

## WordPerfect Document Compare Summary

Original document: P:\wp19\SBN\EDCR\00470946.WPD

Revised document: P:\wp19\SBN\EDCR\00426282.WPD

Deletions are shown with the following attributes and color:

~~Strikeout~~, **Blue** RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, **Red** RGB(255,0,0).

The document was marked with 21 Deletions, 17 Insertions, 0 Moves.

## PART I. ORGANIZATION OF THE COURT AND ADMINISTRATION

### Rule 1.01. Name and citation of rules.

These rules shall be known as the “Eighth Judicial District Court Rules” and may be cited and abbreviated as “EDCR.”

### Rule 1.10. Scope, construction and implementation of rules.

These rules govern the procedure and administration of the Eighth Judicial District Court and all actions or proceedings cognizable therein. They must be liberally construed to secure the proper and efficient administration of the business and affairs of the court and to promote and facilitate the administration of justice.

### Rule 1.11. Family division — Jurisdiction.

These rules shall apply to all cases within the jurisdiction of the family division of the district court pursuant to NRS 3.223. All matters heard in the family division shall be randomly assigned to a trial judge serving in the family division.

### Rule 1.12. Definitions of words and terms.

In these rules, unless the context or subject matter otherwise requires:

(a) “Case” must include and apply to any and all actions, proceedings and other court matters, however designated.

(b) “Clerk” means the clerk of the district court.

(c) “Court” means the district court.

(d) “District judges” means all judges elected to the district court whether serving in the family, or civil/criminal divisions of the court.

(e) “Party,” “petitioner,” “applicant,” “claimant,” “plaintiff,” “defendant,” or any other designation of a party to any action or proceeding, case or other court matter must include and apply to such party’s attorney of record.

(f) “Person” must include and apply to corporations, firms, associations and all other entities, as well as natural persons.

(g) “Must” is mandatory and “may” is permissive.

(h) The past, present and future tenses each include the others; the masculine, feminine and neuter genders each include the others; and the singular and plural numbers each include the other.

(i) Wherever the term “master” appears in these rules it is interchangeable with the term “referee” as used in the Constitution of the State of Nevada and the Nevada Revised Statutes and vice versa.

#### Rule 1.14. Written log of inaccessible days.

The clerk shall memorialize and maintain in a written log all days on which weather or other conditions have made the clerk’s office inaccessible pursuant to NRCPC 6(a)(3).

#### Rule 1.20. Departments and courtrooms.

There must be a separate numbered or lettered department for each judge in this district. The courtrooms will be designated by the department number or letter of the judge(s) assigned thereto, but may be used interchangeably by the other judges or judicial officers. The family division departments shall be designated by letters.

#### Rule 1.21. Department hours.

Each department shall remain open on judicial days during standard court hours which are from 8:00 a.m. to 5:00 p.m. The position of district court

judge is a full time job and most of the work time of a district court judge should be spent trying cases or spent in his or her chambers at the courthouse.

Rule 1.30. Chief judge.

(a) The district judges must biennially select one of their number to serve as chief judge for a term of 2 years to begin July 1. However, the term may, by election, be extended 2 years.

(b) The chief judge must:

(1) Be responsible for the chief judge's own motion calendar.

(2) Hear all extraditions and any other miscellaneous petitions regarding criminal matters.

(3) Share and direct responsibility for hearing overflow cases and the probate calendar with all trial judges.

(4) Refer all involuntary mental commitment proceedings to hearing masters, direct the appointment of said masters with the approval of the district judges, reduce to written order the findings of such masters, hear all objections to the master's findings and direct the enforcement thereof as may be appropriate.

(5) Make regular and special assignments of all judges, and hear or reassign emergency matters when a judge is absent or otherwise unavailable.

(6) Instruct any grand jury impaneled, receive any reports, indictments or presentments made by it and handle any other matters pertaining to it.

(7) Supervise the court administrator in the management of the court and the performance of the administrator's duties. Supervise the administrative business of the court and have general supervision of the attaches of the court. The various

commissioners, referees, hearing officers and masters shall report to and be directed by their supervising judge pursuant to local court rule; however, the chief judge will maintain general supervision over all such officers.

(8) Coordinate with the court clerk and the Office of the Clerk of the Court to assure quality and continuity of services necessary to the operation of the court.

(9) Attend meetings of the family division judges.

(10) Approve requests by civil litigants to proceed in forma pauperis and waiver of fees.

(11) Appoint presiding judges over civil, civil/criminal and family divisions of the district court.

(12) Exercise general supervision over all administrative court personnel that are not permanently assigned to a particular district court judge.

(13) Determine the need for and approve: (a) the allocation of space and furnishings in the court building; (b) the construction of new court buildings, courtrooms and related physical facilities; (c) the modification of existing court buildings, courtrooms and related physical facilities; and (d) the temporary assignment or reassignment of courtrooms between departments to accommodate the needs of litigants, and efficient and effective case management.

(14) Supervise the court's calendar, and apportion the business of the court among the several departments of the court as equally as possible.

(15) Reassign cases from a department to another department as convenience or necessity requires. The chief judge shall have authority to assign overflow cases.

(16) Appoint standing and special committees of judges as may

be advisable to assist in the proper performance of the duties and functions of the court.

(17) Provide for liaison between the court and other governmental and civic agencies; and when appropriate, meet with or designate a judge or judges to meet with any committee of the bench, bar, news media, and community to review problems and to promote understanding of the administration of justice.

(18) Assure that court duties are timely and orderly performed.

(i) The chief judge shall set and preside over frequent and regular meetings of the judges or an elected representative committee of the judges not less than once a quarter and additional special meetings as may be required by the business of the court, distributing to all judges a prepared agenda before the meeting and minutes thereafter. If a quorum of judges is not present at the quarterly judges' meeting, the chief judge shall have the authority to mandate attendance at the next quarterly judges' meeting.

(ii) The chief judge must designate another judge to perform the chief judge's duties (serve as acting chief judge) in his or her absence (or unavailability as chief judge). The acting chief judge, as well as the presiding judges of the criminal and civil divisions and the family division shall serve at the pleasure of the chief judge.

(iii) The chief judge may be removed from office by a two-thirds vote of the judges present at a duly noticed meeting. Any judge may appeal any order of the chief judge to the full panel of the district judges in the district. Any order of the chief judge can only be reversed by a two-thirds vote of the judges attending a regularly scheduled meeting.

(iv) The duties prescribed in these rules shall be done in accordance with applicable Nevada Revised Statutes, Supreme Court Rules and established court policies. To

facilitate the business of the court, the chief judge may delegate the duties prescribed in these rules to other judges.

(19) Supervise all criminal division masters.

(i) The chief judge shall determine, within budgetary constraints, the number of criminal division masters and the compensation to be paid to those masters based on a salary schedule approved by a majority of the judges of the Eighth Judicial District Court.

(ii) The chief judge shall be responsible for disciplinary decisions involving the criminal division masters.

(iii) The chief judge shall determine, as necessary from time to time, whether to assign a criminal division master to handle matters assigned to other masters under the EDCR.

(20) An executive committee composed of the chief judge and presiding judges over the civil, criminal and family divisions shall meet once a month to address any items of administration or other business and shall provide a report and minutes of those meetings at the quarterly meeting of the district judges.

Rule 1.31. Presiding judge — family/civil/criminal divisions.

