

**LOCAL RULES OF PRACTICE FOR THE RURAL JUSTICE COURTS IN THE STATE  
OF NEVADA**

APPROVED BY THE SUPREME COURT OF NEVADA

Effective July 11, 2012  
and Including  
Amendments Through October 1, 2012

**LOCAL RULES OF PRACTICE FOR THE RURAL JUSTICE COURTS**

**Rule 1. Title.** These rules may be known and cited as the Rural Justice Court Rules, or may be abbreviated RJCR. These rules may be adopted by a majority of the justices of the peace of any justice court that has not had court rules previously approved pursuant to Rule 83 of the Justice Court Rules of Civil Procedure.

[Added; effective July 11, 2012.]

**Drafter's Note**

Is voluntary and excludes Las Vegas and Reno Justice Courts.

**Rule 2. Definitions of words and terms.** In these rules, unless the context or subject matter otherwise requires:

1. "Case" shall include and apply to any and all actions, proceedings, and other court matters, however designated.

2. "Clerk" means the clerk of the justice court.

3. "Court" means the justice court.

4. "Party," "petitioner," "applicant," "claimant," "plaintiff," "defendant," or any other designation of a party to any action or proceeding, case, or other court matter shall include and apply to such party's attorney of record.

5. "Person" shall include and apply to corporations, firms, associations, and all other entities, as well as natural persons.

6. "Shall" is mandatory, and "may" is permissive.

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

[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from the DCR and modified for justice courts.

**Rule 3. Effect of rule and subdivision headings.** Rule and subdivision headings set forth in these rules shall not in any manner affect the scope, meaning, or intent of any of the provisions of these rules.  
[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from the DCR.

**Rule 4. Nonjudicial days.** If any day on which an act required to be done by any one of these rules falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next succeeding judicial day.  
[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from the DCR.

**Rule 5. Scope, construction, and application of rules.** These rules shall 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 by the court. These rules cover the practice and procedure in all actions in the justice courts of all judicial districts where no local rule covering the same subject has been otherwise approved by the supreme court. The court may in its discretion, suspend, modify, or disregard in order to achieve judicial economy and the ends of justice.  
[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from the DCR and modified for justice courts.

**Rule 6. Duties of bailiff.** During the time the court remains in session, the bailiff, if there is one, or the sheriff, constable, marshal, or deputy in attendance pursuant to order of the justice of the peace if there is no bailiff, shall:

1. Prevent all persons from coming within the bar, except officers of the court, attorneys, and parties to, or jurors or witnesses in, the cause or matter being tried or heard.
2. Keep the passageway to the bar clear for ingress or egress.
3. Preserve order in the court and within the hearing of the court.
4. Attend the needs of the jury.
5. Open and close court.
6. Perform such other duties as are required by the justice of the peace.

[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from DCR but modified to include a reference to constable and marshal for those courts served by such.

**Rule 7. Custody and withdrawal of papers, records, and exhibits.**

1. The clerk shall have custody of the records and papers of the court. He shall not permit any original record, paper, or exhibit to be taken from the courtroom, judge's chambers, or from his office, except at the direction of the

court or as provided by statute or these rules.

2. Papers, records, or exhibits belonging to the files of the court may be temporarily withdrawn from the office and custody of the clerk for a limited time upon the special order of the judge in writing, specifying the record, paper, or exhibit, and limiting the time the same may be retained. A receipt shall be given for any paper, record, or exhibit so withdrawn from the files.

3. Models, diagrams, and exhibits of material forming part of the evidence taken in a case may be withdrawn by order of the court in the following manner:

(a) By stipulation of the parties.

(b) By motion made after notice of the adverse party.

(c) After a judgment is final, by the party introducing the same in evidence, unless the model, diagram, or exhibit is obtained from the adverse party. If any model, diagram, or exhibit is withdrawn under this subparagraph (c), the party or attorney who withdraws the same shall file an affidavit with the clerk to the effect that the person who withdraws it is the owner of, or lawfully entitled to, the possession of the model, diagram, or exhibit.

[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from the DCR.

