

RULES OF PRACTICE
FOR THE FIRST JUDICIAL DISTRICT COURT OF NEVADA

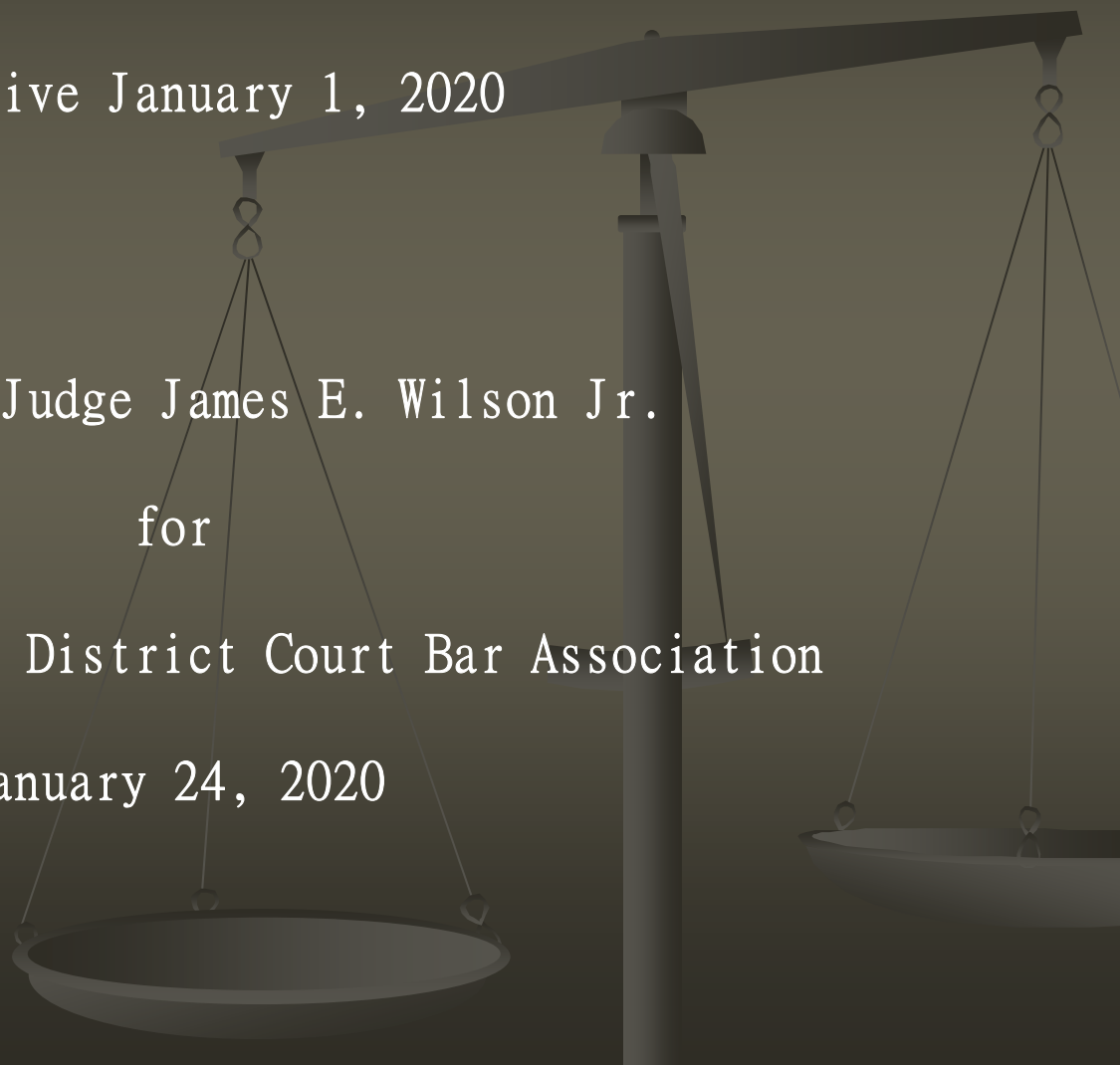
Effective January 1, 2020

Prepared by Judge James E. Wilson Jr.

for

The First Judicial District Court Bar Association

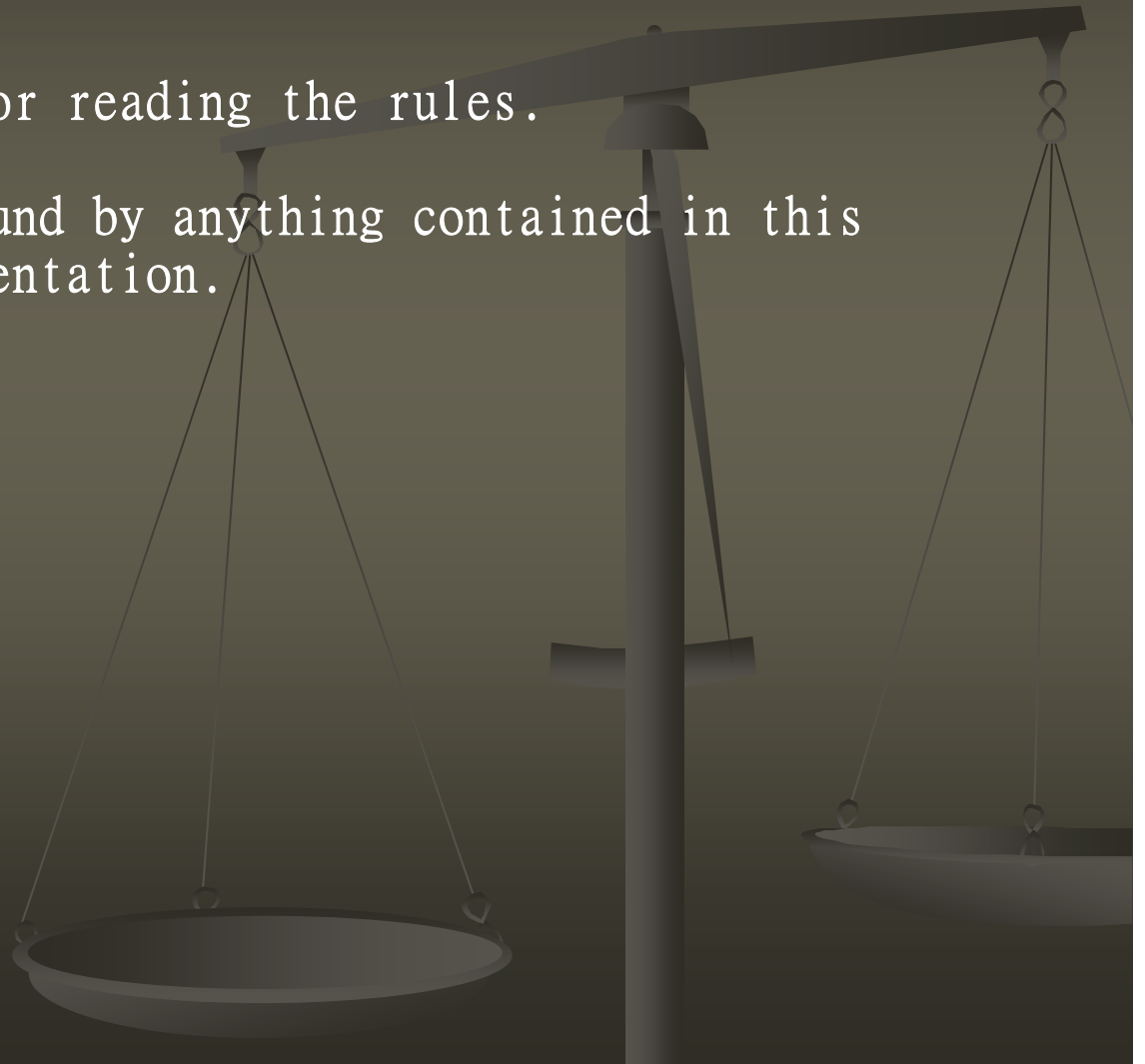
January 24, 2020



Disclaimer

There is no substitute for reading the rules.

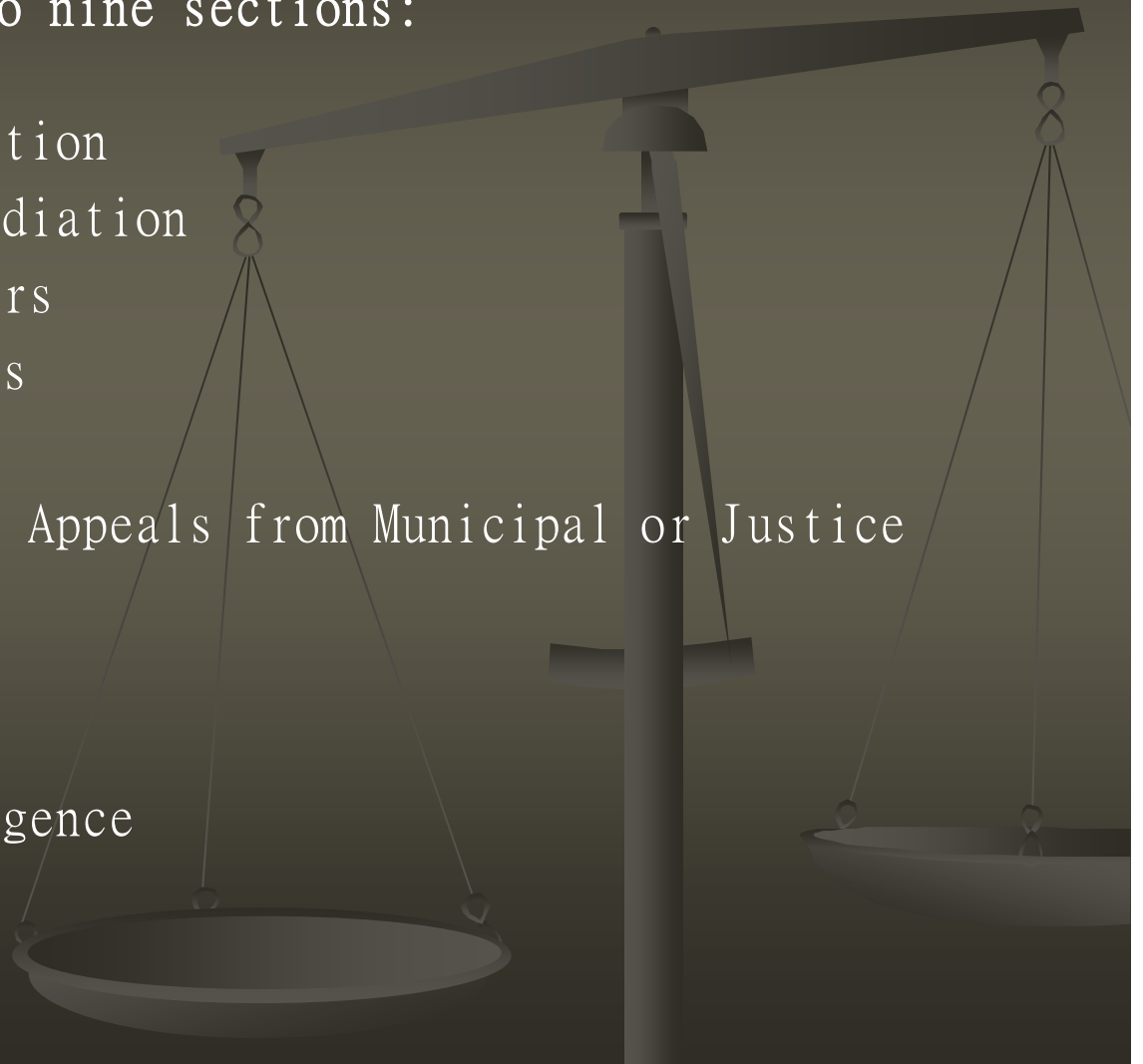
The Court will not be bound by anything contained in this summary or the oral presentation.



Rules

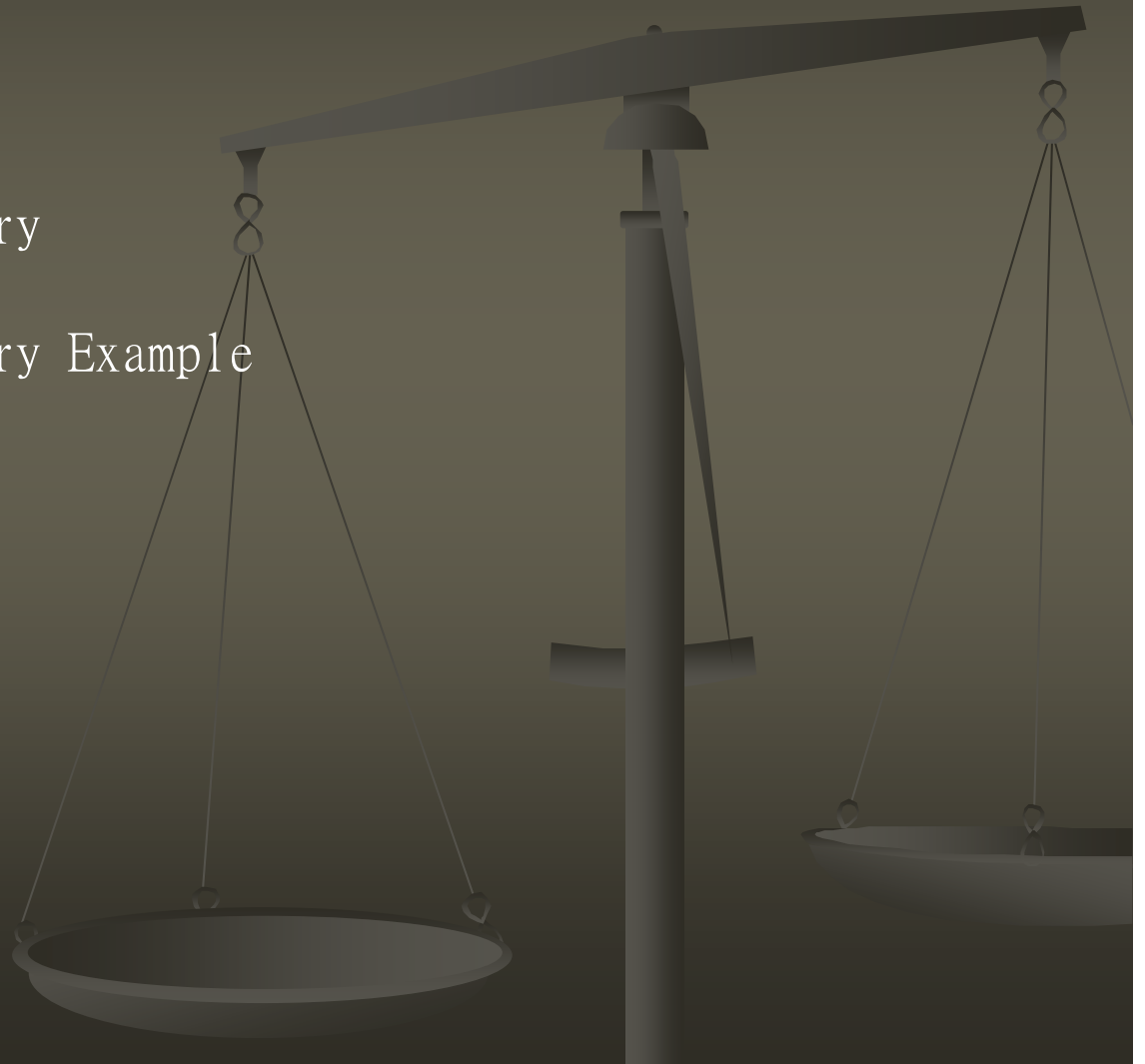
The rules are divided into nine sections:

- 1. General Administration
- 2. Arbitration and Mediation
- 3. Pleadings and Papers
- 4. Trials and Hearings
- 5. Criminal
- 6. Civil and Criminal Appeals from Municipal or Justice Court
- 7. Family Matters
- 8. Masters
- 9. Professional Negligence



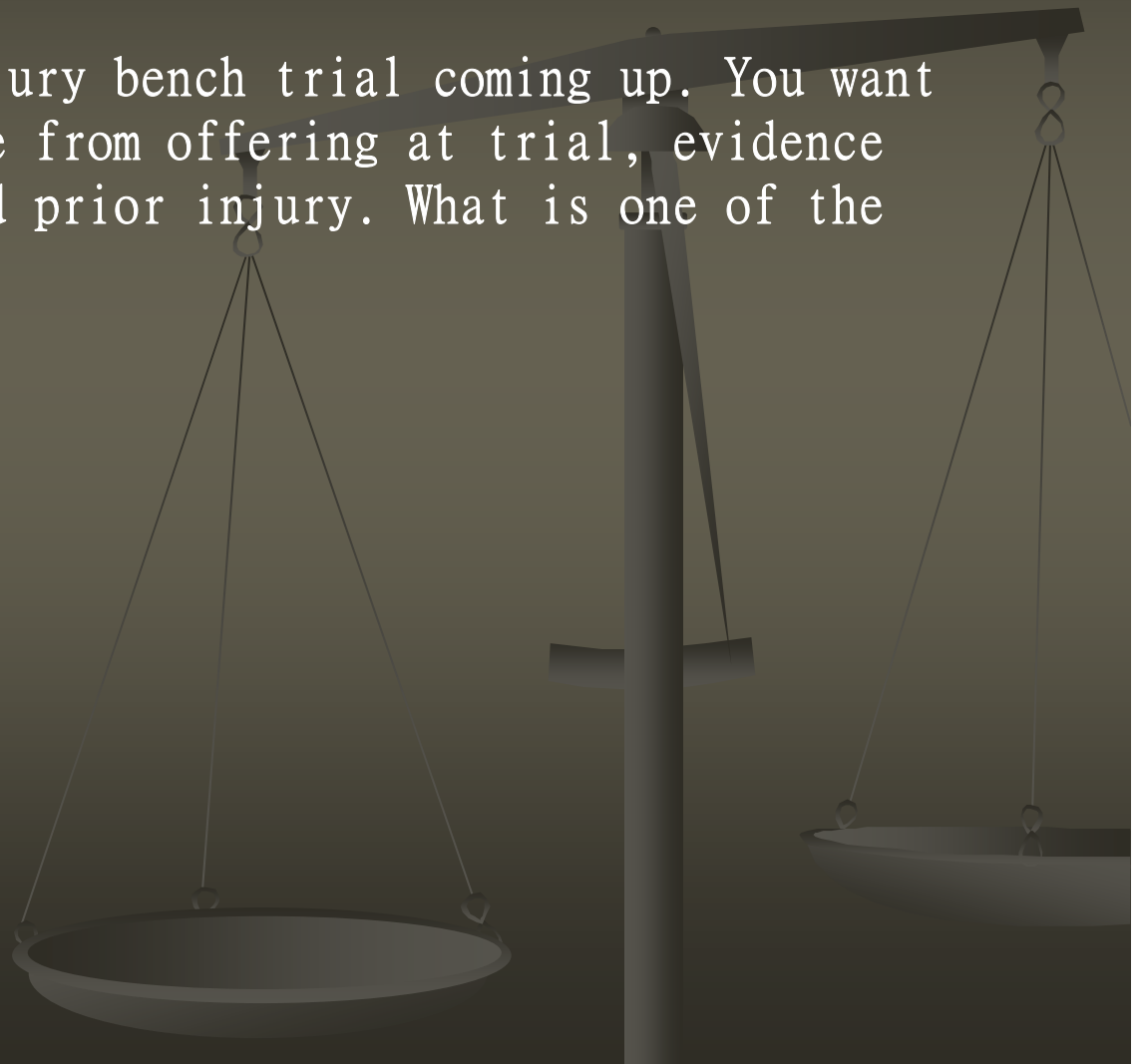
There is also an Appendix of Forms:

- Periodic Payment Summary
- Periodic Payment Summary Example



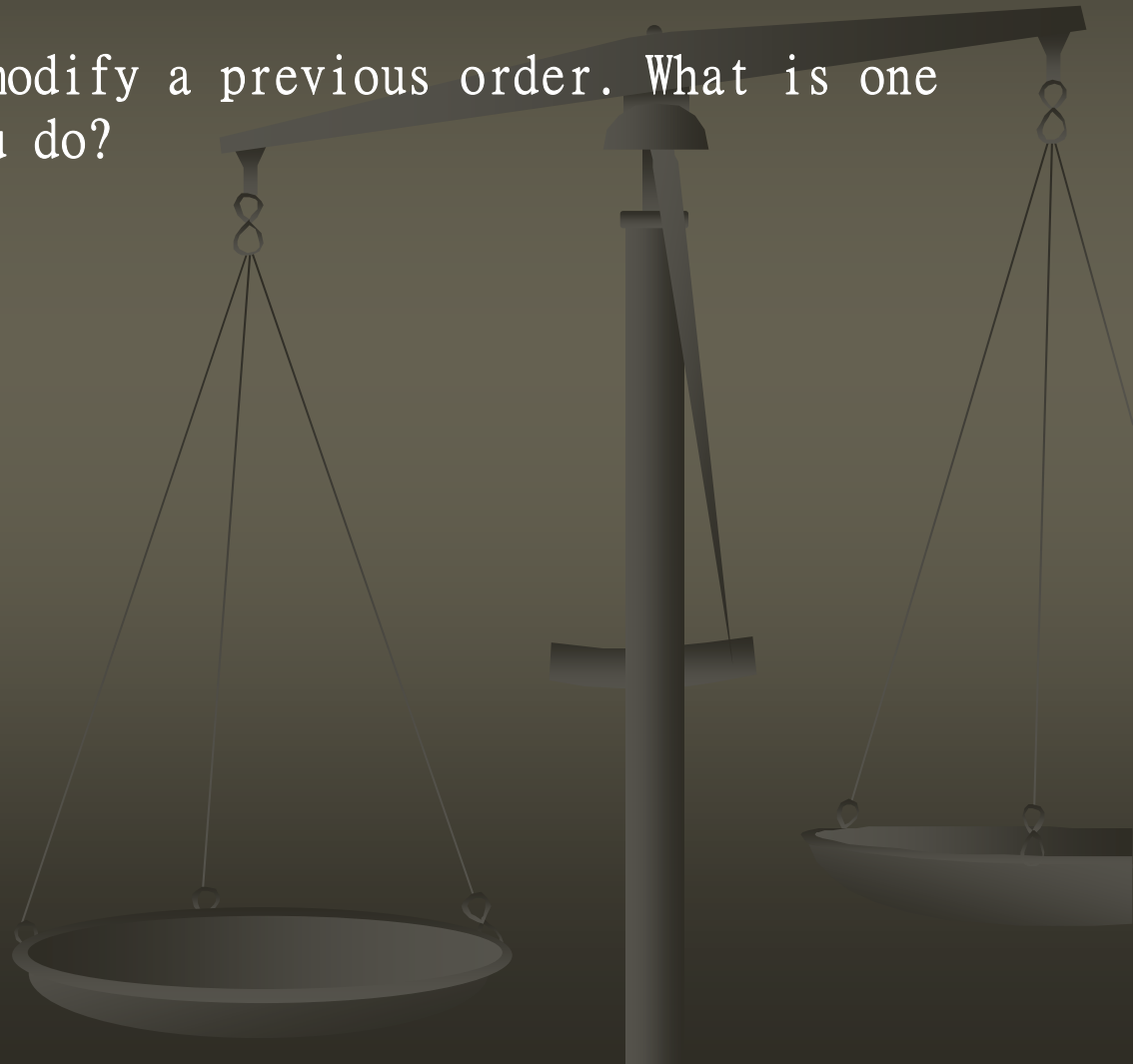
FJDCR 3 – Pleadings and Papers

You have a personal injury bench trial coming up. You want to preclude the defense from offering at trial, evidence concerning an unrelated prior injury. What is one of the first things you do?



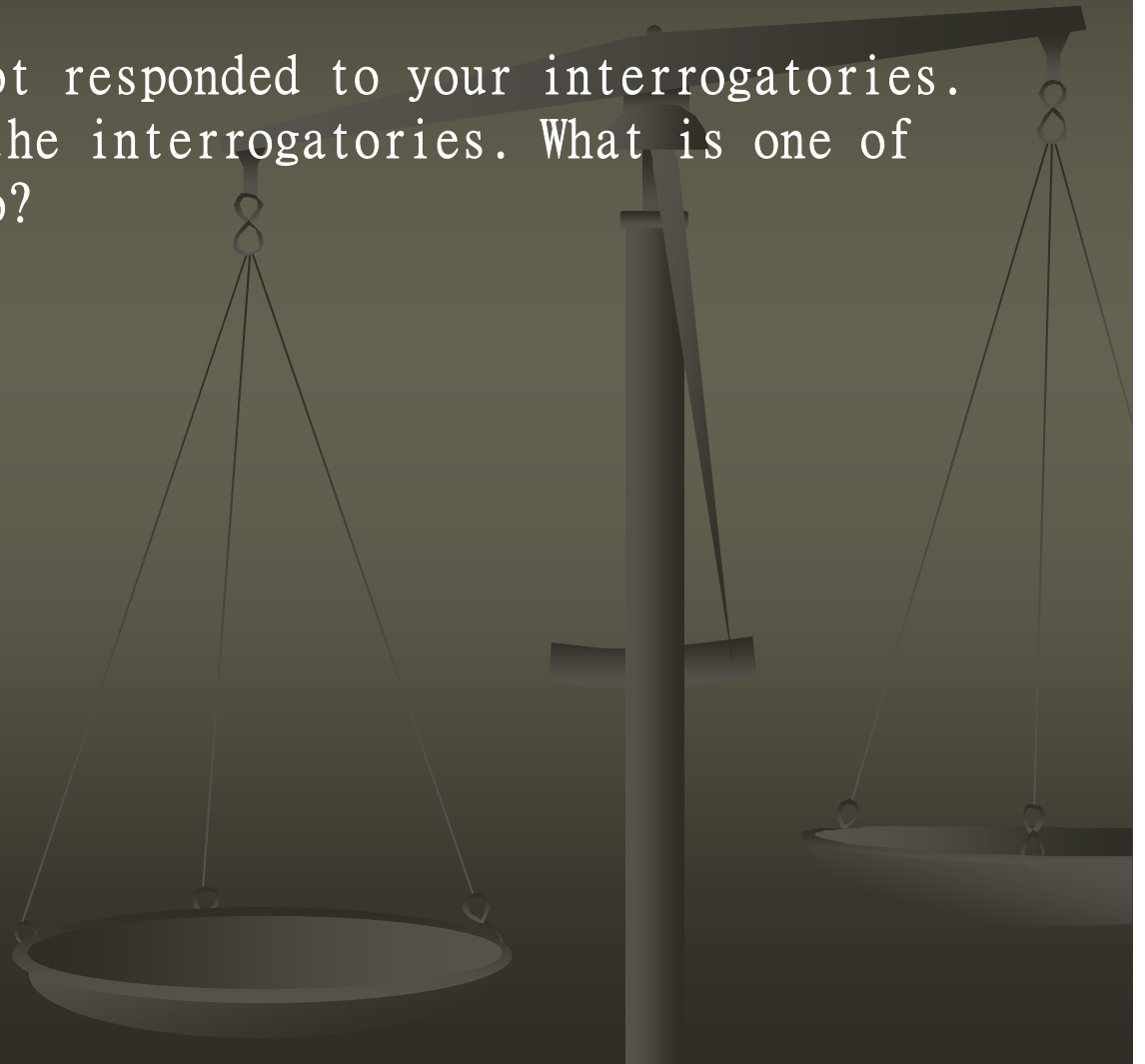
FJDCR 3 – Pleadings and Papers

You want the Court to modify a previous order. What is one of the first things you do?



