeks child custody, the affidavit shall specify a visitation schedule for the defaulting party and the child.

(b) Where the party seeks to deny visitation between the child and the defaulting party, the affidavit shall include:

(1) The reasons visitation should be denied;

(2) The last time the defaulting party contacted or visited the child; and

(3) The last known address and whereabouts of the defaulting party.

(c) Where the party seeks supervised visitation between the child and the defaulting party, the affidavit shall specify:

(1) The reasons visitation should be supervised;

(2) When and where supervised visitation shall take place; and

(3) The person or agency who shall supervise the visitation.

(d) As an alternative to (b) and (c), above, the party may request that the matter be referred to family division mediation.

Rule 49. Support orders.

1. Judgment must indicate public assistance.

(a) Where a judgment grants support to a party receiving public assistance, the judgment shall state that the party is receiving public assistance.

(b) The judgment shall state that the support payments shall be made to the District Attorney's Office, Family Support Division.

2. The court shall deliver a copy of the judgment to the District Attorney's Office, Family Support Division.

Rule 50. Motions for judgment for arrearages.

1. Where one party alleges the other party is in arrears in the payment of child or spousal support and requests relief by motion, that party shall file, with the motion, a schedule showing the date each periodic payment was due and the date each payment was received, to the best of the party's knowledge.

(a) The schedule of arrearages shall be prepared on a form approved and adopted by the court.

Rule 51. Presence of county prisoners.

1. Request. If a Washoe County prisoner is a party to any hearing or trial conducted in the family division, the prisoner party, if he or she so requests, shall be present at such hearing or trial.

2. Notice. The moving party must notify the court bailiff at least 2 days before the hearing that the prisoner party is to be present.

3. Disclosure of aliases. The moving party must disclose to the court bailiff any and all aliases used by the prisoner party.

Rule 52. Family division services.

1. The family division encourages resolution of certain disputes relating to children through non-adversarial methods. The family division may provide a range of alternative methods of dispute resolution through the family mediation program.

Rule 53. Mediation.

1. Matters subject to mediation.

(a) Unless an action is exempt pursuant to subsection 13 of this rule, all new district court actions which involve a dispute regarding child custody, access or visitation shall be referred to mediation. Orders for protection against domestic violence shall not be referred to mediation unless by court order.

(b) Mediation of the dispute by the family mediation program or by private mediator must take place before the trial on custody, access and/or support.

2. Referral for mediation by the court. Referrals to mediation made by the court pursuant to subsection 1 of this rule shall be to the family mediation program.

3. Referral for mediation by individual party.

(a) If there is a disagreement between the parties concerning custody, access or visitation, and the matter has not been referred to mediation, either party or both parties may file with the court and serve upon the other party, or counsel, a "Request for Mediation."

(b) The court may then refer the matter to the family mediation program.

4. Private mediation, selection.

(a) Parties may select by agreement a private mediator.

(b) The parties shall contract directly with the private mediator and be responsible for payment of fees for mediation services.

(c) The mediator has a right to withdraw from any case.

5. Private mediation, referral to private mediator.

(a) If a private mediator is selected, the parties or counsel, if any, shall file with the court a written notice that private mediation will take place.

(b) The notice shall set forth the name of the mediator and the date set for the first mediation conference.

6. Scheduling mediation. Upon referral to the family mediation program a mediation orientation and conference will be scheduled which both parties must attend, unless other procedures are agreed upon pursuant to subsection 14 of this rule.

7. Mediation conference.

(a) The mediator will conduct a conference in an effort to carry out the purpose of this rule.

(b) Counsel for the parties shall be provided an opportunity to confer with the mediator prior to the mediation conference and shall be excluded thereafter, where, in the discretion of the mediator, exclusion of counsel is deemed by the mediator to be appropriate or necessary.

(c) The mediator shall be entitled to interview the child or children when the mediator deems such interviews appropriate.

8. Mediation report.

(a) If the mediation is successful in resolving any of the custody, access or visitation issues, such agreement shall be reduced to writing and submitted to the court for approval.

(b) In the event that no agreement is reached, the mediator shall notify the court that mediation has been concluded.

9. Failure to appear for mediation.
 - (a) If one or both parties fail to appear at any mediation conference, the mediator shall report to the court the identity of each person who failed to appear.
 - (b) The court shall take whatever action it deems necessary or appropriate.
10. Confidentiality of mediation. Mediation proceedings shall be held in private, and all communications, verbal or written, made in the proceedings shall be confidential and shall not be disclosed even upon waiver of the privilege by either or both parties, except where the mediator is required to report any information which falls within the scope of the child abuse reporting requirements.
11. Subsequent evaluation. The family mediation program mediator or private mediator shall not conduct an evaluation of the parties after an unsuccessful mediation unless the parties file a written notice consenting thereto signed by each party and counsel.
12. If an Order for Protection Against Domestic Violence has been obtained by either party against the other, an order of referral to mediation shall include:
 - (a) The fact that an Order for Protection Against Domestic Violence has been obtained; and
 - (b) The case number of the protection order action.
13. Exemption from mediation.
 - (a) A party who believes a case is inappropriate for referral to mediation may seek an exemption from mediation.
 - (b) The party seeking an exemption must file a motion with the court.
 - (1) The motion should be filed with the initial pleading of the moving party.
 - (2) The motion may be filed at a later time if new information is obtained supporting a motion.
14. Inappropriate cases.
 - (a) The family court mediation program shall establish procedures to assure that cases which are inappropriate for mediation or which may require special protocols for the protection of parties are screened prior to any contact between the parties in the mediation process.
 - (b) Mediation is not appropriate where:
 - (1) There are substantiated allegations or evidence of child abuse or neglect.
 - (2) The case involves multiple social agencies or psychiatric contacts for parents and/or children.
 - (3) The case is at the post-dissolution stage and has involved bitter conflict and frequent court appearances.
 - (4) A parent has serious psychological problems or has displayed severely anti-social modes of behavior.
 - (5) The mediator determines mediation is futile or impractical.
 15. Support persons.
 - (a) A party may have a third person present for support before and after meetings with the mediator, provided that the support person may not be present during mediation sessions.
 - (b) The Protection Order Advocate's Office may assist in providing a support person in appropriate cases.
16. Fees for service. Fees may be assessed to parties referred to mediation pursuant to NRS 3.500(2)(e) and family division policy.

Rule 54. Unsuccessful mediation.

1. In each case in which mediation has been unsuccessful in resolving custody or visitation issues, the parties or their counsel shall meet with the court within 60 days of notice that mediation was unsuccessful for the purpose of case planning.
2. In each case where mediation has been unsuccessful in resolving custody or visitation issues, the case may be subject to a custody evaluation.
3. The custody evaluation may be by stipulation or appointment or by referral of the court to the family mediation program.
4. Child custody evaluation.
 - (a) When it appears that a child custody evaluation is necessary, the parties are encouraged to stipulate to the retention of one expert to evaluate the parties and the child(ren).
 - (b) Upon the request of either party or on its own initiative the court may appoint a neutral expert if the parties cannot agree on their own.
 - (c) The treating therapist of any of the parties or children may not serve as the stipulated evaluator.

Rule 55. Reserved.

Rule 56. Forms — To be determined by forms committee.

1. The family division may adopt and approve forms which practitioners are encouraged to use.
2. Upon notification, the court has the discretion to modify, amend, or supplement the existing forms or add new forms.

Rule 57. Probate; trusts; and the administration of estates.

Rule 57.1. Scope of rules. This rule governs the practice and procedure of all proceedings under Title 12 and chapters 162 through 167 of Title 13 of NRS.

Rule 57.2. Calendars. Subject to change by order of the chief judge, the probate calendar will be heard every Thursday at 8:00 a.m. If a legal holiday falls on a Thursday, the probate calendar for that week will be heard at such time as set by the probate judge or probate commissioner, as approved by the probate judge. All papers filed in a proceeding governed by Rule 57 shall indicate directly below the department designation, the hearing date noticed, e.g., "Hearing date: mm/dd/yy."

Rule 57.3. Probate commissioner.

1. The Second Judicial District Court has approved automatic referral of all probate and trust proceedings under Title 12 and chapters 162 through 167 of Title 13 of the NRS to a master, designated in Rule 57 as the "probate commissioner."

2. A district judge may refer any other matter to the probate commissioner for recommendation unless prohibited by law. Such referral may be by application of a party to the action or on the judge's own initiative.

3. The probate commissioner shall hear and make recommendations on all matters assigned to the probate commissioner, except those matters that require disqualification. The probate commissioner may disclose on the record the basis of the probate commissioner's disqualification and may ask the parties and their lawyers to consider, out of the presence of the probate commissioner, whether to waive disqualification. If following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and lawyers all agree that the probate commissioner should not be disqualified, and the probate commissioner is willing to participate, the probate commissioner may participate in the proceeding. The agreement shall be incorporated in the record of the proceeding.

4. The probate commissioner:

(a) Shall receive oral, documentary and tangible evidence and establish a record;

(b) Shall make findings of fact, conclusions of law and recommendations for the provisions and enforcement of any order; and

(c) Shall have any other power or duty contained in an order of reference issued by the court.

5. The probate commissioner may request a district judge to make an immediate determination of appropriate sanctions for contemptuous behavior, issue a bench warrant, quash a warrant, or release persons arrested thereon.

6. Within a reasonable time after the evidence presented in a contested matter is closed, the probate commissioner shall file written findings of fact and recommendations, which shall also be served on parties entitled to notice.

7. Within ~~40~~ 14 days after the probate commissioner serves and files findings of fact, conclusions of law and recommendations in any contested probate matter, any party adversely affected by the recommendation may file with the clerk of the court and serve on the other parties and the probate commissioner, a written request for judicial review of the matter by the probate judge. Failure to file a written request for review within the ~~40~~ 14-day period will result in adoption of the probate commissioner's recommendation by the probate judge and preclusion of limited judicial review by the probate judge.

8. Upon filing of a timely request for judicial review, the matter will be transferred to the probate judge. Such judicial review will be subject to limited review by the probate judge. Judicial review of a final recommendation of the probate commissioner will be confined to the record, except as provided below.

9. In cases concerning alleged irregularities in procedure before the probate commissioner that are not shown in the record, the probate judge may receive evidence concerning the irregularities.

10. The final recommendation of the probate commissioner shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the probate judge. The burden of proof is on the party attacking or resisting the recommendation to show that the final decision is invalid pursuant to section 11 below.

11. Except as to matters of law, the findings of fact and recommendation of the probate commissioner will not be disturbed, unless they are clearly erroneous.

12. The parties may stipulate to immediate entry of order on the probate commissioner's recommendation.

13. For good cause, the probate judge may enforce the probate commissioner's recommendation pending appeal.

14. The probate commissioner may direct counsel for a party to prepare findings of fact, conclusions of law and recommendation, which shall be delivered to the probate commissioner no later than ~~10 judicial~~ 14 days after the probate commissioner so directs.