**Rule 8. Form of papers presented for filing; exhibits; documents; legal citations.** All pleadings and papers presented for filing prepared by counsel shall comply with DCR 12, unless the local rules of practice for the judicial district court in which the justice court is located has adopted a different rule, in which case the local district court rule shall be followed. Pleadings and papers prepared by proper person litigants may be interpreted and considered even if such pleadings and papers are not in compliance with this rule. Proof of service upon the opposing party or counsel shall accompany each pleading and paper presented for filing, except in the case of permissible ex parte applications for relief.

[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from DCR 12 and modified for justice courts to allow lawyers to follow the predominant local practice. The last sentence was added to help deter ex parte practice and was adapted from FJDCR, WDCR, and NJDCR, with the realization that proper party litigants may not be initially familiar with court procedures.

**Rule 9. Motions: Procedure for making motions; affidavits; renewal, rehearing of motions.**

1. All motions shall contain proof of the service of the same or have proof of service filed contemporaneously therewith. Service of all motions, criminal or civil, shall be in accordance with JCRCP 5.

2. A party filing a motion shall also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious and cause for its denial or as a waiver of all grounds not so supported.

3. Within 10 days after the service of the motion, the opposing party shall serve and file his written opposition thereto, together with a memorandum of points and authorities and supporting affidavits, if any, stating facts showing why the motion should be denied. Failure of the opposing party to timely serve and file his written opposition may be construed as an admission that the motion is meritorious and consent to granting the same.

4. The moving party may serve and file reply points and authorities within 5 days after service of the answering points and authorities.

5. The court may decline to consider any motion, opposition, or reply when it is accompanied by a memorandum that consists of bare citations to statutes, rules, or cases.

6. Upon the expiration of the time to oppose or reply, either party may notify the clerk to submit the matter for decision by filing and serving all parties with a written request for submission of the motion or the court may consider the motion without further notification to the parties.

7. Any affidavit to be used shall identify the affiant, the party on whose behalf it is submitted, and the motion or application to which it pertains and shall be served and filed with the motion, opposition, or reply to which it relates. Affidavits shall contain only factual, evidentiary matter, shall conform to the requirements of JCRCP 56(e), and shall avoid mere general conclusions or argument. Affidavits substantially defective in these respects may be stricken, wholly or in part.

8. Factual contentions involved in any pre-trial or post-trial motion may be initially presented and heard upon affidavits. Oral testimony may be received at the hearing with the approval of the court, or the court may set the matter for a hearing at a time in the future and allow oral examination of the affiants to resolve factual issues shown by the affidavits to be in dispute.

9. No motion or matter once heard and disposed of shall be renewed in the same cause, nor shall the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.

[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from the DCR, and subsection 5 was adapted from NJDCR.

**Rule 10. Motions for continuance: Contents, service of affidavits; counter-affidavits; argument.**

1. All motions for the continuance of cases shall be made on affidavit, except where it shall appear to the court that the moving party did not have time to prepare an affidavit, in which case counsel for the moving party need only be sworn and orally testify to the same factual matters as hereinafter required for an affidavit.

2. When a motion for the continuance of a cause is made on the ground of absence of witnesses, the affidavit or testimony shall include:

(a) The names of the absent witnesses and their present residences, if known.

(b) What diligence has been used to procure their attendance or their depositions, and the causes of a failure to procure the same.

(c) What the affiant has been informed and believes will be the testimony of each of such absent witnesses, and whether or not the same facts can be proven by other witnesses than parties to the action whose attendance or depositions might have been obtained.

(d) At what time the applicant first learned that the attendance or depositions of such absent witnesses could not be obtained.

(e) That the application is made in good faith and not merely for delay.

3. No continuance will be granted unless the affidavit or testimony upon which it is applied for conforms to this rule.

4. Copies of the affidavits upon which a motion for a continuance is made shall be served upon the opposing party as soon as practicable after the cause for the continuance shall be known to the moving party.

5. Counter-affidavits or counter-testimony may be used in opposition to the motion.

6. No amendments or additions to affidavits for continuance will be allowed at the hearing on the motion, and the court may grant or deny the motion without further argument.