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

(b) The presiding judge is responsible for the following judicial duties:

(1) The presiding judge's own caseload comprised of one-half of a regular department caseload or the juvenile judge position normal caseload, and any overflow domestic calendar;

(2) Guardianship Calendars:

(i) To hear, or arrange for hearing by another family division judge, all guardianship matters, including all contested guardianship matters and objections to a commissioner's findings;

(ii) Meet with and supervise the guardianship commissioner in the performance of his or her duties ~~under Rule 5.91 et seq.~~

(3) Protective Order Calendars:

(i) Hear all matters involving temporary and extended protective orders against domestic violence under NRS 33.017, including all contested matters and objections to a commissioner's findings, unless the matter has been assigned to a specific family division judge;

(ii) Meet with and supervise the domestic violence commissioner in the performance of his or her duties ~~under Rule 5.22.~~

(iii) Review and approve or disapprove of the recommendation of the domestic violence commissioner with respect to disposition of all initial TPO petitions unless the matter has been assigned to a specific family division judge.

(4) Mental Commitment Calendars:

(i) To refer all mental commitment hearings to a mental commitment hearing master, hear, or arrange for such hearing by another family division judge, whether contested or an objection to a recommendation;

(ii) Meet with and supervise Mental Commitment Hearing Master in the performance of his or her duties under Rule 1.44.

(5) Child Support Calendars:



(i) To refer all child support cases to hearing masters, direct the appointment of said masters with the approval of the family division judges, hear all objections to the master's findings, unless another family division judge has been assigned to the matter, and direct the enforcement thereof as may be appropriate.

(ii) Meet with and supervise the activities of the child support hearing masters in the performance of their duties under Rule 1.40.

(iii) Review and sign off on recommendations of the child support masters with respect to disposition of all child support petitions unless the matter has been assigned to a specific family division judge.

(6) Public Welfare Paternity Calendars:

(i) To refer all public welfare paternity cases to hearing masters, direct the appointment of such masters with the approval of the family division judges, hear all objections to the master's findings, and direct the enforcement thereof as may be appropriate.

(ii) Meet with and supervise the activities of the hearing masters in the performance of their duties under Rule 1.42.

(7) Hear or assign all cases regarding abuse and neglect under Chapter 432B of the Nevada Revised Statutes if the juvenile judge has a conflict preventing his or her involvement unless the presiding judge is the juvenile judge which will cause the matter to be randomly assigned to another family division judge.

(8) Hear or assign all cases regarding delinquency under Chapter 62 of the Nevada Revised Statutes if the juvenile judge has a conflict preventing his or her involvement unless the presiding judge is the juvenile judge in which event the case will be randomly assigned to another family division judge.

(9) Meet with and supervise the activities of the discovery commissioner in the performance of his or her duties ~~under Rule 2.34~~.

(10) Hear all out-of-state consents to terminate parental rights in contemplation of an adoption.

(11) Hear all motions to disqualify a family division judge when so directed by the chief judge.

(12) Review and approve or deny all initial requests to proceed in forma pauperis waiving the fees for the family litigant.

(13) Assign or reassign all cases pending in the family division of the district court.

(14) Assign or reassign courtrooms in the family division.

(15) Supervise compliance with Supreme Court Rule 251.

(16) Attend and preside over every family division judges monthly meeting.

(17) Attend every general district judges meeting.

(18) Attend every bench/bar and executive committee meeting.

(19) Complete assignments received from the chief judge of the Eighth Judicial District or Nevada Supreme Court to assist in the smooth and efficient work of the district court on behalf of the public.

(20) Attend special meetings called by the chief judge; assist with any project assigned to the family division by the chief judge.

(21) Direct the family division administrator in the management of the division and the performance of the administrator's duties including, but not limited to, the collection and compilation of statistics on the caseload and other procedures adopted by a

majority vote of the family division judges to promote the objectives of the family division of the district court; meet with the family division administrator as needed.

(22) Meet with the district court administrator, the head of the Department of Family and Youth Services, the clerk's office supervisors, and family division department heads.

(23) Serve on the Department of Family and Youth Services Policy/Fiscal Affairs Board.

(24) Coordinate with the family division court clerk and the office of the court clerk for the family division to ensure quality and continuity of services necessary to the operation of the court.

(25) Meet with employees to discuss problems and/or suggestions for improvement to the family division procedures.

(26) Complete any assignment received from the chief judge of the Eighth Judicial District or Nevada Supreme Court to assist in the smooth and efficient work of the district court on behalf of the public.

### Civil Presiding Judge

(a) The chief judge shall appoint a civil presiding judge to manage the civil/criminal division of the district court.

(b) The civil presiding judge is responsible for the following judicial duties:

(1) The presiding judge's own caseload;

(2) Meet with and supervise the discovery commissioner in the performance of his or her duties under Rule 2.34;

(3) Meet with and supervise the arbitration commissioner in the performance of his or her duties;

- (4) Hear all motions to disqualify a civil/criminal division judge when so directed by the chief judge;
- (5) Assign or reassign all civil cases pending in the civil/criminal division of the district court;
- (6) Assign or reassign courtrooms in the civil/criminal division;
- (7) Attend and preside over every civil division judges monthly meeting;
- (8) Attend every general district judges meeting;
- (9) Attend every bench/bar and executive committee meeting; and
- (10) Complete assignments received from the chief judge of the Eighth Judicial District or Nevada Supreme Court to assist in the smooth and efficient work of the district court on behalf of the public.

#### Criminal Presiding Judge

(a) The chief judge shall appoint a criminal presiding judge to manage the civil/criminal division of the district court.

(b) The criminal presiding judge is responsible for the following judicial duties:

- (1) The presiding judge's own caseload;
- (2) Meet with and supervise the arraignment master in the performance of his or her duties;
- (3) Hear all motions to disqualify a civil/criminal division judge when so directed by the chief judge;
- (4) Assign or reassign all criminal cases pending in the civil/criminal division of the district court;

- (5) Assign or reassign courtrooms in the civil/criminal division;
- (6) Attend and preside over every criminal division judges monthly meeting;
- (7) Attend every general district judges meeting;
- (8) Attend every bench/bar and executive committee meeting; and
- (9) Complete assignments received from the chief judge of the Eighth Judicial District or Nevada Supreme Court to assist in the smooth and efficient work of the district court on behalf of the public.

Rule 1.32. Trial judge.

For the purpose of these rules, all judges, except the chief judge and the presiding judge, are denominated “trial judges.”

Rule 1.33. Specialization of judges; procedure for selection.

The chief judge must assign the judges of the district (excluding family court judges) to specialized divisions of the court for 2-year terms as needed. The assignments must provide for rotation of the judges among the various divisions. In making the assignments, the chief judge shall request the district judges to recommend the assignments, and shall take into account the desires of each individual judge. The final selection, however, is left to the discretion of the chief judge. Assignments shall be made as follows:

- (a) Civil/Criminal division: judges as needed;
- (b) Business court division: at least 3 judges who have experience as a judge or practitioner in “business matters” as defined in Rule 1.61(a);
- (c) Civil only division: judges as needed;
- (d) Drug Court/Overflow division: judges as needed;

(e) Overflow division: judges as needed.

Rule 1.40. ~~Child support masters.~~

~~——(a) Every child support master must be in good standing as a member of the State Bar of Nevada. The compensation of the masters may not be taxed against the parties, but when fixed by the presiding judge (with the approval of the remaining Family division hearing masters. A family division judges) and concurred in by the chief judge, such compensation must be paid out of appropriations made for the expenses of the court.~~

~~——(b) Except as otherwise herein provided, the proceedings of the child support masters must be in accordance with the provisions of N.R.C.P. 53.~~

~~——(c) The master may request a district court judge serving in the family division to make an immediate determination of appropriate sanctions for contemptuous behavior, issue a bench warrant, quash a warrant or release persons arrested thereon.~~

~~——(d) The master's report must be furnished to each party at the conclusion of the proceeding and the court will accept the master's findings of fact unless clearly erroneous.~~

~~——(e) Within 10 days after the conclusion of the proceeding and receipt of the report, either party may serve written objections thereto upon the other party. If no objection is filed, the report will be referred to the presiding judge and without further notice, judgment entered thereon.~~

~~——(f) If a written objection is filed hearing master is appointed pursuant to this rule, application to the court for action upon the report over the objection thereto must be by motion and upon notice as prescribed in Rule 2.20.~~

~~——Rule 1.42. Uniform Parentage Act masters.~~

~~——(a) Every paternity hearing master must be in good standing as a member of the State Bar of Nevada. The compensation of the masters may not be taxed against the parties, but when fixed by the presiding judge (with the approval~~

of the remaining family division judges) and concurred in by the chief judge, such compensation must be paid out of appropriations made for the expenses of the court.