15. The probate commissioner may perform the duties of any other duly appointed master or commissioner as the administration of justice may require.

16. All proceedings before the probate commissioner shall be conducted with appropriate decorum and procedure to ensure respect and obedience to the court and its rules.

17. The probate commissioner may make appropriate sanctions for failure to comply with the appropriate statutes or rules of the court.

Rule 57.4. Approved matters. 1. The probate commissioner must prepare an approved list each week of probate matters that may be heard without further testimony or appearance.

2. In order to be on the approved list, the following must be strictly observed:

(a) All petitions must be verified.

(b) Death certificates must be filed at the same time as the initial petition, or as soon as available from vital statistics.

(c) Where a bond is required, the petition must set forth with particularity the personal property of the estate together with the estimated amount of annual income from all sources.

(d) The original order, together with any copies to be conformed, must be delivered to the probate commissioner no later than 12:00 noon on Friday of the week before the matter is to be heard. Without a showing to the court of good cause, proposed orders not submitted within the time provided for in this rule will, on the noticed hearing date, be continued for one week or longer at the request of counsel to enable compliance.

(e) An affidavit of mailing must be filed immediately after the actual mailing has taken place. The affidavit of mailing and any required proof of publication must be filed by 12:00 noon on Friday of the week before the matter is set for hearing. A courtesy copy must be delivered to the probate commissioner's office at the time of filing.

(f) A copy of the notice of hearing must be provided to the probate commissioner at the time of filing.

Rule 57.5. Contested matters. The probate commissioner shall hear all approved/uncontested matters on the weekly probate court calendar. The probate commissioner may schedule all contested matters at the convenience of the probate commissioner or probate judge's calendar.

Rule 57.6. Continuances.

1. For good cause, the probate commissioner may vacate or continue matters.

2. If objection or exception is taken to any matter on the approved list, and the petitioner or petitioner's counsel is not present, the probate commissioner may continue the matter to allow the filing of written objections or exceptions and giving notice thereof to petitioner.

Rule 57.7. Petitions for probate of wills and/or codicils.

1. When a petition for probate of will and/or codicil is filed and the original of the document being offered for probate is not already filed with the filing office, it must be filed concurrently with the petition. If the will is holographic, a typewritten copy of the document must also accompany the petition. The caption must clearly indicate the nature of the petition filed, e.g., Petition for Probate of Will and for Issuance of Letters Testamentary; Petition for Probate of Will and for Issuance of Letters of Administration with the Will Annexed; Petition for Letters of Administration.

2. In addition to filing the original document with the filing office, copies of any documents offered for probate must be attached to the petition for examination by the probate commissioner.

Rule 57.8. Contents of probate orders. All orders or decrees in probate or trust matters shall set forth completely all matters actually passed on by the court and shall not merely refer to corresponding provisions of the

petition. Probate or trust orders should be so drawn that their general effect may be determined without reference to the petition on which they are based. Orders must contain a line for the probate commissioner's signature in addition to a signature line for the judge. Orders must not be drawn so that only the signature of the court, or the date and signature, appear on a page, nor may any matter appear after the signature of the court. The name, address and signature of the submitting attorney must appear on all orders. If the order distributes or otherwise affects real property, the legal description and the assessor's parcel number of the property shall be included in the order or an exhibit to the order. If the order distributes or otherwise affects a vehicle, the vehicle identification number shall be included in the order.

APPENDIX TO RULES

The following processing goals are established for the handling of criminal cases: 90 percent of the criminal cases are to be disposed of in 120 days, 98 percent in 180 days, and all cases within 1 year from the date of arrest. Ninety-five percent of all criminal cases are to be set for trial within 60 days after arraignment. Ninety-five percent of all criminal defendants are to be sentenced 30 days after conviction. As a goal there shall be no further plea negotiations 5 days before trial.

1

2

ADKT EXHIBIT 2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT 2

**RULES OF PRACTICE FOR THE SECOND JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA**

APPROVED BY THE SUPREME COURT OF NEVADA

Effective January 31, 1994 and Including Amendments Through February 5, 2018

ORDER

It Is Hereby Ordered that the Rules of Practice for the Second Judicial District Court of the State of Nevada be, and the same hereby are, adopted. The rules shall read as set forth in the attached Exhibit A.

It Is Further Ordered that the Rules of Practice for the Second Judicial District Court of the State of Nevada shall become effective January 31, 1994. The rules shall govern all proceedings in actions brought after that date and all further proceedings in actions pending on that date, unless in the opinion of the district court their application in a particular pending action would not be feasible or would work an injustice, in which event the former procedure applies.

It Is Further Ordered that the Rules of Practice for the Second Judicial District Court of the State of Nevada previously approved by the Supreme Court of Nevada are hereby superseded and repealed, effective January 31, 1994.

It Is Further Ordered that publication of this order shall be made by the mailing of a copy by the clerk of this court to each member of the State Bar of Nevada according to the clerk's official list of membership for such bar (which will include all district court judges and district attorneys), and the certificate of the clerk of this court as to the accomplishment of such mailing shall be conclusive evidence of the adoption and publication of the foregoing rules.

Dated this 30th day of December, 1993.

BY THE COURT

Robert E. Rose, *Chief Justice*

Thomas L. Steffen
Associate Justice

Charles E. Springer
Associate Justice

Cliff Young
Associate Justice

Miriam Shearing
Associate Justice

RULES OF PRACTICE FOR THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA

Rule 1. Applicability and citation of rules.

1. These rules shall be known and may be cited as Washoe District Court Rules or WDCR. All domestic relations and juvenile rules cited in Rules 27-57, of these rules shall be known and may be cited as the Washoe District Family Court Rules or WDFCR.
2. These rules do not apply to the following matters:
 - (a) Cases submitted on agreed statements of fact.
 - (b) Applications for judgments by default, except as provided in Rules 26 and 48.
 - (c) Criminal matters, except as otherwise expressly stated.
 - (d) Motions under N.R.C.P. 65.
3. The judge of the department in which a case is pending may sua sponte, or upon motion of a party, exempt all or any portion of the case from these rules, in whole or part, upon a showing of good cause.
4. Unless a specific provision of the Washoe District Family Court Rules provides otherwise, these rules shall apply to all cases within the jurisdiction of the family division of the district court.

Rule 2. Organization of the court; chief judge; court administrator.

1. All civil and criminal cases shall be randomly assigned except as otherwise provided by these rules.
2. The district judges shall elect from among the general jurisdiction division and family court division judges a chief judge for a term of 2 years. The chief judge is the presiding judge as referred to in NRS 3.025 and the chief judge referred to in Supreme Court Rule 8.
3. Election of the chief judge shall be by secret ballot at the regular December meeting of judges. Nomination shall likewise be made and closed at the November meeting. The term of the chief judge shall commence the first Monday of January in even years. Election shall be by majority vote. The chief judge may be removed by motion made at any regular meeting and a two-thirds vote of the judges at the next regular meeting.
4. The chief judge may be, or may appoint, the presiding judge of the division of his or her jurisdiction and shall appoint a presiding judge of the remaining division. The presiding judge or judges shall serve at the pleasure of the chief judge and shall perform such duties as are delegated by the chief judge.
5. The chief judge shall supervise the court administrator and presiding judge(s). The chief judge shall appoint committees of the court. The chief judge shall preside over all judges meetings and shall speak for the court on matters therein approved by the judges. The chief judge shall represent the court in its relations with other agencies of the government, the bar, the general public and the news media.
6. The chief judge shall supervise caseload management, assign overflow trials and other overflow matters from the other judges and shall assist the other judges who request assistance in disposition of their caseload within the court by obtaining senior judges or other sitting judges in other districts within the state. The chief judge shall be the arbitrator in resolving conflicts between judges on calendaring and case assignment and procedural policy disputes. The caseloads of the chief judge and the presiding judge of the family division shall be reduced by 20 percent. The chief judge shall be responsible for compilation and distribution of statistics of the court.
7. The chief judge may assign one or more district judges to act temporarily as a judge or judges of the family court, if the caseload of the family court so requires or if for any reason a judge of the family court is unable to act.
8. The district court administrator shall be selected by the court and is responsible for the administration of the rules, policies and directives of the district court. In addition to the duties prescribed below, the district court administrator shall be denominated the clerk of the court and shall perform all the statutory and other duties assigned to that office. Subject to the direction of the chief judge acting on behalf of the district judges, the district court administrator shall:
 - (a) Supervise the assistant court administrator, family division administrator, jury commissioner and other officers and employees of or serving the district court, except for the staff of each judge;

- (b) Supervise the office of the court clerk and the processing of all pleadings and papers related to court business and the court clerks;
- (c) Direct the implementation and operation of a court interpreter program;
- (d) Plan, organize and direct the budgetary, and fiscal operations of the district court;
- (e) Plan for, organize, hire, train, and supervise all personnel deemed necessary by the district court to adequately conduct the operations of the district court, except for the staff of each judge;
- (f) Monitor a system of internal controls which includes payroll, purchasing, accounts payable, accounts receivable, information systems and inventory along with all other fiscal aspects of the district court, including adjudication, administration, family mediation services, and jury services;
- (g) Expedite movement of the court calendars and coordinate and monitor automated case management systems including, but not limited to, the development of integrated data entry systems;
- (h) Supervise preparation and submission of reports and activities of the court to state, regional and local authorities as required;
- (i) Determine statistics to be gathered for the statewide uniform system of judicial records and manage the flow of information through and about the court;
- (j) Direct research, evaluation and monitoring and propose new and revised policies as necessary to improve court operations;
- (k) Coordinate the calendars and activities of judges visiting from other jurisdictions and of hearing officers or masters assigned for specific purposes;
- (l) Represent the court on regional, statewide, judicial and justice system coordinating councils, conferences, conventions and committees as assigned by the chief judge;
- (m) Handle public information and liaison with other government executive, legislative and judicial agencies in the community as assigned by the chief judge;
- (n) Perform such other functions and duties as may be assigned by the chief judge.

Rule 2.1. Business court docket.

1. A civil action shall be assigned to the business court docket if, regardless of the nature of relief sought, the primary subject matter of the action is:

(a) A dispute concerning the validity, control, operation or governance of entities created under NRS Chapters 78-88, including shareholder derivative actions;

(b) A dispute concerning a trade-mark or trade name; a claim asserted pursuant to the Nevada Trade Secrets Act, NRS 600A.010, et seq.; a claim asserted pursuant to the Nevada Securities Act, NRS 90.211, et seq.; a claim asserted pursuant to the Nevada Deceptive Trade Practices Act, NRS 598.0903, et seq.; a claim involving investment securities governed by NRS 104.8101, et seq.; or,

(c) Any dispute among business entities if the presiding judge of the business court docket determines that the case would benefit from enhanced case management.