[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from the DCR and adapted to remove the reference to cases involving the title to mining claims over which justice courts lack jurisdiction.

**Rule 11. Notice of Dismissal.** Any voluntary dismissal of the action by the plaintiff, petitioner, or applicant pursuant to JCRCP 41(a)(1), NRS 174.085(5), or NRS 178.554 must be accompanied by a written notice of dismissal.

[Added; effective July 11, 2012.]

**Drafter's Note**

This rule (1) allows the justice court to transmit the disposition to the appropriate authority/repository, (2) provides a written record for the parties, and (3) clarifies whether the dismissal of a criminal case is with or without prejudice.

**Rule 12. Withdrawal or change of counsel.**

1. Civil cases. An attorney of record shall be deemed such in all subsequent related proceedings before the court until such time as a valid withdrawal of counsel is made pursuant to SCR 46.

2. Criminal cases. Counsel of record, when intending to withdraw, shall serve notice of such intention upon the prosecution and file proof of the same with the clerk. No withdrawal within 20 days of the date set for trial will be recognized by the court, which may, if necessary to prevent a continuance, require such attorney to proceed with the trial. The attorney intending to withdraw shall give the client at least 10 days actual notice of such intention and file proof of the same with the clerk. In addition, there must be strict compliance with SCR 46 relative to any such withdrawal. The request to withdraw must generally relate to counsel's inability to adequately defend his client, with reasons given in relation thereto, rather than to matters relating to the financial arrangements between the attorney and client.

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

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

[Added; effective July 11, 2012.]

**Drafter's Note**

Subsection 1 adopted from DCR; subsections 2-4 from NJDCR.

**Rule 13. Stipulations to be in writing or to be entered in court minutes.** No agreement between the parties with respect to the proceedings or pleadings will be regarded unless it is in writing subscribed by the party against whom the same shall be alleged, or unless it has been confirmed by a written order of the court.

[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from the DCR.

**Rule 14. Application for writ, order to another judge prohibited when same application pending before different judge or previously denied; exception.** When an application or petition for any writ or order shall have been made to a justice of the peace and is pending or has been denied by such justice, the same application or motion shall not again be made to the same or another justice of the peace, except upon the consent in writing of the justice to whom the application or motion was first made.

[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from the DCR and adapted for justice courts.

**Rule 15. Preparation of order, judgment, or decree.** The counsel for the party obtaining any order, judgment, or decree shall furnish the form of the same to the clerk or judge in charge of the court.

[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from the DCR.

**Rule 16. Transfer of certain cases to district court from justice court under NRS 66.070: Grounds for dismissal of action.** The plaintiff shall cause the papers in a case certified to the district court under the provisions of NRS 66.070 to be filed in the clerk's office of the district court within 15 days from the day upon which the order of the justice of the peace is made directing the transfer of the case.

[Added; effective July 11, 2012.]

**Drafter's Note**

Provides a procedure for effectuating NRS 66.070.

**Rule 17. Sanctions for noncompliance.** If a party or an attorney fails, refuses, or neglects to comply with these rules, the Supreme Court Rules, the Justice Court Rules of Civil Procedure, the orders of the court, or any other statutory requirements, the court may, after notice and an opportunity to be heard, impose any and all sanctions authorized by statute or rule, including but not limited to the following:

1. Hold the disobedient party or attorney in contempt of court.
2. Continue any hearing until the disobedient party or attorney has complied with the requirements imposed, and require the disobedient party to pay the other party his expenses, including reasonable attorney fees, incurred as a result of the party's disobedience.
3. Set the case for immediate trial.
4. Impose a fine.
5. Continue the trial subject to prescribed conditions.
6. Where such party or attorney has failed to make an adequate and fair disclosure of witnesses, evidence, affirmative defenses, case conference reports, pretrial conferences, or as otherwise ordered by the court, the court may refuse to allow the disobedient party or attorney to support or oppose designated claims or defenses, or prohibit him from introducing evidence relative to such matter at time of trial.
7. Impose such other sanction, condition, or remedy as the court, in its discretion, may allow, including those permitted pursuant to JCRCP 37.