~~\_\_\_\_\_ (b) The duly appointed paternity hearing master must conduct informal, closed hearings pursuant to NRS Chapter 126 and in so doing has the authority to:~~

~~\_\_\_\_\_ (1) Determine whether a defendant qualifies for court-appointed counsel.~~

~~\_\_\_\_\_ (2) Appoint, with the consent of the presiding judge, counsel for those defendants who qualify.~~

~~\_\_\_\_\_ (3) Order blood tests and review the results thereof.~~

~~\_\_\_\_\_ (4) Make and file a written final recommendation for settlement.~~

~~\_\_\_\_\_ The paternity hearing master must rule on all motions and questions of law and evidence put to the master. Said decisions and rulings are final and not appealable, subject only to timely rejection of the final recommendation of the paternity hearing master.~~

~~\_\_\_\_\_ (c) Any party may reject the final recommendation of the paternity hearing master as to the issue of paternity. Written notice of rejection must be filed with the court and served upon all parties within 10 days of receiving a copy of the final recommendation of the paternity hearing master. If notice of rejection is not filed within 10 days, the master's recommendation may be approved by the presiding judge, as the judgment in the action. If notice of rejection is timely filed by any party, the cause is at issue and must be assigned at random to a trial judge serving in the family division and may be set for trial pursuant to Rule 2.60.~~

~~\_\_\_\_\_ (d) Once paternity has been established, issues of visitation, custody and child support must be determined by a judge serving in the family division pursuant to Part V of these rules the authority established by, and in accordance with, the provisions in NRCP 53.~~

Rule 1.44. Civil commitments and hearing masters; duties of the Division of Public and Behavioral Health; duties of counsel.

(a) The provisions of this rule apply to all court-ordered admissions of any person alleged to be in a mental health crisis.

(b) Unless otherwise ordered by the chief judge, civil commitment hearings must be conducted by the civil commitment hearing master. The compensation of the masters must not be taxed against the parties, but when fixed by the chief judge, must be paid out of appropriations made for the expenses of the court. Every master must be in good standing as a member of the State Bar of Nevada.

(c) The civil commitment hearing master may conduct formal court hearings at the hospital or wherever is most convenient to the master and the person alleged to be in a mental health crisis. The master has the authority to swear witnesses, take evidence, appoint independent medical evaluators, evaluate competency, recommend guardians, and conduct all other matters relating to the involuntary commitment proceeding. All proceedings must be recorded or transcribed by a duly appointed court recorder or reporter as provided by law.

(d) Not less than 24 hours before the time set for a commitment hearing, the Administrator of the Public and Behavioral Health Division, or the administrator's designee, must examine each person alleged to be in a mental health crisis and prepare, for presentation at the hearing, a report designating which facilities are available together with a recommendation of the least restrictive environment suitable to the patient's needs. At the time of the hearing, the person alleged to be in a mental health crisis must not be so under the influence of or so suffer the effects of drugs, medication or other treatment as to be hampered in preparing for or participating in the hearing, and a record of all drugs, medication or other treatment that the person has received during the 72 hours immediately prior to the hearing must be presented to the master.

(e) The Clark County Public Defender's Office must furnish counsel for all persons alleged to be in a mental health crisis not otherwise represented by an attorney.

(1) Prior to the hearing, the public defender or the attorney for the



person alleged to be in a mental health crisis must interview the person, explain to the person his or her rights pending court-ordered treatment, the procedures leading to court-ordered treatment, the standards for court-ordered treatment and the alternative of becoming a voluntary patient. The public defender must also explain that the person can obtain counsel at the person's own expense.

(2) Prior to the hearing, the person's attorney must review the commitment petition, evaluation reports, the patient's medical records and the list of alternatives to court-ordered treatment.

(f) At the conclusion of each hearing, a copy of the written recommendation of the hearing master must be given to the person, the person's counsel and the district attorney. Not later than 5:00 p.m. on the day the hearing concludes, the hearing master's recommendation must be submitted to the chief judge.

(g) Objections to the master's recommendation must be made to the chief judge at the time the report is submitted or at such other time as the chief judge may prescribe. The chief judge may require oral objections to be reduced to writing.

(h) After reviewing the master's recommendation and any objection thereto, the chief judge must:

(1) Approve the same and order the recommended disposition,

(2) Reject the recommendation and order such relief as may be appropriate, or

(3) Direct a rehearing.

(i) All rehearings of matters heard before the master must be before the chief judge and must be conducted de novo.

(j) No recommendation of a master will become effective until expressly approved by the chief judge.

Rule 1.45. Juvenile judge.

(a) The juvenile dependency division judge must:

- ~~(1) Supervise the activities of the juvenile dependency division hearing masters (hereafter masters) in the performance of their duties pursuant to NRS Chapters 432B and 128; and under EDCR 1.46, hear all objections to the master's findings; and direct the enforcement thereof as may be appropriate.~~
- ~~(2) Hear all abuse and neglect trials~~ hear all cases involving allegations of ~~sexual~~ abuse upon and neglect of a minor child under Chapter 432B of the Nevada Revised Statutes, ~~unless caseload management for federal compliance requires the judge to seek assistance from the masters in order that the matters may be heard timely.~~
- ~~(3) Hear all de novo appeals of abuse and neglect cases and any other miscellaneous matters regarding dependency cases.~~
- ~~(4) Prepare a plan for sharing and assigning responsibility for overflow dependency abuse and neglect cases with all family division judges.~~

(b) The juvenile delinquency division judge must:

- (1) Hear juvenile delinquency cases in accordance with NRS Chapters 62A through 62I.
- (2) Supervise the activities of the juvenile delinquency division hearing masters in the performance of their duties pursuant to NRS Chapters 62A through 62I; under EDCR 1.46, hear all objections to the master's findings; and direct the enforcement thereof as may be appropriate.
- (23) Hear all de novo appeals of delinquency cases and any other miscellaneous matters regarding delinquency cases.
- ~~(3) Prepare a plan for sharing and assigning responsibility for~~

~~overflow delinquency cases with all family division judges.~~

~~(4) Where applicable, represent the division on all matters involving the probation committee, director of juvenile services, chief probation officer or other employee/services referenced in Chapter 62 of the Nevada Revised Statutes.~~

Rule 1.46. Juvenile hearing masters.

~~(a) The district judges serving in the family division may appoint one or more masters to serve on a full-time or part-time basis as a juvenile hearing master (hereafter master).~~

~~(1) A master serves at the pleasure of the district judges serving in the family division and unless those judges make an order terminating the appointment of a master, such master must continue to serve as such until the appointment of a successor.~~

~~(2) The compensation to be allowed to a master must be fixed by the presiding judge (with the approval of the remaining family division judges) and concurred in by the chief judge.~~

~~(3) Every master must be a member of the State Bar of Nevada who is in good standing and has been so for a minimum of 5 continuous years immediately preceding appointment and may not engage in any private practice after appointment as a master, except when appointed as a part-time master.~~

~~(4) The master may be assigned to either the dependency and/or delinquency division.~~

~~(b) Dependency masters. The provisions of this section derive from NRS Chapter 432B. Dependency masters NRS 62B provides that masters of the juvenile court may be appointed on a full-time or part-time basis. Dependency masters must to hear such cases as are assigned by the supervising dependency court judge (dependency judge). The dependency masters have the following powers juvenile court judge. The masters of juvenile court have the powers, duties, and responsibilities:~~

- ~~————— (1) To hear protective custody matters, pleas, adjudicatory hearings, dispositions, guardianships, in-home reviews, foster care reviews, and formal supervision reviews followed by recommendations to the supervising dependency judge;~~
- ~~————— (2) To hear procedural motions, including but as set forth in NRS 62B.~~

Rule 1.47. Family mediation center (FMC) mediators.