FJDCR 3 – Pleadings and Papers

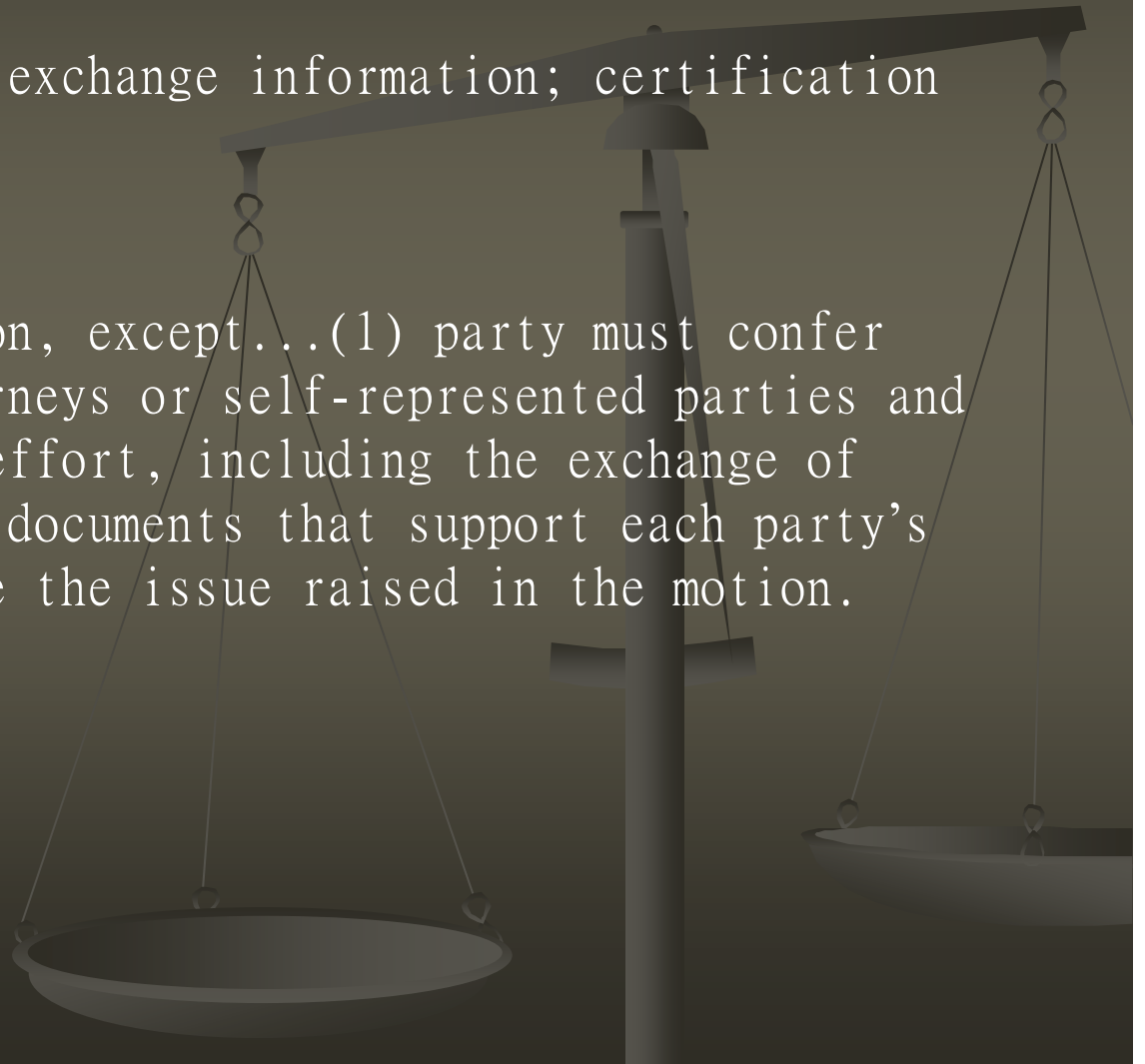
Opposing counsel has not responded to your interrogatories. You want responses to the interrogatories. What is one of the first things you do?



FJDCR 3.7(b)

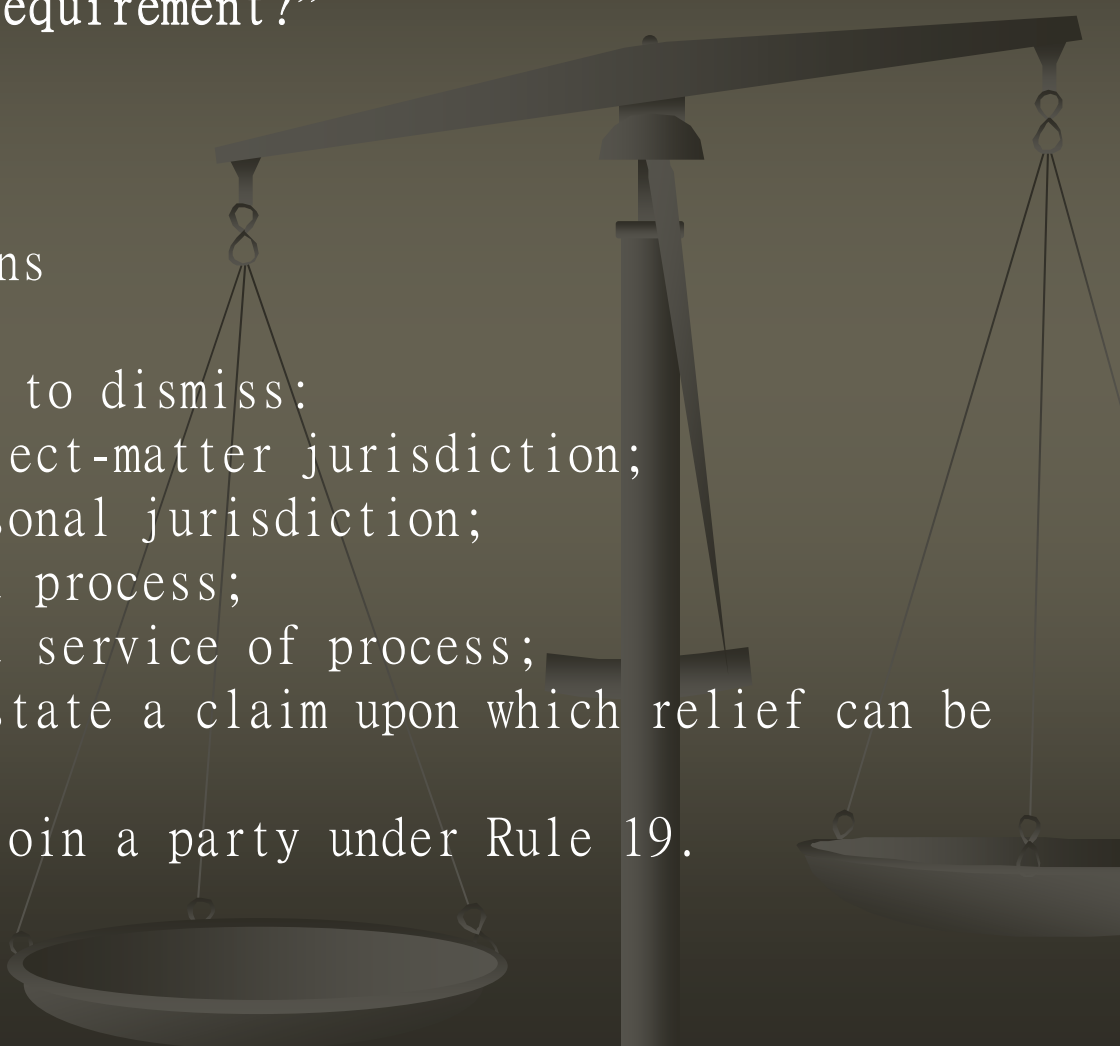
(b) Duty to confer and exchange information; certification in motion.

Before filing any motion, except... (1) party must confer with the opposing attorneys or self-represented parties and (2) make a good faith effort, including the exchange of names of witnesses and documents that support each party's contentions, to resolve the issue raised in the motion.



FJDCR 3.7(b)

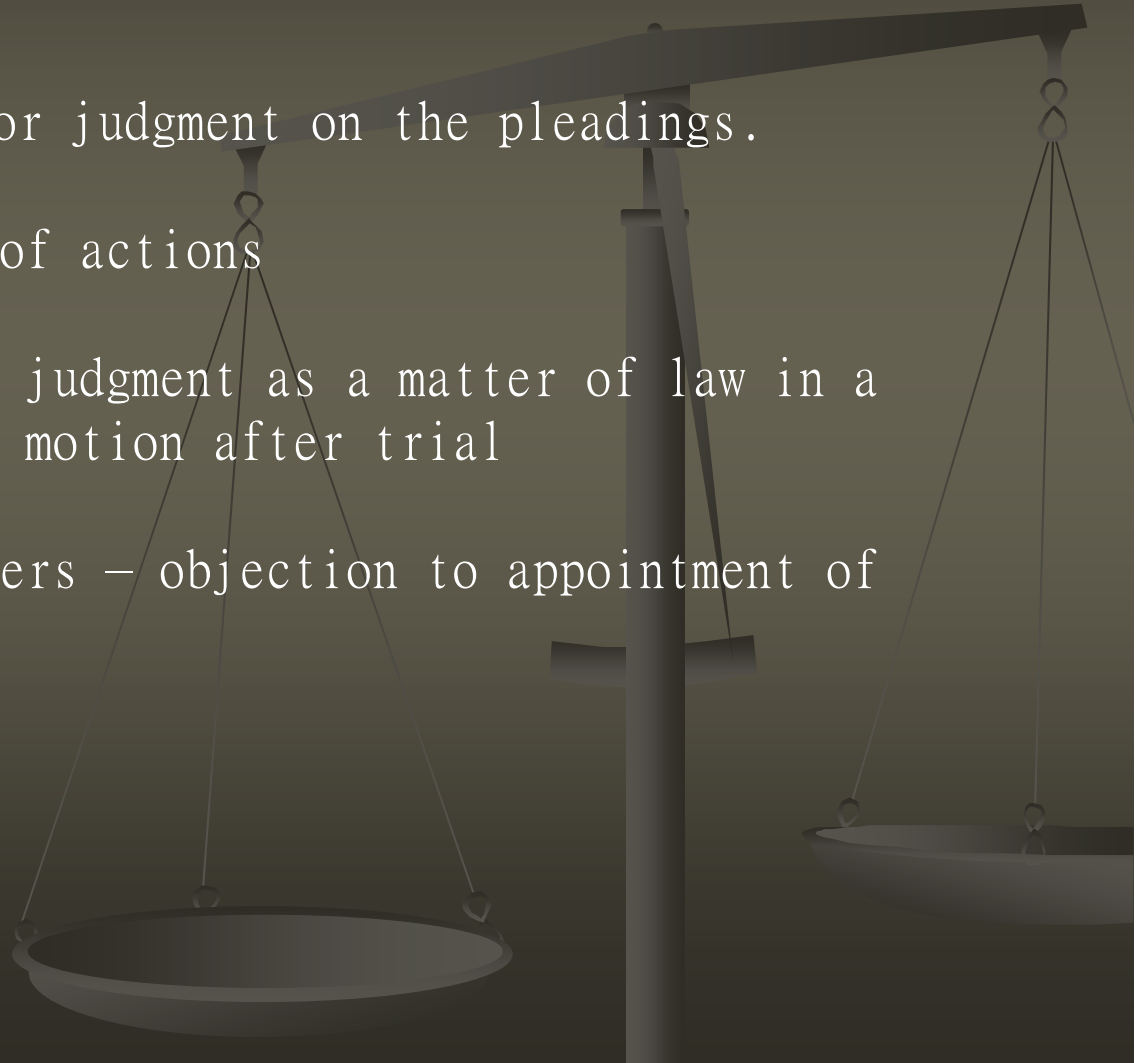
Is the motion you are going to file an exception to the “confer in good faith requirement?”

- NRS 13.050 – venue
 - NRCP 11(c) – sanctions
 - NRCP 12(b) – motions to dismiss:
 - (1) lack of subject-matter jurisdiction;
 - (2) lack of personal jurisdiction;
 - (3) insufficient process;
 - (4) insufficient service of process;
 - (5) failure to state a claim upon which relief can be granted; and
 - (6) failure to join a party under Rule 19.
- 

FJDCR 3.7(b)

Exceptions to the “confer in good faith requirement” continued:

- NRCP 12(c) motion for judgment on the pleadings.
- NRCP 41 – dismissal of actions
- NRCP 50(a) and (b) – judgment as a matter of law in a jury trial; renewing motion after trial
- NRCP 53(b)(3) – Masters – objection to appointment of master

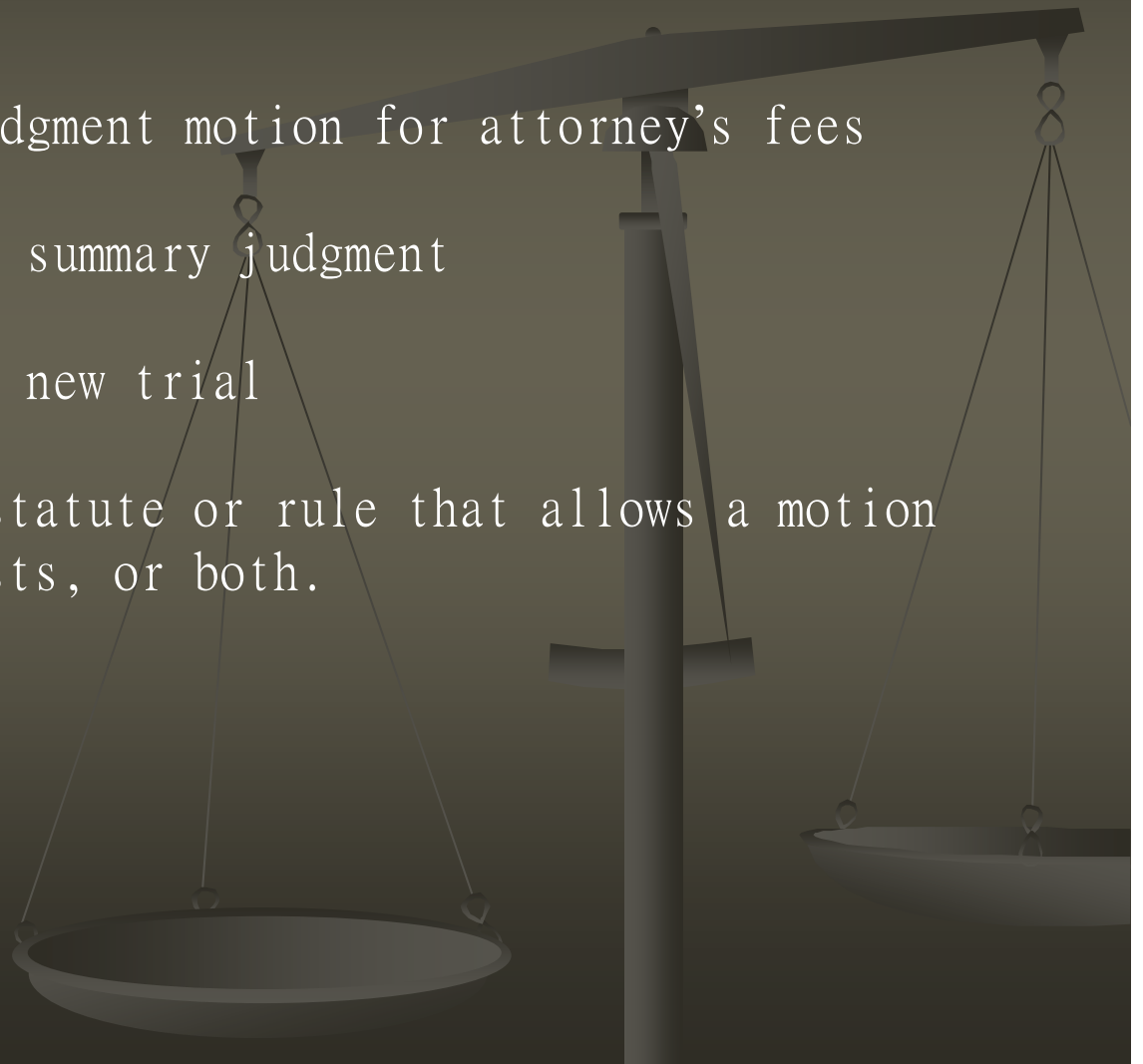


FJDCR 3.7(b)

Exceptions to the “confer in good faith requirement” continued:

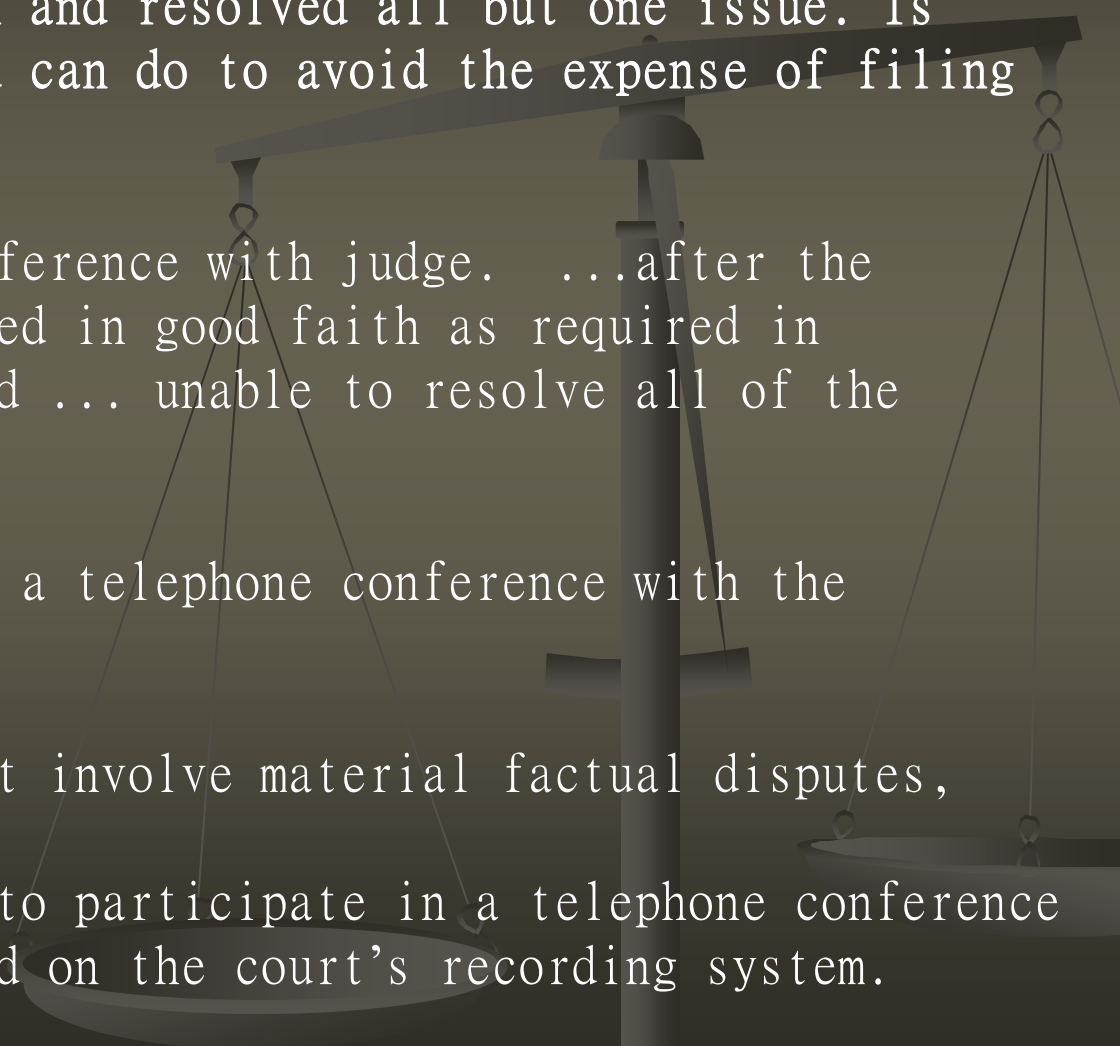
- NRCP 54(d) – post-judgment motion for attorney’s fees
- NRCP 56 – motion for summary judgment
- NRCP 59 – motion for new trial

Motion made under any statute or rule that allows a motion for attorneys fees, costs, or both.



FJDCR 3.7(c)

Your motion requires you confer in good faith. You have conferred in good faith and resolved all but one issue. Is there anything else you can do to avoid the expense of filing a motion?

- 3.7(c) Telephone conference with judge. ...after the parties have conferred in good faith as required in subsection (b) ...and ... unable to resolve all of the issues,
 - And parties agree to a telephone conference with the judge...
 - If the issue does not involve material factual disputes,
 - The judge may agree to participate in a telephone conference that will be recorded on the court's recording system.
- 

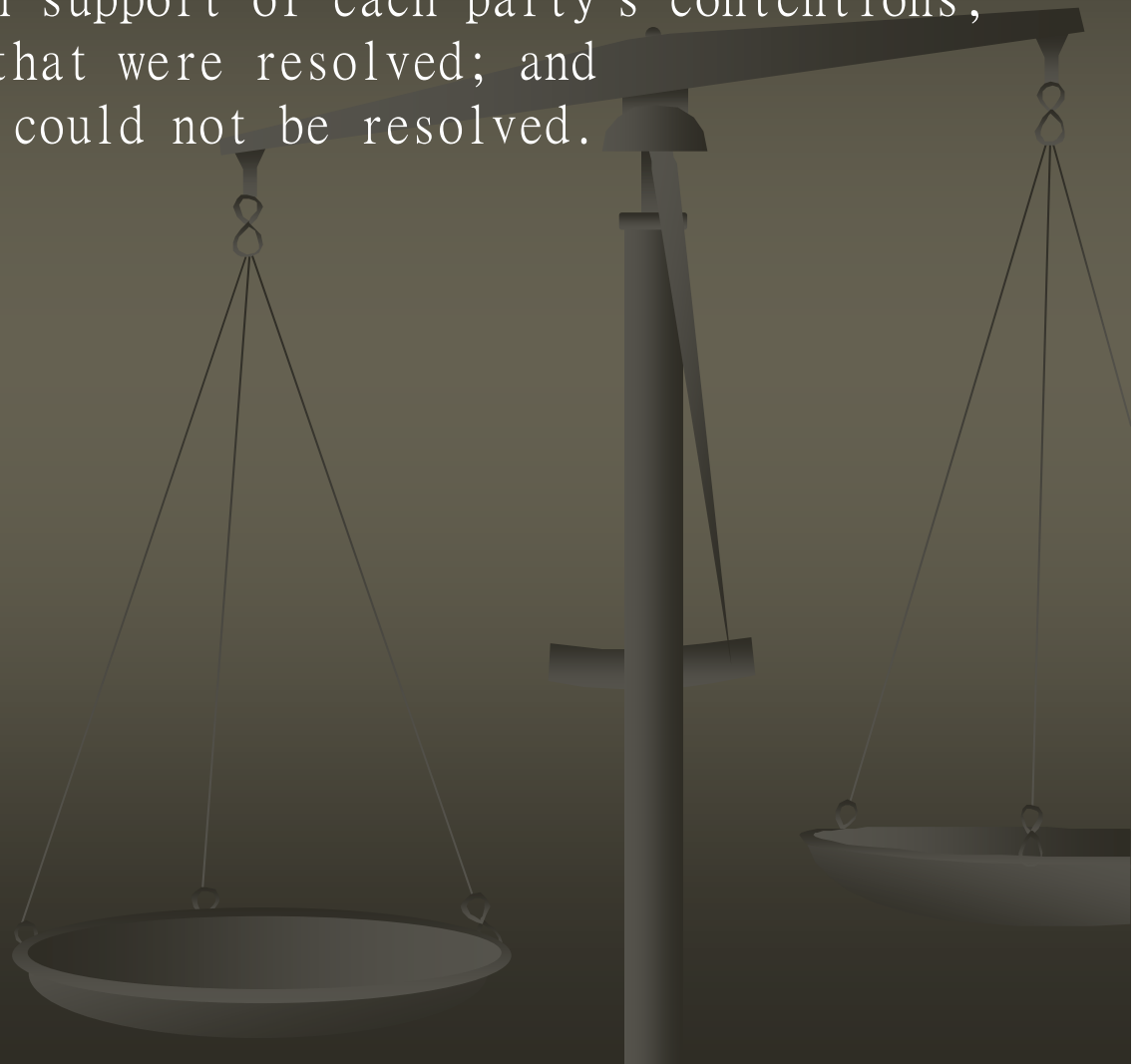
FJDCR 3.7(b)

You have conferred in good faith and had a phone conference with the judge. You were not able to resolve an issue so you have decided to file a motion. What, if anything, must you include in the motion regarding the fact that you conferred?

- The first paragraph of any motion, except...must be a certification that the attorneys or parties filing the motion have complied in good faith with this rule and state specifically:
 - (1) The date the attorney or the moving party conferred with the opposing attorneys or self-represented litigants
 - (2) The method of conferring, i.e., in person, by telephone, letter, etc.
 - (3) What witnesses were identified by each party as supporting their contentions;

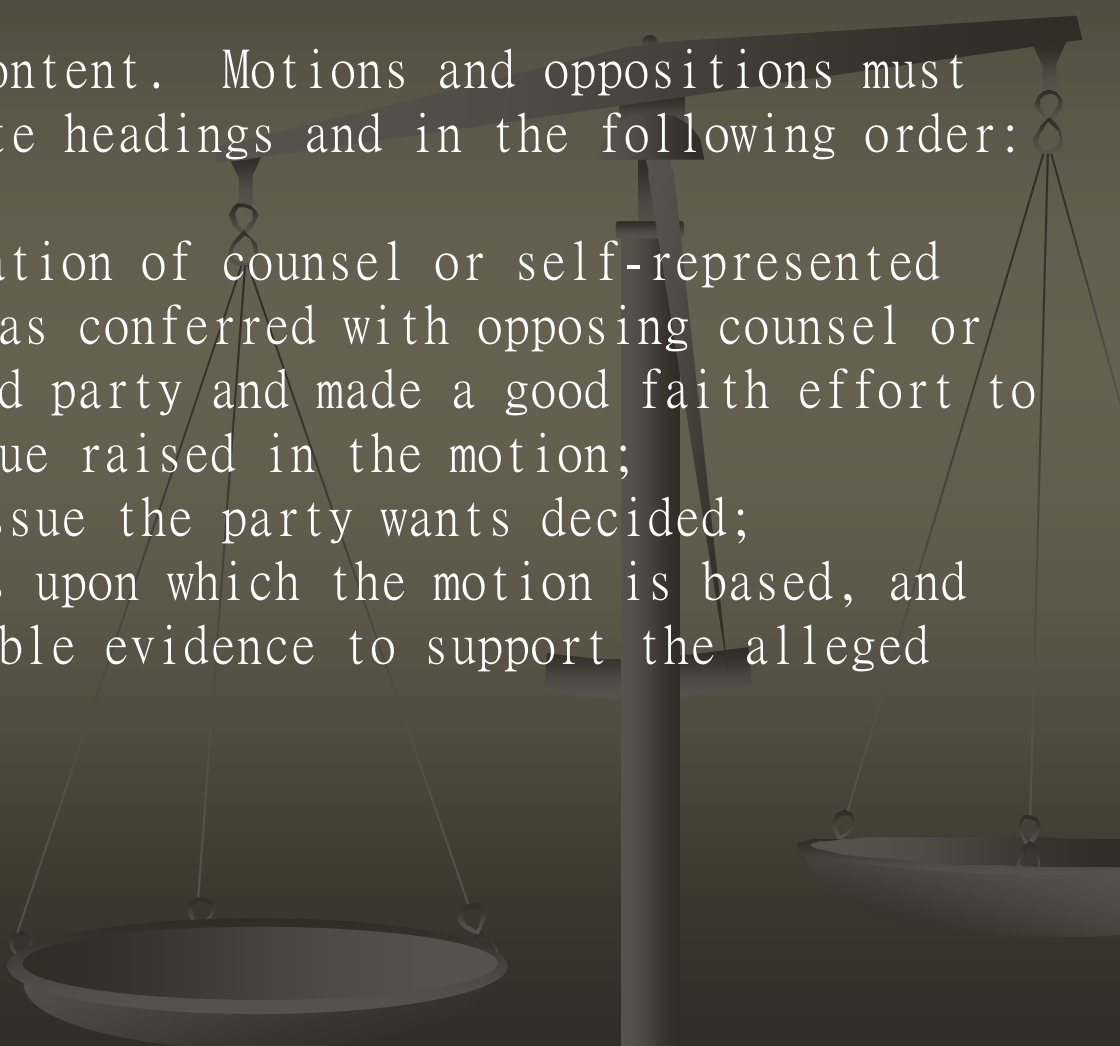
FJDCR 3.7(b) Continued

- (4) What documents or other evidence were exchanged in support of each party's contentions;
- (5) Any issues that were resolved; and
- (6) What issues could not be resolved.