2. Actions in which the primary claim alleges personal injury or products liability, damage of a consumer by a business, wrongful termination of employment, or actions arising from a landlord-tenant relationship shall not be included in the business court docket.

3. A party in an action assigned to another department of the court may request that the action be transferred to the business court docket. Upon filing of such a request, the clerk shall transfer the case file to the presiding judge of the business court docket who shall thereupon determine whether to assume jurisdiction of the case. The decision of the presiding judge of the business court docket to accept or decline jurisdiction of the action is final, and is not appealable nor reviewable upon any petition for extraordinary relief.

4. The judges of the business court docket may hear and decide all other civil and criminal actions assigned to such judge as any other general jurisdiction district court judge.

5. The chief judge shall assign at least two judges of the district to the business court docket. The judges so selected shall have experience as a judge or practitioner in the subject matters listed in subsection 1 of this rule, and shall serve for a term of two years unless reappointed. Each judge assigned to the business court docket shall receive an equal, random assignment of business court cases. Management of the business court docket shall be the highest case management priority of the judges of the business court docket, who may request reassignment by the chief judge of civil or criminal cases, as necessary, consistent with this case management priority.

6. Subject to approval by the judges of the business court docket and the chief judge, an action filed in any other judicial district may be transferred to the business court docket of this district if all parties and the district judge assigned to the case consent.

7. The judges of the business court docket may transfer a business action to another judge of this district for any and all proceedings, subject to the consent of the judge to whom the action is transferred.

8. If any judge of the business court docket is the subject of a peremptory challenge pursuant to S.C.R. 48.1, the clerk shall randomly reassign the case to another department of the court.

Rule 3. Criminal trials; appearance and withdrawal of attorneys.

1. Judges shall set all criminal trials in accordance with their own individual calendars. Such cases shall be randomly assigned to each department, and shall stay with that department through final disposition, unless the case is reassigned by that judge with the concurrence of the court to which it is reassigned. All related cases on the same defendant shall be assigned to the same judge. This random assignment system shall also apply to all criminal appeals, material witnesses and all other miscellaneous criminal matters.

2. If more criminal trials are scheduled on any day than an individual judge can handle that judge shall find another department willing to take the overflow. If the calendar overflow problem cannot be resolved by the individual judge the matter shall be referred to the chief judge who shall assign the overflow trials to other judges as necessary.

3. Criminal arraignments shall be set by the individual judges. If a judge is conducting a criminal jury trial, criminal arraignments, motions, and other criminal matters which are also assigned to that department may be referred by that judge to a department which does not have a trial.

4. Criminal arraignments, motions, pleas, sentencing hearings, and other proceedings, shall be heard by each court department in accordance with their own individual calendars at a time and date specified by each department.

5. Except as may be otherwise ordered by the judge in writing all motions for probation revocation shall be set to be heard by the court as soon as possible and no later than 10 days after the incarceration of the defendant.

6. Attorneys representing defendants in criminal cases shall promptly serve written notice of their appearances upon the district attorney, and file the same with the filing office. When desiring to withdraw from a case, attorneys shall serve a motion upon the district attorney and their client, file the same with the filing office, and set the motion for hearing.

7. Effective January 2, 1992, any status conference and/or "Motions to Confirm" shall be held 1 week prior to the trial date. This will provide at least 5 days' notice of the status of a pending trial to all parties and the jury office. Prior to January 2, 1992, any such status conferences shall be held at least 3 days prior to trial.

Rule 4. Setting of cases.

1. All matters shall be set in the Office of the Judicial Assistants in the department where the case is filed. The office shall be open for that purpose from 9:00 a.m. to 12:00 noon, Tuesday through Thursday. All other calendaring shall be done by appointment. If any department wishes to deviate from this procedure it shall be responsible for setting its own calendar in a manner and at a time specified. The times and procedures for such calendaring shall be advertised by each department.

2. If any case may not be heard because of another case or the unavailability of the judge, it shall be the primary responsibility of that judge or the judicial assistant to arrange a transfer to another department with the agreement of the new department. In the event that the department cannot successfully transfer the case the matter shall be referred to the chief judge for resolution.

3. In every civil case, within 30 days after the last answer is filed, the parties must obtain a date for trial unless the judge waives this requirement for good cause shown. If the parties fail to obtain a trial date, the court may set the case for trial at its discretion.

4. All cases shall be set for trial within 12 months of the date that the setting occurs, unless ordered otherwise by the trial court.

5. Contested matters shall be set by each court department on dates agreeable to counsel. A 14-day notice to appear and set a time for trial may be given by any party upon certification that the case is at issue. At the time fixed in the notice, with showing of service upon all parties, a court department shall set the case for trial at a time certain. If fewer than all parties appear before a court department on an application for setting, and file with the court department a conformed copy of written notice to appear for setting at that hour and day, a court department shall set

the matter to be heard on a date satisfactory to the counsel present. Time shall be computed as provided in N.R.C.P.
6. An individual court department may dispense with these procedures if necessary. Cases can be set via telephone conference or any other convenient method.

6. If the parties cannot agree on a trial date, a court department shall set the case for trial on the first available date in accordance with the judge's individual calendar.

7. All disputes concerning calendar settings shall be resolved by each court department in accordance with procedures established by that department.

8. Matters set in each department shall be heard in the order set unless otherwise ordered by the trial judge. Matters which cannot be heard in the department in which set because of a conflict with a prior matter, shall be assigned to another department, if one is available, by the affected department, to be heard at the same time as originally set. If a matter cannot be heard at the time originally set because of conflicts in all other departments, the matter shall be continued by order of the affected department. Thereafter, such matters shall be entitled to priority for resetting in accordance with the judge's individual calendar. Each court department shall determine the maximum allowed time that a matter can be set out on the calendar, subject to the 12-month setting rule.

9. All applications for setting shall be made on a printed form designated "Application for Setting," copies of which shall be available at each court department, unless this requirement is waived by the department. It shall be the responsibility of the applicant to produce for the court department one original and the necessary copies of the "Application for Setting" form on which the court department shall endorse the date and time of such setting. The applicant shall file the original and serve a copy upon counsel for each other party.

10. If there are multiple settings, each court department shall endorse on the application the priority of the case in numerical order.

11. Except in cases within the jurisdiction of the family division, once set, a case may be removed from the calendar only with the consent of the trial judge or the chief judge, if the trial judge is unavailable. Cases within the family division, once set, may be removed from the calendar only with the consent of the trial judge or, if the trial judge is unavailable, by the chief judge or presiding judge of the family division.

12. Effective January 2, 1992, the judge who determines that a certain criminal defendant is incompetent shall be responsible for impanelling the Sanity Commission.

13. Effective January 2, 1992, the District Attorney's Office shall be responsible for contacting each court department in succession to find someone willing to schedule the Grand Jury hearings.

14. Any questions arising under this Rule 4 which cannot be resolved by the individual court department shall be referred to the chief judge for decision.

15. Each district judge shall be willing and prepared to take overflow work from another department as each judge's calendar permits.

Rule 5. Trial statements.

1. Seven days before the trial, each party shall serve and file a trial statement which shall set forth the following matters in the following order:

(a) A concise statement of the claimed facts supporting the party's claims or defenses. Such facts shall be organized by listing each essential element of the claim or defense and separately stating the facts in support of each such element.

(b) A statement of admitted or undisputed facts.

(c) A statement of issues of law supported by a memorandum of authorities.

(d) In non-jury cases, a list of summaries of schedules referring to attached, itemized exhibits concerning any subject matter which involves accounting, computation, chronology, or similar data reasonably calling for orderly itemization, e.g., wages, income, expenses, inventories, business operations, tax computations, disability periods, property losses, itemizations of claimed losses or injuries, and the data and reasons upon which an expert bases his opinion (not the opinion itself), which clearly reflect the claims, defenses, or evidence of the party, together with references to the records or other sources upon which such summaries or schedules are based.

(e) The names and addresses of all witnesses, except impeaching witnesses.

(f) Any other appropriate comment, suggestion, or information for the assistance of the court in the trial of the case.

(g) A list of special questions requested to be propounded to prospective jurors.

(h) Certification by counsel that discovery has been completed, unless late discovery has been allowed by order of the court.

(i) Certification by counsel that, prior to the filing of the trial statement, they have personally met and conferred in good faith to resolve the case by settlement.

2. All motions in limine to exclude or admit evidence must be in writing and attached to the trial statement. The court may refuse to consider any oral motion in limine and any motion in limine which is not filed with the trial statement.

Rule 6. Pretrial conferences.

1. The trial judge may require a pretrial conference upon the judge's own motion or upon motion made at least 30 days prior to trial.

2. Pretrial conferences may include settlement negotiations. In the event either party desires to conduct a settlement conference before a judge other than the trial judge, that party shall first obtain the authorization of the trial judge, who may then assign the settlement conference to another judge, senior judge or master.

3. The judge may, for good cause, continue the pretrial conference for a limited period of time to a time certain.

Rule 7. Jury instructions.

1. This rule on jury instructions applies to both civil and criminal cases.

2. All proposed jury instructions shall be in clear, legible type on clean, white, heavy paper, 8 1/2 by 11 inches in size, and not lighter than 16-lb. weight with a black border line and no less than 24 numbered lines.

3. The signature line with the words "district judge" typed thereunder, shall be placed on the right half of the page, a few lines below the last line of type on the last instruction. (See NRS 16.110 and NRS 175.161.)

4. The designation "Instruction No." shall be near the lower left hand corner of the page.

5. The original instructions shall not bear any markings identifying the attorney submitting the same, and shall not contain any citations of authority, except that such instructions may bear the numerical reference to Nevada Pattern Civil Jury Instructions. No portion thereof shall be in capital letters, underlined or otherwise emphasized.

6. Authorities for any instruction must be attached to the original instructions by removable adhesive paper.

7. Any rejected instructions (i.e., submitted to the judge, but not delivered to the jury) shall be made a part of the case file as having been proposed.

8. Proposed jury instructions shall be submitted to the court by delivering the original to the judge's chambers no later than 5:00 p.m. on the Friday before trial. Proposed jury instructions shall be personally served upon opposing counsel, if counsel maintains an office in Washoe County, on the same day that they are submitted to the court. Otherwise, opposing counsel shall be served at the first day of trial. A judge may order jury instructions to be submitted to the court at a pretrial conference.

9. Plaintiff's attorney shall prepare the stock instructions.

Rule 8. Communication with law clerks. No attorney may argue to or attempt to influence a law clerk upon the merits of a contested matter pending before the judge or judicial officer to whom that law clerk is assigned.

Rule 9. Preparation of findings, conclusions, and judgment. In a non-jury case, where a judge directs an attorney to prepare findings of fact, conclusions of law, and judgment, the attorney shall serve a copy of the proposed document upon counsel for all parties who have appeared at the trial and are affected by the judgment. Seven days after service counsel shall submit the same to the court for signature together with proof of such service.

Rule 10. Form of pleadings, motions, and other papers.