(a) FMC mediators shall have the following minimum qualifications:

(1) Law degree or master's degree in psychology, social work, marriage and family therapy, counseling, or related behavioral science;

(2) Sixty hours child custody and divorce mediation training, including a minimum of four hours of domestic violence training, sponsored by the Association of Family and Conciliation Courts or approved by the Academy of Family Mediators; and

(3) Three years' experience in the domestic relations arena conducting child custody mediation.

(b) FMC mediators must complete 15 hours of continuing education each calendar year. The areas of training may include, but are not limited to, appointment of counsel to represent children or parents, to grant withdrawal of counsel, and to appoint CASA; to address placement issues followed by recommendation to the dependency judge;

~~————— (3) To hear adjudicatory hearings regarding dependency petitions;~~

~~————— (4) To make proper disposition of all juvenile cases;~~

~~————— (5) To procure the attendance of witnesses by issuance and service of subpoenas;~~

~~————— (6) To require the production of evidence;~~

~~—————(7) To swear witnesses;~~

~~—————(8) To take evidence and rule on its admissibility; and~~

~~—————(9) To make findings of fact and recommendations.~~

~~—————The above enumeration is not a limitation of powers of the family division dependency master. The dependency masters have all the inherent powers of the dependency judge subject to the approval of the dependency judge. Nothing herein is intended to convey to any master power or authority in contradiction of the Constitution of the State of Nevada and the Nevada Revised Statutes.~~

~~—————(c) Delinquency masters. The provisions of this section derive from NRS Chapter 62. Delinquency masters may be appointed on a full-time or part-time basis. Delinquency masters must hear such cases as are assigned by the supervising delinquency court judge (delinquency judge). The delinquency masters have the powers and responsibilities:~~

~~—————(1) To hear all preliminary matters and arraignments;~~

~~—————(2) To take the plea of any juvenile;~~

~~—————(3) To appoint an attorney to represent any minor in any proceeding in which the court has jurisdiction if it appears that such minor is unable to employ counsel;~~

~~—————(4) To take the written waiver of any minor and the minor's family of their right to employ counsel;~~

~~—————(5) To conduct all detention, transfer, and adjudicatory hearings;~~

~~—————(6) To make proper disposition of all juvenile cases;~~

~~—————(7) To accept written agreements releasing a child to the custody of the child's parents, guardian, or custodian upon a return date or to set bail or bond in proper cases;~~

~~—————(8) To procure the attendance of witnesses by issuance and~~

service of subpoenas;

- ~~———— (9) To require the production of evidence;~~
- ~~———— (10) To swear witnesses;~~
- ~~———— (11) To take evidence and rule on its admissibility;~~
- ~~———— (12) To make findings of fact and recommendations;~~
- ~~———— (13) To sign all interim orders that are necessary for the case, treatment, and welfare of the juvenile; and~~
- ~~———— (14) To act as the supervising master in juvenile traffic court of Clark County and to recommend, in connection therewith, the appointment of assistant special masters by the delinquency judge, if the same are deemed necessary.~~

~~———— The above enumeration is not a limitation of powers of the delinquency hearing master. The delinquency masters have all the inherent powers of the delinquency judge subject to the approval of the delinquency judge. Nothing herein is intended to convey to any master power or authority in contradiction of the Constitution of the State of Nevada and the Nevada Revised Statutes.~~

~~———— (d) A motion to recuse or disqualify a hearing master shall be heard by the dependency judge or delinquency judge with supervisory responsibility over the master.~~

~~———— (e) All proceedings before a master must be conducted in accordance with the Nevada and United States Constitutions, the Nevada Revised Statutes, and Eighth Judicial District Court Rules.~~

~~———— (f) All proceedings before a master shall be of record in the same manner provided by law for proceedings before judges of the Eighth Judicial District Court.~~

~~———— (g) Within 10 days after the evidence is closed, the master must present to the following: mediation models, theory, and techniques; the nature of conflict and its resolution; family law; the legal process, and case law relevant~~

to the performance of mediation; substance abuse; recent research applicable to the profession; family life cycles, such as divorce, family reorganization, and remarriage; child development; crisis intervention; interviewing skills; domestic violence, including child abuse, spousal abuse, and child neglect, and the possibility of danger in the mediation session; parent education; sensitivity to individual, gender, racial, and cultural diversity and socioeconomic status; family systems theory; the development of parenting plans, parental alienation, and the role of parenting plans in the family's transition.

(c) FMC mediators shall adhere to the Model Standards of Conduct for Mediators as jointly developed by the American Arbitration Association, American Bar Association, and Society of Professionals in Dispute Resolution.

(d) FMC mediators shall attend such other courses, obtain such other qualifications, or complete such other training as the presiding judge all papers relating to the case, written findings of fact, and recommendations:

~~(1) Within the above time period, the master must serve upon the parties or their attorney of record and, if no attorney of record, the minor's parent or guardian or person responsible for the child's custodial placement, a written copy of the master's findings and recommendations and must also furnish a written explanation of the right of parties to seek review of the recommendations by the presiding judge.~~

~~(2) Service, as provided in this section, must be pursuant to the Nevada Rules of Civil Procedure.~~

~~(3) A motion for reconsideration of a master's recommendation shall be brought before the master and shall be decided upon the pleadings and any transcript or official record of the proceedings unless the master deems further evidence to be necessary.~~

~~(4) An interim order is not reviewable, unless it is certified by the master as a final, reviewable order.~~

~~(5) At any time prior to the expiration of 5 days after the service of a written copy of the findings and recommendations of a master, a party, a minor's attorney, or guardian or person~~

~~responsible for the child's custodial placement may file an objection motion to the supervising district court judge for the division represented by the master for a hearing. Said motion must state the grounds on which the objection is based and shall be accompanied by a memorandum of points and authorities.~~

~~(6) A supervising district judge may, after a review of the record provided by the requesting party and any party in opposition to the review, grant or deny such objection motion. The court may make its decision on the pleadings submitted or after a hearing on the merits. In the absence of a timely objection motion, the findings and recommendation of the master, when confirmed or modified by an order of the supervising district court judge, become an order of the court.~~

~~(7) All objection motion hearings of matters initially heard before a master will be before the supervising district judge who may at his or her discretion conduct a trial de novo. The court will review the transcript of the master's hearing, unless another official record is pre-approved by the reviewing judge, and (1) make a decision to affirm, modify, or remand with instructions to the master, or (2) conduct a trial on all or a portion of the issues.~~

~~(8) A supervising district court judge may, on the court's own motion, order that a rehearing of any matter be heard before a master.~~

~~(9) No recommendation of a master or disposition of a juvenile case will become effective until expressly approved by the supervising district court judge.~~

may require.

#### Rule 1.48. Criminal division masters.

(a) The provisions of this rule derive from NRS 3.245 and apply to all criminal proceedings before a criminal division master.

(b) A criminal division master must be a senior judge or justice, senior



justice of the peace, justice of the peace, district judge serving in the family division, or a member of the State Bar of Nevada who is in good standing as a member of the state bar and has been so for a minimum of 5 continuous years immediately preceding appointment as a criminal division master.

(c) Upon appointment, a criminal division master shall be precluded from practicing law in Clark County and must recuse himself or herself from hearing any case that he or she previously handled as an attorney and from any case where the defendant was a client of the criminal division master or the law firm where the criminal division master practiced.