[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from NJDCR.

**Rule 18. Release and detention pending judicial proceedings.**

1. The court shall determine appropriate conditions for release or detention using the factors set forth in NRS 178.4853 and NRS 178.486.

2. All persons released from custody, on bail or otherwise, shall comply with any terms or conditions of release imposed by the court.

3. The court may order the pretrial release of a defendant on personal recognizance upon conditions as the court deems appropriate unless the court determines that such release will not reasonably assure the appearance of the defendant as required or will endanger the safety of any other person or the community.

4. If the court determines that the release of the defendant pursuant to subsection 3 of this rule will not reasonably assure the appearance of the defendant as required or will endanger the safety of any other person or the community, the court shall consider the release of the defendant upon the least restrictive condition, or combination of conditions that will reasonably assure the presence of the defendant as required and the safety of any other person or the community, which may include the condition that the defendant:

(a) Remain in the custody of a designated person, who agrees to assume supervision and agrees to report any violation of a release condition to the court or to such department or agency as the court may select, if the designated person submits to the jurisdiction of the court and is able reasonably to assure the court that the defendant will appear as required and will not pose a danger to the safety of any other person or the community;

(b) Maintain employment or, if unemployed, actively seek employment;

(c) Maintain or commence educational programs;

(d) Abide by specified restrictions on personal associations, place of abode, or travel;

(e) Avoid all contact with an alleged victim of the crime and with any potential witnesses who may testify concerning the alleged offense;

(f) Report by telephone or in person on a regular basis to the court selected department or agency or a designated law enforcement agency or other agency;

(g) Comply with a specified curfew;

(h) Refrain from possessing a firearm, destructive device, or other dangerous weapon;

(i) Refrain from the use of alcohol and controlled substances;

(j) Undergo a specified program of available medical, psychological, psychiatric, or other counseling or treatment, and remain in a specified institution if required for that purpose;

(k) Execute an agreement to forfeit upon failing to appear as required, such designated property, including money, as is reasonably necessary to assure the appearance of the defendant as required, and post with the court such indicia of ownership of the property or such percentage of the money as the court may specify;

(l) Execute a bail bond with solvent sureties in such amount as is reasonably necessary to assure the appearance of the defendant as required;

(m) Return to custody for specified hours following release for employment, schooling, or other limited purposes; and

(n) Satisfy any other condition that is reasonably necessary to assure the appearance of the defendant as required and to assure the safety of any other person and the community.

5. The court may at any time amend the order or conditions of release in accordance with law.

6. When a defendant is bound over to district court or is ordered by the court to appear in district court for any reason, the bail and conditions of release of the justice court remain in effect until modified by the district court.

[Added; effective July 11, 2012.]

**Drafter's Note**

Adopted from FJDCR 5 and is based on 18 U.S.C. § 3142 with the addition of subsection 6 to clarify the carry-over of bail and custody pending the assertion of jurisdiction in district court.

PAHRUMP JUSTICE COURT  
COUNTY OF NYE, STATE OF NEVADA

In accordance with JCRCP 1, 78, 81 and 83, this Court does hereby adopt local rules, as follows:

**PJC Rule No. 1. Authority and Scope:**

To the extent that same are not inconsistent with the JCRCP, the provisions of NRS Chapters 4, 64-74, or 173-189, the Court adopts the Local Rules of Practice for the Eighth Judicial District Court (EDCR), the Nevada District Court Rules (DCR) and the Code of Professional Courtesy of the Alabama State Bar.

**PJC Rule No. 2. Issuance of Notices:**

Only the Clerk may set the hearing of any criminal or civil proceeding.