1. **Format.**

(a) **General.**

(1) All documents presented for filing must be:

(i) Signed with the filer's signature;

(ii) In English;

(iii) On white paper of standard quality;

(iv) 8 1/2 x 11 inches in size;

(v) Lined with numbers in the left margin or on legal pleading paper;

(vi) Double spaced, except that descriptions of real property may be single spaced; and

- (vii) Numbered consecutively at the bottom.
- (2) All typed documents must be in a font size that is of 12 points.
- (3) All handwritten documents must be:
 - (i) Clearly legible and neat; and
 - (ii) Written on one side of the paper only.
- (b) **Electronically Filed Documents.**
 - (1) The Second Judicial District Court has established and approves the use of an electronic filing system, consistent with the technical standards established by the Nevada Electronic Filing and Conversion Rules.
 - (2) All pleadings and papers presented for electronic filing must be:
 - (i) In portrait style;
 - (ii) Converted to a PDF; and
 - (iii) Rotated right-side up.
 - (3) Some exhibits may be in landscape style.
- (c) **Paper Filed Document Format.**
 - (1) All documents presented for paper filing must be flat and stapled.
- 2. **Multiple Case Numbers.**
 - (a) A separate pleading or document must be filed for each individual case.
 - (b) Pleadings or documents must not be filed with multiple case numbers.
- 3. **Motion, Opposition, Reply.**
 - (a) Any motion, opposition, reply, etc., must be filed as a separate document unless it is pleaded in the alternative.
- 4. **Citations.**
 - (a) **Supreme Court of the State of Nevada** — The citation to the *Nevada Reports* must be given together with the citation to *West's Pacific Reporter* and the year of the decision.
 - (b) **Nevada Court of Appeals** — The citation to the *Nevada Reports* must be given together with the citation to *West's Pacific Reporter* and the year of the decision.
 - (c) **Appellate Court of Any Other State** — The citation to *West's Regional Reporter System* must be given together with the state and year of the decision.
 - (d) **United States Supreme Court** — The citation to the *United States Reports* and year of decision must be given.
 - (e) **All Court Citations** — When a decision of the court of appeals, or of a district court, or other court of the United States has been reported in the *West's Federal Reporter System*, that citation, court, and year of decision must be given.
- 5. **Signatures.**
 - (a) **Paper.**
 - (1) Original handwritten signatures on paper filed documents are required.
 - (b) **Electronic Signatures.**
 - (1) The Second Judicial District Court has approved the use of electronic signatures consistent with the technical standards established by the Nevada Electronic Filing and Conversion Rules. (See Nevada Electronic Filing and Conversion Rules, Rule 11.)
 - (2) Electronically filed documents requiring signatures of opposing parties, such as a stipulation, must contain the handwritten signature of all parties on a printed form of the document. The printed document bearing the original signatures must be scanned and electronically filed in a format that accurately reproduces the original signatures and document contents. (Rule 11(c), Nevada Electronic Filing and Conversion Rules.)
 - (3) In criminal cases, electronic signatures are acceptable on filed documents requiring the signatures of all parties, such as a stipulation.
- 6. **Corrections.**
 - (a) No original pleading or paper may be amended by using tape, making erasures, or attaching slips, except by leave of court.
 - (b) Interlineations and striking through are acceptable if initialed by the filer.
- 7. **Required Affirmation.**
 - (a) An Affirmation must be attached as the last page of each document presented for filing and before any attached exhibits. No such Affirmation shall be included in proposed orders submitted to the court. NRS 239B.030(4).

- (b) The Affirmation may also be the last sentence before the signature line on the document.
- (c) The Affirmation must state that the document does not contain personal information.
- (d) If the document does contain personal information, the Affirmation must indicate the specific state or federal law requiring the inclusion of said information.
- (e) The Affirmation form is available at the Second Judicial District Court Filing Office and on the court's website at www.washoecourts.com.

8. Redacted Information.

(a) Except as otherwise provided by law, the following information must be redacted if it is in combination with a person's first name or first initial and last name:

- (1) A social security number;
- (2) A driver's license number, driver authorization card number, or identification card number;
- (3) An account number, credit card number or debit card number in combination with a security or access code or password that permits access to the account;
- (4) A user name, unique identifier or electronic mail address, in combination with any required access code or security question and answer; and
- (5) A medical identification number or health insurance identification number.

(b) If any of these numbers are needed for identification purposes, all but the last four digits of that number must be redacted from the pleadings and documents. The primary duty for redaction rests with the filing party. See NRS 603A.040.

(c) A court may sanction a filer for disclosing personal information in violation of NRS 239B.030 or the Nevada Rules for Sealing and Redacting Court Records.

9. Exhibits.

(a) Exhibits, including accountings and financial reports, shall not be included in the body of any pleading or document.

(b) All exhibits attached to pleadings or papers must be 8 1/2 x 11 inches in size and must be labeled numerically, i.e., Exhibit 1, 2, 3, etc.

(c) An Index of Exhibits must be included before all attached exhibits.

(1) The Index of Exhibits must indicate each exhibit number, a description of each exhibit, and the length of each exhibit (number of pages).

(d) All exhibits must be clearly marked with the exhibit number on the divider page.

(e) Original documents must be retained for introduction as exhibits at the time of a hearing or at the time of trial rather than attached to pleadings.

(f) Exhibits that are smaller must be attached to a blank sheet of paper 8 1/2 x 11 inches in size, with invisible adhesive tape on all sides.

(g) Exhibits that are larger than 8 1/2 x 11 inches must be reduced to 8 1/2 x 11 inches.

(h) Staples must not be used to affix an exhibit to a sheet of paper.

(i) Copies of exhibits must be clearly legible and not unnecessarily voluminous.

(j) Exhibits which are electronically filed must be submitted as a separate PDF document and may not be filed in batches or as one single document.

10. Filing Review.

(a) After a document is submitted, filed, and served, the clerk may review the document to determine whether it is a nonconforming document.

(b) On motion or on its own order to show cause, the court may strike a nonconforming document.

(c) The Second Judicial District Court has authorized the clerk to strike the following nonconforming documents:

- (1) A document that does not have a District Court case number;
- (2) A document that does not have an Affirmation;
- (3) A document that is filed in the wrong case;
- (4) An unsigned paper filed document; or
- (5) An unsigned order that is not identified as a proposed order.

(d) The Second Judicial District Court has authorized the clerk to strike and seal confidential documents filed into the wrong case.

(e) If the court or clerk strikes a document, the filer and all other parties on the case must be notified.

11. **Pleading Format.** The following information shall appear upon the **first page** of every paper presented for filing:

(a) **Filer's Information.**

(1) Information (i)-(iv) shall be set on the far left side of the page, beginning at line 1, and shall be single spaced. The space to the far right of the pleading shall be reserved for the filing marks of the clerk.

(i) The document code (the list of document codes is available at the Second Judicial District Court Filing Office and on the District Court's website at www.washoecourts.com);

(ii) The name of the party filing the document;

(iii) The filer's Nevada State Bar identification number, if appropriate; and

(iv) The mailing address, electronic mailing address, and telephone number of the attorney and of any associated attorney appearing for the party filing the paper; whether such attorney appears for the plaintiff, defendant, or other party; or the name, address, and telephone number of a party appearing in proper person.

(b) **Court Title.**

(1) The title of the court shall appear at the center of the page, line 6.

(c) **Name of Parties.**

(1) The name of the parties to the action or proceeding shall appear in the space to the far left at line 9.

(d) **Case and Department Number.**

(1) The case number and department number shall appear to the right of the center at lines 11 and 12.

(e) **Title of Pleading.**

(1) The title of the pleading, motion, or other document must be typed or printed on the page and centered below the name of the parties to the action or proceeding. The title must be sufficient in description to apprise the respondent and clerk of the nature of the document filed, or the relief sought, e.g., Defendant's Motion for Summary Judgment against Plaintiff John Doe; Plaintiff's Motion to Compel Answers to Interrogatories.

CODE

This space is intentionally left blank for the Court issued file stamp. A 2" margin is required.

ATTORNEY NAME

BAR NUMBER

MAILING ADDRESS

EMAIL ADDRESS

CITY, STATE, ZIP CODE

PHONE NUMBER

ATTORNEY FOR:

IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE

JOHN DOE,

Plaintiff,

vs.

Case No. CV99-00000

RICHARD ROE,

Defendant.

Dept. No.

**MOTION, ORDER, REPLY
JUDGMENT, ETC.**

Sample Pleading

At least a 1" margin should remain below. Page numbers are required.

Rule 11. Extension or shortening of time.

1. All motions for extensions of time shall be made upon 7 days' notice to all counsel. Such motion shall be made to the judge who is to try the case, or, if the judge is not in the courthouse during regular judicial hours, to a judge on the same floor or, if the case is within the jurisdiction of the family division, a judge within the family division, who shall set or cause the motion to be set for early hearing. (For the sake of this rule Department 10 is deemed to be on the second floor.)

2. Except as provided in this subsection, no ex parte application for extension of time will be granted. Upon presentation of a motion for extension, if a satisfactory showing is made to the judge that a good faith effort has been made to notify opposing counsel of the motion, and the judge finds good cause therefor, the judge may order ex parte a temporary extension pending a determination of the motion.

3. For good cause shown, the judge who is to try the case, or if the judge is not in the courthouse during regular judicial hours, the chief judge or, if the case is within the jurisdiction of the family division, the presiding judge of the family division, may make an ex parte order shortening time upon a satisfactory showing to the judge that a good faith effort has been made to notify the opposing counsel of the motion.

4. Stipulated extensions of time to answer or otherwise respond to a complaint of 40 days or less are automatically deemed approved. Extensions of time in excess of 40 days must be approved by the court. The trial judge shall determine the appropriate sanction if this rule is violated.

5. A court must not extend the time to act under N.R.C.P. 50(b) and (d), 52(b), 59(b), (d), and (e), and 60(c)(1), and must not extend the time after it has expired under N.R.C.P. 54(d)(2).

Rule 12. Motions; points and authorities and decisions.

1. Except as provided in Rule 1, all motions shall be accompanied by points and authorities and any affidavits relied upon. Motions for support or allowances and opposition thereto in divorce and separate maintenance actions shall include disclosure of the financial condition of the respective parties upon a form approved by the court pursuant to Rule 40 of these rules.

2. The responding party shall file and serve upon all parties, within 14 days after service of a motion, answering points and authorities and counter-affidavits.

3. The District Attorney's Office shall have 21 days to respond to any motions to seal criminal records pursuant to NRS 179.245.

4. The moving party may serve and file reply points and authorities within 7 days after service of the answering points and authorities. Upon the expiration of the 7-day period, either party may notify the filing office to submit the matter for decision by filing and serving all parties with a written request for submission of the motion on

a form supplied by the filing office. The original of the submit form shall be delivered to the filing office. Proof of service shall be attached to the motion and response.