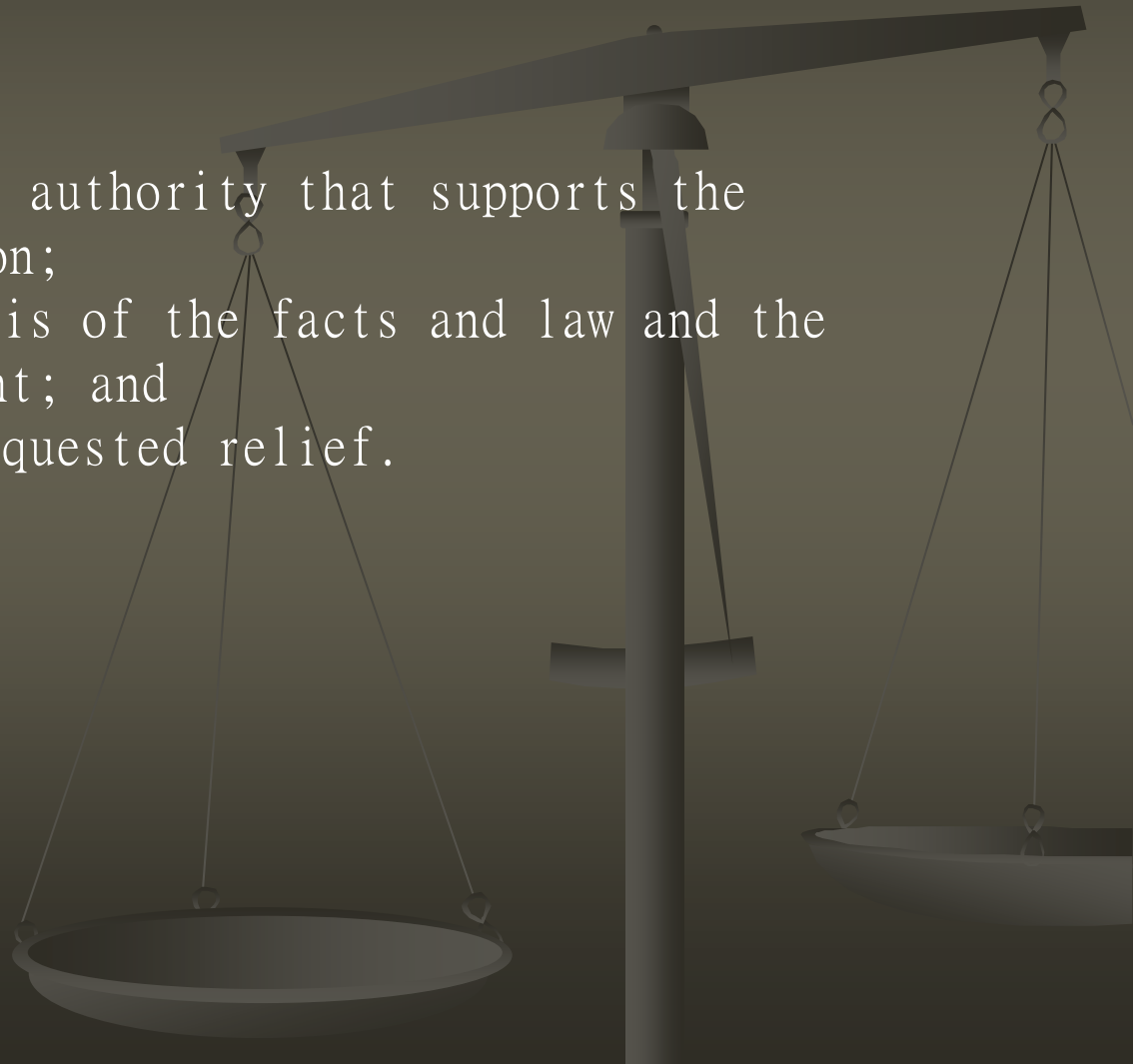
FJDCR 3.7(d)

What do you need to include in the motion?

- Rule 3.7(d) Required content. Motions and oppositions must include with appropriate headings and in the following order:
 - (1) ... a certification of counsel or self-represented party that he has conferred with opposing counsel or self-represented party and made a good faith effort to resolve the issue raised in the motion;
 - (2) State of the issue the party wants decided;
 - (3) State the facts upon which the motion is based, and include admissible evidence to support the alleged facts;
- 

FJDCR 3.7(d) Continued

- (4) Cite the legal authority that supports the party's position;
- (5) Include analysis of the facts and law and the party's argument; and
- (6) Specify the requested relief.



FJDCR 3.7(e)

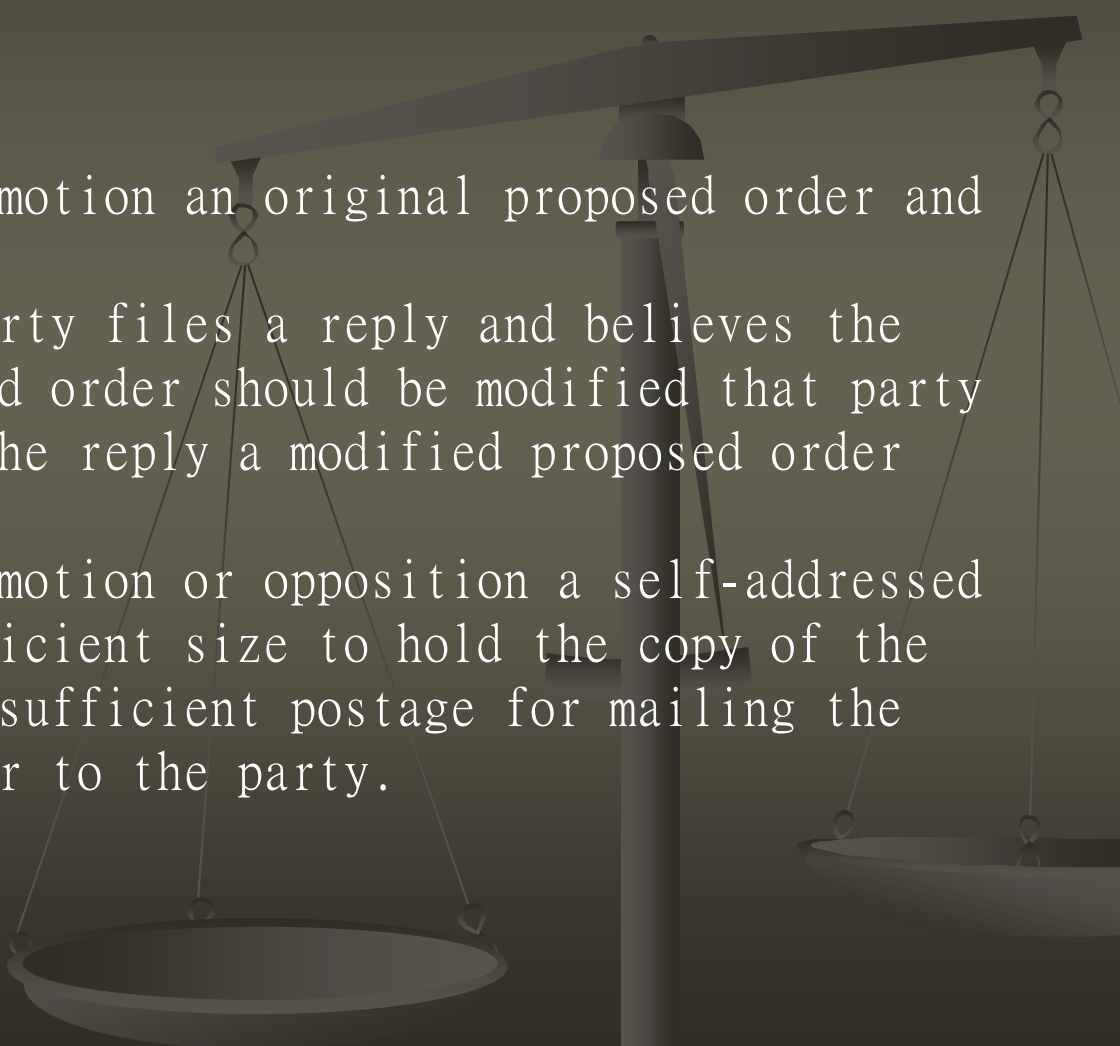
What happens if you don't comply with this rule FJDCR 3.7 (d)?

- 3.7(e) Failure to Comply. [Failure to comply with these requirements by the moving party may result in the court declining to consider the motion until the parties have conferred and be treated as consent to deny the motion; failure to comply with these requirements by the opposing party may be treated as consent to grant the motion.] The failure of the moving party to file a memorandum of points and authorities in support of the motion shall constitute a consent to the denial of the motion.

FJDCR 3.10(a)

What else has to be filed with your motion or opposition?

- 3.10 Proposed orders.
 - (a) Required.

- 1) Attached to the motion an original proposed order and a copy....
 - 2) If the moving party files a reply and believes the original proposed order should be modified that party will attach to the reply a modified proposed order and a copy....
 - 3) Submit with the motion or opposition a self-addressed envelope of sufficient size to hold the copy of the order, and with sufficient postage for mailing the copy of the order to the party.
- 

FJDCR 3.10(a) and (c)

What needs to be in the proposed order?

- (b) Content. ...proposed order ... consistent with the facts, law, and argument contained in the party's points and authorities....

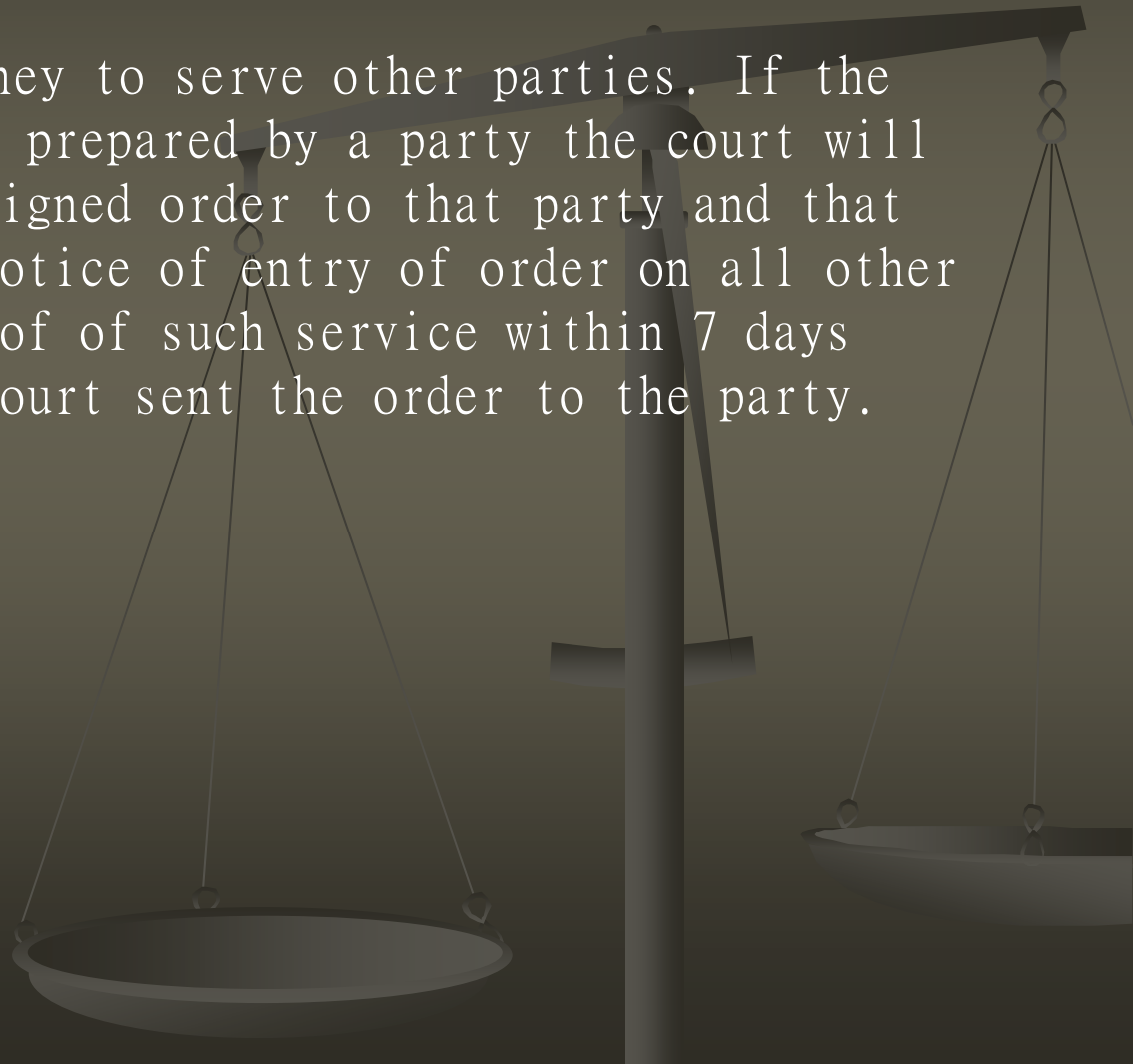
The proposed order will include that the party or attorney who submitted the order, identified by name, will serve a notice of the order on all other parties and file proof of such service within 7 days after the date the court sent the order to the attorney.

- (c) Identify preparer. I include on the bottom left side of the signature page: the date, signature and printed name of the attorney or party submitting the order, address, telephone number, and email address.

FJDCR 3.7(d)

Who serves the order?

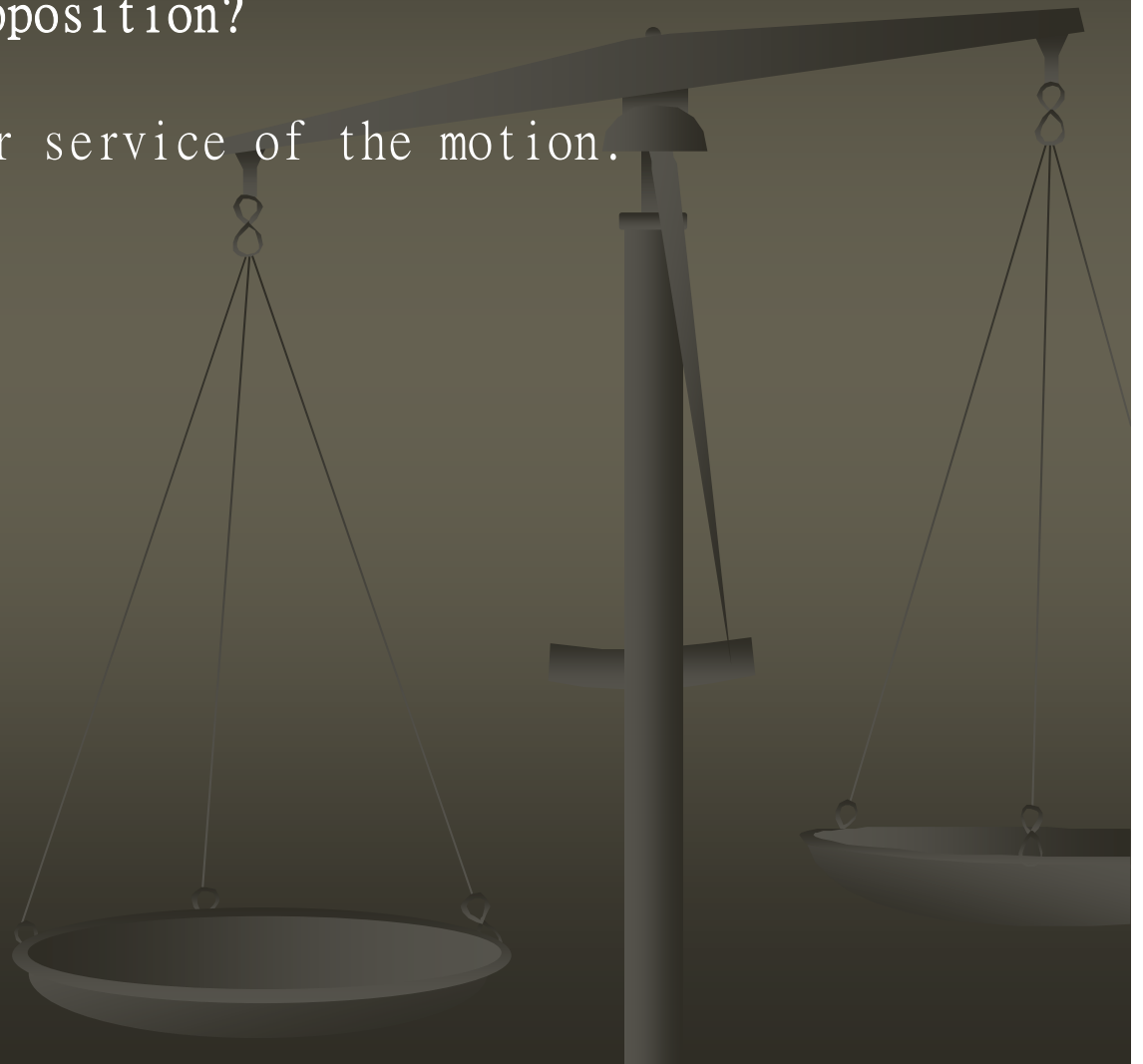
- (d) Preparing attorney to serve other parties. If the court signs an order prepared by a party the court will send a copy of the signed order to that party and that party will serve a notice of entry of order on all other parties and file proof of such service within 7 days after the date the court sent the order to the party.



FJDCR 3.8

You have to file an opposition to a motion. What is the deadline to file the opposition?

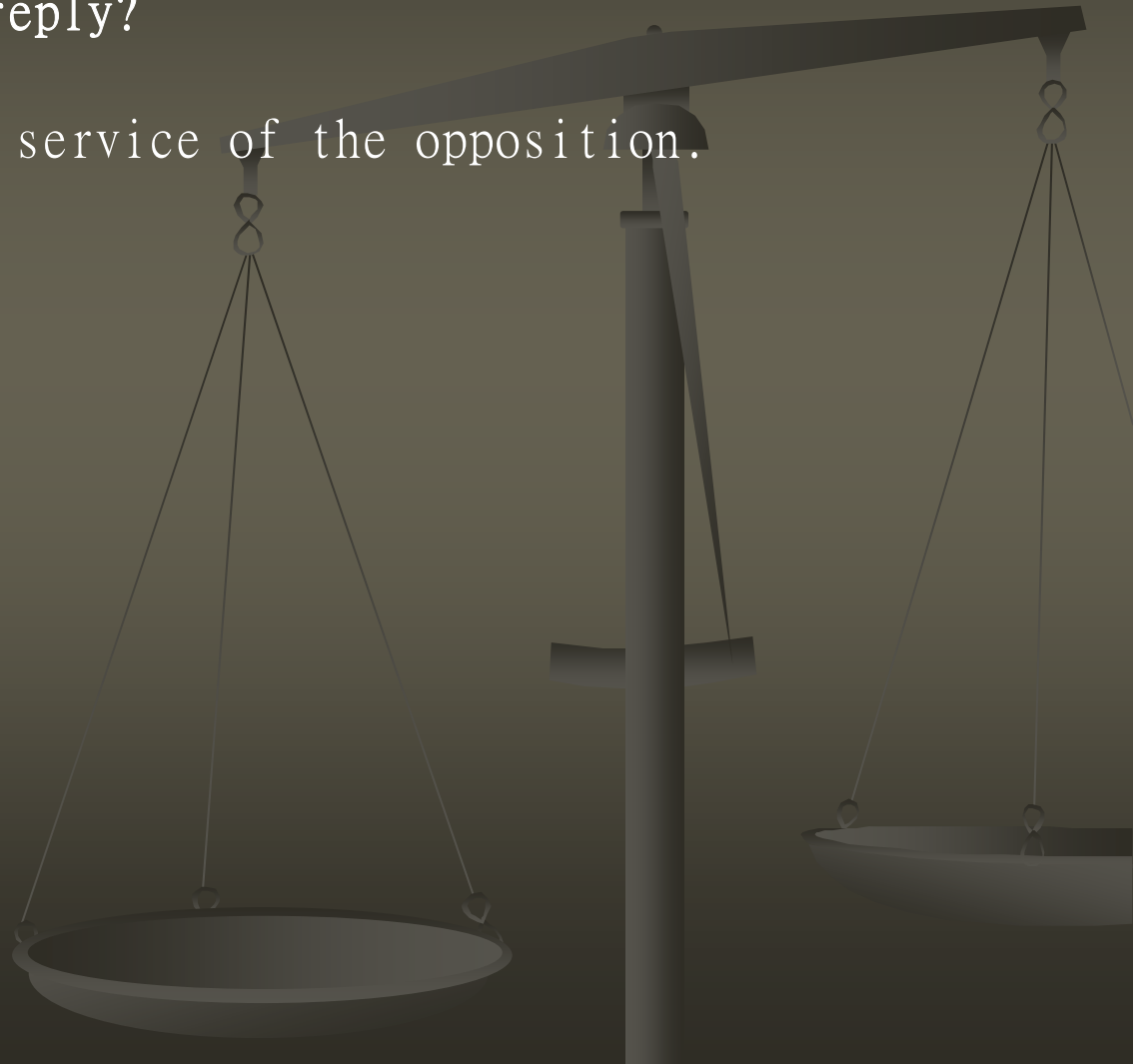
- 3.8 14 days after service of the motion.



FJDCR 3.9

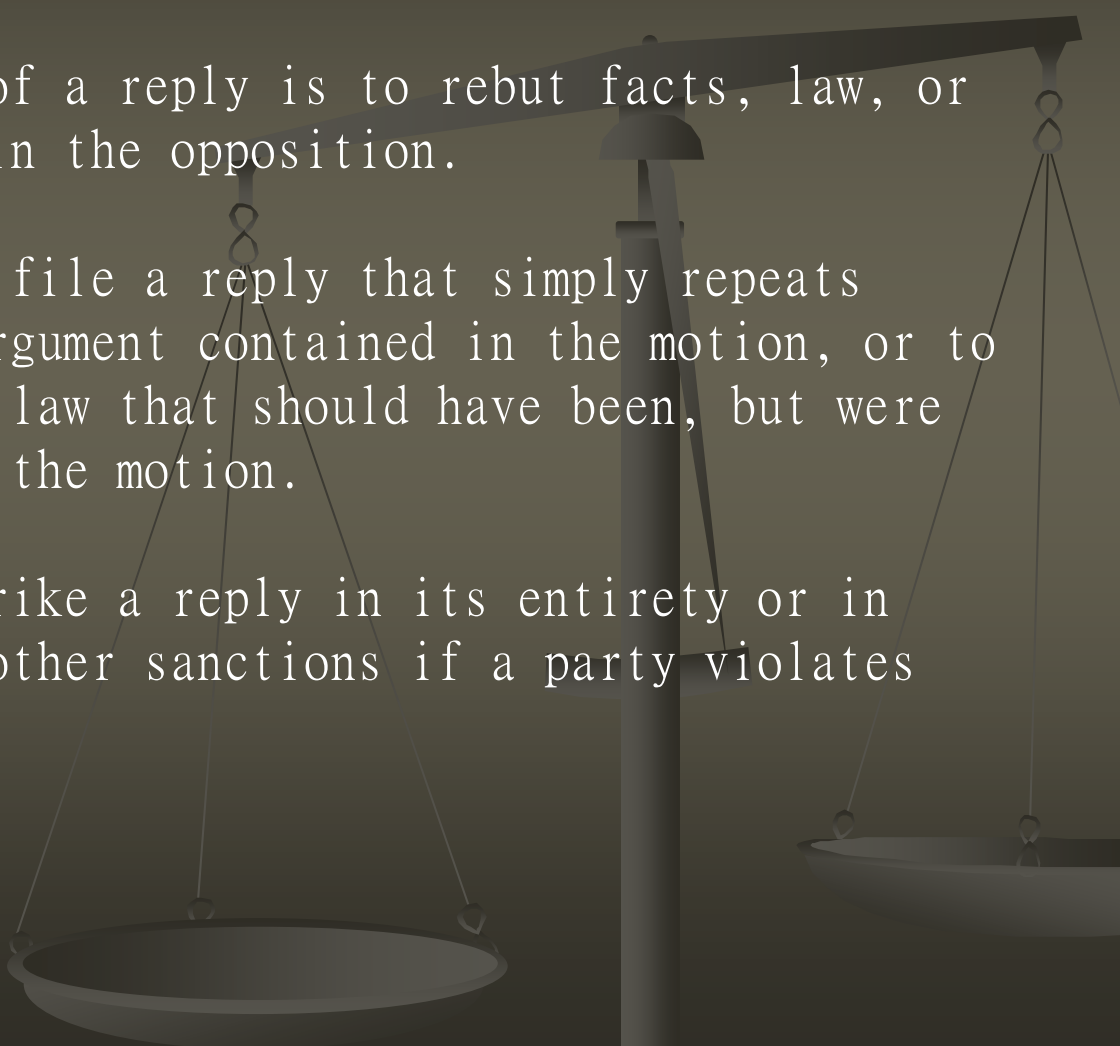
You want to file a reply points and authorities. What is the deadline for filing a reply?

- 3.9 7 days after service of the opposition.



FJDCR 3.9

What can and cannot be in a reply?

- 3.9 The purpose of a reply is to rebut facts, law, or argument raised in the opposition.
 - Parties will not file a reply that simply repeats facts, law, or argument contained in the motion, or to provide facts or law that should have been, but were not, included in the motion.
 - The court may strike a reply in its entirety or in part and impose other sanctions if a party violates this rule.
- 

FJDCR 3.11

Your motion and reply have been filed. What's the next step in getting a decision from the Court?

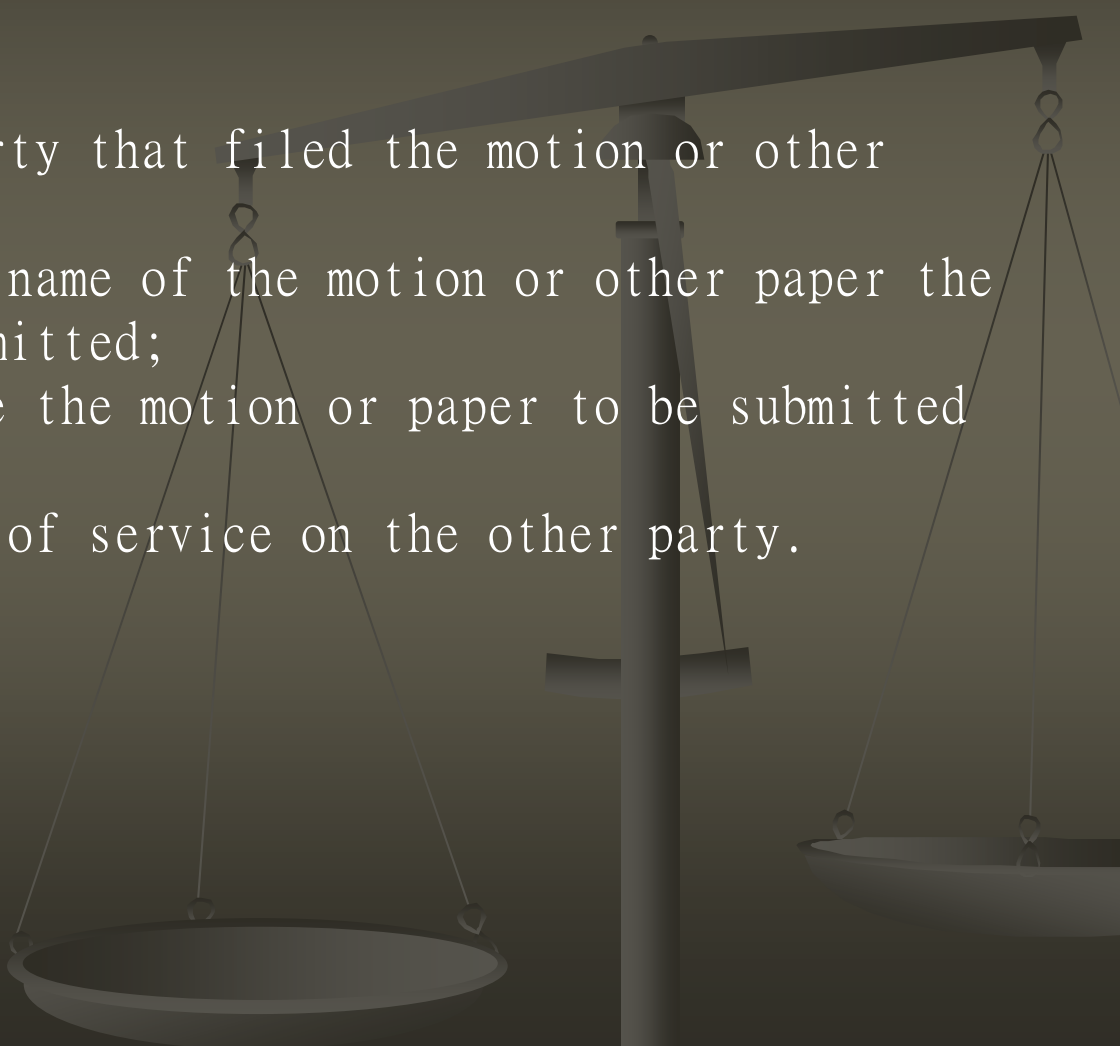
- 3.11 Request to submit.