(d) The Clark County District Attorney's Office, the Clark County Public Defender's Office, the Special Public Defender's Office, and any other government office or private attorney appointed to represent an indigent defendant shall provide legal representation for the State of Nevada and indigent defendants before a criminal division master as they would before any judge of the Eighth Judicial District Court.

(e) The compensation of all criminal division masters shall be fixed as provided by Rule 1.30(b)(19) and shall be paid from appropriations made for the expenses of the court.

(f) A motion to recuse or disqualify a criminal division master shall be heard by the chief judge or a judge of the criminal division designated by the chief judge. If the chief judge must designate a district judge to hear a motion to recuse or disqualify a criminal division master, the chief judge shall, to the extent that it is practicable, designate the district judge sitting in the department to which the proceeding was randomly assigned for trial.

(g) All proceedings before a criminal division master must be conducted in accordance with the Nevada and United States Constitutions, the Nevada Revised Statutes, and these rules.

(h) A criminal division master serves at the pleasure of the district judges of the Eighth Judicial District Court and unless those judges, by simple majority vote, cause the chief judge to enter an order terminating the appointment of a criminal division master, such master shall continue to serve until the appointment of a successor. In the event of a tie vote, the chief judge's vote shall break the tie.

(i) All proceedings before a criminal division master shall be of record in the same manner provided by law for proceedings before judges of the Eighth Judicial District Court. All pleas of guilty or nolo contendere shall be transcribed and become a part of the court record.

(j) A motion for reconsideration of a recommendation or decision of a criminal division master shall be brought before the district judge sitting in the department of origin and shall be decided upon the pleadings and any transcript of the proceedings before the criminal division master unless the district judge deems further evidence to be necessary. The “department of origin” is the department of the Eighth Judicial District Court to which the clerk’s office randomly assigned the case for trial.

(k) A criminal division master shall hear cases assigned by the chief judge, including:

(1) In conjunction with a clerk of court, accepting returns of true bills by the grand jury.

(2) Conducting arraignments and accepting pleas of guilty, nolo contendere, and not guilty, including ascertaining whether the defendant will invoke or waive speedy trial rights.

(3) Setting trial dates in conjunction with the clerk of the trial court.

(4) Referring cases to the Division of Parole and Probation for preparation of a presentence report and setting sentencing dates in the department of origin.

(5) Setting or modifying bail at the time of return of a true bill or arraignment.

(6) Ruling in open court on motions to quash bench warrants and setting court dates in the department of origin.

(7) Handling cases calendared for bench warrant return.

(8) Unless the sentencing judge requests that all probation

revocation proceedings come before that judge, presiding over notices of intent to seek revocation and status checks on revocation of probation and either setting a revocation hearing before the judge in the department of origin or accepting a stipulation by all parties to resolve the revocation proceedings. However, all contested hearings on motions for probation revocation shall be heard by the district court judge who originally granted probation. Furthermore, in given cases, the sentencing judge granting probation may order that any subsequent proceeding regarding probation shall be heard by that judge and any such order shall preempt the jurisdiction of a master in regard thereto.

(9) Setting motions and/or hearing dates in the department of origin.

(10) Determining conflicts or indigency and appointing counsel where appropriate.

(11) When an issue of the defendant's competency to stand trial arises, ordering a minimum of 2 psychiatric examinations and reports to be prepared and setting a date for a competency determination before the department of origin.

(12) Upon stipulation of counsel, when 2 consistent reports opining incompetence have been submitted, referring the defendant for custodial treatment pending the attainment of competency to stand trial.

(13) Upon stipulation of counsel, pursuant to negotiations, referring the defendant to drug court and setting the drug court date or referring a defendant to the Serious Offender's Diversion Program or another comparable stipulated diversion alternative.

(14) Upon stipulation of counsel, allowing the amendment of charging documents and pleadings.

(15) Pursuant to negotiations and upon stipulation and waiver, sitting as a magistrate and adjudicating and sentencing on a

simple misdemeanor.

(16) Presiding over the drug court calendar and attending to all drug court related duties and procedures upon occasion and in the event that the judge assigned to preside over the drug court is out of the jurisdiction for judicial/legal training, on vacation, out sick or is otherwise temporarily unable to preside over the drug court calendar.

(17) On gross misdemeanor cases, upon stipulation of counsel to waive any jurisdictional defect and to waive the presentence report and to have imposed a particular sentence, imposing said stipulated sentence. The resulting judgment of conviction shall be reviewed by the master and, upon approval, initialed by the master, and the judgment shall then be submitted to the judge in the assigned department for signature.

#### Rule 1.50. Court administrator.

The court administrator 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 administrator of the clerk of the court and shall appoint an assistant court administrator to hold the additional title of clerk of the court who 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 court administrator must:

(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 department 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 supervisor of the Court Interpreter Program.

(d) Direct bailiff management at security gate and schedule relief support for all bailiff positions.

(e) Plan, organize and direct budgetary, fiscal, personnel management training, facilities and equipment of the district court and represent the judicial branch of government in the district.

(f) Monitor a system of internal controls which includes payroll, purchasing, accounts payable, accounts receivable, information systems and inventory for the following divisions: adjudication, administration, family mediation services, jury services, family adjudication and grand jury.

(g) Expedite movement of the court calendars and coordinate automated case management system in cooperation with the clerk's office, including, but not limited to the development of integrated data entry systems.

(h) Supervise preparation and submission of reports on activities of the court to state, regional and local authorities as required.

(i) Determine statistics to be gathered 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 work operations.

(k) Coordinate the calendars and activities of judges visiting from other jurisdictions and of hearing officers assigned for specific purposes.

(l) Represent the court on regional and statewide judicial and justice system coordinating councils, conferences, conventions, and committees as assigned.

(m) Handle public information and liaison with other government executive, legislative and judicial agencies and the community.

(n) Perform such other functions and duties as may be assigned by the district judges.

Rule 1.51. Assistant court administrator.

The assistant court administrator serves under the direction of the court

administrator. The assistant court administrator is responsible for all duties assigned by the court administrator and, in the absence of the court administrator, shall perform all of the duties of the court administrator under Rule 1.50.

#### Rule 1.52. Family division administrator.

The district court administrator, with the consent of the district court judges serving in the family division, must appoint a family division administrator. The family division administrator serves under the direction of the court administrator. The family division administrator is responsible for the administration of the rules, policies and directives of the family division of the district court. Subject to the direction of the presiding judge acting on behalf of the district judges serving in the family division and the court administrator, the family division administrator must:

(a) Supervise the employees of, or serving in, the family division of the district court, except for the department staff of each judge.

(b) Direct the supervisor of the Family Mediation and Assessment Center and the CASA program for the court.

(c) Coordinate jury and court interpreter services when necessary.

(d) Direct bailiff management at security installations and coordinate relief support for all bailiff positions involving the family division.

(e) Plan, organize and direct budgetary, fiscal, personnel management training, facilities and equipment of the family division.

(f) Represent, when authorized by the family division judges, the judicial branch of government in the district with regard to matters affecting the family division.

(g) Monitor a system of internal controls which includes payroll, purchasing, accounts payable, accounts receivable, information systems and inventory for the family division.

(h) Monitor and, when necessary, expedite movement of the family division court calendars and coordinate the automated case management system in cooperation with the family division clerk's office.

(i) Supervise preparation and submission of reports on activities of the family division to state, regional and local authorities as required by law.

(j) Determine what statistics need to be gathered to manage the flow of information pertaining to the family division.

(k) Direct research, evaluation and monitoring and propose new and revised policies as necessary to improve work operations.

(l) Coordinate the calendars and activities of judges visiting from other jurisdictions and of masters assigned for specific purposes.

(m) Represent the family division on regional and statewide judicial and justice system coordinating councils, conferences, conventions and committees as assigned by the presiding judge or the court administrator.