5. Decision shall be rendered without oral argument unless oral argument is ordered by the court, in which event the individual court department shall set a date and time for hearing.

6. All discovery motions shall include the certificate of moving counsel certifying that after consultation with opposing counsel, they have been unable to resolve the matter.

7. Except by leave of the court, all motions for summary judgment must be submitted to the court pursuant to subsection 4 of this rule at least 30 days prior to the date the case is set for trial.

8. The rehearing of motions must be done in conformity with D.C.R. 13, Section 7. A party seeking reconsideration of a ruling of the court, other than an order which may be addressed by motion pursuant to N.R.C.P. 50(b), 52(b), 59 or 60, must file a motion for such relief within 14 days after service of written notice of entry of the order or judgment, unless the time is shortened or enlarged by order. A motion for rehearing or reconsideration must be served, noticed, filed, and heard as is any other motion. A motion for rehearing does not toll the 30-day period for filing a notice of appeal from a final order or judgment.

9. If a motion for rehearing is granted, the court may make a final disposition of the cause without reargument, or may restore it to the calendar for reargument or resubmission, or may make such other orders as are deemed appropriate under the circumstances of the particular case.

10. Drop box filing.

(a) Papers eligible for filing. All papers and pleadings, including motions, oppositions and replies may be filed in the drop box located outside the Court Clerk's Office, with the exception of filings which require the payment of filing fees. Filings which require the payment of filing fees must be made directly with the Court Clerk's Office.

(b) Procedure. Papers may be filed in the drop box during all hours the courthouse is open. Papers must be date and time stamped prior to being placed in the drop box. Drop box filings shall be deemed filed as of the date and time noted on the paper or pleading. If a drop box filing has not been date and time stamped, the paper or pleading shall be deemed filed at the time it is date and time stamped by the Court Clerk.

Rule 13. Continuances.

1. No continuance of a trial in a civil or criminal case shall be granted except for good cause. A motion or stipulation for continuance shall state the reason therefor and whether or not any previous request for continuance had been either sought or granted. The motion or stipulation must certify that the party or parties have been advised that a motion or stipulation for continuance is to be submitted in their behalf and must state any objection the parties may have thereto.

2. If a continuance of any trial is granted, the parties must appear in the individual court department within 7 days and reset the case, unless the court waives this requirement. Failure to follow this rule may result in the court setting the trial date.

Rule 14. Interrogatories and admissions.

1. Answers and objections to interrogatories pursuant to N.R.C.P. 33 shall identify and quote each interrogatory in full immediately preceding the statement of any answer or objection thereto.

2. Denials of, and objections to, requests for admissions pursuant to N.R.C.P. 36 shall identify and quote each request for admission in full immediately preceding the statement of any answer or objection thereto.

Rule 15. Copies of all pleadings to all parties. Each party to an action shall furnish to one Nevada counsel of record for each other party, copies of all papers served upon any party.

Rule 16. Claim of exempt property. A claim that property is exempt from execution or attachment shall be presented to the court by motion filed and served in the action out of which the writ of execution or attachment issued. Such motions shall be handled as are other motions under these rules, except that, on good cause shown, the time for submission or argument of the motion may be shortened.

Rule 17. Ex parte orders.

1. No proposed ex parte order, except an order to allow an indigent to file a complaint without payment of fees, shall be presented to a judge for signing before the case has been filed with the filing office, given a case number, and assigned to a department.

2. Proposed ex parte orders, orders based upon written stipulation of counsel, and orders in uncontested matters shall be presented only to the judge of the department in which the case is pending, unless such judge designates another judge to consider the order. If there is no designation, and the judge of the department in which the case is pending is not in the courthouse during regular judicial hours, a proposed ex parte order may be presented to a judge on the same floor or to the chief judge or, if the case is within the jurisdiction of the family division, to a judge of the family division.

Rule 18. Reserved.

Rule 19. Appeals from municipal and justice courts.

1. All appeals from the municipal or justice courts in criminal cases shall be set for trial or hearing within 60 days of the date of application for setting. A setting beyond 60 days may be made only if approved in writing by the trial judge or the chief judge. If a trial setting is continued by order of the court, the case shall be reset within 60 days of the date of the order for continuance.

2. If multiple settings for appeal trials in any one court department exceed the capacity of that department, settings shall be made in the designated department scheduled to handle the overflow. If that court's calendar becomes full, assignment shall be made to any other available department.

3. Appeals in criminal cases shall be set for trial on Thursdays and Fridays, unless the trial judge or the chief judge grants permission to make such settings on other judicial days.

4. In civil appeals from the justice court, appellant shall file within 30 days after the filing of a notice of appeal a written brief containing a statement of the errors committed in the justice court with accompanying authorities which shall not exceed 5 pages. Within 21 days after the filing and service of appellant's brief, respondent shall file a written answering brief which shall not exceed 5 pages.

Rule 20. Jury commissioner; jurors.

1. The court administrator, with the approval of the judges, shall designate a jury commissioner. The court administrator may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as are desirable for the efficient administration of the jury program.

2. The drawing of jurors for service is governed by automated procedures developed by the court administrator with the approval of the judges. Such procedures may be changed by the court to promote efficient operations consistent with the other laws governing jury selection.

3. When prospective jurors appear before the jury commissioner pursuant to summons, the jury commissioner shall direct them to their assigned courtroom. Jurors may be reassigned as needed or as directed by the court.

4. If any prospective juror summoned fails to appear before the jury commissioner, the jury commissioner immediately shall notify the trial judge to whom the juror was assigned. The jury commissioner shall ascertain whether service of summons was by mail or personal service. If summons was served by mail, the jury commissioner shall resubmit the prospective juror and cause summons to be served personally. If any prospective juror fails to appear after having been personally served, the jury commissioner shall immediately notify the trial judge to whom the juror was assigned. The jury commissioner shall prepare for the judge's signature and cause to be personally served upon the prospective juror an order to show cause why the prospective juror should not be held in contempt of court for failure to appear. If the prospective juror fails to appear personally as commanded in the order to show cause, the jury commissioner shall prepare a bench warrant for the trial judge's signature.

5. Each person summoned as a trial juror, pursuant to law and this rule, shall serve for a period of time set by the court.

6. Prospective jurors who have been assigned for service in a department of the court and whose services subsequently are not required, shall be directed to return to the jury commissioner for further assignment on that day if required.

Rule 21. Sanctions for noncompliance. If a party or an attorney fails or refuses to comply with these rules, the court may make such orders and impose such sanctions as are just, including, but not limited to the following:

1. Hold the disobedient party or attorney in contempt of court.
2. Continue any hearing until the disobedient party or attorney has complied with the requirements imposed.
3. Require the disobedient party to pay the other party's expenses, including a reasonable attorney's fee, incurred in preparing for and attending such hearing.
4. Enter an order authorized by N.R.C.P. 37.

Rule 22. Writs of habeas corpus.

1. Each petition for a writ of habeas corpus based on alleged want of probable cause or otherwise challenging the court's right or jurisdiction to proceed to the trial of a criminal charge shall be accompanied by a notice for the prosecutor to appear before the appropriate court department, at a specific date and time not less than 5 nor more than 10 days after filing such petition, to set the matter for hearing. The hearing on the writ shall be set within 21 days from the date the petition is filed.

2. Any other pretrial petition for writ of habeas corpus, including those alleging a delay in any of the proceedings before a magistrate or a denial of the petitioner's right to a speedy trial in justice court or municipal court, shall contain a notice of the hearing thereof setting the matter for hearing not less than 1 full judicial day from the date the petition is filed and served.

3. All points and authorities urged in support of the petition for writ of habeas corpus shall be served and filed at the time of the filing of the petition. The prosecutor shall serve and file a return and a response to the petitioner's points and authorities within 10 days from the receipt of a petition for a writ of habeas corpus based on alleged want of probable cause or otherwise challenging the court's rights or jurisdiction to proceed to the trial of a criminal charge (section 1 hereof). The prosecutor may serve and file a return and a response to the petitioner's points and authorities in open court at the time noticed for the hearing on a writ of habeas corpus covered under section 2 hereof.

4. Ex parte applications for extension of the 21-day period of limitation for filing writs of habeas corpus will only be entertained in the event that the transcript of the preliminary hearing or of the proceedings before the grand jury, as the case may be, is not available within 14 days after the defendant's initial appearance. Such ex parte applications shall be accompanied by a certificate of the defendant's attorney that the attorney has examined the file in the filing office and that the transcript of the preliminary hearing or the proceedings before the Washoe County Grand Jury has not been filed within the 14-day period (NRS 34.700(3)). Applications for extension of time to file writs of habeas corpus shall be for not more than 14 days, except where the ground for such application is the unavailability of the transcript, in which case the extension may be for not more than 14 days after the transcript is available. Further extensions of time will be granted only in extraordinary cases.

5. Any writ filed on a criminal case at the district court level shall be assigned to the same department where the underlying criminal case is filed. If no such previous criminal case exists the writ shall be randomly assigned to a department.

Rule 23. Appearances; substitutions; withdrawal or change of attorneys.

1. When a party has appeared by counsel, that individual cannot thereafter appear on his/her own behalf in the case without the consent of the court. Counsel who has appeared for any party shall represent that party in the case and shall be recognized by the court and by all parties as having control of the client's case, until counsel withdraws, another attorney is substituted, or until counsel is discharged by the client in writing, filed with the filing office, in accordance with SCR 46 and this rule. The court in its discretion may hear a party in open court although the party is represented by counsel.

2. Counsel in any case may be changed:

(a) When a new attorney is to be substituted in place of the attorney withdrawing, by the written consent of both attorneys and the client, all of which shall be filed with the court and served upon all parties or their attorneys who have appeared in the action; or

(b) By order of the court, upon motion and notice as provided in these rules, when no attorney has been retained to replace the attorney withdrawing;

(1) If such motion is made by the attorney, counsel shall include in an affidavit the address, or last known address, at which the client may be served with notice of further proceedings taken in the case in the event the

application for withdrawal is granted, and counsel shall serve a copy of such motion and supporting papers upon the client and all other parties to the action or their attorneys; or

(2) If such motion is made by the client, the client shall state therein the address at which the client may be served with notice of all further proceedings in the case in the event the application is granted, and shall serve a copy of the application upon the attorney and all other parties to the action or their attorneys.

3. Any form of order permitting withdrawal of an attorney submitted to the court for signature shall contain the address at which the party is to be served with notice of all further proceedings.

4. Except for good cause shown, no application for withdrawal or substitution shall be granted if a delay of the trial or of the hearing of any other matter in the case would result. Discharge of an attorney may not be grounds to delay a trial or other hearing.

5. A corporation may not appear in proper person.

Rule 24. Masters.

1. The Second Judicial District Court has approved the automatic referral to the discovery commissioner all discovery proceedings.

(a) All domestic matters referred to masters shall comply with Rule 31 of these rules.