FJDCR 3.11(a)

What has to be in the request to submit?

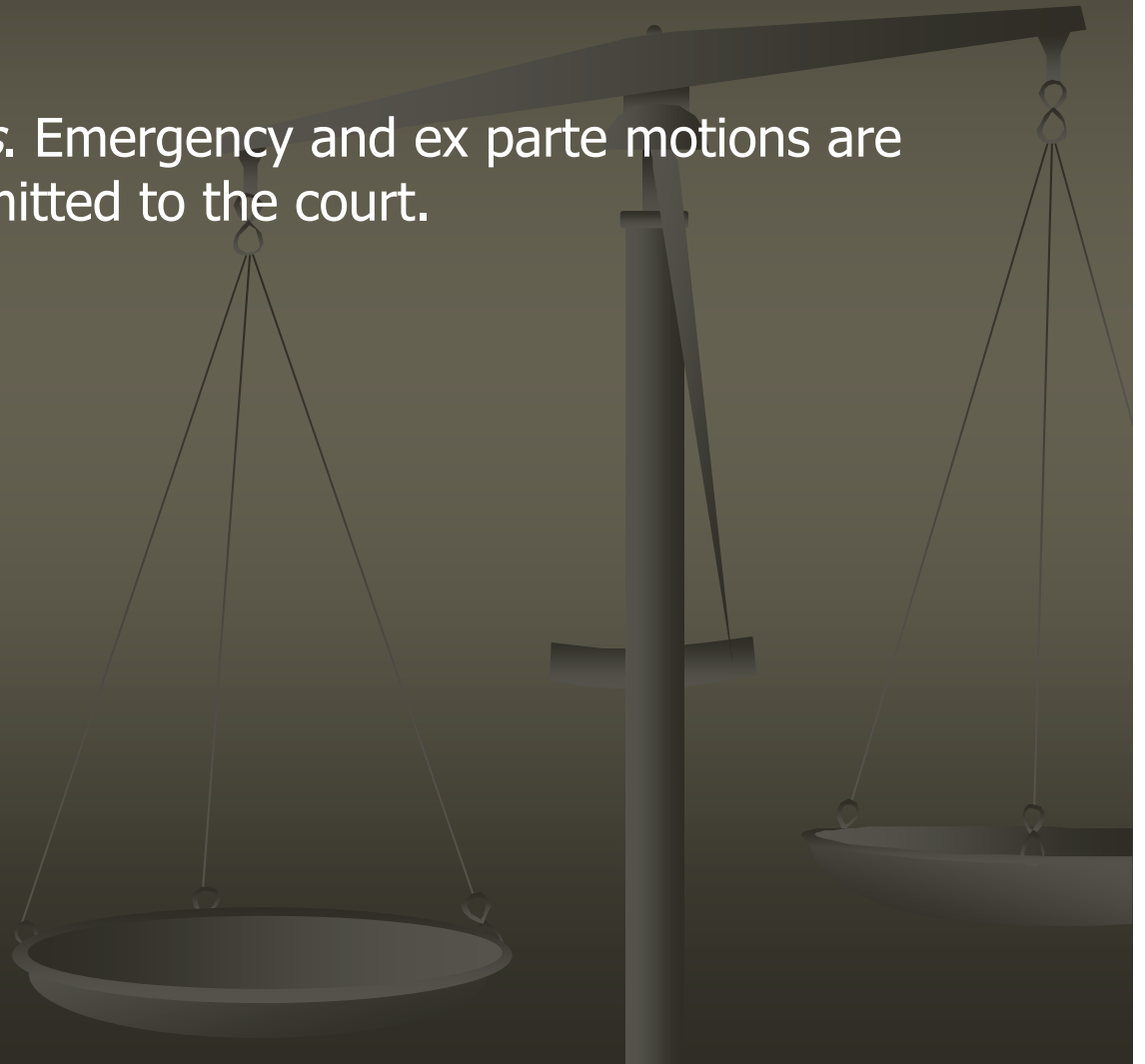
■ 3.11(a)

- 1) Identify the party that filed the motion or other paper;
 - 2) State the exact name of the motion or other paper the party wants submitted;
 - 3) Include the date the motion or paper to be submitted was filed; and
 - 4) Include a proof of service on the other party.
- 

FJDCR 3.11(b)

Are there any exceptions to the request to submit requirement?

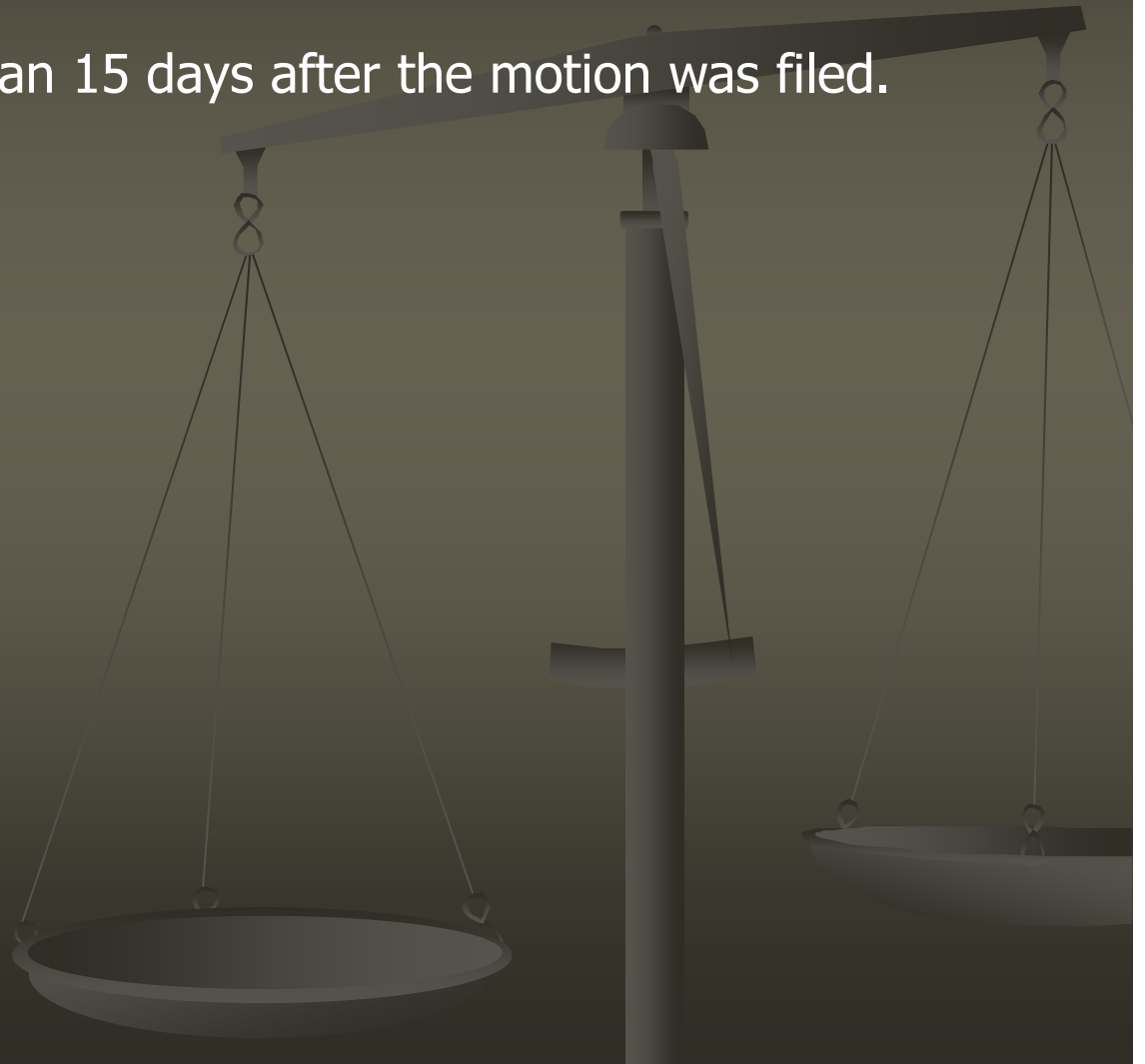
- 3.11(b) *Exceptions*. Emergency and ex parte motions are automatically submitted to the court.



FJDCR 3.11(c)

When can a request to submit be filed?

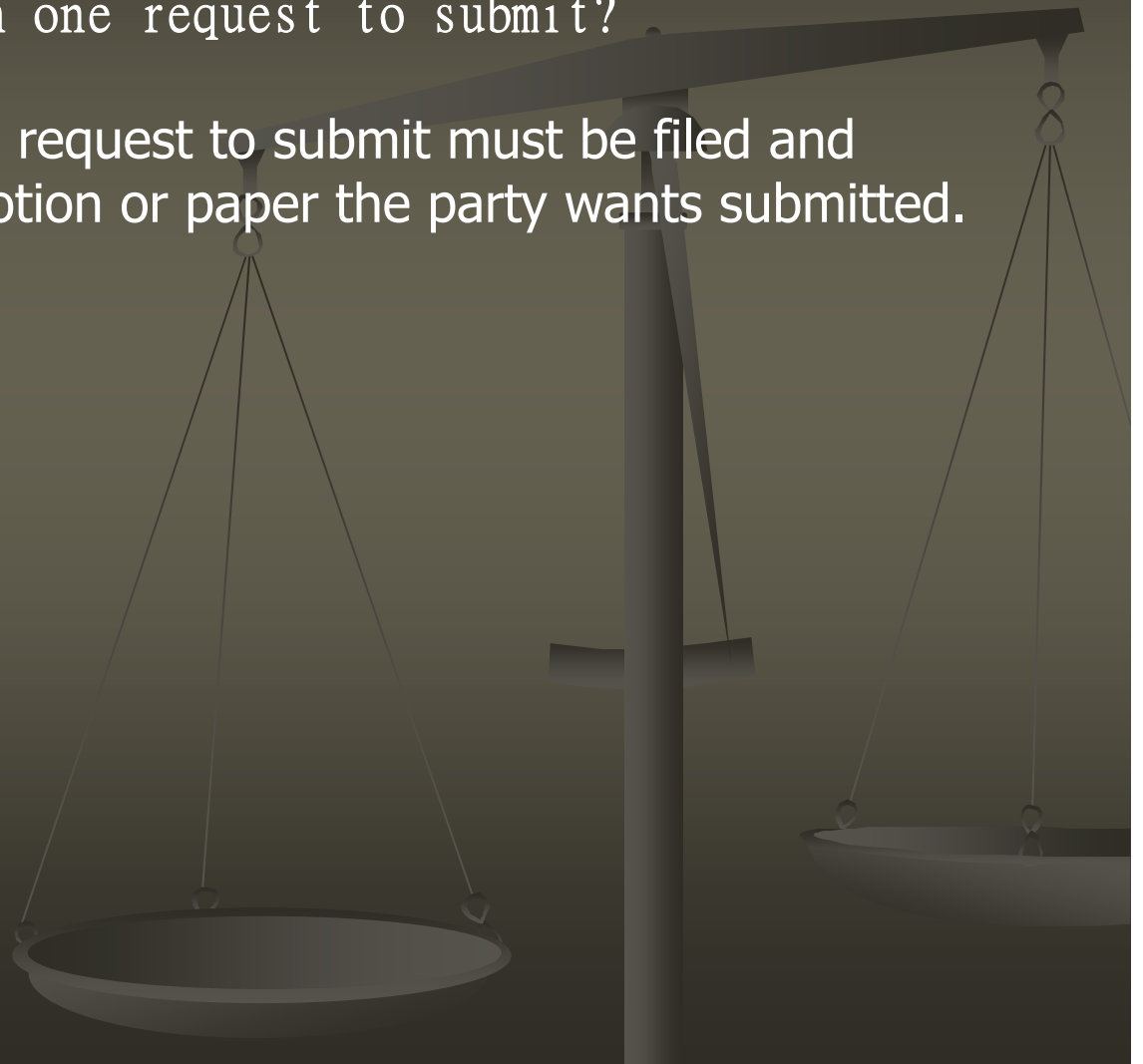
- 3.11(c) Not less than 15 days after the motion was filed.



FJDCR 3.11(d)

You want to submit three different motions. Can you submit more than one motion in one request to submit?

- 3.11(d) A separate request to submit must be filed and served for each motion or paper the party wants submitted.

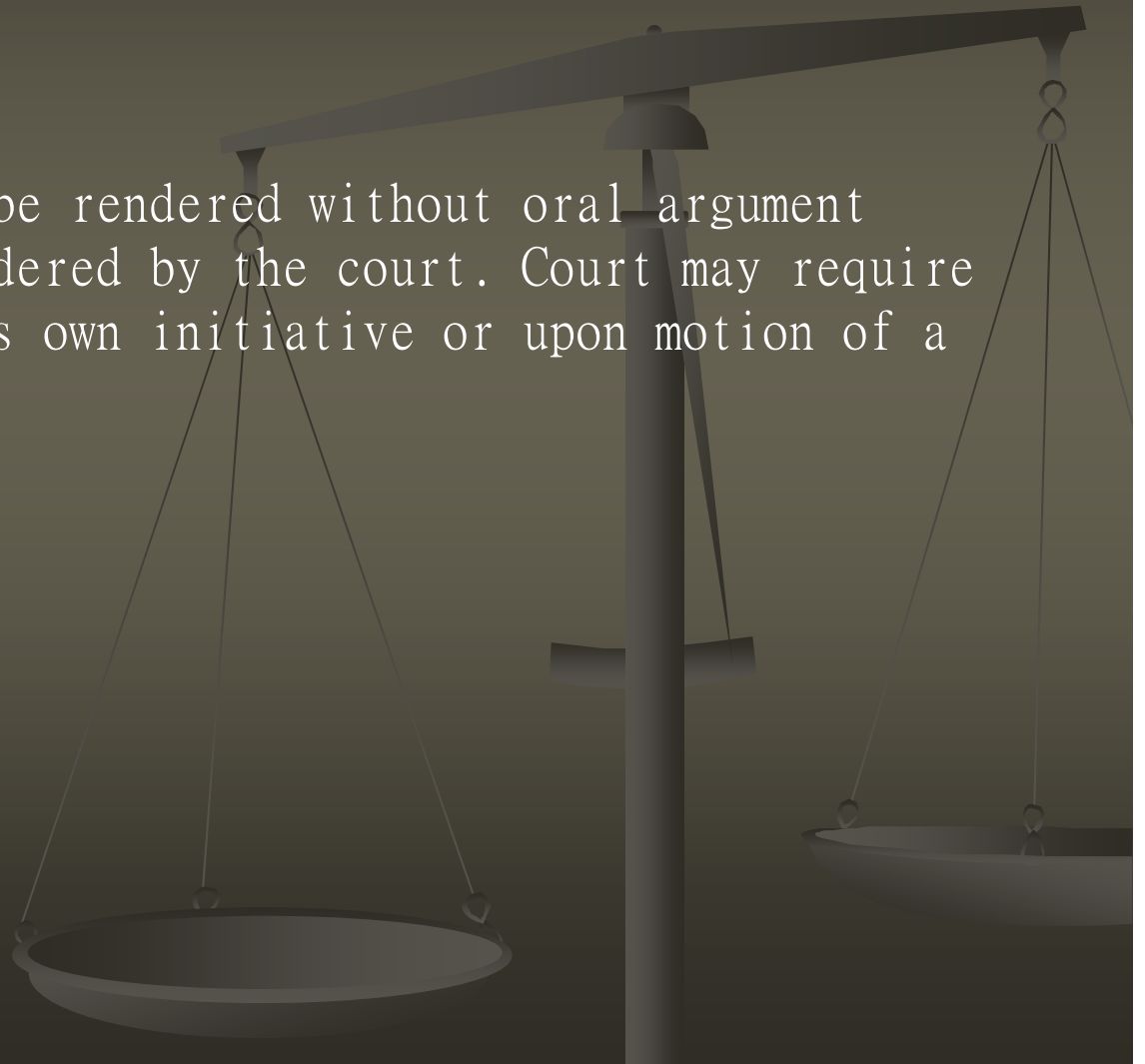


FJDCR 3.12(a)

You want to have oral argument on the motion. What, if anything, do you need to do?

- 3.12 Oral argument.

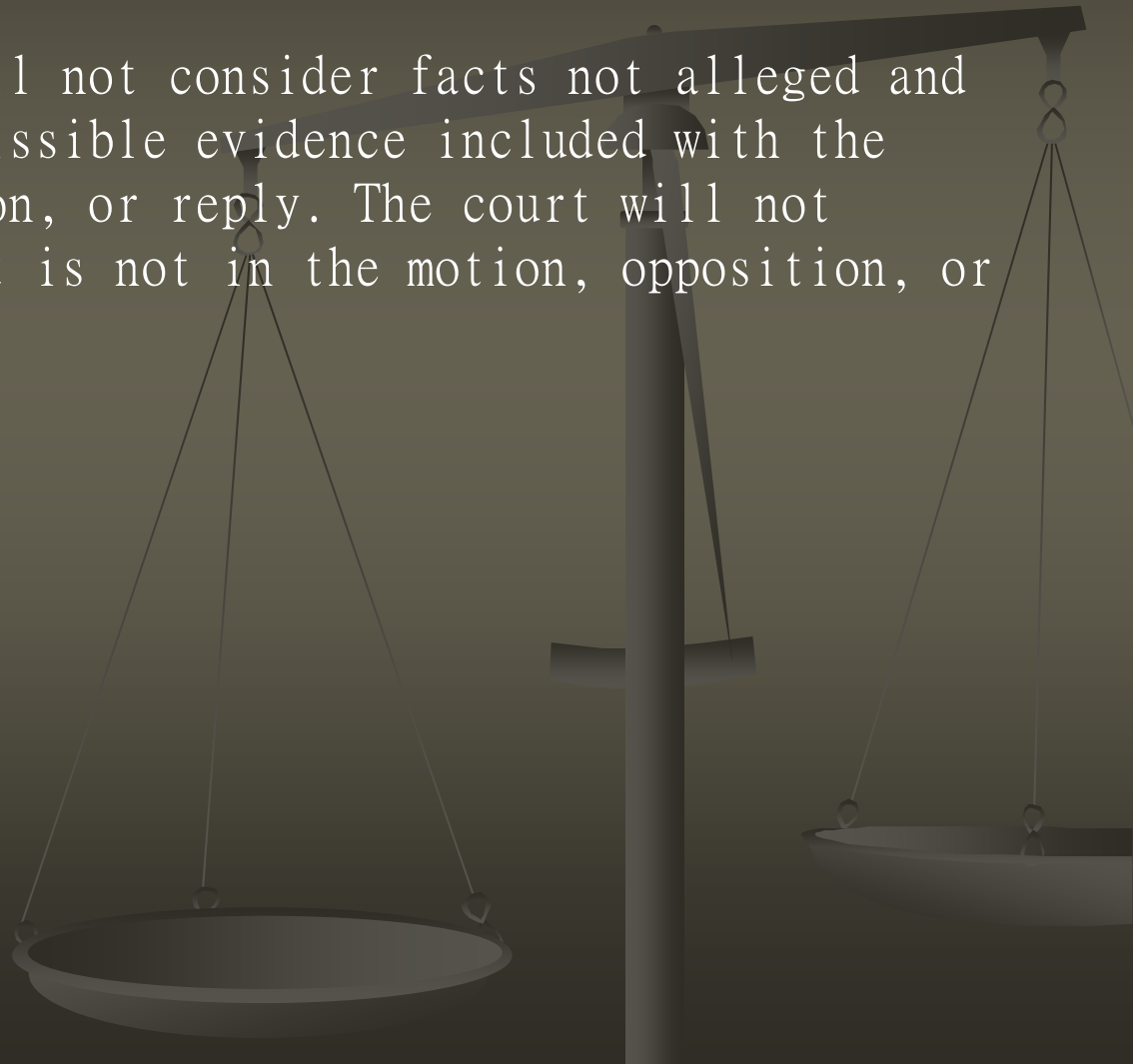
(a) Decisions will be rendered without oral argument unless otherwise ordered by the court. Court may require oral argument on its own initiative or upon motion of a party.



FJDCR 3.12(b)

The court has set oral argument. What will the court not consider during oral argument?

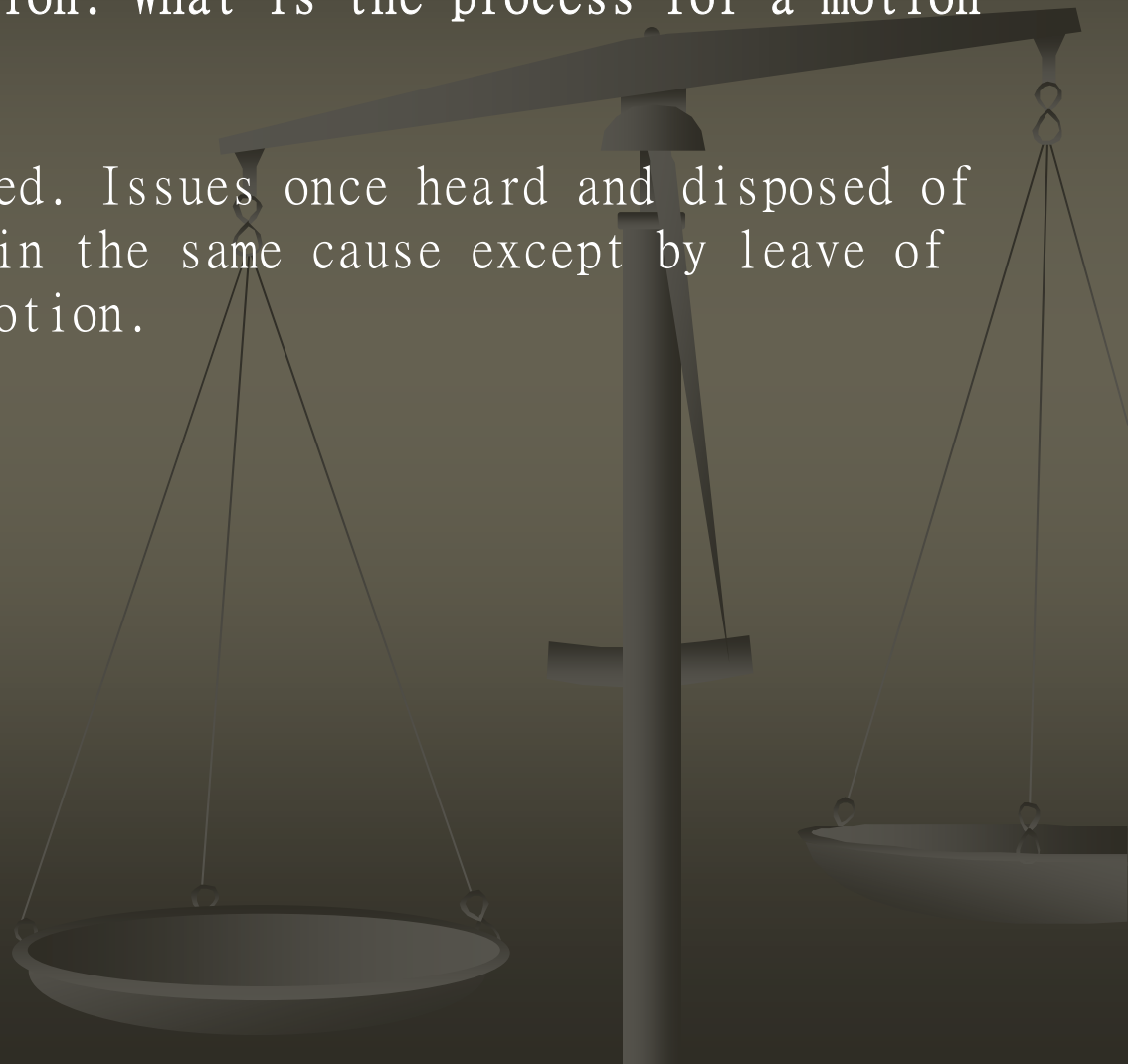
- 3.12(b) Court will not consider facts not alleged and supported by admissible evidence included with the motion, opposition, or reply. The court will not consider law that is not in the motion, opposition, or reply.



FJDCR 3.13(a)

The court ruled against your client. You are considering a motion for reconsideration. What is the process for a motion for reconsideration?

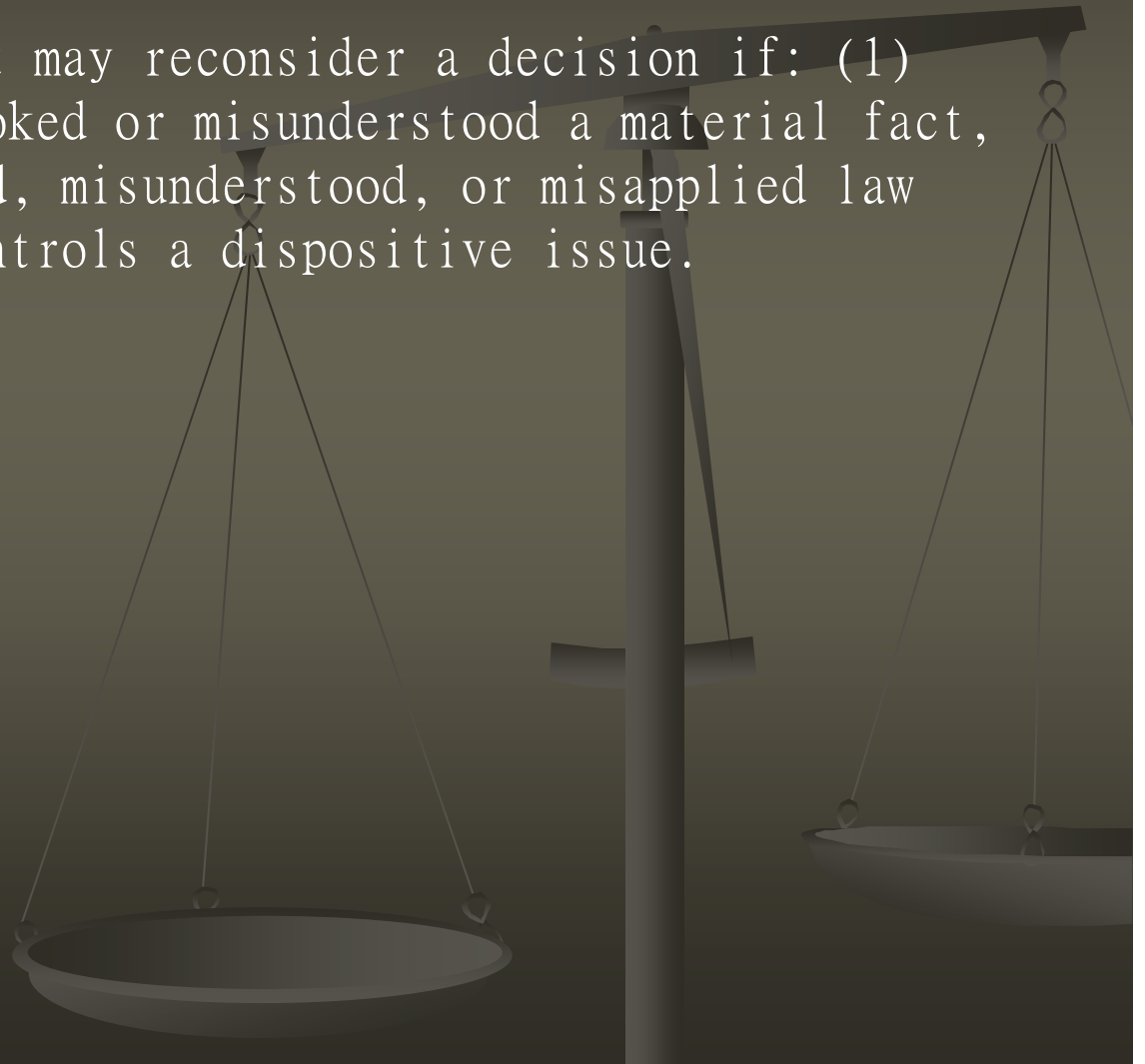
- 3.13(a) Leave required. Issues once heard and disposed of will not be renewed in the same cause except by leave of court granted upon motion.