**PJC Rule No. 3. Motions and Stipulations:**

- (a) An application to the Court for an order shall be by motion. A motion other than one made during a trial or hearing shall be in writing unless the Court permits it to be made orally. It shall state the grounds upon which it is made and shall set forth the relief or order sought. It must be supported by affidavit or other admissible evidence.
- (b) For cause shown an order may be obtained ex parte.
- (c) Any opposition to a written motion must be filed not later than ten (10) days after service of the motion.
- (d) Response to the opposition must be filed not later than five (5) days after service of the opposition.
- (e) When a motion or opposition is supported by affidavit, the affidavit must be served with the motion or opposition.
- (f) A certificate of service must accompany each motion or opposition filed.
- (g) Motions shall comply with DCR, EDCR 2 and NRS 178.552.
- (h) No stipulation between the parties or their attorneys will be regarded unless the stipulation is confirmed by written order, unless the stipulation is in writing subscribed by the party or by his attorney.
- (i) Proposed order shall accompany all motions and stipulations.

- (i) Proposed order shall accompany all motions and stipulations.
- (j) No motion once heard and disposed of shall be renewed in the same cause, nor shall the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefore, after notice of such motion to the adverse parties.

**PJC Rule No. 4. Petitions to Seal:**

Any petition to seal a record pursuant to NRS 179.245 and 179.255 must be filed as a civil action. No fee shall be charged to an indigent petitioner, to an acquitted petitioner, or when the criminal charges have been dismissed by the State. Notice of the evidentiary hearing must be given to all persons, agencies or entities that the petitioner desires to be affected by an order sealing records. The evidentiary hearing required pursuant to NRS 179.245 and 179.255 may not be waived.

**PJC Rule No. 5. Conduct of Counsel:**

Attorneys may examine witnesses while standing or seated at counsel table or while standing at the lectern. Attorneys shall stand while addressing the Court. Attorneys shall not approach the Clerk, the witness area or the bench without first having obtained the Court's permission to do so. Summer dress rules shall apply from May 1 through October 15, at which times jackets will be optional.

**PJC Rule No. 6. Code of Professional Courtesy:**

Counsel and pro se litigants shall conduct themselves in accordance with the Code of Professional Courtesy.

**PJC Rule No. 7. Bail Bonds:**

The Court will not accept a bail bond or other security if the bond or other security has a limited term. Bonding agents must provide proof of a current Power of Attorney filed with the County Clerk's office.

**PJC Rule No. 8. Subpoenas:**

Either the Judge or the Deputy Clerks may issue subpoenas in a civil proceeding in accordance with NJCRP 45(a). The Deputy Clerks shall not issue a subpoena in a criminal proceeding.

**PJC Rule No. 9. Waiver of Defendant's Presence:**

The defendant's personal presence is required at the arraignment, trial, and sentencing unless the Court has waived the defendant's presence for a particular proceeding. Good cause

must be shown for all waivers. Waivers are not favored in matters wherein the defendant is charged with an alcohol or drug-related offense, in cases alleging domestic battery, in cases alleging resisting, evading, delaying or battery upon a peace officer, or in cases wherein the defendant is accused of a felony or gross misdemeanor.

**PJC Rule No. 10. Social Security Numbers:**

A person shall not include, and this Court will not require a person to include the social security number of a person on any document that is filed or otherwise submitted to the Court, except for the last four numbers thereof.

**PJC Rule No. 11. Tenants Withholding Rent:**

Tenants may deposit rent withheld under paragraph (d) of subsection 1 of NRS 118A.355 into an account maintained by the Court. A tenant does not have a defense to an eviction under NRS 118A.355 unless the tenant has deposited the withheld rent with the Court.

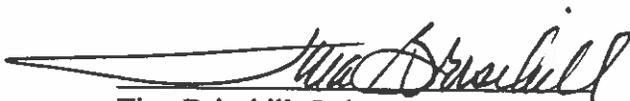
**PJC Rule No. 12. Interpreters or other special needs:**

The Court will arrange for situation appropriate certified interpreters or provisions for special needs. Counsel must submit their written request for interpreter or other special needs at least 10 days prior to the Court appearance.

**PJC Rule No. 13. Appearance by Communication Equipment:**

The Court adopts Supreme Court Rules, Part IX: Rules governing appearance by communication equipment, Rule 4.

