

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

ADKT 0544

**FILED**

**NOV 27 2019**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER AMENDING RULES OF PRACTICE FOR  
THE SECOND JUDICIAL DISTRICT COURT*


WHEREAS, on June 28, 2019, Scott N. Freeman, Chief District Judge, Second Judicial District Court filed a petition in this court seeking to amend the Rules of Practice for the Second Judicial District Court. The petition was filed in response to this court's February 28, 2019, order directing district courts to submit to this court any amendments to the local district court rules that are necessary to conform their rules to the NRCP, NRAP and NEFCR that were amended by this court's order on December 31, 2018, and effective on March 1, 2019; accordingly,


IT IS HEREBY ORDERED that the proposed Rules of Practice for the Second Judicial District Court shall be adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the adoption of the proposed Rules of Practice for the Second Judicial District Court shall be effective on January 1, 2020. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating


copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendment.

Dated this 27<sup>th</sup> day of November, 2019.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Silver

cc: All District Court Judges  
Clark County Bar Association  
Washoe County Bar Association  
First Judicial District Bar Association  
Paul A. Matteoni, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
Administrative Office of the Courts

## **EXHIBIT A**

### **AMENDMENT TO RULES 1, 2, 4, 5, 9, 10, 11, 12, 13, 17, 18, 19, 24, 25, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 48, and 57.3 OF THE 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,~~] 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.~~] 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 caseflow 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 ~~[caseload]~~ 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 4. Setting of cases.**

1. All matters shall be set ~~[in the Office of the Administrative Assistants]~~ by the judicial assistant 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]~~ 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 ~~[10-day]~~ 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. ~~[Onee]~~ 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.~~

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

~~[14.]~~ 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.

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

~~[16.]~~ 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. ~~[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~~] that is not filed with the trial statement.

**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.~~] 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 [~~Document Format~~] 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.

~~[(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) ~~[Electronic signatures (e.g., /s/) are permissible on electronically filed documents submitted from the e-filer's E-Flex account.]~~ 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(e), Nevada)]~~ (Nevada Electronic Filing and Conversion [Rules,]) Rule 11(c.)

(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](http://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~~] that 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 [~~Rejections.~~] Review.**



(a) ~~[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:]~~ 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) ~~[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 ~~[(1)-(4)]~~ (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](http://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 **[address]** mailing address, email 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  
ATTORNEY NAME  
BAR NUMBER  
MAILING ADDRESS  
EMAIL ADDRESS  
CITY, STATE, ZIP CODE  
PHONE NUMBER  
ATTORNEY FOR:

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file stamp. A 2" margin is  
required.

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 ~~[5]~~ 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,]~~ 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. ~~[Extensions]~~ Stipulated extensions of time to answer or otherwise respond to a complaint ~~[shall not exceed 40 days without court approval.]~~ 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 ~~[10]~~ 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-day]~~ 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 [~~10~~] 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~~] that 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 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.]~~ 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 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.~~] 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 [~~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.~~] 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]~~ ensure 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. ~~[The]~~ 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 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.]~~ 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 ~~[to]~~ 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.]~~ 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]~~ 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) ~~[URESA proceedings]~~ 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)]~~ 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. ~~[All]~~ 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 ~~[to]~~ 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 ~~[to]~~ 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 ~~[to]~~ 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 ~~[10]~~ 14 days after service of written findings of fact and recommendation.

(d) In juvenile matters, objection ~~[to]~~ or motions to adopt or modify 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. ~~[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}~~ 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 ~~[to]~~ or motions to adopt or modify master's recommendations in specific subject areas. Review of objections ~~[to]~~ 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 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 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 150.115.~~

~~7. The reporting requirements of NRS 150.081, 150.085 and 150.177 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 150.074 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 if 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.

~~[(e)]~~ (b) All cases involving any of the same parties or their children shall be assigned to the original department ~~[which]~~ that 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.]~~ 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]~~ Rule 10 ~~[and 18]~~ except that the family division may accept simple court-approved forms in which blanks are ~~[completed]~~ completed in legible black print.

**Rule 39. Custody and ~~[UCCJA]~~ UCCJEA requirements.** Every initial pleading on behalf of any party in a divorce, annulment, separate maintenance, protection order against domestic ~~[violence]~~ violence.

dependency, guardianship of a minor, paternity, termination of parental rights, or other custody [action, except joint petitions,] 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 [comply with NRS 125A.120.] include or be accompanied by a sworn statement.

1. The sworn statement shall set out whether the party:

(a) 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;

(b) 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

(c) 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 [~~for~~] to establish or modify support in

compliance with Rule [~~12 or within 10 days after an answer is filed.~~] 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~~] that are settled by the parties with all issues [~~resolved,~~] 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(e).]~~ 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 **[specific]** 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 that 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 [~~10~~] 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)]~~ (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.

~~[(d)]~~ (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. 16.1 conference]~~ N.R.C.P. 16.2 or 16.205 case management conference, if applicable, and completion of ~~[mediation]~~ 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 48. Default [~~divorees~~] 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 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 ~~[10]~~ 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 ~~[10-day]~~ 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.