FJDCR 3.13(c)

What can a motion for reconsideration be based upon?

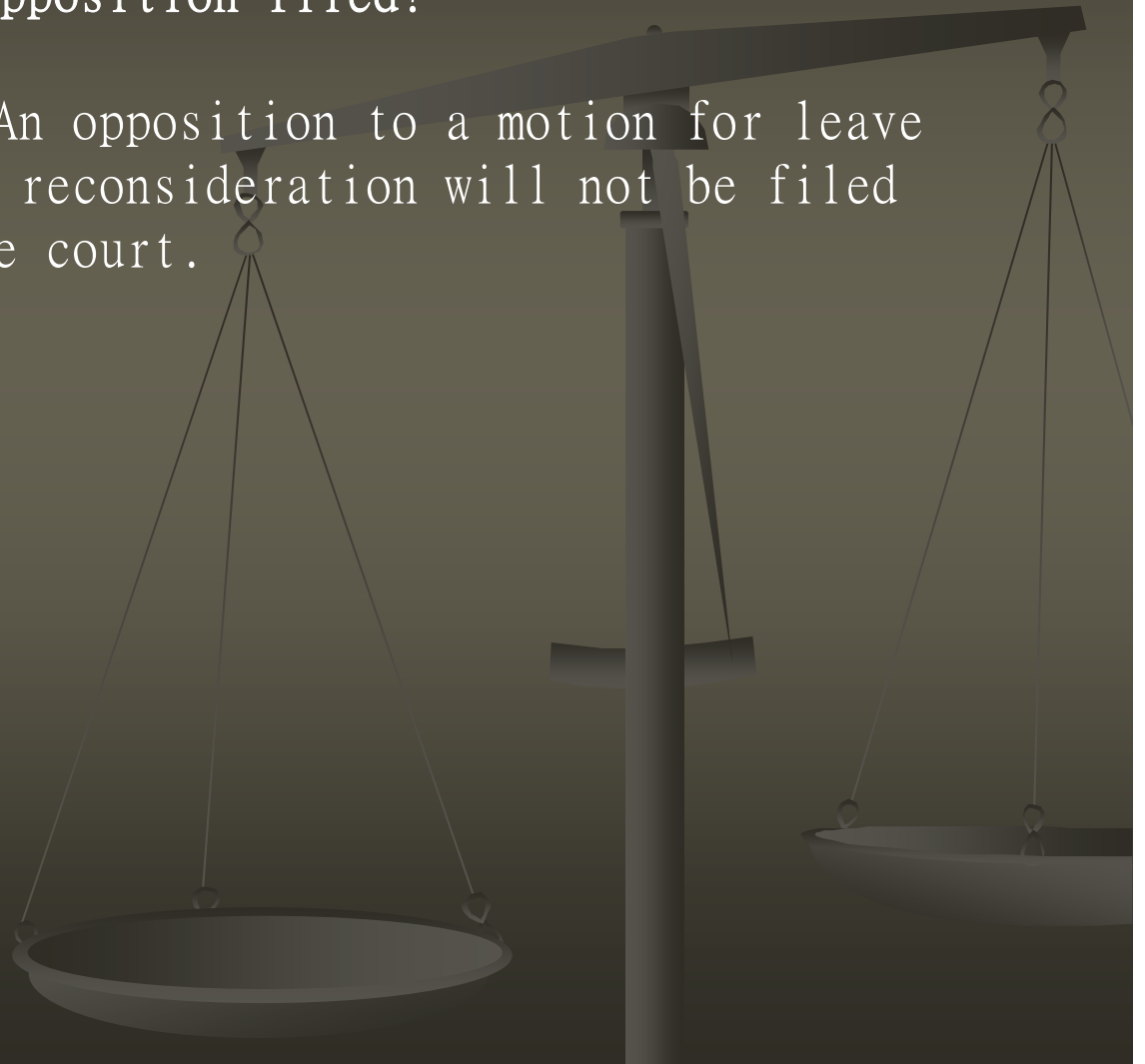
- 3.13(c) The court may reconsider a decision if: (1) the court overlooked or misunderstood a material fact, or (2) overlooked, misunderstood, or misapplied law that directly controls a dispositive issue.



FJDCR 3.13(b)

You were served with a motion for reconsideration? When do you have to have your opposition filed?

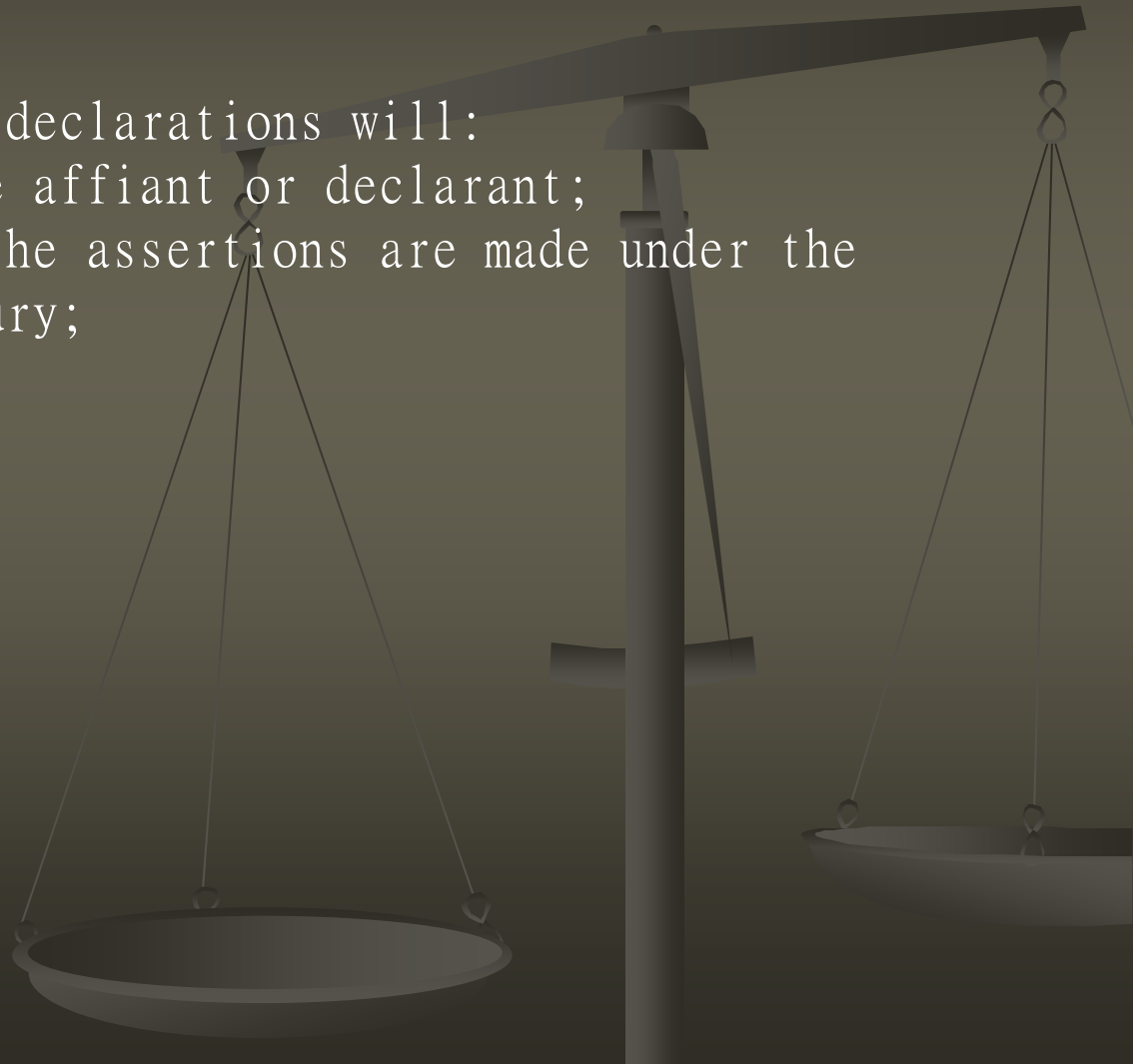
- 3.13(b) Opposition. An opposition to a motion for leave to file a motion for reconsideration will not be filed unless ordered by the court.



FJDCR 3.14

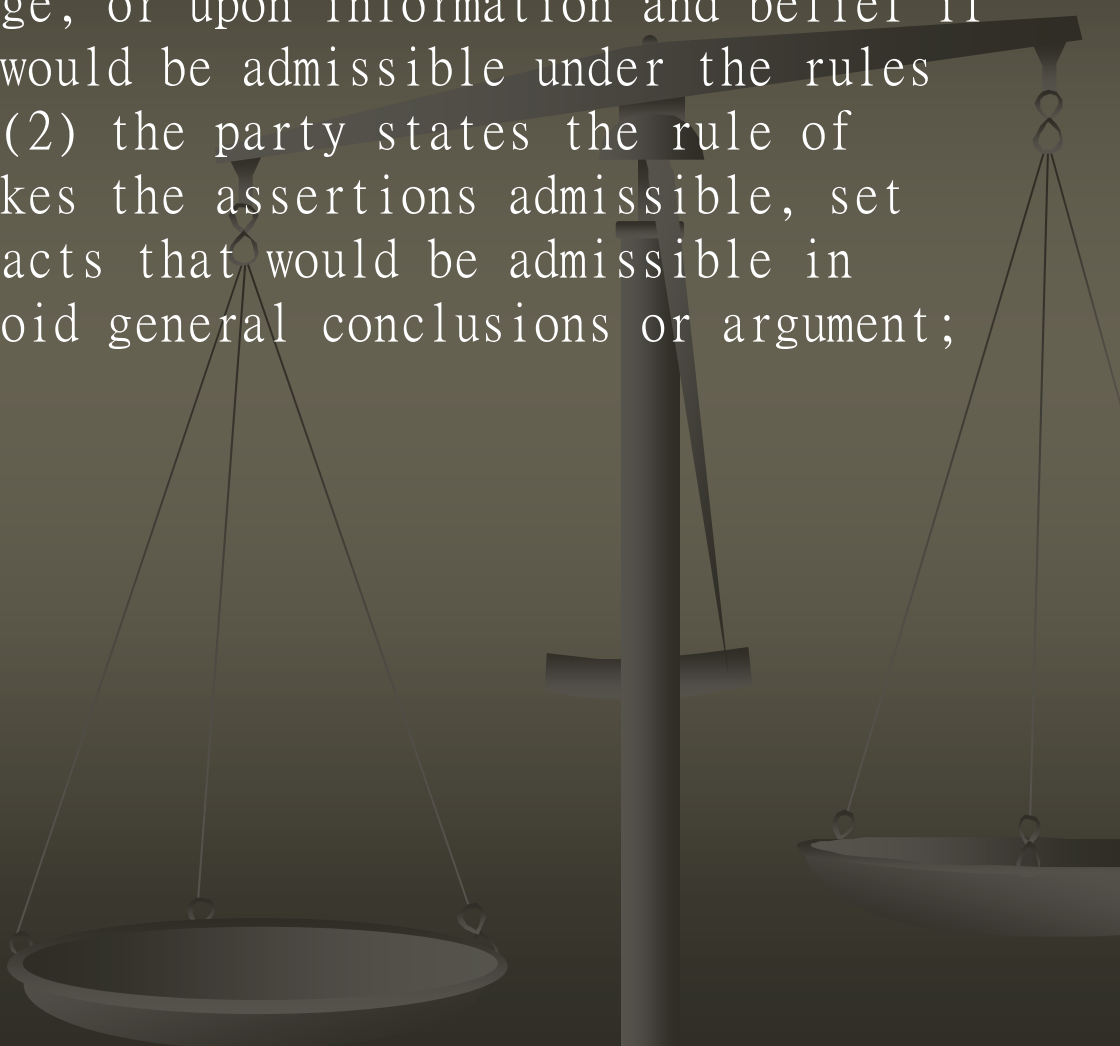
You need to prepare an affidavit or declaration. What does it need to include?

- 3.14 Affidavits and declarations will:
 - (a) Identify the affiant or declarant;
 - (b) State that the assertions are made under the penalty of perjury;



FJDCR 3.14 Continued

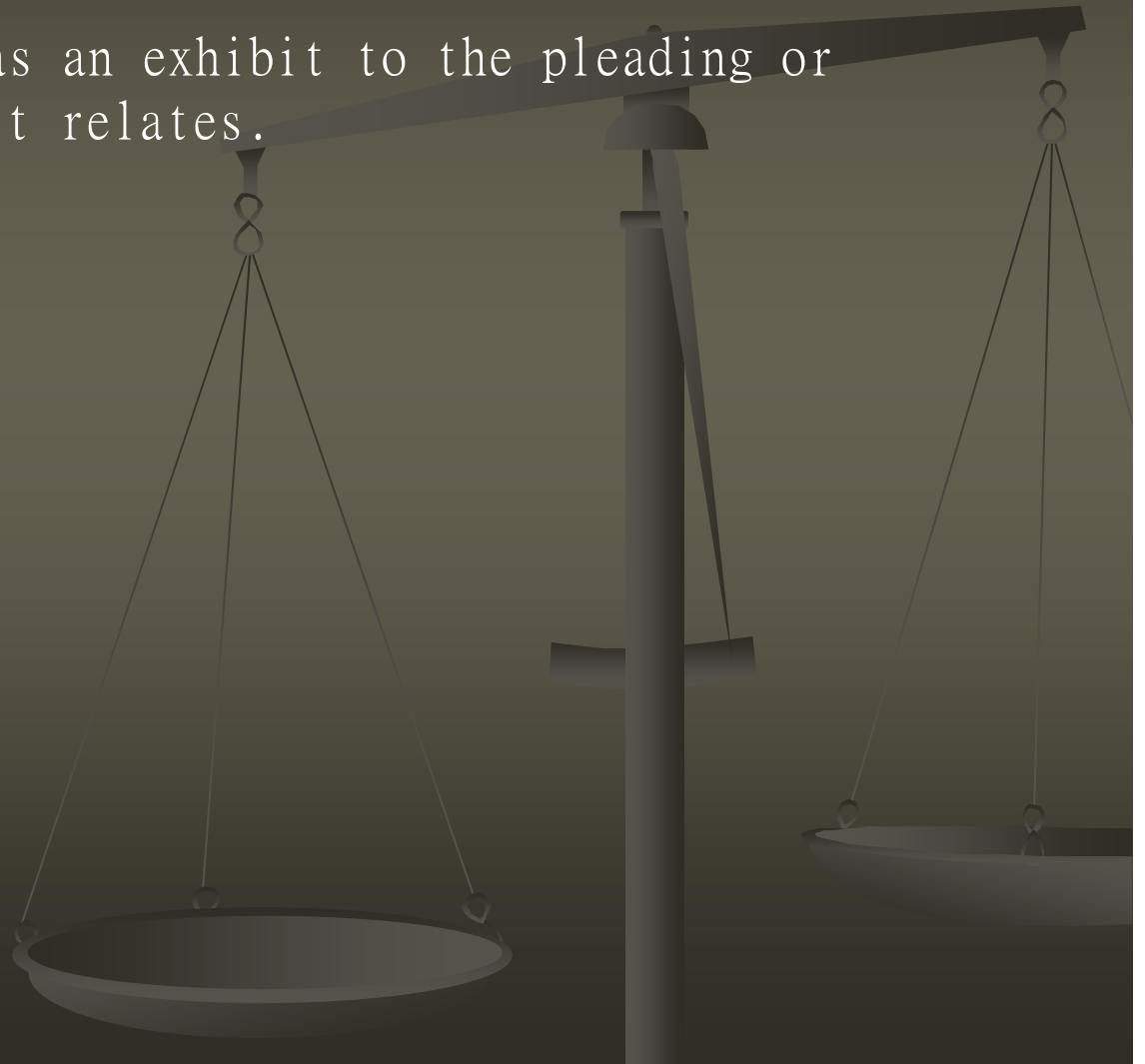
(c) (1) State that the assertions are made on personal knowledge, or upon information and belief if such assertions would be admissible under the rules of evidence and (2) the party states the rule of evidence that makes the assertions admissible, set forth specific facts that would be admissible in evidence, and avoid general conclusions or argument;



FJDCR 3.14(d)

Does the affidavit get filed with the pleading or paper?

- (d) Be attached as an exhibit to the pleading or paper to which it relates.



FJDCR 15(a)

You want to stipulate to certain facts for a hearing. What does the stipulation need to contain?

■ 3.15

(a) Requirements. ...

stipulation filed must contain the original signature in blue ink of each counsel and self-represented party.

A stipulation must be served on any non-signing party who has appeared.

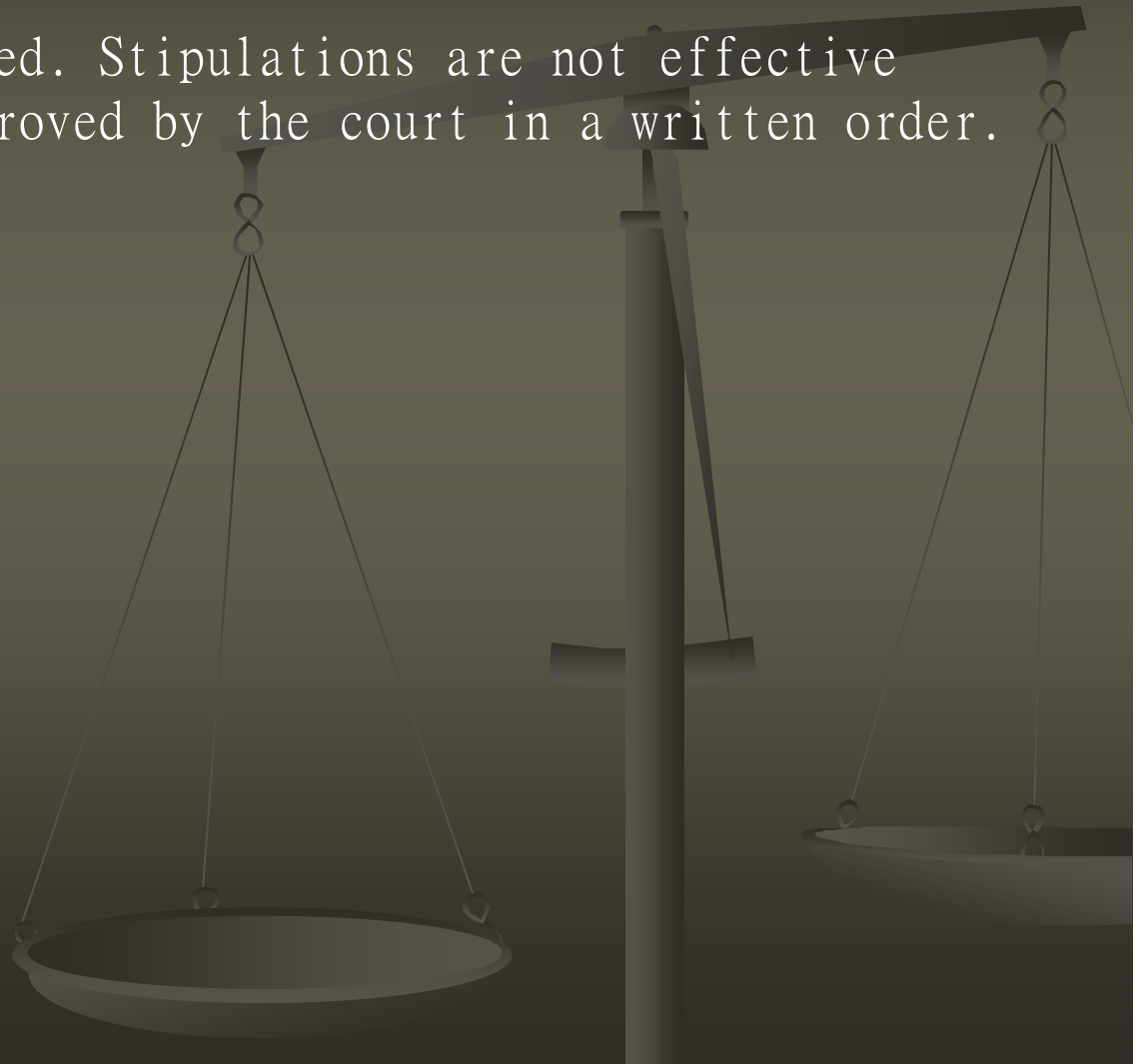
Unwritten or unsigned agreements are not stipulations and will not be considered by the court.

The court may allow stipulations to be made in open court on the record.

FJDCR 3.15(b)

Does a stipulation take effect upon filing?

- 3.15(b) Order required. Stipulations are not effective unless and until approved by the court in a written order.

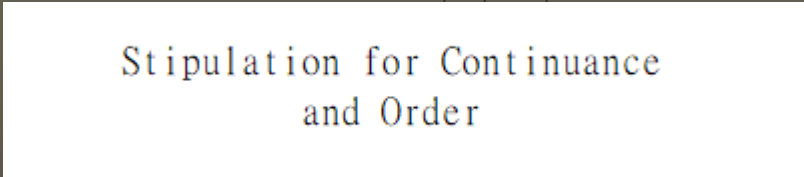


FJDCR 3.15(c)

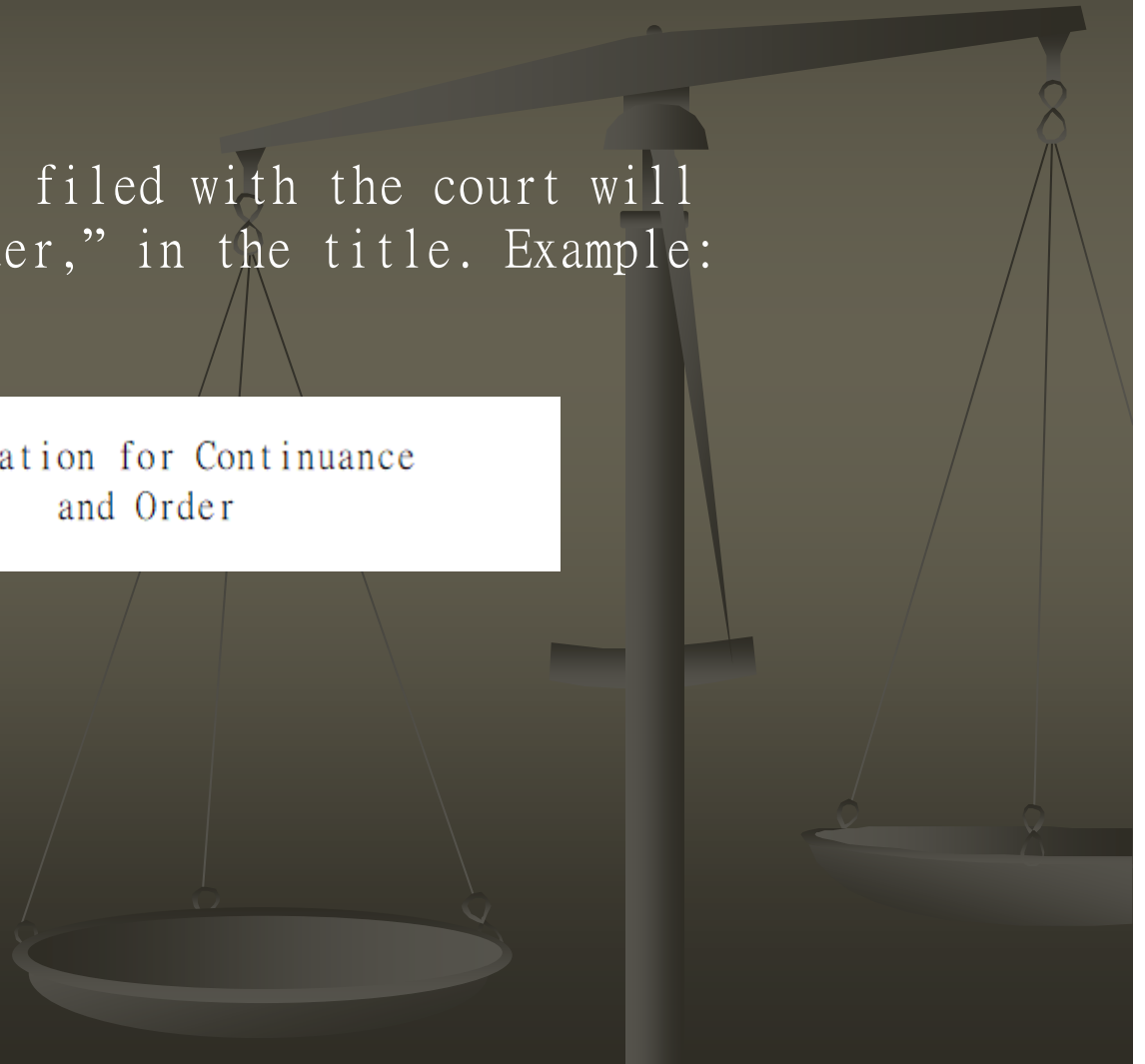
What must the stipulation contain?

- (c) Form

(1) Stipulations filed with the court will include “and Order,” in the title. Example:



Stipulation for Continuance
and Order

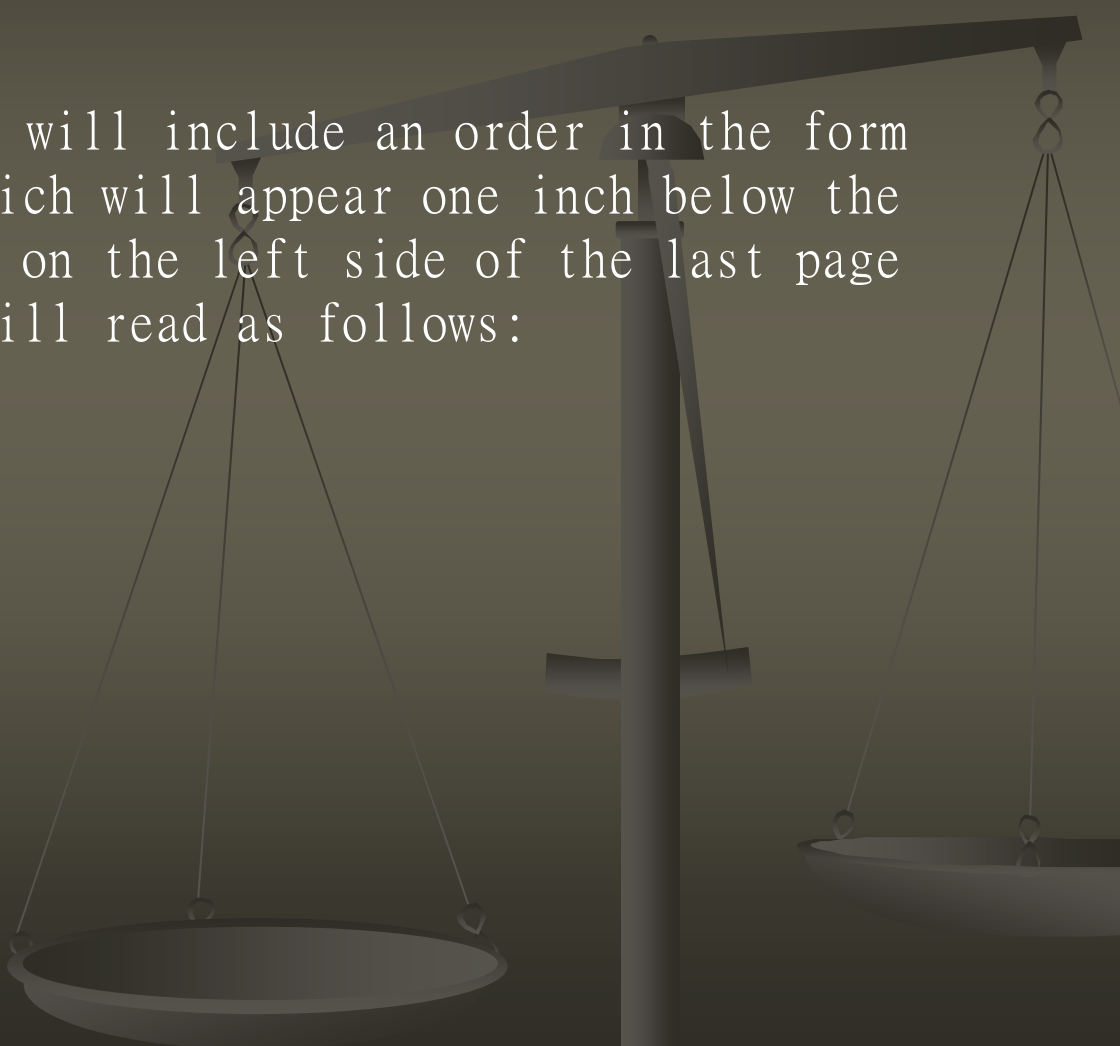


FJDCR 3.15(c)

What must the stipulation contain?