2. A district judge may refer any matter to a master for determination unless prohibited by law. Such referral may be by application of a party to the action or on the judge's own initiative.

3. Except as otherwise provided herein, proceedings before the master shall be in accordance with the provisions of N.R.C.P. 53 and any applicable statutes.

4. The master may request a district judge to make an immediate determination of appropriate sanctions for contemptuous behavior, issue a bench warrant, quash a warrant, or release persons arrested thereon.

5. Within 14 days after the evidence presented in a matter is closed, the master shall file with the district judge written findings of fact and recommendations, which shall also be served upon each party.

6. A party shall have 14 days from service of written findings of fact and recommendations within which to file and serve an objection, or a motion to adopt or modify the findings of fact and recommendations. A response to an objection or motion shall be filed and served within 7 days of service of the objection or motion. When an objection or motion has been filed, the district judge shall have discretion to determine the manner in which the master's recommendation will be reviewed.

7. Upon the request of a party or upon the district judge's initiative, the judge may enforce the provisions of the master's recommendation pending determination on appeal.

8. The master may direct counsel for a party to prepare the master's report, including findings and recommendations. If counsel is so directed, the report must be delivered to the master no later than 14 days after the hearing or notice of decision.

9. Any duly appointed master may perform the duties of any other duly appointed master as the administration of justice may require.

10. All proceedings before a master shall be conducted with appropriate decorum and procedure to insure respect and obedience to the court and its rules.

Rule 25. Special masters.

1. A judge may order the appointment from among the members of the bar of this court a special master for the purpose of settlement of cases or for any other proper purpose determined by the judge to whom a particular case has been assigned.

2. Subject to approval by the court, the parties to a civil action may stipulate in writing to, or the judge to whom the case has been assigned may order, the appointment of a special master to report upon particular issues in the case, including the holding of settlement conferences pursuant to Rule 6 of these rules. The stipulation may suggest the special master, in which case the judge may appoint the person named. A special master shall not be appointed to any particular case unless the master consents to such appointment.

3. The compensation of members of the panel of special masters shall be fixed by the court in its discretion, including any necessary disbursements, unless all interested parties consent to a rate of compensation or the special master consents to serve without compensation. Such compensation and disbursements shall be shared equally by the parties and taxed as costs, unless the court directs otherwise.

Rule 26. Default judgment. An application for a judgment by default irrespective of the amount of the proposed judgment must be made upon affidavit unless the court specifically requests the presentation of oral testimony. Supporting affidavits must be made on personal knowledge and shall set forth such facts as would be admissible in evidence, show affirmatively that the affiant is competent to testify to the matters stated therein, and avoid mere general conclusions or argument. An affidavit substantially defective in these respects may be stricken, wholly or in part, and the court may decline to consider the application for the default judgment.

Rule 27. Scope and citation of rules within the family division.

1. Rules 27 through 57 inclusive, are specific to the family division. These rules shall apply to all cases within the jurisdiction of the family division of the district court pursuant to NRS 3.223.

2. Unless otherwise stated herein, all proceedings before the family division shall comply with the Washoe District Court Rules (WDCR); State of Nevada District Court Rules (D.C.R.); and Nevada Rules of Civil Procedure (N.R.C.P.).

Rule 28. Reserved.

Rule 29. Reserved.

Rule 30. Judges within the family division.

1. Presiding judge.

(a) The chief judge of the district shall appoint a presiding judge over the family division of the district court.

(b) The presiding judge of the family court shall report to the chief judge of the district court in cases requiring referrals under Rules 2(6) and 2(7).

(c) The two-year term of the presiding judge shall coincide with the term of the chief judge and the appointment of the presiding judge of the family division shall be made effective the first Monday of January in even years.

(d) The family court judges may select one family court judge and recommend to the chief judge that the judge selected be appointed as presiding judge of the family court division. This selection shall be made during the December meeting of the district court judges and after the election of the chief judge.

(e) The chief judge, with the recommendation of the presiding judge of the family court, shall designate one district judge of the family court to assume administrative responsibility over each of the following case categories:

(1) Orders for Protection Against Domestic Violence (NRS Chapter 33);

(2) Juvenile Delinquency (NRS Title 5);

(3) Child Support Enforcement/UIFSA (NRS Chapters 130, 425, and 435);

(4) Juvenile Dependency (NRS Chapter 432B); and

(5) Mental Health/Developmental Disability Involuntary Civil Commitment (NRS Chapters 433A and 435).

(f) For purposes of this rule, the term "administrative responsibility" means:

(1) Presiding over objections or motions to adopt or modify masters' recommendations in cases that are not otherwise assigned to another district judge;

(2) Assuming primary responsibility for court policy involving the designated case categories and the related area of law; and

(3) Representing the court on community policy-making boards or committees (with interested court masters).

(g) The chief judge, with the recommendation of the presiding judge of the family court, shall designate one district judge of the family court to serve on each of the following committees and any other board or committee which requires a family court representative:

(1) Forms and Procedures Committee;

(2) Self-Help Center Advisory Board;

(3) Washoe County Access to Justice Foundation;

(4) Court Technology Advisory Committee;

(5) Court Facilities Committee;

- (6) Employee Relations Committee;
- (7) Reclassification Committee;
- (8) Bailiff Security Committee;
- (9) Family Court Bench Bar Committee; and
- (10) Others as deemed appropriate.

2. Powers. The presiding judge shall have all the powers and responsibilities set forth in NRS 3.025, subject to the powers and responsibilities of the chief judge under Rule 2(2) and 2(3).

Rule 31. Masters within the family division.

1. Rule 24 together with the following rules shall apply to the utilization of masters in all matters falling within the jurisdiction of the family division.

2. The following proceedings may be referred automatically to a master:

- (a) Juvenile court proceedings pursuant to NRS Title 5 and Chapter 432B.
- (b) Orders for protection against domestic violence pursuant to NRS Chapter 33.
- (c) Support enforcement proceedings pursuant to NRS Chapters 425 and 435.
- (d) Proceedings pursuant to NRS 3.405.

3. Whenever possible, a case shall be assigned to one master and shall remain with that master.

4. In extraordinary circumstances, when an emergency hearing is required, the judge assigned to a case may refer pre- and post-trial motions in divorce, separate maintenance, and annulment actions to a master for hearing subject to the master's calendar.

5. In cases involving orders for protection against domestic violence, the recommendation of the master shall become effective upon notice to the parties, unless stayed pending review by the judge. A stay of the master's recommendation may be granted at the request of any party to the action or upon the initiative of the court.

6. Except in cases involving orders for protection against domestic violence, a master's recommendation shall not become effective until the time for objection has run and the recommendation has been confirmed by assigned judge, except as otherwise provided in Rule 32(1)(f).

7. An attorney has an absolute right to disqualify a part-time master when the attorney and the part-time master are opposing counsel in any case.

Rule 32. Review of master's decision within the family division.

1. Unless otherwise ordered by the court, all proceedings before the master shall be reported by court reporter or recorded by audio tape or other means.

(a) When an objection or motion to adopt or modify a master's recommendation is filed, the court shall have the discretion to determine the manner in which the master's recommendation will be reviewed.

(b) A hearing on an objection or motion to adopt or modify a master's recommendation shall be in the form of a review of the record with oral argument, unless otherwise expressly ordered by the court. In extraordinary circumstances the court may grant a de novo trial.

(c) In all cases except juvenile matters, if a party objects or motions to adopt or modify the master's recommendation, in whole or in part, the objection or motion to adopt or modify shall be filed within 14 days after service of written findings of fact and recommendation.

(d) In juvenile matters, objection or motions to adopt or modify the master's recommendation shall be filed within 7 days after service of written findings of fact and recommendation.

(e) The objection or motion to adopt or modify shall briefly state the primary issues for review.

(f) Upon request of a party or upon the court's initiative, the judge may enforce the provisions of the master's recommendation pending determination on review.

2. A review hearing must be held within 30 days after the date the objection or motion to adopt or modify is filed, unless otherwise ordered by the court.

3. The presiding judge shall assign one or more judges to preside over the review of objections or motions to adopt or modify master's recommendations in specific subject areas. Review of objections or motions to adopt or modify master's recommendations shall be heard by the judge assigned to the case.

Rule 33. Motions for certification pursuant to NRS 62B.390.

1. A motion to certify a child to be proceeded against as an adult and for investigation pursuant to NRS 62B.390 shall be filed and served no later than 30 days after a petition is filed pursuant to NRS 62C.110. Hearing on such motion shall be held within 35 days after entry of an order for investigation.

(a) The Juvenile Probation Department shall complete and file an investigation report no later than 7 days prior to the hearing date.

(b) Once a juvenile is certified as an adult pursuant to NRS 62B.390, the case shall proceed in accordance with the rules of criminal procedure.

Rule 34. Notice of pending or prior actions. The parties and counsel shall notify the court of any pending or prior proceedings of which they have knowledge involving the parties, the children or the subject matter of the dispute now under the jurisdiction of the family division. The prior proceedings to be reported include proceedings in any court in Nevada or elsewhere. Such notification shall be included in the initial pleading filed on behalf of a party, and thereafter as information becomes known.

Rule 35. Reserved.

Rule 36. Reserved.

Rule 37. Assignment, transfer and tracking of cases.

1. Court clerk's responsibilities.

(a) When a case within the jurisdiction of the family division is filed, the court clerk shall determine whether other cases involving the same parties or their children were or are before the family division of the court.

(b) All cases involving any of the same parties or their children shall be assigned to the original department which first dealt with the parties.

2. Except as provided in subsection 1 above, the court clerk shall randomly assign all new cases among the departments of the family division.

3. If all family division judges are disqualified or preempted from a case, the chief judge of the district court shall assign the case to another district judge in compliance with Rule 2(3).

Rule 38. Caption for all pleadings and other legal documents.

1. Every document submitted for filing in the family division shall bear the following caption:

"IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE"

2. Every document submitted for filing in the family division by which child custody is at issue shall identify in its title that custody is at issue.

3. All pleadings shall conform with Rule 10 except that the family division may accept simple court-approved forms in which blanks are completed in legible black print.

Rule 39. Custody and UCCJEA requirements. Every initial pleading on behalf of any party in a divorce, annulment, separate maintenance, protection order against domestic violence, dependency, guardianship of a minor, paternity, termination of parental rights, or other custody action by which custody of children is at issue, and every post-judgment motion and opposition in which custody of children is at issue, shall include or be accompanied by a sworn statement setting out whether the party has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number and the date of the child custody determination, if any; knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights and adoptions and, if so, identify the court, the case number and the nature of the proceeding; and knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

Rule 40. Financial Declaration/Case Information Statement.

1. A Case Information Statement shall be filed with the initial pleading on behalf of any party in a divorce, annulment, or separate maintenance action, except for joint petitions. Parties shall use the Case Information Statement form published by the court.