(n) Handle public information and liaison with other government executive, legislative and judicial agencies and the community.

(o) Perform such other functions and duties as may be assigned by the district judges serving in the family division.

Rule 1.53. Court employees participating in recognized employee organizations.

(a) The court may, at its discretion, allow a subset of its employees to join an employee organization recognized by the court to negotiate a contract with such employee organization regarding terms and conditions of employment of such court employees.

(b) The court may also, at its discretion, prohibit specific employees from joining such employee organizations. These employees include, but are not limited to, the following:

- (1) Judicial executive assistants;
- (2) Law clerks;
- (3) Staff attorneys; and
- (4) Court employees who hold management positions with the court.

(c) The court shall not discriminate in any way against court employees based upon their membership or nonmembership in an employee organization recognized by the court.

(d) The court's recognition of an employee organization does not preclude any court employee who is not a member of that organization from acting for himself with respect to any condition of his employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

(e) As used in this section:

- (1) "Court employee" means any employee who is employed by the Eighth Judicial District Court and any employee working under the clerk of the court.
- (2) "Employee organization" means an organization having as one of its primary purposes improvement of the terms and conditions of employment of court employees.

Rule 1.60. Assignment or transfer of cases generally.

(a) The chief judge shall have the authority to assign or reassign all cases pending in the district. Additionally, the presiding judge of the family division shall have the authority to assign or reassign cases pending in the family division; the civil presiding judge shall have the authority to assign or reassign civil cases pending in the civil/criminal division; and the criminal presiding judge shall have the authority to assign or reassign criminal cases pending in the civil/criminal division. Unless otherwise provided in these rules, all cases



must be distributed on a random basis. However, when a case is remanded to a lower court or tribunal for further proceedings, it must be returned to the original judge at the conclusion of these proceedings.

(b) The chief judge may, in the event the calendar of any judge becomes unusually congested due to extraordinary circumstances, redistribute a calendar or a portion thereof on an equitable basis provided, however, that the calendar of a judge serving in the family division may not be redistributed in violation of NRS 3.0105.

(c) Any judge who plans to be absent on a judicial day (for vacation, education or other court approved project) must reset the time for the hearing of his or her cases or arrange for another department to handle the judge's calendar, and shall coordinate planned absences with the chief judge to assure that adequate judicial coverage is maintained. If a judge is ill or unexpectedly absent, the judge's secretary or the chief judge must arrange for the absent judge's calendar to be heard by any other district judge.

(d) Judges who disqualify themselves from hearing a case must direct the entry of an appropriate minute order for reassignment on a random basis. If all the trial judges in this district are disqualified, the clerk must notify the court administrator to reassign the case to a senior judge or a visiting judge from another judicial district.

(e) Under the supervision of the chief judge, the court administrator shall assign appropriate matters to available senior judges and visiting judges.

(f) No attorney or party may directly or indirectly influence or attempt to influence the clerk of the court or court staff or any officer thereof to assign a case to a particular judge. A violation of this rule is an act of contempt of court and may be punished accordingly.

(g) These rules also apply to the family division, its judges and presiding judge.

(h) When, upon motion of a party, or sua sponte by the court, it appears to the assigned judge that a case has been improperly assigned to the wrong division of the court, then that judge must transfer the case to the correct division and order the clerk's office to randomly reassign the case to a judge

serving in the new division. Any objection to the ruling must be heard by the presiding judge of the division from which the case was reassigned in the same manner as objections to a discovery recommendation under Rule 2.34(f). Disputes concerning case assignments that remain unresolved shall be resolved by the chief judge. The ruling of the chief judge is final and non-appealable.

Rule 1.61. Assignment of business matters.

(a) Business matters defined. “Business matters” shall be:

(1) Matters in which the primary claims or issues are based on, or will require decision under NRS Chapters 78-92A or other similar statutes from other jurisdictions, without regard to the amount in controversy;

(2) Any of the following:

(i) Claims or cases arising under the Uniform Commercial Code, or as to which the Code will supply the rule of decision;

(ii) Claims arising from business torts;

(iii) Claims arising from the purchase or sale of (A) the stock of a business, (B) all or substantially all of the assets of a business, or (C) commercial real estate; or

(iv) Business franchise transactions and relationships.

(b) Examples of cases that are not business matters. Examples of cases which are not business matters include, but are not limited to, those for which the predominant legal issues are centered on:

(1) Personal injury;

(2) Products liability;

(3) Claims brought by a consumer individually or as a

representative of a class against a business;

(4) Landlord-tenant disputes involving residential property;

(5) Occupational health or safety;

(6) Environmental claims which do not arise as a result of the sale or disposition of a business subject to subsection (a)(2)(iii), above;

(7) Eminent domain;

(8) Malpractice;

(9) Employment law, including but not limited to wrongful termination of employment;

(10) Administrative agency, tax, zoning, and other appeals;

(11) Petition actions involving public elections;

(12) Residential real estate disputes between individuals or between an individual and an association of homeowners;

(13) Claims to collect professional fees;

(14) Declaratory judgment as to insurance coverage for a personal injury or property damage action;

(15) Proceedings to register or enforce a judgment regardless of the nature of the underlying case;

(16) Actions by insurers to collect premiums or rescind policies;

(17) Construction defect claims involving primarily residential units;

(18) The granting, denying, or withholding of governmental approvals, permits, licenses, variances, registrations, or findings

of suitability; and

(19) Cases filed under NRS 3.223 in the family division.

(c) Assignment of business matters.

(1) Unless otherwise provided in these rules, business matters shall be divided among those full-time civil judges designated as business court judges by the chief judge.

(2) Any party in a case may file a request in the pleadings that a case be assigned as a business matter. A request may be made by a plaintiff or petitioner in the caption of the initial complaint or petition by identifying the category that provides the basis for assignment as a business matter. If the request is made in the caption of the initial complaint or petition, the matter will be automatically assigned as a business matter by the clerk's office. If the request is made by a party in the caption of its initial appearance or response, other than the plaintiff/petitioner, then the case shall be randomly assigned to a business court judge for determination as to whether the case should be handled as a business matter.

(3) Any party aggrieved by designation of a case as a business matter may seek review by the business court judge within ten (10) days of receipt of the assignment of the case to a business court judge or within ten (10) days of filing a responsive pleading, whichever is later.

(4) The business court judge shall decide whether a case is or is not a business matter and that decision shall not be appealable or reviewable by writ. Any matter not deemed a business matter shall be randomly reassigned if it was originally assigned to the business court judge. If a case was submitted to the business court judge to determine whether it is a business matter and the business court judge rules that it is not, that case will be remanded to the department from which it came.

(d) Peremptory challenge. In those instances where one of the business

court judges is peremptorily challenged pursuant to SCR 48.1, or recuses or is disqualified, the case shall be assigned to another business court judge. If all business court judges are ineligible to sit, then the case shall be assigned to the alternative judge. In those instances where all business court judges and the alternative judge are ineligible to sit, then the case shall be assigned to the chief judge.

#### Rule 1.62. Assignment of civil cases.

Unless otherwise provided in these rules, all civil cases not designated business matters shall be divided among those trial judges assigned to the civil/criminal division and full-time civil division; additionally, any civil case which will take 4 weeks or more to try may be handled by a full-time civil judge. No department assignment may be made for uncontested probate matters, or mental competency cases.

(a) Assignment of civil cases to full-time civil judges. Civil cases shall be assigned randomly to the balance of full-time civil judges not designated business court judges. In addition to random assignment of cases, civil cases initially assigned to a civil/criminal judge may be reassigned and transferred to a full-time civil judge not hearing business matters if the trial of the matter is likely to exceed 4 weeks in length.