■ (c) Form

(2) Stipulations will include an order in the form of a signature block which will appear one inch below the last typewritten matter on the left side of the last page of the agreement, and will read as follows:



FJDCR 3.15(c)

IT IS ORDERED:

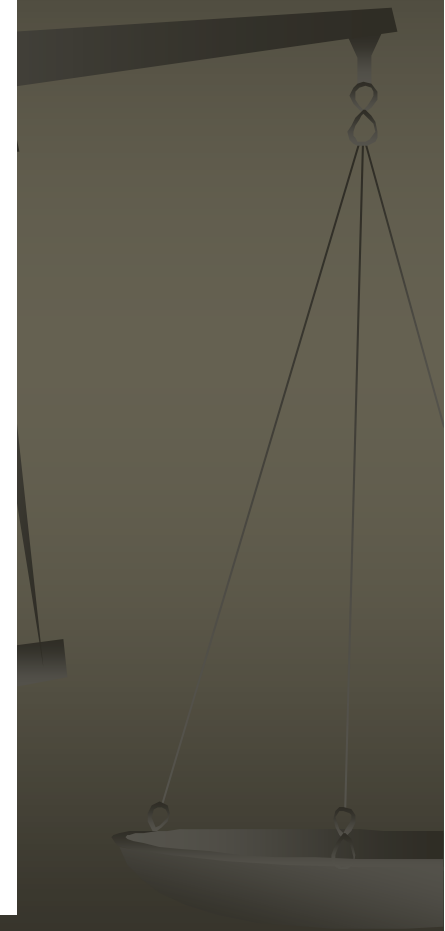
- Granted
- Granted in part:

and Denied in part

- Denied
- Declined to consider ex parte
- Declined to consider without a hearing
- Other _____

DATED: _____

DISTRICT COURT JUDGE



FJDCR 3.16

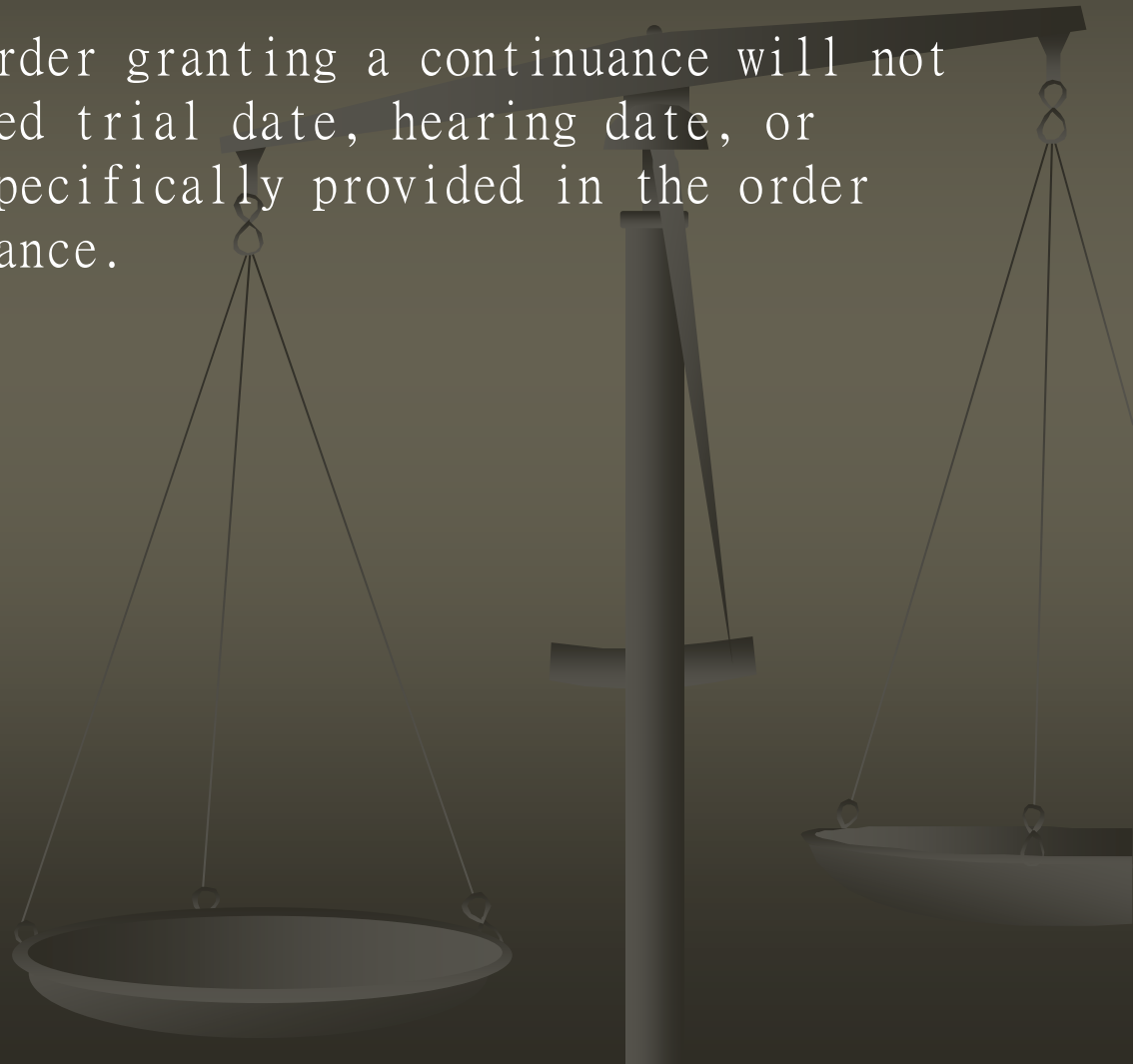
You want to continue a hearing. What do you need to know in general?

- 3.16 Motions and stipulations for a continuance of a hearing or trial.
 - (a) Disfavored. Continuances are disfavored and will not be granted, even upon stipulation, except for good cause.
 - (b) Motions requesting a continuance must be made on affidavit or declaration unless good cause exists for allowing the moving party to be sworn and testify orally to the factual matters.

FJDCR 3.16(f)

What is the effect of an order granting a continuance?

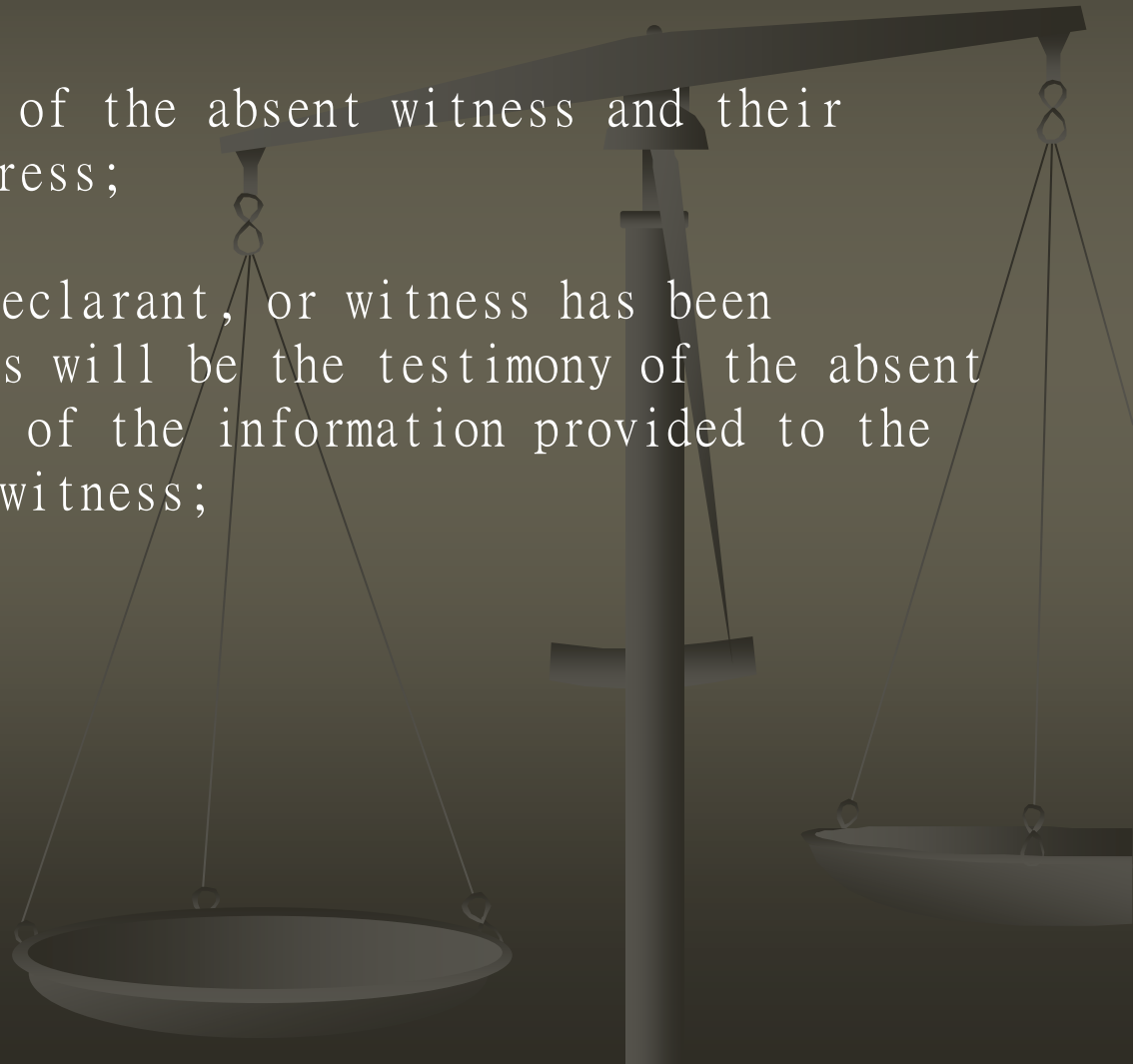
- 3.16(f) Effect. An order granting a continuance will not affect any established trial date, hearing date, or deadline except as specifically provided in the order granting the continuance.



FJDCR 3.16(c)

What must a motion to continue for nonappearance of a witness include?

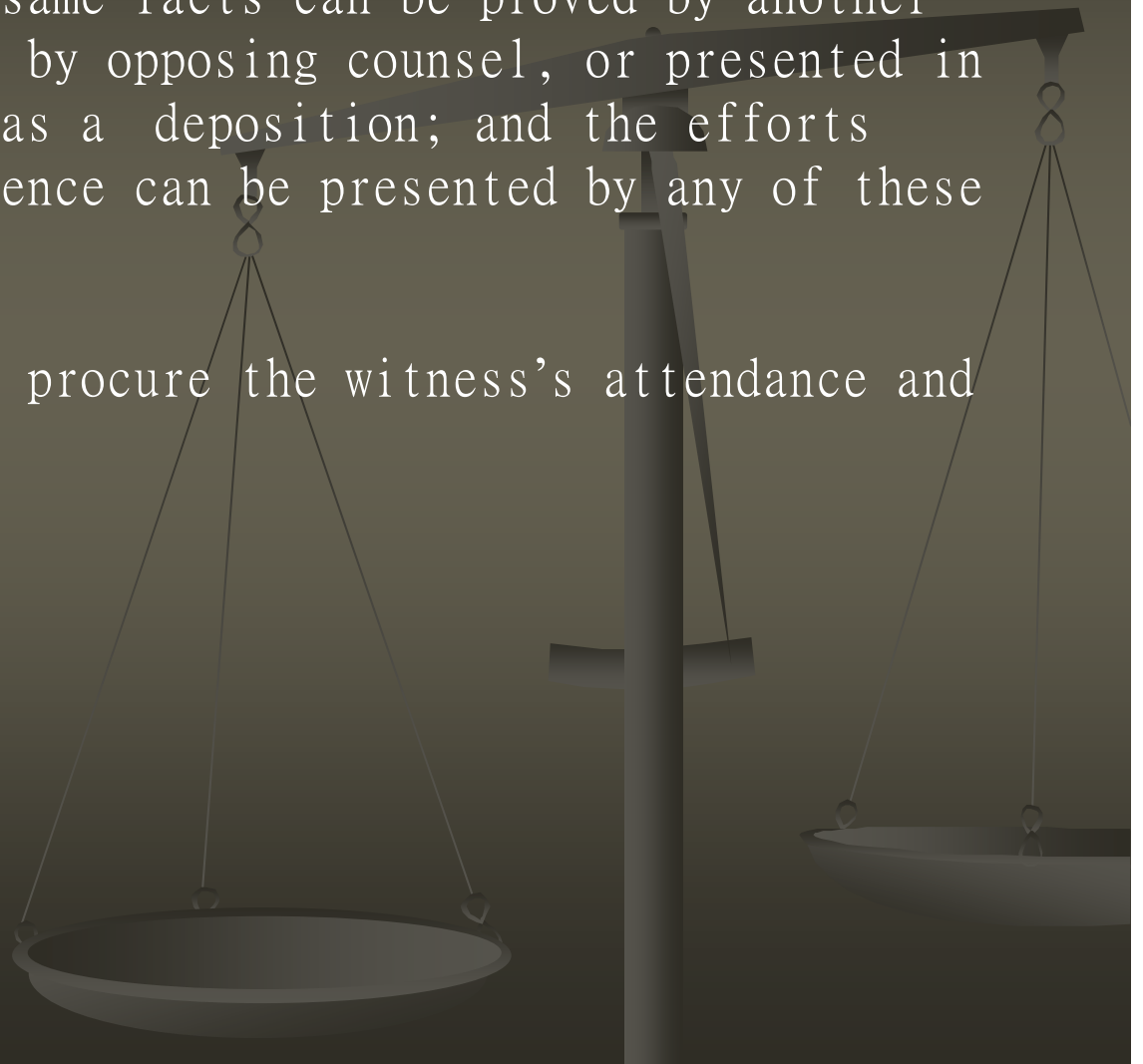
- 3.16(c) (1) The name of the absent witness and their present physical address;
- (2) What the affiant, declarant, or witness has been informed of and believes will be the testimony of the absent witness, and the source of the information provided to the affiant, declarant, or witness;



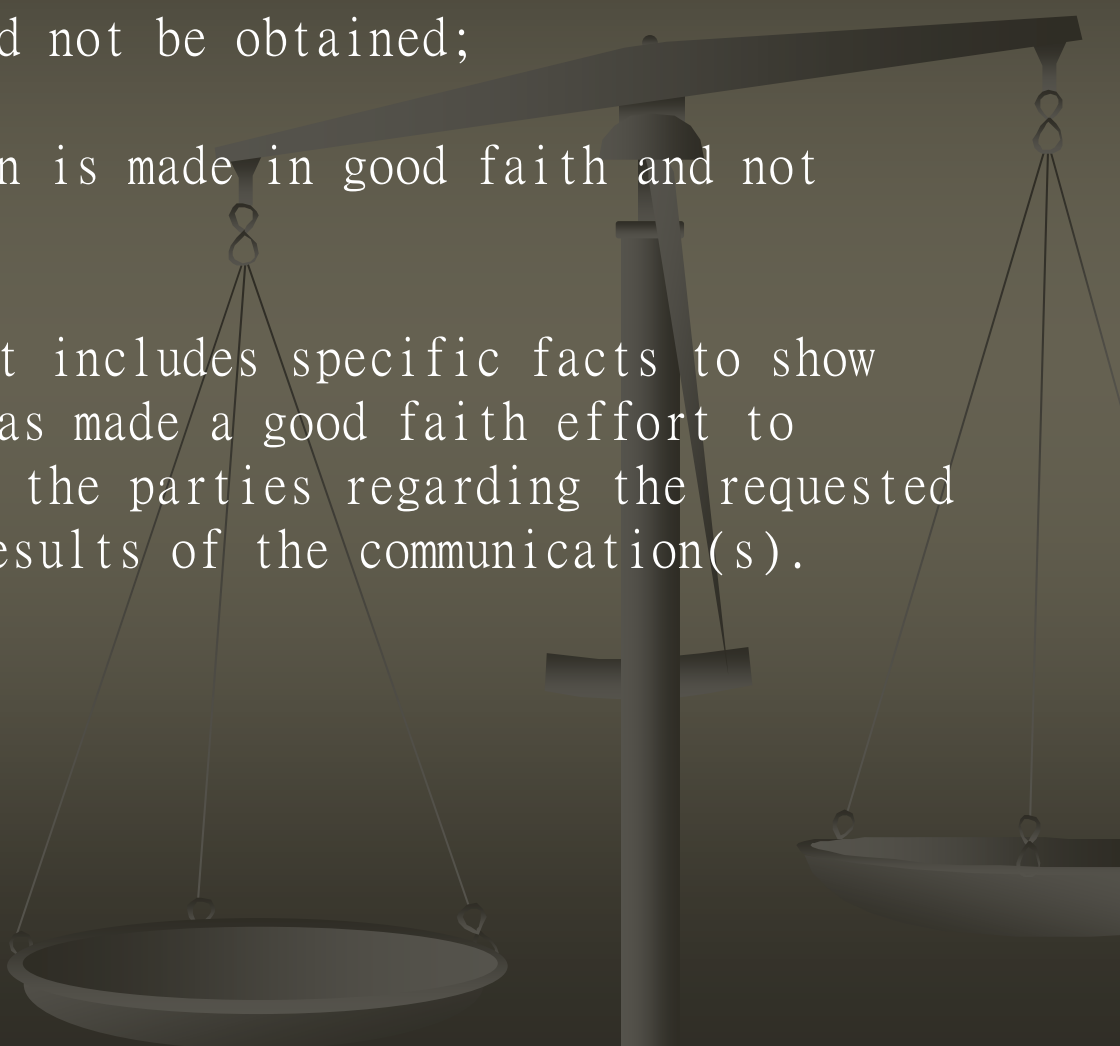
FJDCR 3.16(c) Continued

(3) Whether or not the same facts can be proved by another witness, stipulated to by opposing counsel, or presented in an alternate form such as a deposition; and the efforts made to see if the evidence can be presented by any of these alternatives;

(4) The efforts made to procure the witness's attendance and why the efforts failed;



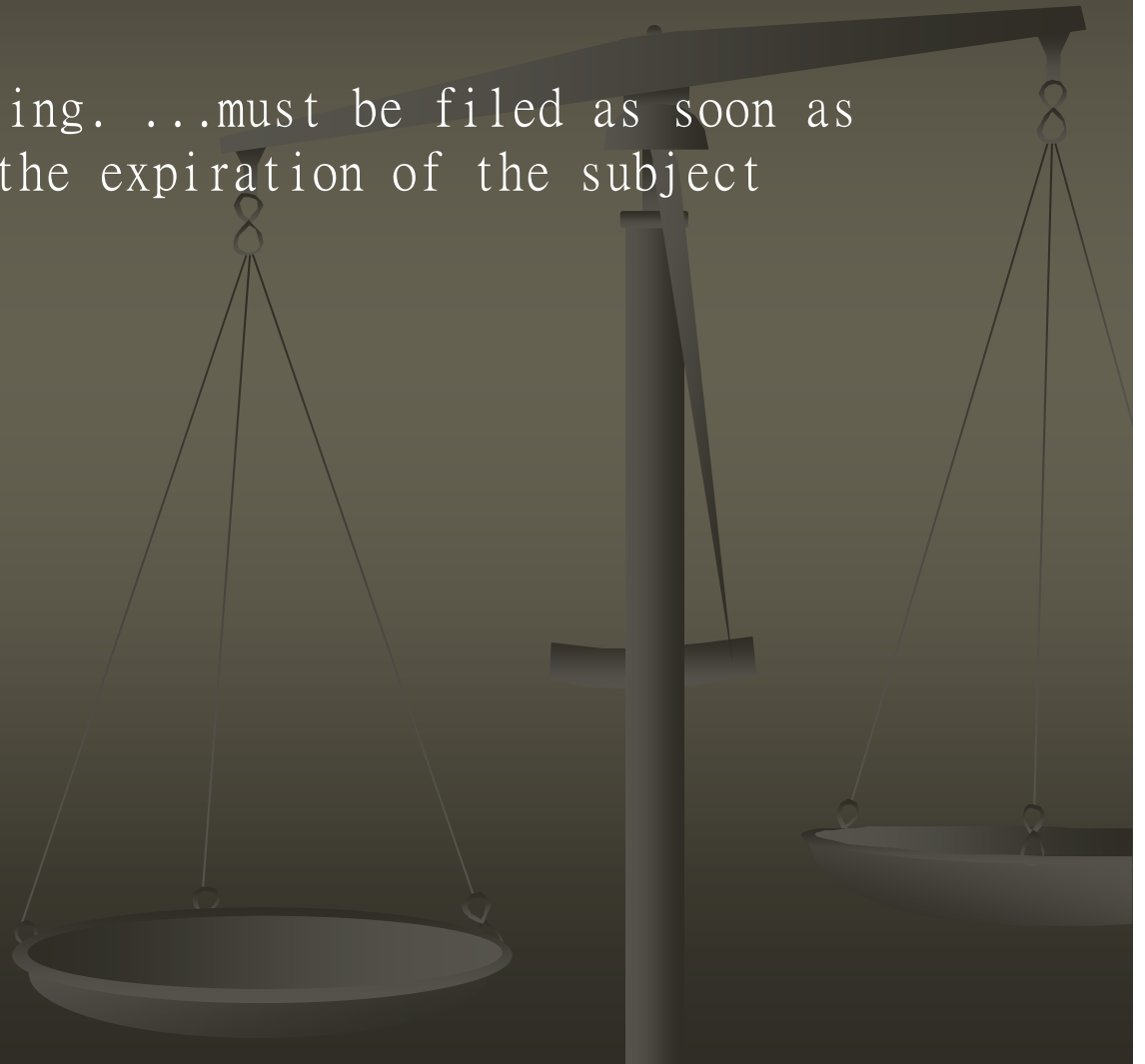
FJDCR 3.16(c) Continued

- (5) When the applicant first learned the attendance of the absent witness could not be obtained;
 - (6) That the application is made in good faith and not merely for delay; and
 - (7) A certification that includes specific facts to show that the moving party has made a good faith effort to communicate with all of the parties regarding the requested continuance and the results of the communication(s).
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FJDCR 3.17(a)

You want to extend a deadline. When does a motion or stipulation need to be filed?

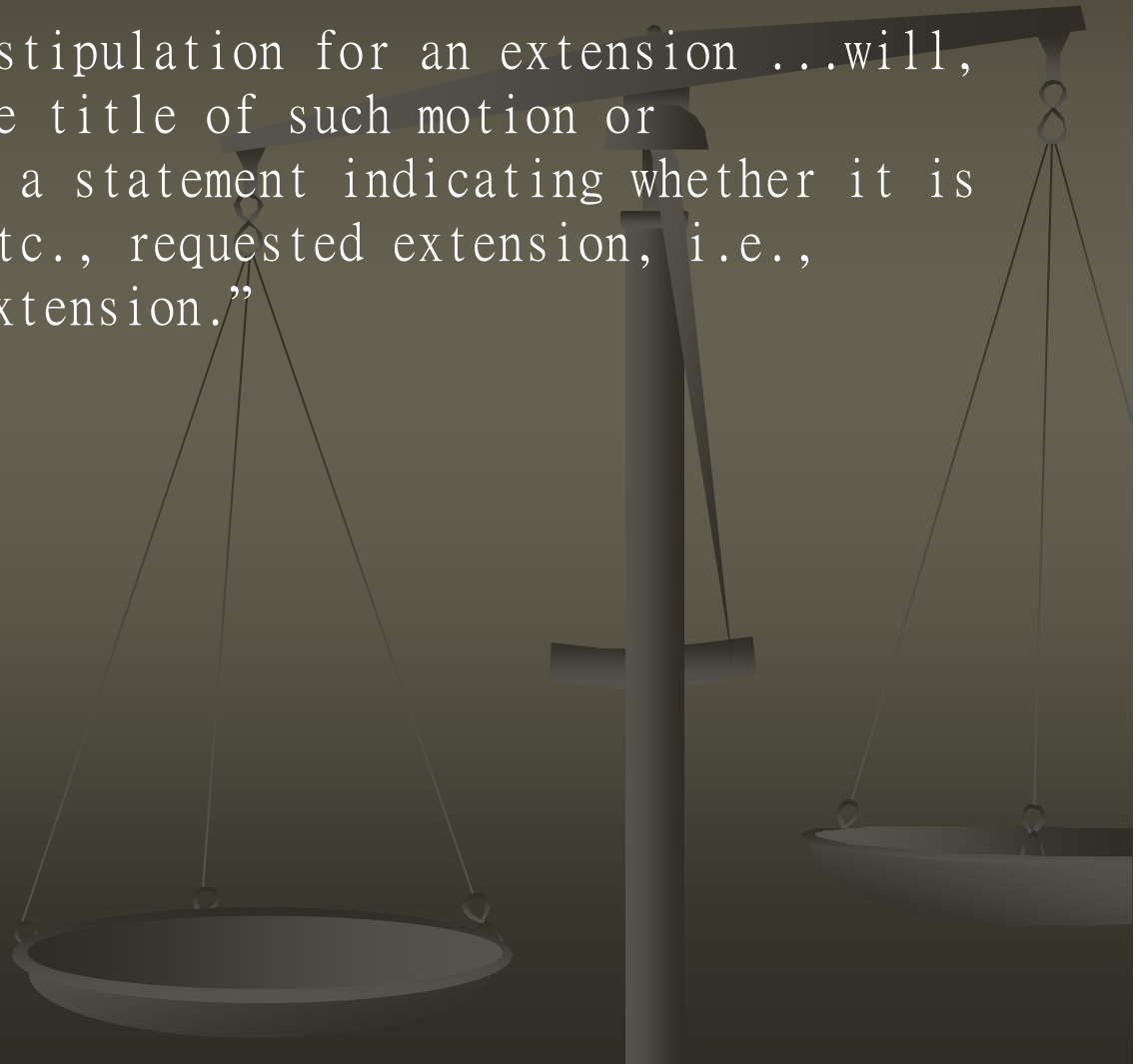
- 3.17 (a) Time for filing. ...must be filed as soon as possible and before the expiration of the subject deadline.