2. In divorce, annulment, or separate maintenance actions, a Financial Declaration shall be filed upon motion to establish or modify support in compliance with Rule 12. The court-approved form shall be used.

(a) If any party resides with one or more adult persons other than the opposing party, that party's Financial Declaration shall reflect the number of all adult persons living in the household and the extent to which the adult persons provide support and share in the party's living expenses.

(b) The requirements of this rule may not be waived as to content or time except by order of the court for good cause shown.

(c) The Financial Declaration form filed on behalf of any party shall be amended forthwith as material information is obtained by a party or counsel.

3. Filing and service of the Financial Declaration shall not supplant nor limit such discovery as either party is entitled to undertake pursuant to the Nevada Rules of Civil Procedure.

4. At such time that it appears to the parties and/or the court that resolution of the case is unlikely and trial is likely, the court may direct additional filing of a more comprehensive Financial Declaration on the court-approved form.

Rule 41. Procedure in divorce and other cases.

1. An application or joint petition for divorce filed pursuant to NRS 125.123 or NRS 125.181 to 125.184, inclusive, shall be submitted to the court for consideration without hearing.

(a) In addition to those matters described above, all contested divorces which are settled by the parties with all issues resolved and uncontested divorces and annulments, may be submitted without hearing by agreement of the parties and with the approval of the court.

2. Affidavits in divorce cases shall comply with the requirements of N.R.C.P. 56(c)(4).

3. Affidavits of residence witnesses shall state the affiant's residence address, and the length of time affiant has resided in this state. The affiant shall state: (a) that the affiant is personally acquainted with the party to the action whose residence is being corroborated; (b) the party's residence address; (c) the date from which the affiant knows that the party has resided at that address; and (d) the total length of time affiant knows the party has resided within the State of Nevada. If the jurisdiction of the court is based upon the minimum legal residency, the affiant shall specify the days that the party has been physically present in Nevada.

Rule 42. Affidavits.

1. All affidavits shall contain sufficient factual information within the personal knowledge of the affiant; such facts shall be specific and shall adequately support the relief requested.

(a) A party shall provide a fact-specific affidavit to the court when extraordinary relief is sought; including, but not limited to the dates of incidents, descriptive facts and specific harm caused.

(b) Extraordinary relief includes, but is not limited to an application to take a person alleged to be a person in a mental health crisis into custody, a motion for service of process by an alternative method, or a motion for order to show cause.

2. The fact-specific affidavit required by Rule 42(1)(b) shall be filed concurrently with a motion for order to show cause and shall, at minimum, state the title and filing date of the order the moving party claims has been violated, the date and method of service of the order on the party alleged to be in contempt, and specific facts which support each claim, as set forth in the motion, the party allegedly in contempt violated the order.

Rule 43. Ex parte orders within the family division.

1. Reasonable notice.

(a) Except as set forth below, the party requesting an ex parte order shall give reasonable notice to the opposing party, or his or her counsel.

(b) Reasonable notice includes the date, time and place the request will be made.

(c) Reasonable notice must afford the opposing party 24 hours within which the application may be opposed.

2. Notice exceptions.

(a) A party is excused from giving such notice where notice would frustrate the very purpose of the order or cause the party or child to suffer immediate and irreparable injury.

(b) Ex parte orders may be obtained without notice in the following circumstances:

(1) Where the order mutually restrains the parties from transferring, encumbering, hypothecating, concealing or in any way disposing of any property, real or personal, whether community or separate, except in the usual course of business or for the necessities of life;

(2) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance coverage, including life, health, automobile, and disability coverage;

(3) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of retirement benefits or pension plans for the benefit (or election for benefit) of the parties or their minor child or children;

(4) Where a child's health and safety is in danger; or

(5) Where such other circumstances exist as the court may find to warrant the issuance of an order without notice.

3. Automatic hearing.

(a) No hearing shall be held on an ex parte order entered under subsections 2(b)(1), (2) and (3) herein above.

(b) All other ex parte orders shall be heard within 14 days of their entry.

(c) The hearing date shall be stated in the ex parte order.

(d) This rule shall not apply to temporary orders for protection against domestic violence.

Rule 44. Setting of cases.

1. Rule 4 shall govern the setting of cases in the family court, except as provided below.

2. Setting days/hours.

(a) Unless the court orders otherwise, all matters shall be set in the office of the family division clerk or judicial assistant.

(b) Setting of cases shall be from 9:00 a.m. to 12:00 noon Tuesday through Thursday. All other calendaring shall be done by appointment.

3. Trials. Trials shall be set and heard within 6 months of service of the complaint, unless the court waives this requirement for good cause shown.

4. Law and motion.

(a) Unless otherwise required by statute or court rule, all motions, except motions affecting child custody, shall be submitted for decision without oral argument or hearing, unless otherwise ordered by the court.

(b) Hearing on motions shall be held within 6 months of service of the motion, unless the court waives this requirement for good cause shown.

(c) Appropriate motions may be brought before the court on an ex parte basis in compliance with Rule 43.

Rule 45. Settlement conference.

1. Contact before hearings. Attorneys are required to contact opposing attorneys at least 48 hours before a motion is heard to discuss the settlement.

2. Settlement conference.

(a) A settlement conference may be held in all domestic relations cases set for trial.

(b) When a settlement conference is ordered, the settlement conference shall be conducted after the N.R.C.P. 16.2 or 16.205 case management conference, if applicable, and completion of mediation, if appropriate, and shall be scheduled at a time to be determined by the judge who is to preside over the settlement conference.

3. Judge presiding over settlement conference.

(a) The judge assigned the case shall preside over the settlement conference.

(b) The judge presiding in the case may assign the settlement conference to another judge or master if appropriate.

4. Mandatory attendance.

(a) Each party and the attorney for each party shall personally attend the settlement conference unless the court excuses such attendance.

(b) Prior to the settlement conference, each party shall prepare and present a statement indicating the significant issues in dispute.

5. All parties shall attend the settlement conference fully prepared for trial on all unresolved issues except that non-party witnesses need not be present.

6. Waiver of settlement conference. The parties may, by stipulation, and with the court's consent, waive the settlement conference.

Rule 46. Trial — Statements and documentary evidence.

1. Stipulating to documents. Before trial, the parties shall stipulate which documents are admissible. Such stipulation will avoid the need for foundational witnesses.

2. Exchanging documents. Copies of documents shall be exchanged by counsel and marked for identification by the court clerk no later than 1 business day prior to the commencement of trial.

3. A trial statement shall be filed in accordance with Rule 5.

Rule 47. Hearings — Producing evidence.

1. Where a party intends to use documents in the party's case-in-chief, copies of such documents shall be:
(a) Provided to the opposing party within a reasonable time of receipt, creation or collation; and
(b) Provided to the opposing party no later than 48 hours before the hearing or immediately upon receipt if obtained within the 48 hours.

Rule 48. Default judgments involving child custody.

1. Affidavit required.

(a) Where a default judgment in an action for divorce involving minor children is sought, and the proposed judgment does not include or refer to a written custody and visitation agreement, the moving party shall attach an affidavit setting forth the following:

- (1) The date the parties were separated;
- (2) The person with whom the child has lived during the past 6 months; and
- (3) The extent of contact the child has had with both parents in the past 6 months.

2. In addition:

(a) Where the party seeks child custody, the affidavit shall specify a visitation schedule for the defaulting party and the child.

(b) Where the party seeks to deny visitation between the child and the defaulting party, the affidavit shall include:

- (1) The reasons visitation should be denied;
- (2) The last time the defaulting party contacted or visited the child; and
- (3) The last known address and whereabouts of the defaulting party.

(c) Where the party seeks supervised visitation between the child and the defaulting party, the affidavit shall specify:

- (1) The reasons visitation should be supervised;
- (2) When and where supervised visitation shall take place; and
- (3) The person or agency who shall supervise the visitation.

(d) As an alternative to (b) and (c), above, the party may request that the matter be referred to family division mediation.

Rule 49. Support orders.

1. Judgment must indicate public assistance.

(a) Where a judgment grants support to a party receiving public assistance, the judgment shall state that the party is receiving public assistance.

(b) The judgment shall state that the support payments shall be made to the District Attorney's Office, Family Support Division.

2. The court shall deliver a copy of the judgment to the District Attorney's Office, Family Support Division.

Rule 50. Motions for judgment for arrearages.

1. Where one party alleges the other party is in arrears in the payment of child or spousal support and requests relief by motion, that party shall file, with the motion, a schedule showing the date each periodic payment was due and the date each payment was received, to the best of the party's knowledge.

(a) The schedule of arrearages shall be prepared on a form approved and adopted by the court.

Rule 51. Presence of county prisoners.

1. Request. If a Washoe County prisoner is a party to any hearing or trial conducted in the family division, the prisoner party, if he or she so requests, shall be present at such hearing or trial.

2. Notice. The moving party must notify the court bailiff at least 2 days before the hearing that the prisoner party is to be present.

3. Disclosure of aliases. The moving party must disclose to the court bailiff any and all aliases used by the prisoner party.

Rule 52. Family division services.

1. The family division encourages resolution of certain disputes relating to children through non-adversarial methods. The family division may provide a range of alternative methods of dispute resolution through the family mediation program.

Rule 53. Mediation.

1. Matters subject to mediation.

(a) Unless an action is exempt pursuant to subsection 13 of this rule, all new district court actions which involve a dispute regarding child custody, access or visitation shall be referred to mediation. Orders for protection against domestic violence shall not be referred to mediation unless by court order.

(b) Mediation of the dispute by the family mediation program or by private mediator must take place before the trial on custody, access and/or support.

2. Referral for mediation by the court. Referrals to mediation made by the court pursuant to subsection 1 of this rule shall be to the family mediation program.

3. Referral for mediation by individual party.

(a) If there is a disagreement between the parties concerning custody, access or visitation, and the matter has not been referred to mediation, either party or both parties may file with the court and serve upon the other party, or counsel, a "Request for Mediation."

(b) The court may then refer the matter to the family mediation program.

4. Private mediation, selection.

(a) Parties may select by agreement a private mediator.

(b) The parties shall contract directly with the private mediator and be responsible for payment of fees for mediation services.

(c) The mediator has a right to withdraw from any case.

5. Private mediation, referral to private mediator.

(a) If a private mediator is selected, the parties or counsel, if any, shall file with the court a written notice that private mediation will take place.

(b) The notice shall set forth the name of the mediator and the date set for the first mediation conference.

6. Scheduling mediation. Upon referral to the family mediation program a mediation orientation and conference will be scheduled which both parties must attend, unless other procedures are agreed upon pursuant to subsection 14 of this rule.

7. Mediation conference.

(a) The mediator will conduct a conference in an effort to carry out the purpose of this rule.

(b) Counsel for the parties shall be provided an opportunity to confer with the mediator prior to the mediation conference and shall be excluded thereafter, where, in the discretion of the mediator, exclusion of counsel is deemed by the mediator to be appropriate or necessary.