(b) At the time these rules take effect, all pending civil cases will be analyzed and a determination made by the presently assigned judge to:

(1) Keep the case and try it;

(2) Reassign it to the business court;

(3) Determine the likely length of the trial and, if the trial will exceed 4 weeks in length, the case may be remanded to a full-time civil judge, or leave the case as is and available for random reassignment to another civil/criminal judge to accommodate case reassignment pursuant to these rules.

#### Rule 1.63. Assignment of family cases.

Unless otherwise provided in these rules, all family cases must be divided evenly among the judges serving in the family division, except the presiding judge pursuant to Rule 5.42. The family division judges shall determine how to assign guardianship cases. Upon the election of a new presiding judge, the caseload of the new presiding judge shall be adjusted with the out-going presiding judge in the most efficient manner to accommodate the judiciary, the bar and the litigants.

Rule 1.64. Assignment of criminal cases.

(a) Each criminal case must be randomly assigned to the criminal trial judge aligned with that department of justice court which initiated the case, in accordance with the track and team system. This rule does not apply to misdemeanor appeals.

(b) When an indictment is filed against a defendant who had the same case pending against him or her filed by complaint in justice court, the indictment must be assigned directly to the trial judge to whom the complaint had originally been tracked.

Rule 1.65. Assignment of and lack of peremptory challenges in construction defect matters.

(a) Assignment. In those instances where one of the construction defect judges recuses or is disqualified pursuant to NRS 1.235, the case shall be randomly reassigned to another construction defect judge by the office of the clerk of the court. In those instances where all construction defect judges have recused or been disqualified, then the case shall be reassigned by the chief judge to a judge in the civil division. Should such civil judge recuse or be disqualified, the chief judge will then reassign to another judge in the civil division.

(b) Peremptory challenges. The assignment procedure established here is an exception to Supreme Court Rule 48.1. Neither a construction defect judge nor a civil judge assigned a construction defect case by the chief judge may be the subject of a peremptory challenge by the parties.

Rule 1.70. Cases to be calendared to preserve track and team system.

The integrity of the track and team system must be preserved. The procedures must be appropriately modified by the chief judge when additional tracks are formed or additional judgeships created.

Rule 1.72. Calendaring of civil and criminal motions.

The trial judges, except those trial judges serving in the family division, and the chief judge will hear civil motions or criminal arraignments and motions Monday through Thursday. Special calendars or any other matters, as directed by the court, may be heard on Fridays. Motion times must be obtained from the clerk. A motion noticed for hearing on the wrong day may, at the discretion of the judge, be set over to the next appropriate day or vacated to be properly noticed.

Rule 1.73. Calendaring of contested family motions.

The district judges serving in the family division, except the presiding judge, will provide the clerk's office with a schedule of days and times in which to set motions, reserving for the court specific times wherein the court will calendar special matters, returns and trials. Motion times must be obtained from the clerk's office. A motion noticed for hearing on the wrong day or time may, at the discretion of the judge, be set over to the next appropriate day or vacated to be properly noticed.

Rule 1.74. Calendaring of civil and criminal trials.

More than one case may be set to be heard for trial at the same time or on the same date. In the event such trailing cases are left unresolved at the time or on the day of trial, the court may direct that they remain stacked behind the case being trailed in the order in which they are assigned for trial and that the parties, their attorneys and witnesses must stand ready to proceed to trial upon reasonable oral notification by the court to the attorneys involved.

Rule 1.75. Calendaring of family trials and evidentiary hearings.

(a) The district judges serving in the family division will hear trials of contested matters and evidentiary hearings in the afternoons Monday through Thursday or at any other time designated by the judge. Trial and hearing times must be obtained from the judicial department to which the case has been assigned.

(b) More than one case may be set to be heard at the same time or on the same date. In the event such trailing cases are left unresolved at the time of the day of the trial or hearing, the court may direct that they remain stacked behind the case being heard and they shall be trailed in the order in which they are assigned for trial and that the parties, their attorneys and witnesses must stand ready to proceed to trial upon reasonable oral notification by the court to the attorneys (or pro se litigants) involved.

Rule 1.76. Deposit of jurors' fees for civil trials.

(a) As an exception to NRCP 38, allowable thereunder and pursuant to NRCP 83, the clerk shall not collect any deposits from the party demanding a civil trial by jury as otherwise would be required by said sections of the Nevada Rules of Civil Procedure.

(b) All jurors' fees and expenses shall be determined subsequent to the conclusion of the civil trial and thereafter collected accordingly.

Rule 1.80. Assignment of overflow cases.

An overflow judge or judges may be selected by the chief judge when appropriate. When a district judge is not presiding at the trial of a case, that judge shall take an overflow case of any type or description which the chief judge might assign to her or him. However, the chief judge shall assign to judges serving in the family division only overflow cases within the family division.

Rule 1.90. Caseflow management.



(a) Delay reduction standards.

(1) Time to disposition. For criminal cases, the aspirational standard of the court is for 50% of all cases to be resolved within 6 months, 90% of all cases to be resolved within 1 year (with the last 10% being only life sentence or death penalty cases) and for 100% of the cases to be resolved within 2 years. It is the goal of the court to achieve a final resolution in 80% of its civil cases within 24 months of filing and a final resolution in 95% of its cases within 36 months of the date of filing. The court recognizes that there will be exceptional cases which will not be resolved within 36 months. The court also recognizes that 100% of all cases must be resolved within 60 months from the date of filing, unless there is a written stipulation by the parties to extend deadlines under NRCP 41(e)(2)(B).

(2) Time limits for judges. Except in complex litigation as defined in NRCP 16.1(f), judges shall ensure that pretrial discovery is completed within 18 months from the filing of the joint case conference report. Discovery in complex litigation shall be completed within 24 months from the filing of the joint case conference report.

(3) Time limits for pretrial motions. All pretrial motions shall be heard and decided no later than 14 days before the date scheduled for trial.

(4) Time limits for matters under submission. Unless the case is extraordinarily complex, a judge or other judicial officer shall issue a decision in all matters submitted for decision to him or her not later than 21 days after said submission. In extraordinarily complex cases, a decision must be rendered not later than 28 days after said submission. Following the decision of the judge or other judicial officer, the prevailing party shall submit a written order to the judge or judicial officer not later than 14 days from the date of the decision.

(5) Time limits for entry of judgments. Unless the case is extraordinarily complex, a judge or other judicial officer shall

order the prevailing party to prepare a written judgment and findings of fact and conclusions of law and submit the same not later than 21 days following trial. In extraordinarily complex cases, the attorney for the prevailing party shall submit a written judgment and findings of fact and conclusions of law to the judge or judicial official not later than 28 days following the conclusion of trial.

(6) Time limits for remands from Nevada Supreme Court. Any case remanded for further action by the supreme court shall be scheduled for a status check no later than 28 days from issuance of the remittitur.

(b) Civil caseflow management.

(1) Responsibility of trial judge. It is the clear responsibility of each individual trial judge to manage the individual calendar in an efficient and effective manner. Each judge is charged with the responsibility for maintaining a current docket.

(2) Dismissal calendar. Each department shall review its civil caseload for complaints not served or not answered within 180 days of filing and for civil cases pending longer than 12 months in which no action has been taken for more than 6 months. The cases shall either be disposed of or moved forward by means of a dismissal calendar held at least monthly in each department.

(3) Scheduling orders. In civil cases, the judge shall issue a scheduling order pursuant to NRCP 16(b). In addition to the required contents of NRCP 16(b)(3)(A), the scheduling order shall contain dates for any pretrial conferences, a final pretrial conference and/or calendar call, and the trial or trial stack. The scheduling order may include any other appropriate matters

(4) Trial setting. Cases shall be set for trial no later than 6 months from the date of the discovery cut-off date.

(5) Trial date. The trial shall go forward on the trial date or within the trial stack originally set, unless the court grants a continuance

upon a showing of good cause. No trial shall be continued pursuant to stipulation of the parties without approval of the judge. At the time a continuance is granted, the judge must set a new trial date. The new trial date shall be set at the earliest available date within 9 months of the original trial date.