FJDCR 3.17(b)

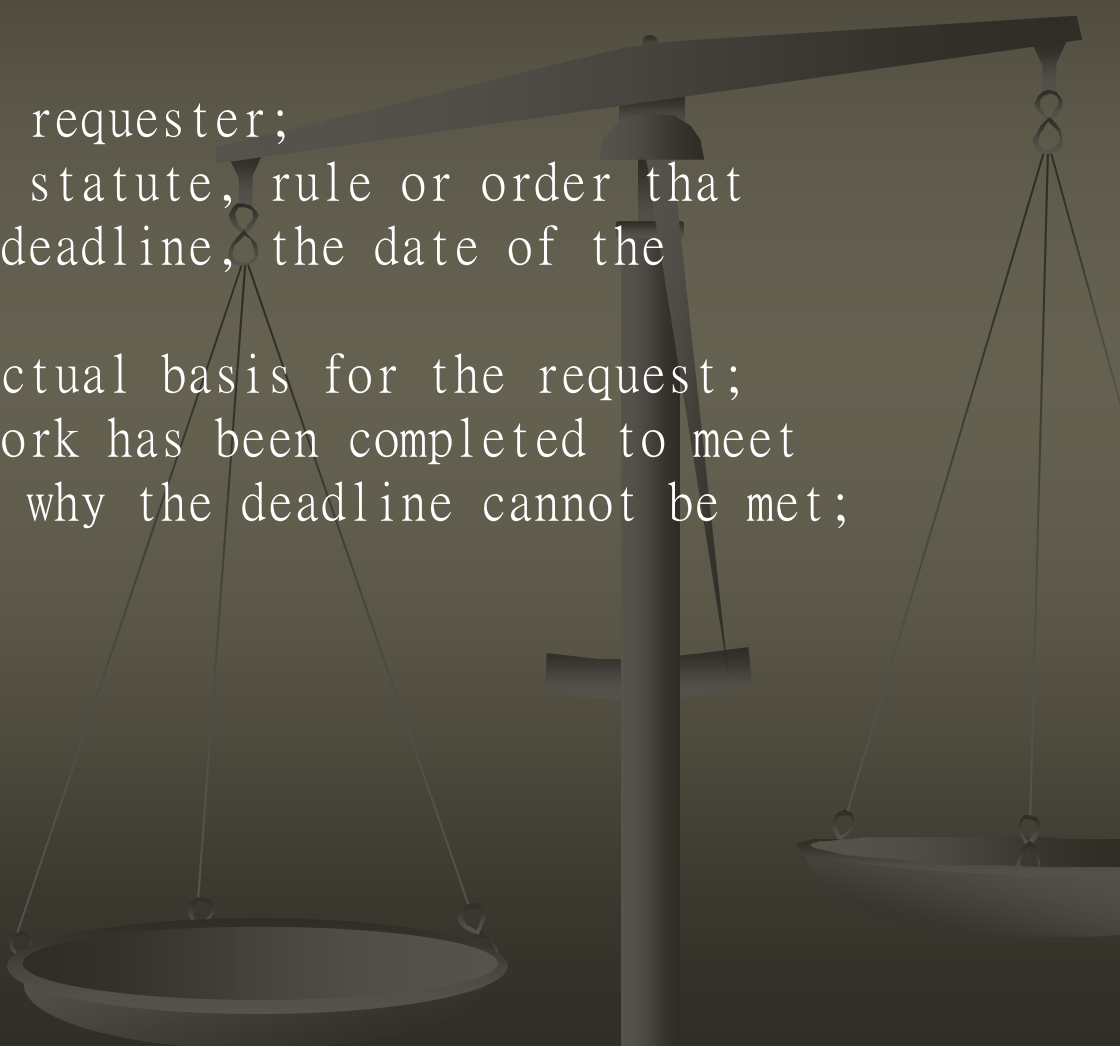
What must the title of the motion or stipulation contain?

- (b) Every motion or stipulation for an extension ...will, immediately below the title of such motion or stipulation, include a statement indicating whether it is the first, second, etc., requested extension, i.e., “First Request for Extension.”



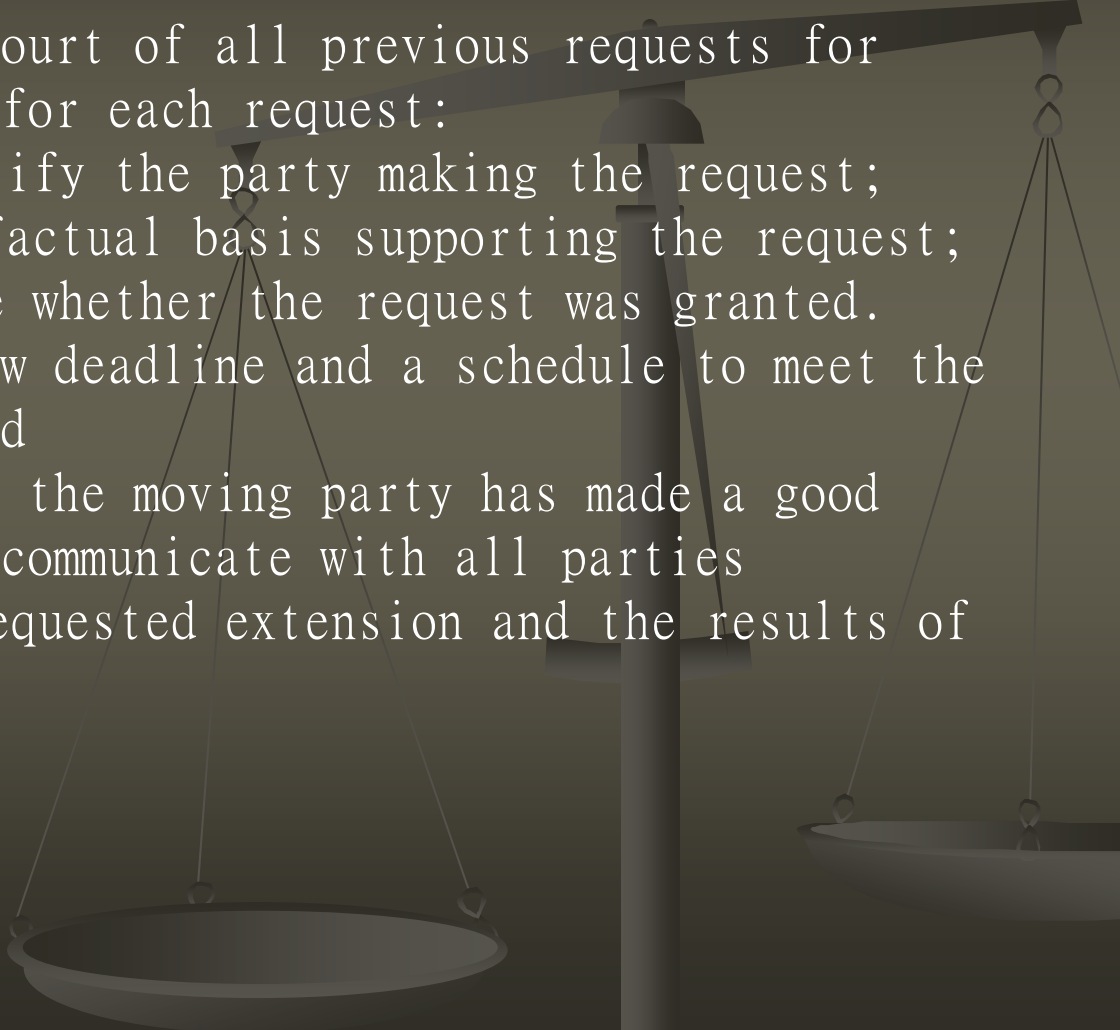
FJDCR 3.17(c)

What is required content of the motion or stipulation to extend a deadline?

- (c) (1) Identify the requester;
 - (2) Identify the statute, rule or order that established the deadline, the date of the deadline;
 - (3) State the factual basis for the request;
 - (4) State what work has been completed to meet the deadline and why the deadline cannot be met;
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FJDCR 3.17(c) Continued

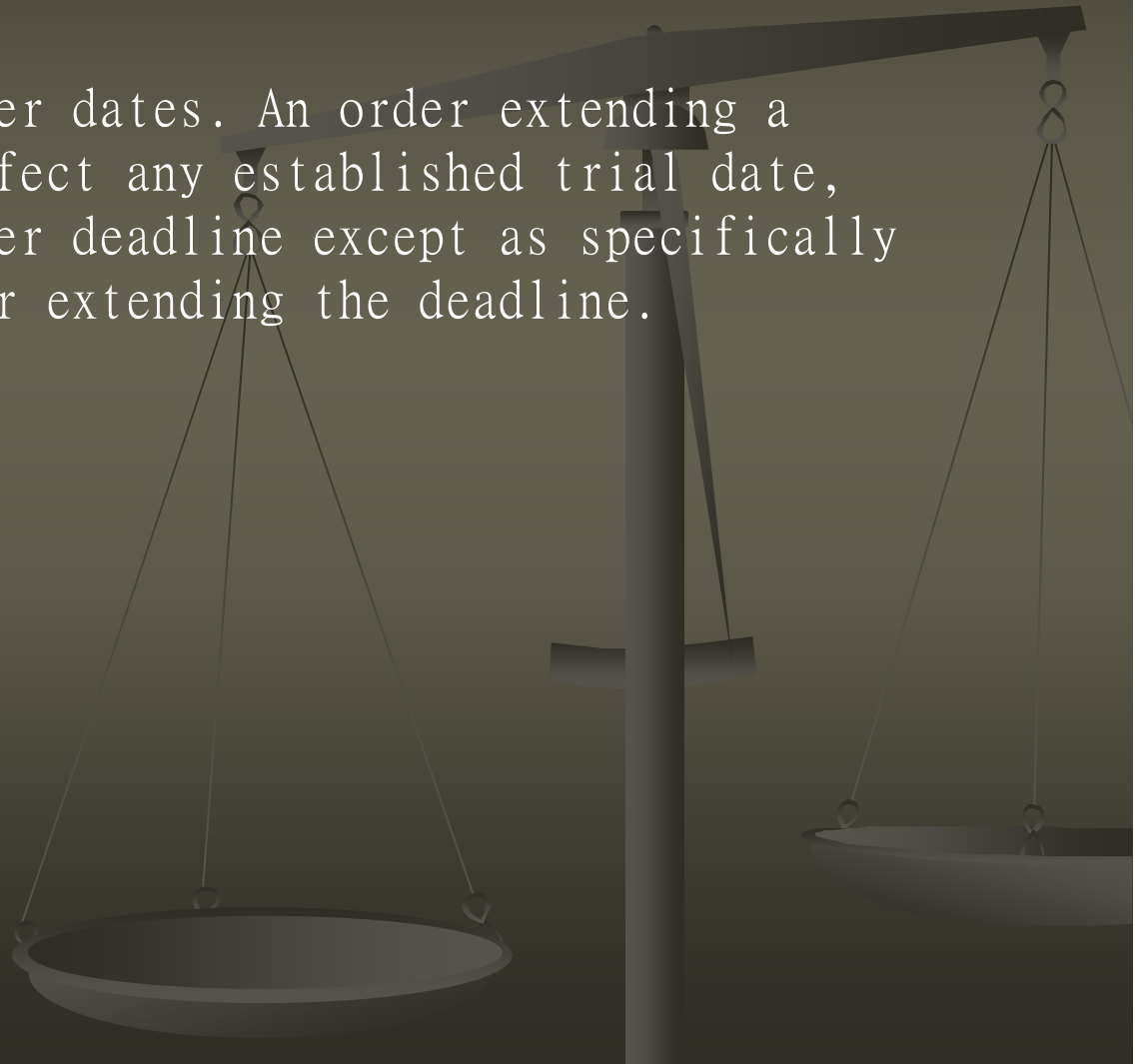
What must the motion or stipulation contain (continued)?

- 
- (5) Inform the court of all previous requests for extensions, and for each request:
 - (a) Identify the party making the request;
 - (b) The factual basis supporting the request;
 - (c) State whether the request was granted.
 - (6) Propose a new deadline and a schedule to meet the new deadline; and
 - (7) Certify that the moving party has made a good faith effort to communicate with all parties regarding the requested extension and the results of those efforts.

FJDCR 3.17(d)

Will an order extending a deadline affect any other established date or deadline?

- (d) No effect on other dates. An order extending a deadline does not affect any established trial date, hearing date, or other deadline except as specifically provided in the order extending the deadline.



FJDCR 3.18

You need a court order and you need it in less time than the normal motion practice. What do you do?

- 3.18 Motion for order shortening time

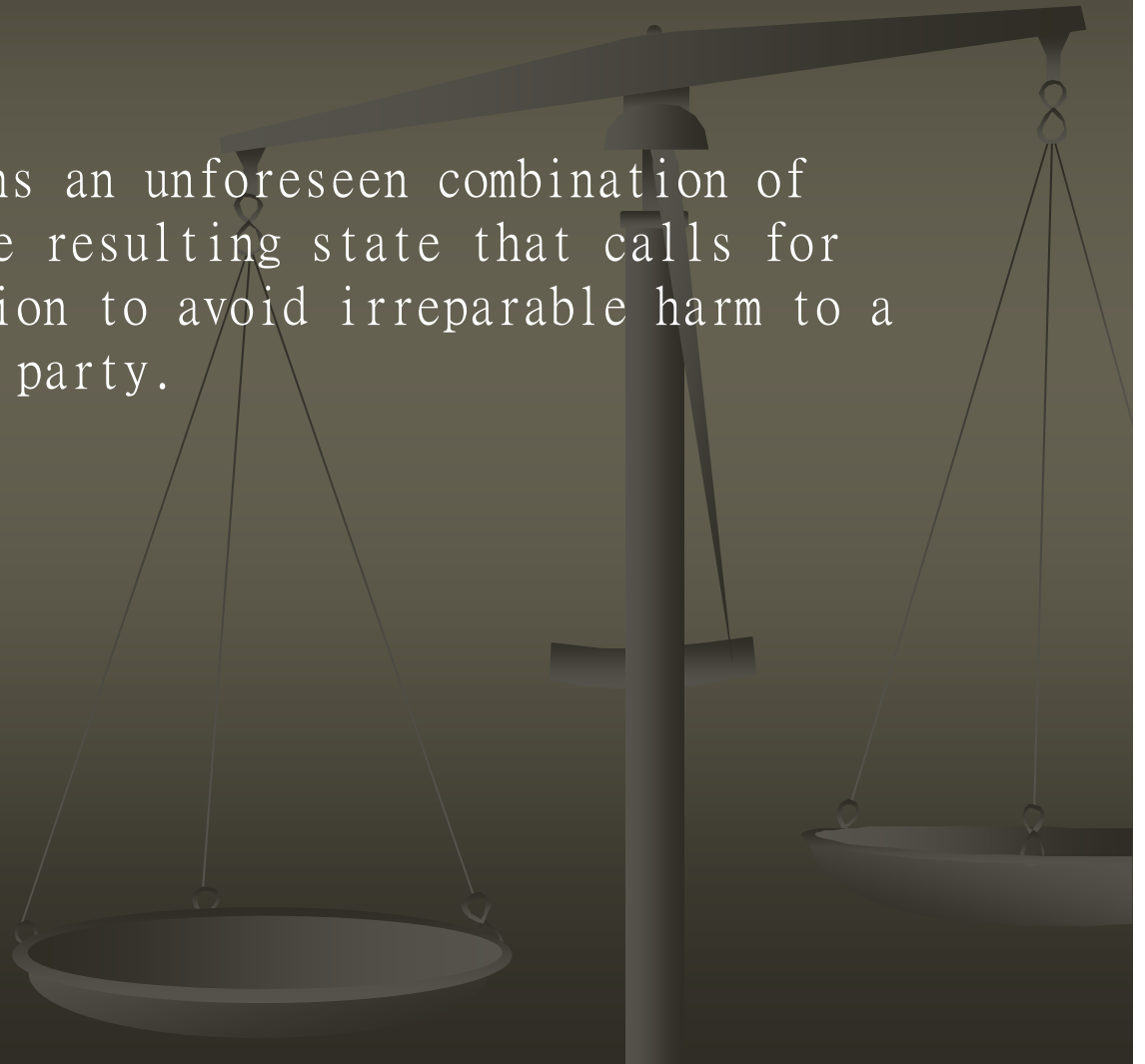


FJDCR 1.3(d)

Does your issue constitute an emergency?

■ 1.3 Definitions

(d) “Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate court action to avoid irreparable harm to a party or child of a party.



FJDCR 3.19(a)

If your issue constitutes an emergency what does your ex parte or emergency motion have to include?

■ 3.19 Ex parte and emergency motions.

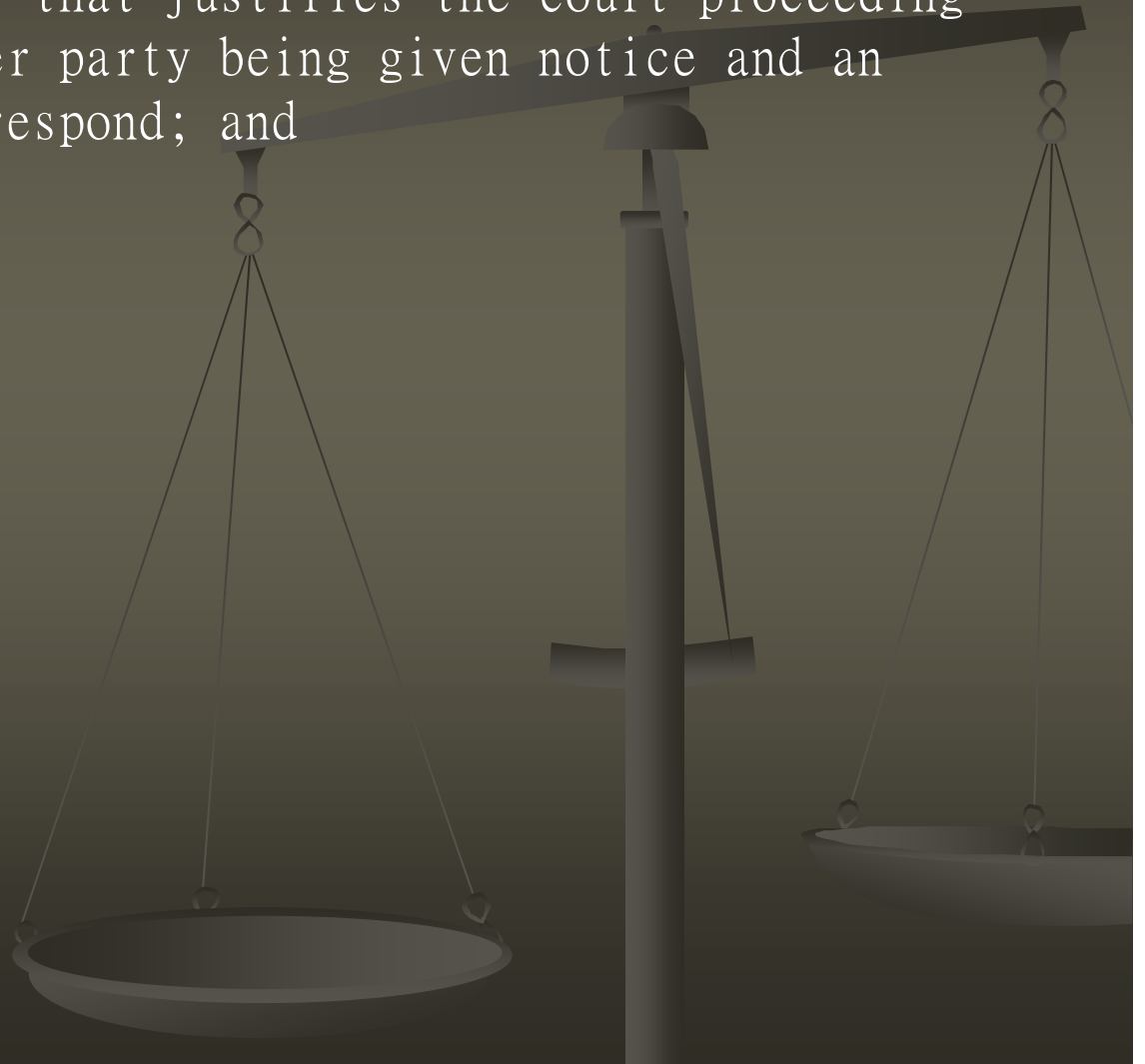
(a) The first paragraph(s) of an ex parte or emergency motion must state specific facts that show:

(1) an emergency that justifies the court proceeding without the other party being given notice and an opportunity to respond; and

(2) specific facts showing what efforts have been made to notify the other party, or specific facts showing that justice requires the other party not be given notice. All alleged facts must be supported by affidavit, declaration, or other admissible evidence.

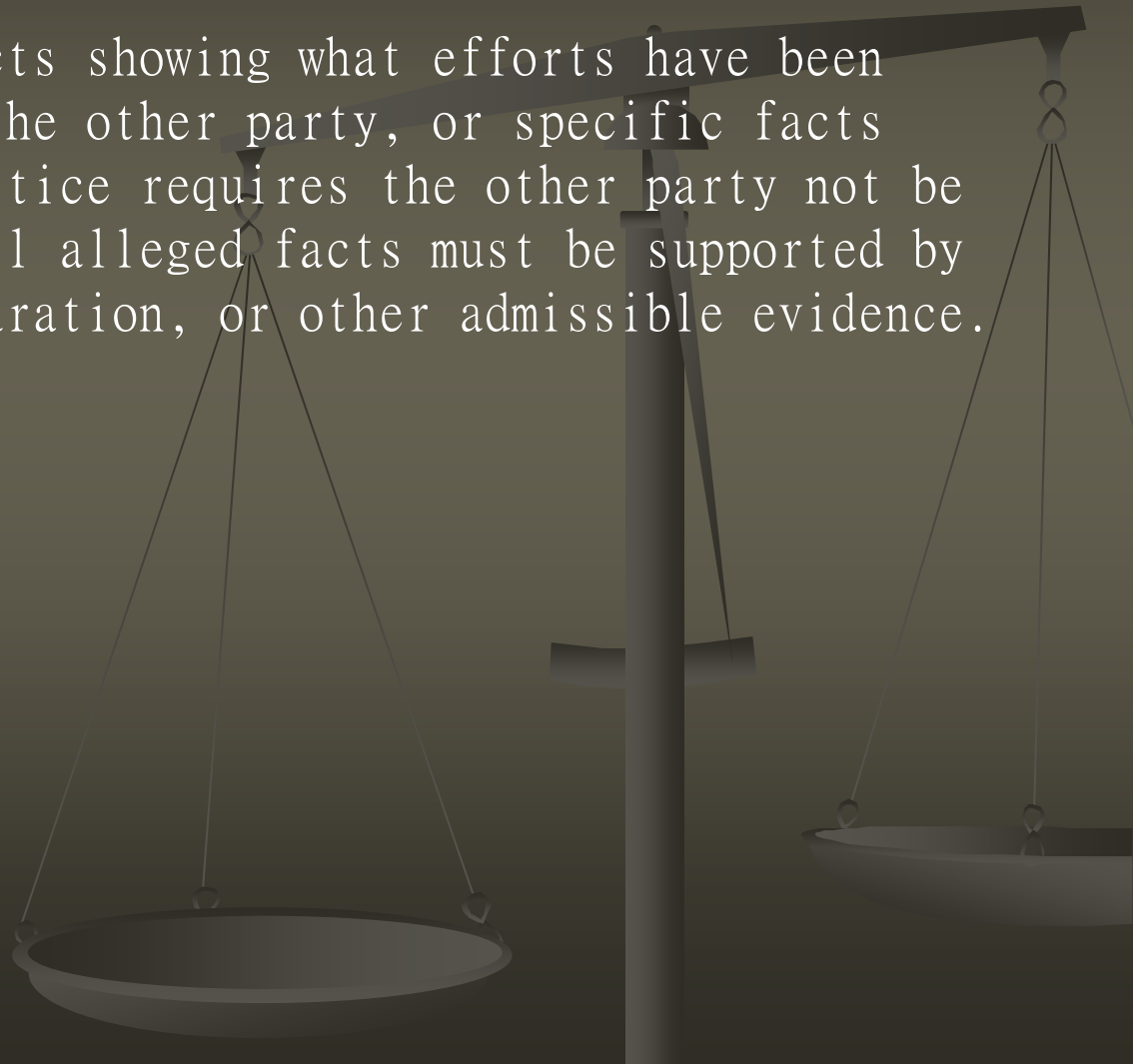
FJDCR 3.19(a) Continued

(1) an emergency that justifies the court proceeding without the other party being given notice and an opportunity to respond; and



FJDCR 3.19(a) Continued

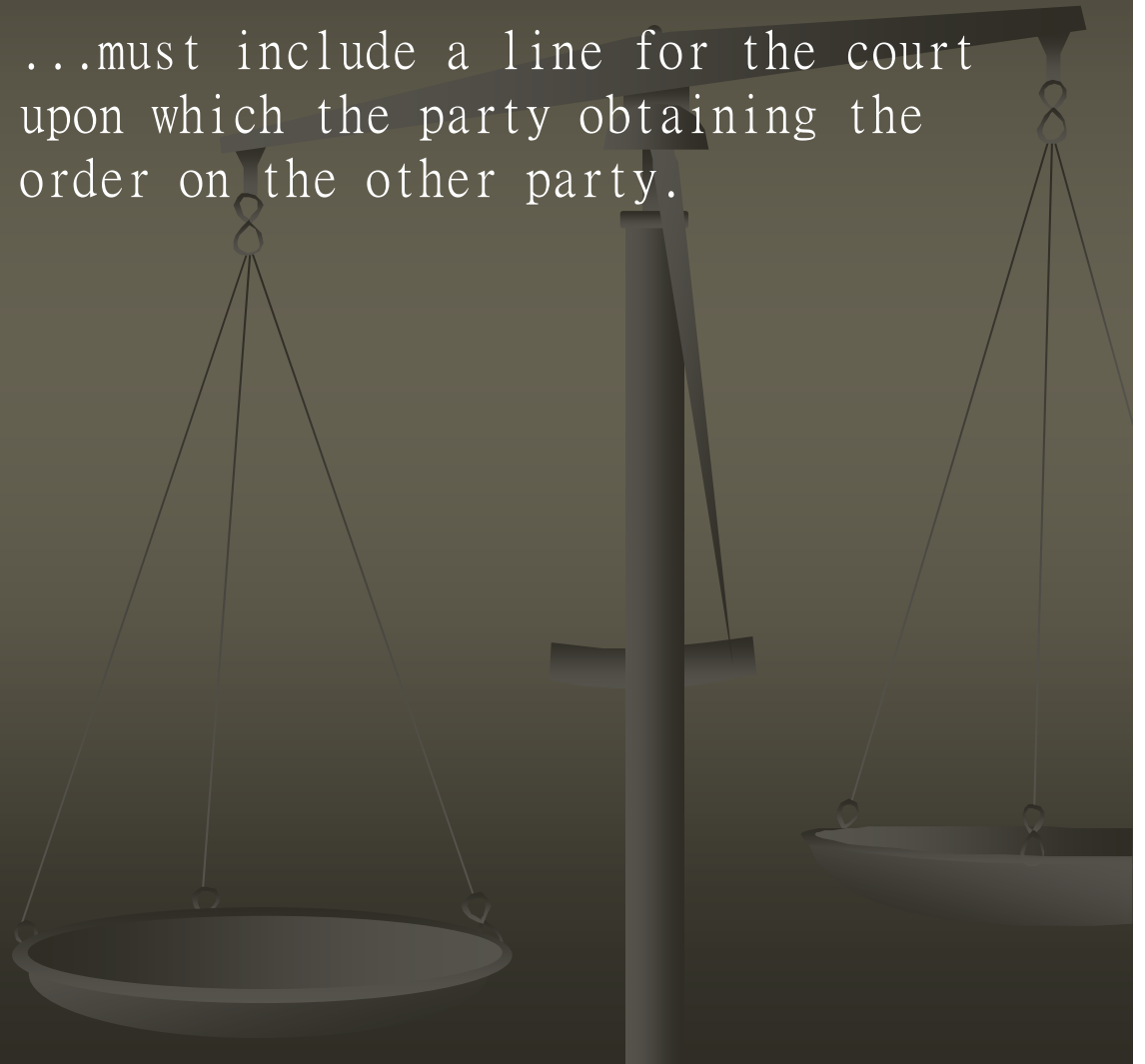
(2) specific facts showing what efforts have been made to notify the other party, or specific facts showing that justice requires the other party not be given notice. All alleged facts must be supported by affidavit, declaration, or other admissible evidence.



FJDCR 3.19(b)

What must the proposed order include?