**PJC Rule No. 14-20. Reserved**

  
Tina Brisebill, Judge

  
Kent Jaspersen, Judge

  
Kathy Ivey, Court Administrator/Clerk

March 1, 2009  
rev. 1: May 12, 2009  
rev. 2: August 4, 2010



# Alabama State Bar

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## Alabama State Bar Code of Professional Courtesy

1. A lawyer should never knowingly deceive another lawyer.
2. A lawyer must honor promises and commitments made to another lawyer.
3. A lawyer should make all reasonable efforts to schedule matters with opposing counsel by agreement.
4. A lawyer should maintain a cordial and respectful relationship with opposing counsel.
5. A lawyer should seek sanctions against opposing counsel only where required for the protection of the client and not for mere tactical advantage.
6. A lawyer should not make unfounded accusations of unethical conduct about opposing counsel.
7. A lawyer should never intentionally embarrass another lawyer and should avoid personal criticism of another lawyer.
8. A lawyer should always be punctual.
9. A lawyer should seek informal agreement on procedural and preliminary matters.
10. When each adversary proceeding ends, a lawyer should shake hands with the fellow lawyer who is the adversary; and the losing lawyer should refrain from engaging in any conduct which engenders disrespect for the court, the adversary or the parties.
11. A lawyer should recognize that adversaries should communicate to avoid litigation and remember their obligation to be courteous to each other.
12. A lawyer should recognize that advocacy does not include harassment
13. A lawyer should recognize that advocacy does not include needless delay.
14. A lawyer should be ever mindful that any motion, trial, court appearance, deposition, pleading or legal technicality costs someone time and money.
15. A lawyer should believe that only attorneys, and not secretaries, paralegals, investigators or other non-lawyers, should communicate with a judge or appear before the judge on substantive matters. These non-lawyers should not place themselves inside the bar in the courtroom unless permission to do so is granted by the judge then presiding.
16. A lawyer should stand to address the court, be courteous and not engage in recrimination with the court.
17. During any court proceeding, whether in the courtroom or chambers, a lawyer should dress in proper attire to show proper respect for the court and the law.
18. A lawyer should not become too closely associated with a client's activities, or emotionally involved with a client.
19. A lawyer should always remember that the purpose of the practice of law is neither an opportunity to make outrageous demands upon vulnerable opponents nor blind resistance to a just claim; being stubbornly litigious for a plaintiff or a defendant is not professional.

*(Approved by the Alabama Board) of Bar Commissioners' on 4/10/92)*

**Rule 4. Appearance by communication equipment.**

1. **Circumstances in which appearance by communication equipment shall be allowed.** Except as provided in subsection 4, parties shall be allowed to appear before a court or master using communication equipment in the following matters:

- (a) Case management conferences, provided the party has made a good faith effort to meet and confer and has timely served and filed a case management statement before the conference date;
- (b) Trial setting conferences;
- (c) Hearings on law and motion, except motions in limine;
- (d) Hearings on discovery motions, except where the discovery commissioner determines that it is necessary for parties to meet personally regarding discovery disputes or scheduling matters;
- (e) Status conferences, including conferences to review the status of an arbitration or a mediation;
- (f) Hearings to review the dismissal of an action; and
- (g) Any other hearing that is scheduled for not more than 15 minutes.

2. **Required personal appearances.**

(a) Except as provided in subsection 3(c), a personal appearance is required for hearings, conferences, and proceedings not listed in subsection 1, including the following:

- (1) Trials and hearings at which witnesses are expected to testify;
- (2) Hearings on temporary restraining orders;
- (3) Settlement conferences;
- (4) Trial management conferences;
- (5) Hearings on motions in limine;
- (6) Hearings on petitions to confirm the sale of property under NRS Title 12; and
- (7) Any hearing in which the discovery commissioner determines that the presence of the parties is necessary to resolve discovery disputes or scheduling matters.

(b) In addition, except as provided in subsection 3(c), a personal appearance is required for the following persons:

- (1) Applicants seeking an ex parte order, except when the applicant is seeking an order:
  - (i) For permission to file a memorandum in excess of the applicable page limits;
  - (ii) For an extension of time to serve pleadings;
  - (iii) To set hearing dates on alternative writs and orders to show cause; or
  - (iv) By stipulation of the parties;
- (2) Persons ordered to appear to show cause why sanctions should not be imposed for violation of a court order or a rule; or
- (3) Persons ordered to appear in an order or citation issued under NRS Title 12.