(6) Number of trials. Each department must set a minimum of 10 cases for each full week of a trial stack. In determining the maximum number of cases to set, the judge should consider the following factors: the length of time between the filing of the trial order and the trial date, length of trial and fallout, or dispositions expected before trial date.

(c) Caseflow review committee.

(1) Purpose. The purpose of the committee shall be to review the status of all dockets to identify backlogs that require attention and to review compliance with court delay reduction standards.

(2) Procedures. The caseflow review committee shall monitor the caseflow of each department. To assist the committee in its review, each department, on or before the 15th day of the month, shall report the following information to the caseflow review committee as to the previous month:

(A) The number of joint case conference reports received during the month.

(B) A list of cases for which joint case conference reports have been received but no trial dates have been set.

(C) A list of all cases set to begin trial during the month and a report of disposition. For any cases continued, a reason given for the continuance and the number of prior trial continuances reported.

(D) A list of all cases sent to overflow trial calendar and a report of disposition or reason for non-disposition and next case action date.

(E) A report of matters (motions and trials) taken under advisement and which have been pending more than 30 days.

(F) Any other reports the committee deems useful to accomplish the purpose of the caseflow review committee.

(3) Recommendation to chief judge. When the caseflow review committee determines that an individual judge's docket has become backlogged due to inactivity, neglect, or inadequate management, it will recommend in writing to the chief judge appropriate action to bring the docket to current status. Prior to making such recommendation, a representative of the caseflow review committee must meet with the judge in question to discuss the problem. The action recommended by the caseflow review committee may include, but shall not be limited to the following remedial measures:

(A) Require the judge to attend proceedings with a judge (or judges) whose docket is current, to observe the procedures employed to move the docket.

(B) Refuse the approval of the judge's requests for the expenditure of funds not relating to items that impact the judge's productivity in disposing of cases.

(C) Require the judge to attend an educational program on docket management and develop a written plan for improvement.

(D) Curtail the judge's time away from the court.

(E) Recommend that the chief judge issue a letter of complaint to the Nevada Judicial Discipline Commission.

(4) Willful non-compliance. Should the chief judge determine that any judge's non-compliance with the delay reduction and caseflow management standards is willful and not a result of caseload or extraordinary circumstances, the chief judge shall

report the same to the chief justice of the supreme court for further action.

(d) Caseflow management reporting.

(1) Complaints not served or answered within 180 days. Not less than once each month, the court administrator shall provide each department with a list of all civil cases that have not been served or answered within 180 days of the filing of the complaint. Upon receipt of the list, each judge shall determine the status of all such cases and shall, by motion with notice to the parties, set all cases lacking in prosecution for dismissal not less than monthly.

(2) Cases 12 months or older. Not less than 2 times per calendar year, the court administrator shall provide each department with a list of all civil cases 12 months or older, upon which there has been no activity since the initial pleadings. Upon receipt of the list, each judge may order a status report be filed, shall determine the status of all such cases and shall, by motion with notice to the parties, set all cases lacking in prosecution for dismissal not less than 2 times per year.

(3) Cases 36 months or older. In January and July of each year, the court administrator shall provide each department with a list of all civil cases 36 months of age or older. Upon receipt of the list, each judge may order a joint status report be filed by the parties, shall determine the status of all such cases, and shall submit a written status report to the chief judge in February and August, setting forth the status of each such case.

(4) Cases 48 months or older. In January of each year, the court administrator shall provide each department and the chief judge with a list of all cases that are 48 months of age or older. Upon receipt of the list, each judge may order a joint status report be filed by the parties, shall determine the status of all such cases and shall submit a written status report to the chief judge no later than 30 days from receipt of the report.

Rule 1.91. Alternative -Dispute Resolution Commissioner.

(a) The district judges serving in the civil/criminal division may appoint an alternative dispute resolution (ADR) commissioner to serve at the pleasure of the court. The ADR commissioner shall have the responsibilities and powers conferred by the Nevada Arbitration Rules (NAR), the Nevada Mediation Rules (NMR), the Nevada Short Trial Rules (NSTR), the Foreclosure Mediation Rules (FMR), and such other alternative dispute resolution mechanisms contemplated by NRS 38.250 as may from time to time be promulgated, including without limitation, the power to issue decisions, determinations and other rulings on matters as provided in the NAR, NMR, NSTR, and FMR, and to make findings and recommendations to the court regarding any dispositive matter such as violations of or for any other reason as provided in the NAR, NMR, NSTR, FMR, NRCF, DCR, and/or EDCR, or as otherwise provided by statute.

(b) Upon reasonable notice, the ADR commissioner may direct parties to appear for a conference with the commissioner concerning any matter related thereto. Unless otherwise directed, points and authorities need not be filed prior to a conference noticed by the commissioner. Counsel may not stipulate to vacate or continue a conference without the commissioner's consent.

(c) Any matter concerning the NAR, NMR, NSTR, and FMR may be referred by any district judge to the ADR commissioner for a hearing in order to make findings and recommendations to the court.

(d) Following the hearing on any matter, the ADR commissioner must prepare a commissioner's report and recommendations, a decision, determination or other ruling, or make findings and recommendations as provided herein. The commissioner may direct counsel to prepare the commissioner's report, including the findings and recommendations in accordance with EDCR 7.21 and 7.23. The commissioner must file the report with the court and serve a copy of it on each party.

(1) Objections. Within 14 days after being served with a report, any party may file and serve written objections to the recommendations. Points and authorities may be filed with an objection but are not mandatory. If points and authorities are

filed, any other party may file and serve a responding points and authorities within 7 days after being served with the objections.

(2) Review. Upon receipt of an ADR commissioner's report, any objections, and any response, the court shall:

(A) Affirm, reverse, or modify the ADR commissioner's ruling without a hearing;

(B) Set the matter for a hearing; or

(C) Remand the matter to the ADR commissioner for reconsideration or further action.

Rule 1.92. Actions for professional negligence pursuant to NRS Chapter 41A.

(a) In each action for professional negligence filed pursuant to NRS Chapter 41A, the judge shall address the following issues at the Rule 16 conference:

(1) The status of discovery;

(2) The status of settlement negotiations, including the settlement conference required pursuant to NRS 41A.081; and

(3) Any issues that would affect the scheduling of a trial date.

(b) After considering the issues set forth in subsection (a), the judge shall set a firm trial date based upon the age of the case and the parties' readiness to commence trial. Where possible, the trial shall be set in compliance with the statutory deadlines set forth in NRS Chapter 41A; however, if a case cannot be set for trial within these deadlines because of limited judicial resources, the case may be set beyond the statutory deadlines, and the parties will be advised that any penalties relating to the scheduling shall be waived.

Rule 1.93. Process for the removal and discipline of a pro tempore judge pursuant to Short Trial Rule 3(c).

(a) A Committee composed of the chief judge of the district court or the chief's designee, the ADR commissioner, and a representative of the Alternative Dispute Resolution (ADR) Committee of the State Bar of Nevada may remove, censure or impose other forms of discipline.

(b) The committee shall send written notification to the pro tempore judge informing him/her of removal, censure, or other form of discipline.

(1) If the committee has determined that removal may be appropriate, the committee shall send written notification of the potential removal to the pro tempore judge.

(2) The pro tempore judge shall have 30 days to respond to the removal notification.

(3) The committee shall make a final determination once it has received the pro tempore judge's response and/or 30 days have passed.

(4) The committee's decision is final, and once removal has been determined, the pro tempore judge's name shall be removed from the panel of short trial judges.

(c) Pro tempore judges may resign from their position by sending written notification to the committee. Once notification is received and the committee has reviewed and approved the resignation, the pro tempore judge's name shall be removed from the panel of short trial judges.