(c) The mediator shall be entitled to interview the child or children when the mediator deems such interviews appropriate.

8. Mediation report.

(a) If the mediation is successful in resolving any of the custody, access or visitation issues, such agreement shall be reduced to writing and submitted to the court for approval.

(b) In the event that no agreement is reached, the mediator shall notify the court that mediation has been concluded.

9. Failure to appear for mediation.

(a) If one or both parties fail to appear at any mediation conference, the mediator shall report to the court the identity of each person who failed to appear.

(b) The court shall take whatever action it deems necessary or appropriate.

10. Confidentiality of mediation. Mediation proceedings shall be held in private, and all communications, verbal or written, made in the proceedings shall be confidential and shall not be disclosed even upon waiver of the privilege by either or both parties, except where the mediator is required to report any information which falls within the scope of the child abuse reporting requirements.

11. Subsequent evaluation. The family mediation program mediator or private mediator shall not conduct an evaluation of the parties after an unsuccessful mediation unless the parties file a written notice consenting thereto signed by each party and counsel.

12. If an Order for Protection Against Domestic Violence has been obtained by either party against the other, an order of referral to mediation shall include:

(a) The fact that an Order for Protection Against Domestic Violence has been obtained; and

(b) The case number of the protection order action.

13. Exemption from mediation.

(a) A party who believes a case is inappropriate for referral to mediation may seek an exemption from mediation.

(b) The party seeking an exemption must file a motion with the court.

(1) The motion should be filed with the initial pleading of the moving party.

(2) The motion may be filed at a later time if new information is obtained supporting a motion.

14. Inappropriate cases.

(a) The family court mediation program shall establish procedures to assure that cases which are inappropriate for mediation or which may require special protocols for the protection of parties are screened prior to any contact between the parties in the mediation process.

(b) Mediation is not appropriate where:

(1) There are substantiated allegations or evidence of child abuse or neglect.

(2) The case involves multiple social agencies or psychiatric contacts for parents and/or children.

(3) The case is at the post-dissolution stage and has involved bitter conflict and frequent court appearances.

(4) A parent has serious psychological problems or has displayed severely anti-social modes of behavior.

(5) The mediator determines mediation is futile or impractical.

15. Support persons.

(a) A party may have a third person present for support before and after meetings with the mediator, provided that the support person may not be present during mediation sessions.

(b) The Protection Order Advocate's Office may assist in providing a support person in appropriate cases.

16. Fees for service. Fees may be assessed to parties referred to mediation pursuant to NRS 3.500(2)(e) and family division policy.

Rule 54. Unsuccessful mediation.

1. In each case in which mediation has been unsuccessful in resolving custody or visitation issues, the parties or their counsel shall meet with the court within 60 days of notice that mediation was unsuccessful for the purpose of case planning.

2. In each case where mediation has been unsuccessful in resolving custody or visitation issues, the case may be subject to a custody evaluation.

3. The custody evaluation may be by stipulation or appointment or by referral of the court to the family mediation program.

4. Child custody evaluation.

(a) When it appears that a child custody evaluation is necessary, the parties are encouraged to stipulate to the retention of one expert to evaluate the parties and the child(ren).

(b) Upon the request of either party or on its own initiative the court may appoint a neutral expert if the parties cannot agree on their own.

(c) The treating therapist of any of the parties or children may not serve as the stipulated evaluator.

Rule 55. Reserved.

Rule 56. Forms — To be determined by forms committee.

1. The family division may adopt and approve forms which practitioners are encouraged to use.
2. Upon notification, the court has the discretion to modify, amend, or supplement the existing forms or add new forms.

Rule 57. Probate; trusts; and the administration of estates.

Rule 57.1. Scope of rules. This rule governs the practice and procedure of all proceedings under Title 12 and chapters 162 through 167 of Title 13 of NRS.

Rule 57.2. Calendars. Subject to change by order of the chief judge, the probate calendar will be heard every Thursday at 8:00 a.m. If a legal holiday falls on a Thursday, the probate calendar for that week will be heard at such time as set by the probate judge or probate commissioner, as approved by the probate judge. All papers filed in a proceeding governed by Rule 57 shall indicate directly below the department designation, the hearing date noticed, e.g., "Hearing date: mm/dd/yy."

Rule 57.3. Probate commissioner.

1. The Second Judicial District Court has approved automatic referral of all probate and trust proceedings under Title 12 and chapters 162 through 167 of Title 13 of the NRS to a master, designated in Rule 57 as the "probate commissioner."
2. A district judge may refer any other matter to the probate commissioner for recommendation unless prohibited by law. Such referral may be by application of a party to the action or on the judge's own initiative.
3. The probate commissioner shall hear and make recommendations on all matters assigned to the probate commissioner, except those matters that require disqualification. The probate commissioner may disclose on the record the basis of the probate commissioner's disqualification and may ask the parties and their lawyers to consider, out of the presence of the probate commissioner, whether to waive disqualification. If following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and lawyers all agree that the probate commissioner should not be disqualified, and the probate commissioner is willing to participate, the probate commissioner may participate in the proceeding. The agreement shall be incorporated in the record of the proceeding.
4. The probate commissioner:
 - (a) Shall receive oral, documentary and tangible evidence and establish a record;
 - (b) Shall make findings of fact, conclusions of law and recommendations for the provisions and enforcement of any order; and
 - (c) Shall have any other power or duty contained in an order of reference issued by the court.
5. The probate commissioner may request a district judge to make an immediate determination of appropriate sanctions for contemptuous behavior, issue a bench warrant, quash a warrant, or release persons arrested thereon.
6. Within a reasonable time after the evidence presented in a contested matter is closed, the probate commissioner shall file written findings of fact and recommendations, which shall also be served on parties entitled to notice.
7. Within 14 days after the probate commissioner serves and files findings of fact, conclusions of law and recommendations in any contested probate matter, any party adversely affected by the recommendation may file with the clerk of the court and serve on the other parties and the probate commissioner, a written request for judicial review of the matter by the probate judge. Failure to file a written request for review within the 14-day period will result in adoption of the probate commissioner's recommendation by the probate judge and preclusion of limited judicial review by the probate judge.
8. Upon filing of a timely request for judicial review, the matter will be transferred to the probate judge. Such judicial review will be subject to limited review by the probate judge. Judicial review of a final recommendation of the probate commissioner will be confined to the record, except as provided below.

9. In cases concerning alleged irregularities in procedure before the probate commissioner that are not shown in the record, the probate judge may receive evidence concerning the irregularities.

10. The final recommendation of the probate commissioner shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the probate judge. The burden of proof is on the party attacking or resisting the recommendation to show that the final decision is invalid pursuant to section 11 below.

11. Except as to matters of law, the findings of fact and recommendation of the probate commissioner will not be disturbed, unless they are clearly erroneous.

12. The parties may stipulate to immediate entry of order on the probate commissioner's recommendation.

13. For good cause, the probate judge may enforce the probate commissioner's recommendation pending appeal.

14. The probate commissioner may direct counsel for a party to prepare findings of fact, conclusions of law and recommendation, which shall be delivered to the probate commissioner no later than 14 days after the probate commissioner so directs.

15. The probate commissioner may perform the duties of any other duly appointed master or commissioner as the administration of justice may require.

16. All proceedings before the probate commissioner shall be conducted with appropriate decorum and procedure to ensure respect and obedience to the court and its rules.

17. The probate commissioner may make appropriate sanctions for failure to comply with the appropriate statutes or rules of the court.

Rule 57.4. Approved matters.

1. The probate commissioner must prepare an approved list each week of probate matters that may be heard without further testimony or appearance.

2. In order to be on the approved list, the following must be strictly observed:

(a) All petitions must be verified.

(b) Death certificates must be filed at the same time as the initial petition, or as soon as available from vital statistics.

(c) Where a bond is required, the petition must set forth with particularity the personal property of the estate together with the estimated amount of annual income from all sources.

(d) The original order, together with any copies to be conformed, must be delivered to the probate commissioner no later than 12:00 noon on Friday of the week before the matter is to be heard. Without a showing to the court of good cause, proposed orders not submitted within the time provided for in this rule will, on the noticed hearing date, be continued for one week or longer at the request of counsel to enable compliance.

(e) An affidavit of mailing must be filed immediately after the actual mailing has taken place. The affidavit of mailing and any required proof of publication must be filed by 12:00 noon on Friday of the week before the matter is set for hearing. A courtesy copy must be delivered to the probate commissioner's office at the time of filing.

(f) A copy of the notice of hearing must be provided to the probate commissioner at the time of filing.

Rule 57.5. Contested matters. The probate commissioner shall hear all approved/uncontested matters on the weekly probate court calendar. The probate commissioner may schedule all contested matters at the convenience of the probate commissioner or probate judge's calendar.

Rule 57.6. Continuances.

1. For good cause, the probate commissioner may vacate or continue matters.

2. If objection or exception is taken to any matter on the approved list, and the petitioner or petitioner's counsel is not present, the probate commissioner may continue the matter to allow the filing of written objections or exceptions and giving notice thereof to petitioner.

Rule 57.7. Petitions for probate of wills and/or codicils.

1. When a petition for probate of will and/or codicil is filed and the original of the document being offered for probate is not already filed with the filing office, it must be filed concurrently with the petition. If the

will is holographic, a typewritten copy of the document must also accompany the petition. The caption must clearly indicate the nature of the petition filed, e.g., Petition for Probate of Will and for Issuance of Letters Testamentary; Petition for Probate of Will and for Issuance of Letters of Administration with the Will Annexed; Petition for Letters of Administration.

2. In addition to filing the original document with the filing office, copies of any documents offered for probate must be attached to the petition for examination by the probate commissioner.

Rule 57.8. Contents of probate orders. All orders or decrees in probate or trust matters shall set forth completely all matters actually passed on by the court and shall not merely refer to corresponding provisions of the petition. Probate or trust orders should be so drawn that their general effect may be determined without reference to the petition on which they are based. Orders must contain a line for the probate commissioner's signature in addition to a signature line for the judge. Orders must not be drawn so that only the signature of the court, or the date and signature, appear on a page, nor may any matter appear after the signature of the court. The name, address and signature of the submitting attorney must appear on all orders. If the order distributes or otherwise affects real property, the legal description and the assessor's parcel number of the property shall be included in the order or an exhibit to the order. If the order distributes or otherwise affects a vehicle, the vehicle identification number shall be included in the order.

APPENDIX TO RULES

The following processing goals are established for the handling of criminal cases: 90 percent of the criminal cases are to be disposed of in 120 days, 98 percent in 180 days, and all cases within 1 year from the date of arrest. Ninety-five percent of all criminal cases are to be set for trial within 60 days after arraignment. Ninety-five percent of all criminal defendants are to be sentenced 30 days after conviction. As a goal there shall be no further plea negotiations 5 days before trial.