At the proceedings listed in (1), (2), and (3), parties who are not required to appear in person under this rule may appear by communication equipment.

3. **Court discretion to modify rule.**

(a) In exercising its discretion under this provision, the court should consider the general policy favoring communication equipment appearances in civil cases.

(b) **Court may require personal appearances.** Upon a showing of good cause either by motion of a party or upon its own motion, the court may require a party to appear in person at a hearing, conference, or proceeding listed in subsection 1 if the court determines on a hearing-by-hearing basis that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

(c) **Court may permit appearances by communication equipment.** The court may permit a party to appear by communication equipment at a hearing, conference, or proceeding listed in subsection 2 if the court determines that a communication equipment appearance is appropriate.

4. **Need for personal appearance.** If, at any time during a hearing, conference, or proceeding conducted by communication equipment, the court determines that a personal appearance is necessary, the court may continue the

matter and require a personal appearance.

**5. Notice by party.**

(a) A party choosing to appear by communication equipment at a hearing, conference, or proceeding under this rule must either:

(1) Place the phrase "Communication Equipment Appearance" below the title of the moving, opposing, or reply papers; or

(2) At least three court days before the appearance, notify the court and all other parties of the party's intent to appear by communication equipment. If the notice is oral, it must be given either in person or by communication equipment. If the notice is in writing, it must be given by filing a "Notice of Intent to Appear by Communication Equipment" with the court at least three court days before the appearance and by serving the notice at the same time on all other parties by personal delivery, fax transmission, express mail, or other means reasonably calculated to ensure delivery to the parties no later than the close of the next business day.

(b) If after receiving notice from another party as provided under subsection 5(a) a party that has not given notice also decides to appear by communication equipment, the party may do so by notifying the court and all other parties that have appeared in the action, no later than noon on the court day before the appearance, of its intent to appear by communication equipment.

(c) If a party that has given notice that it intends to appear by communication equipment under subsection 5(a) subsequently chooses to appear in person, the party must so notify the court and all other parties that have appeared in the action, by communication equipment, at least two court days before the appearance.

(d) The court, on a showing of good cause, may permit a party to appear by communication equipment at a conference, hearing, or proceeding even if a party has not given the notice required under subsection 5(a) or (b) and may permit a party to appear in person even if the party has not given the notice required in subsection 5(c).

**6. Notice by court.** After a party has requested a communication equipment appearance under subsection 5, if the court requires the personal appearance of the party, the court must give reasonable notice to all parties before the hearing and may continue the hearing if necessary to accommodate the personal appearance. The court may direct the court clerk, a court-appointed vendor, a party, or an attorney to provide the notification.

**7. Private vendor; charges for service.** A court may provide teleconferencing for court appearances by entering into a contract with a private vendor. The contract may provide that the vendor may charge the party appearing by communication equipment a reasonable fee, specified in the contract, for its services.

**8. Audibility and procedure.**

(a) The court must ensure that the statements of participants are audible to all other participants and the court staff and that the statements made by a participant are identified as being made by that participant.

(b) Upon convening a telephonic or audiovisual proceeding, the judge shall:

(1) Recite the date, time, case name, case number, names and locations of parties and counsel, and the type of hearing;

(2) Ascertain that all statements of all parties are audible to all participants;

(3) Give instructions on how the hearing is to be conducted, including notice that in order to preserve the record speakers must identify themselves each time they speak.

**9. Reporting.** All proceedings involving communication equipment appearances must be reported to the same extent and in the same manner as if the participants had appeared in person.

**10. Conference call provider.** A court, by local rule, may designate a particular conference call provider that must be used for communication equipment appearances.

**11. Information on communication equipment appearances.** The court must publish a notice providing parties with the particular information necessary for them to appear by communication equipment at conferences, hearings, and proceedings in that court under this rule.

**12. Public access.** The right of public access to court proceedings must be preserved in accordance with law.

[Added; effective March 1, 2009.]