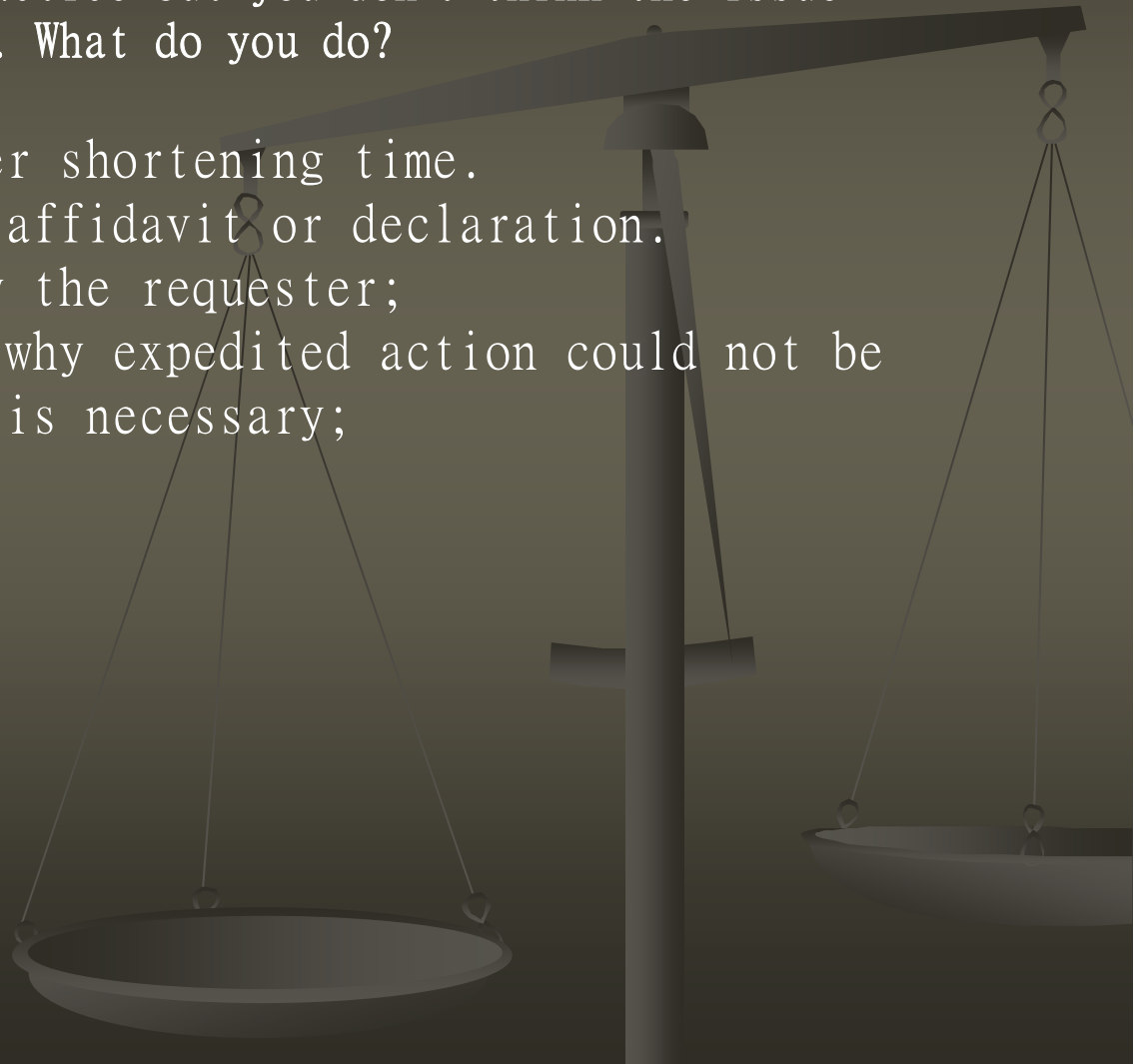
- (b) Proposed orders. ...must include a line for the court to write in the date upon which the party obtaining the order must serve the order on the other party.



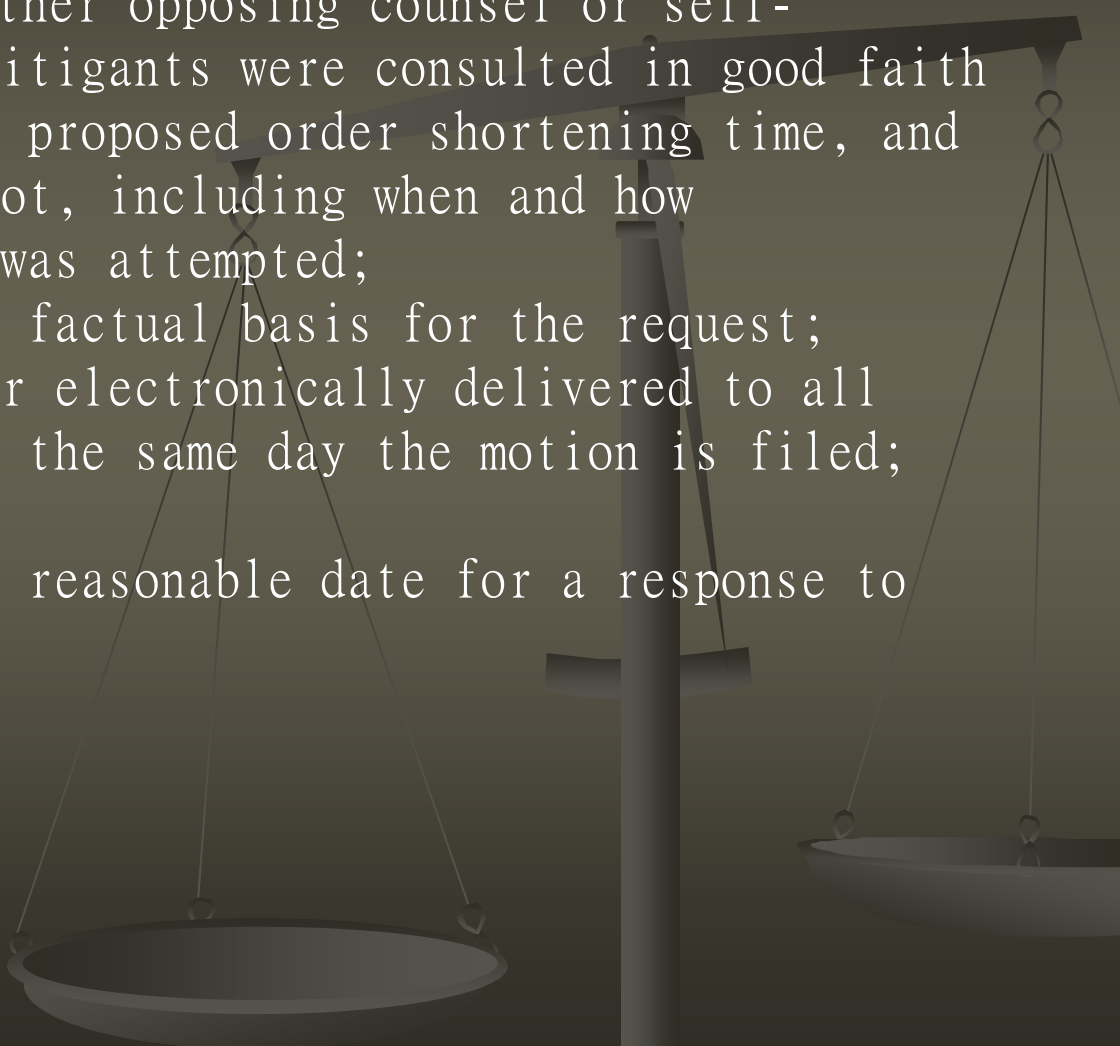
FJDCR 3.18(a)

You believe you need a court order and you need it in less time than the normal motion practice but you don't think the issue qualifies as an emergency. What do you do?

- 3.18 Motion for order shortening time.
 - (a) Contents of affidavit or declaration.
 - (1) Identify the requester;
 - (2) Explain why expedited action could not be avoided and is necessary;



FJDCR 3.18(a) Continued

- (3) State whether opposing counsel or self-represented litigants were consulted in good faith regarding the proposed order shortening time, and if not, why not, including when and how consultation was attempted;
 - (4) State the factual basis for the request;
 - (5) Be hand or electronically delivered to all other parties the same day the motion is filed; and
 - (6) Propose a reasonable date for a response to the motion.
- 

FJDCR 3.18(b)

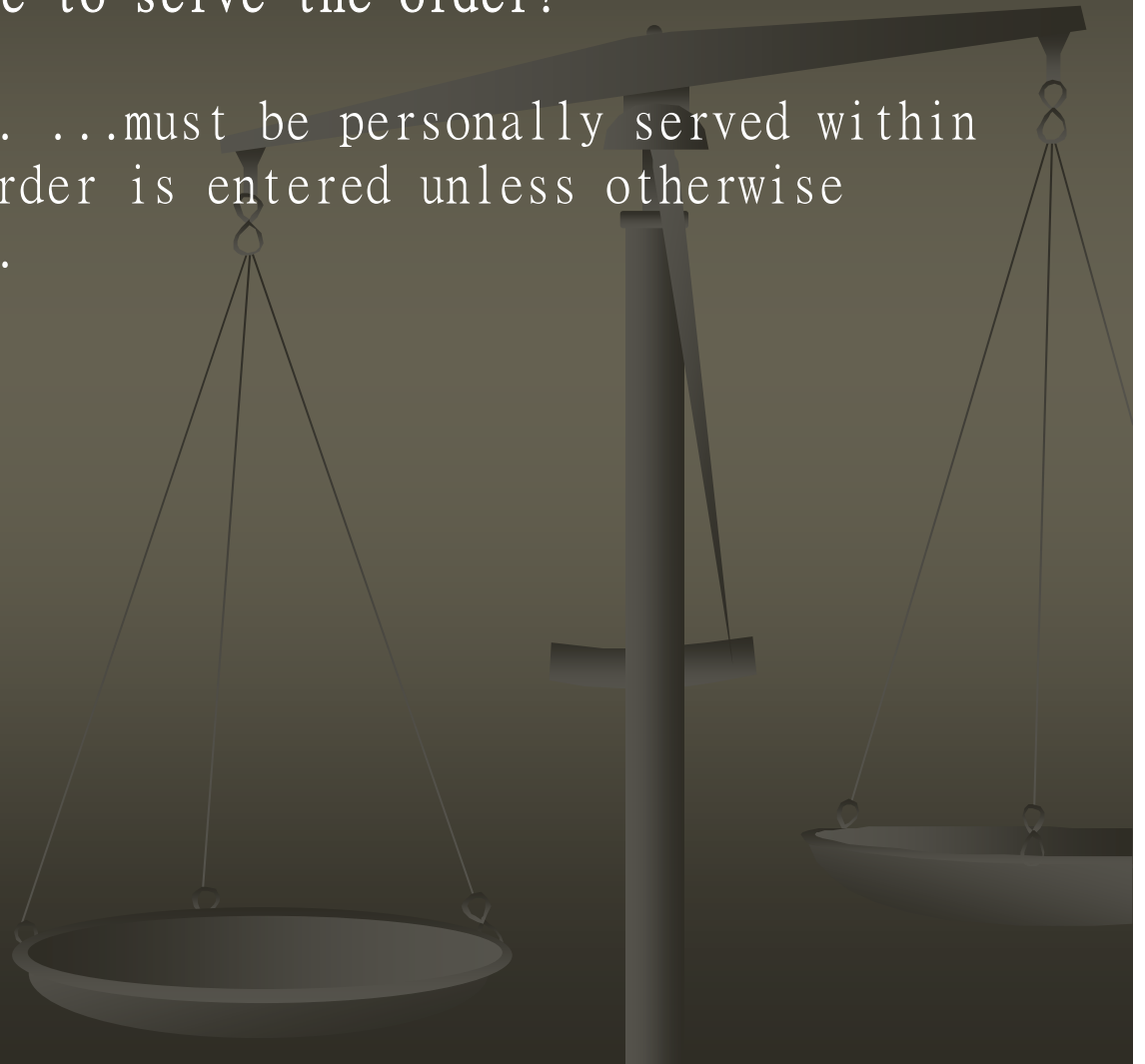
What must the proposed order include?

- (b) Proposed order. ...include language and blank space so the following can be easily inserted by the judge:
 - (1) The date and time for the hearing ...if an expedited hearing is ordered;
 - (2) The date for filing any objections to the motion;
 - (3) The date for filing a response to any objection;
and
 - (4) The date by which service of the order shortening time will be completed.

FJDCR 3.18(c)

What kind of service of an order shortening time is required and how long do you have to serve the order?

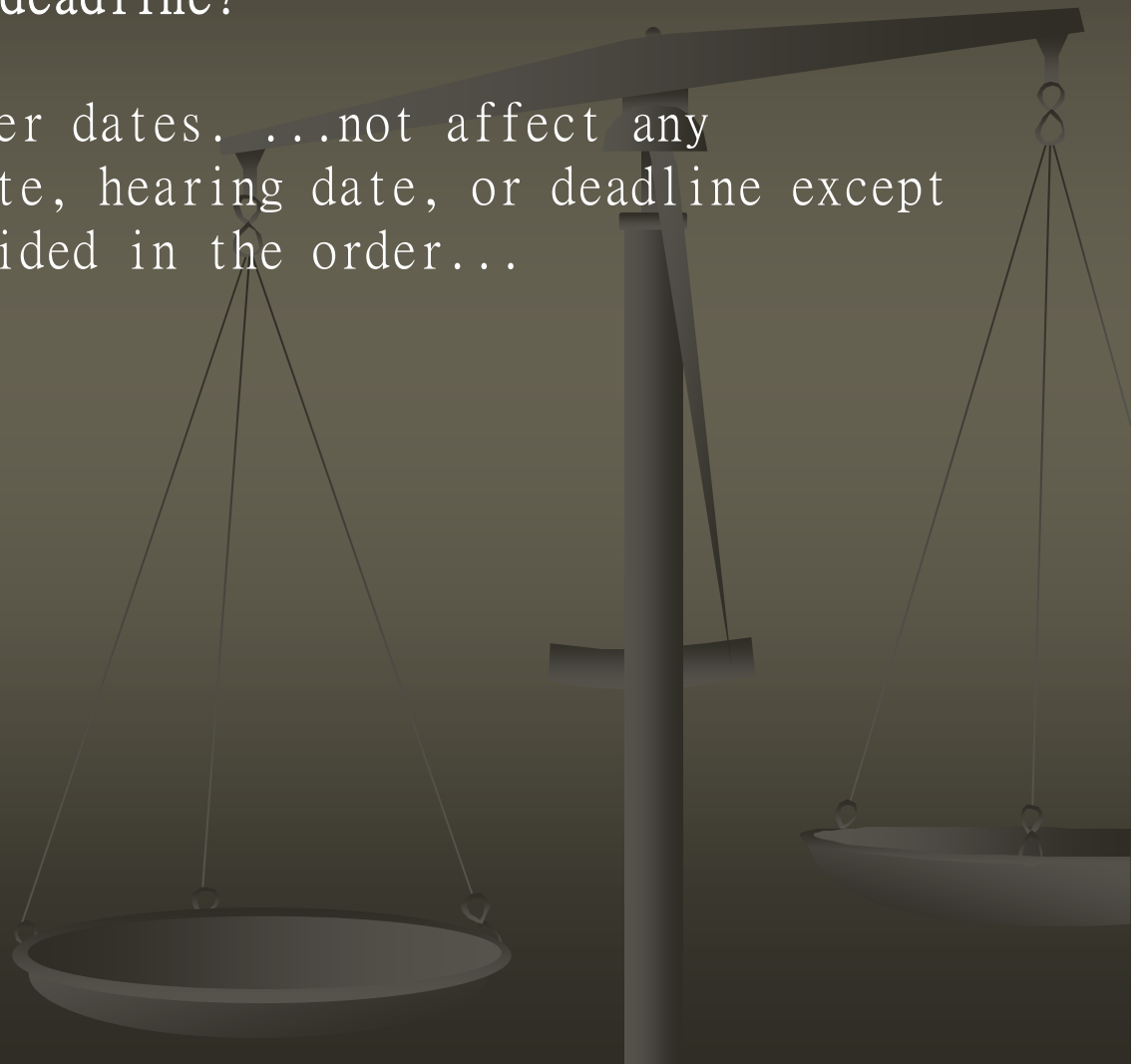
- (c) Personal service. ...must be personally served within 24 hours after the order is entered unless otherwise ordered by the court.



FJDCR 3.18(d)

Does an order shortening time affect any established trial date, hearing date, or deadline?

- (d) No effect on other dates. ...not affect any established trial date, hearing date, or deadline except as specifically provided in the order...



FJDCR 3.20

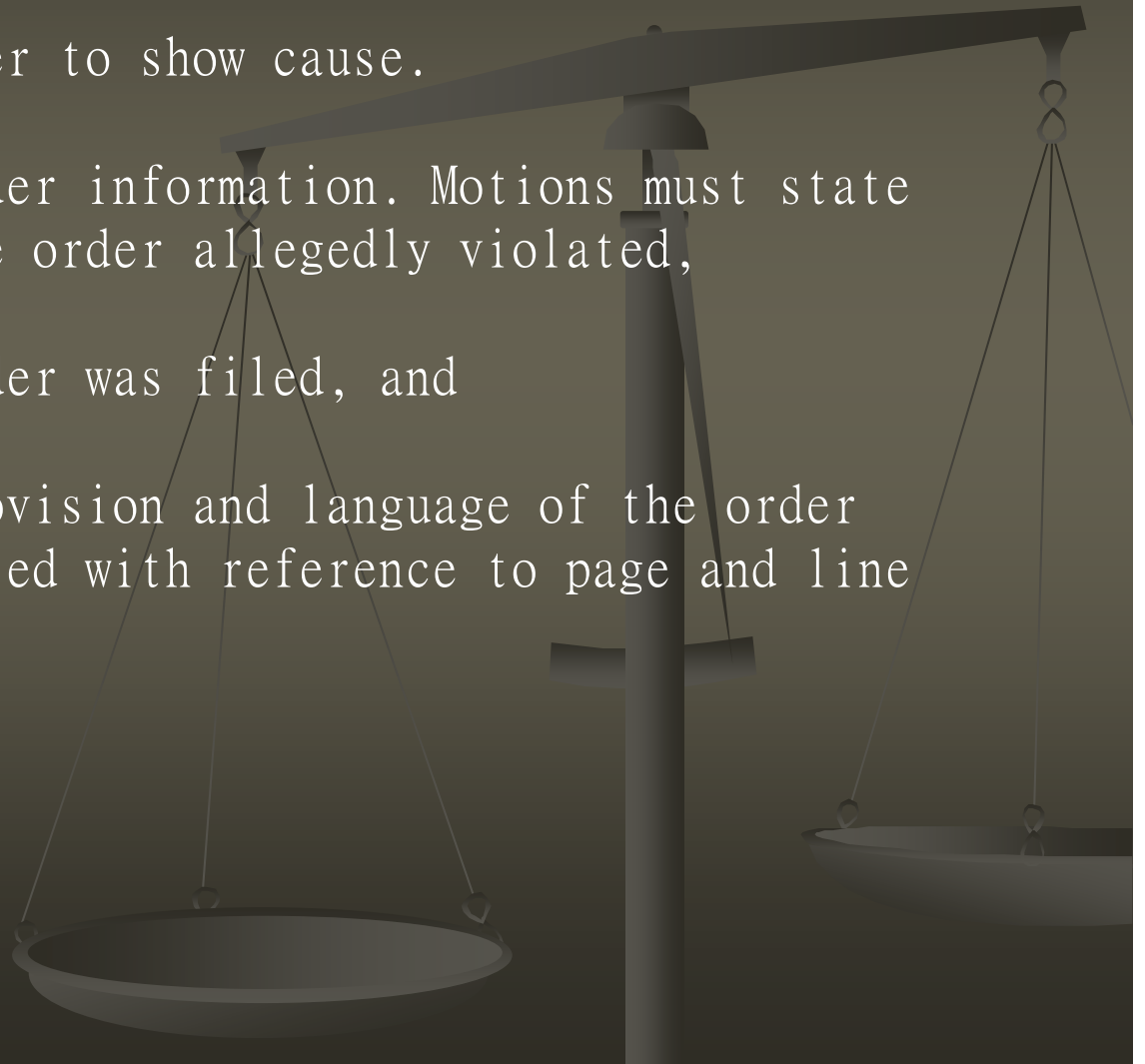
What must a motion for an order to show cause include?

- 3.20 Motions for order to show cause.

(a) Specific order information. Motions must state the title of the order allegedly violated,

the date the order was filed, and

the specific provision and language of the order allegedly violated with reference to page and line numbers;



FJDCR 3.20(b) Continued

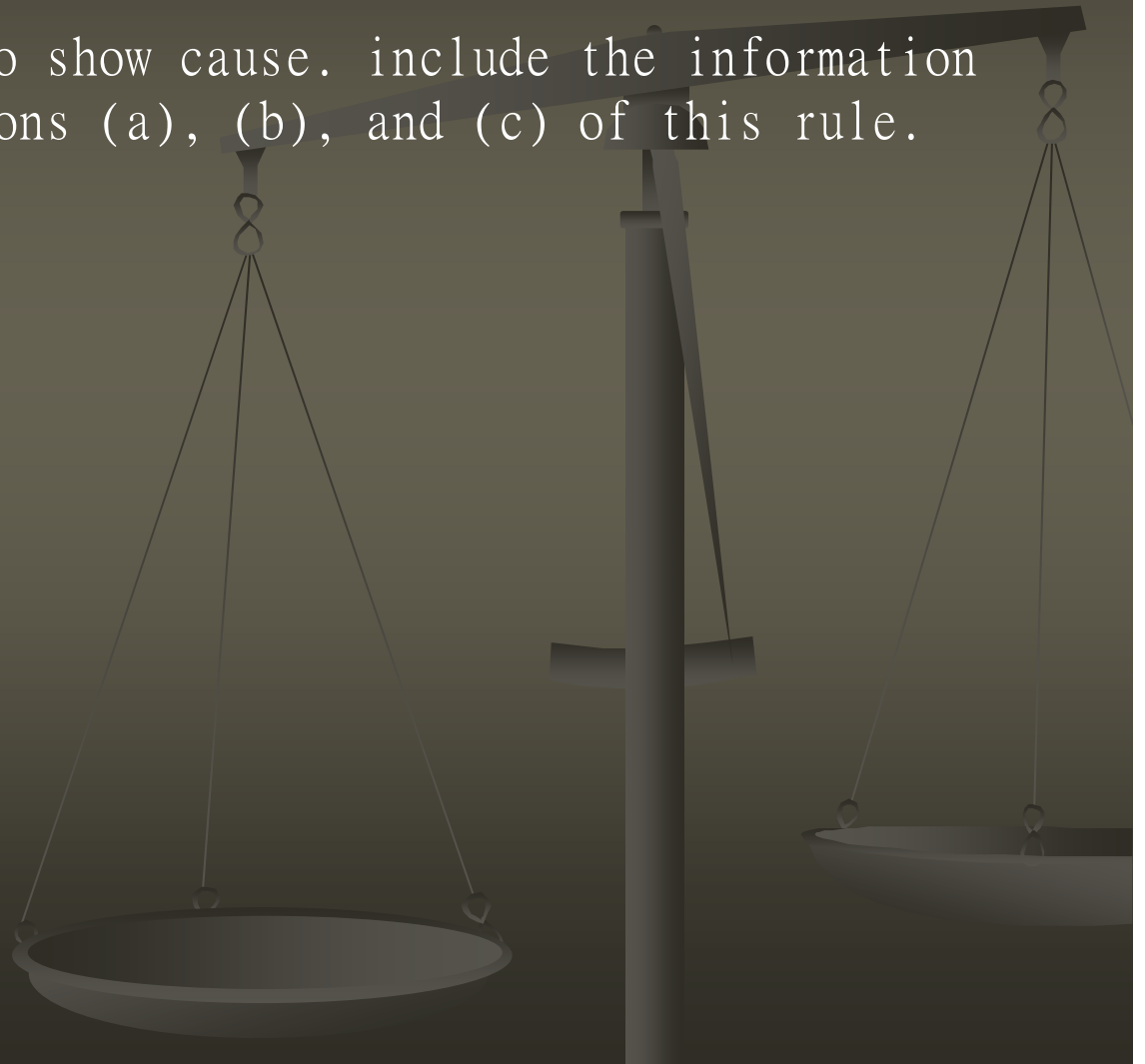
(b) Facts. The supporting affidavit or declaration must contain specific facts supporting the alleged violation including dates and times and avoid general conclusions and argument, and be supported by admissible evidence; and

(c) Civil or criminal. Indicate whether the party filing the motion is seeking a finding of criminal contempt to punish the allegedly offending party, or civil contempt to coerce the allegedly offending party's compliance with a court directive.

FJDCR 3.20(d)

What does the proposed order need to include?

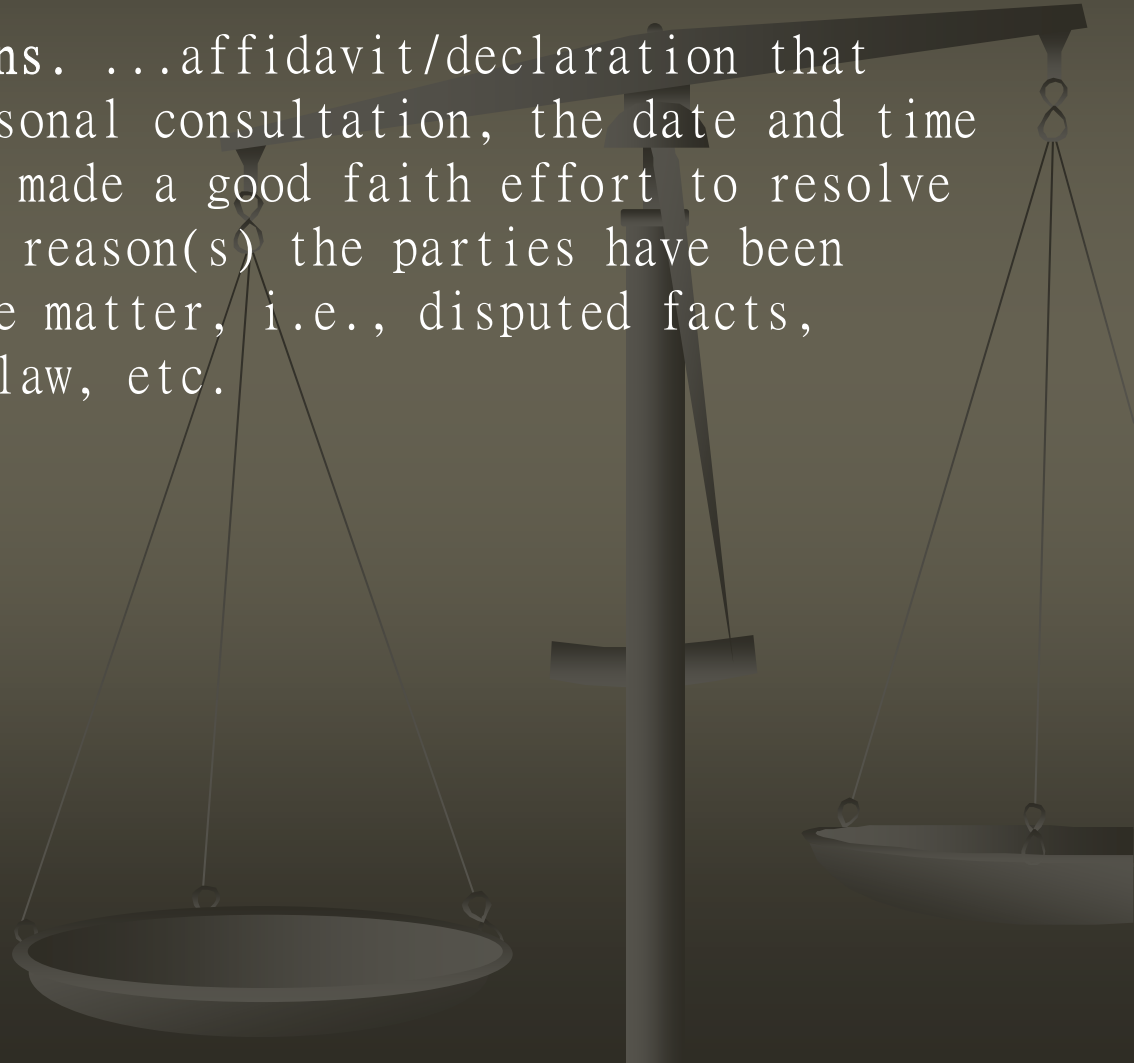
- (d) Proposed order to show cause. include the information required in subsections (a), (b), and (c) of this rule.



FJDCR 3.21

What must a discovery motion include?

- 3.21 Discovery motions. ...affidavit/declaration that ...parties had a personal consultation, the date and time of the consultation, made a good faith effort to resolve the dispute, and the reason(s) the parties have been unable to resolve the matter, i.e., disputed facts, disagreement on the law, etc.

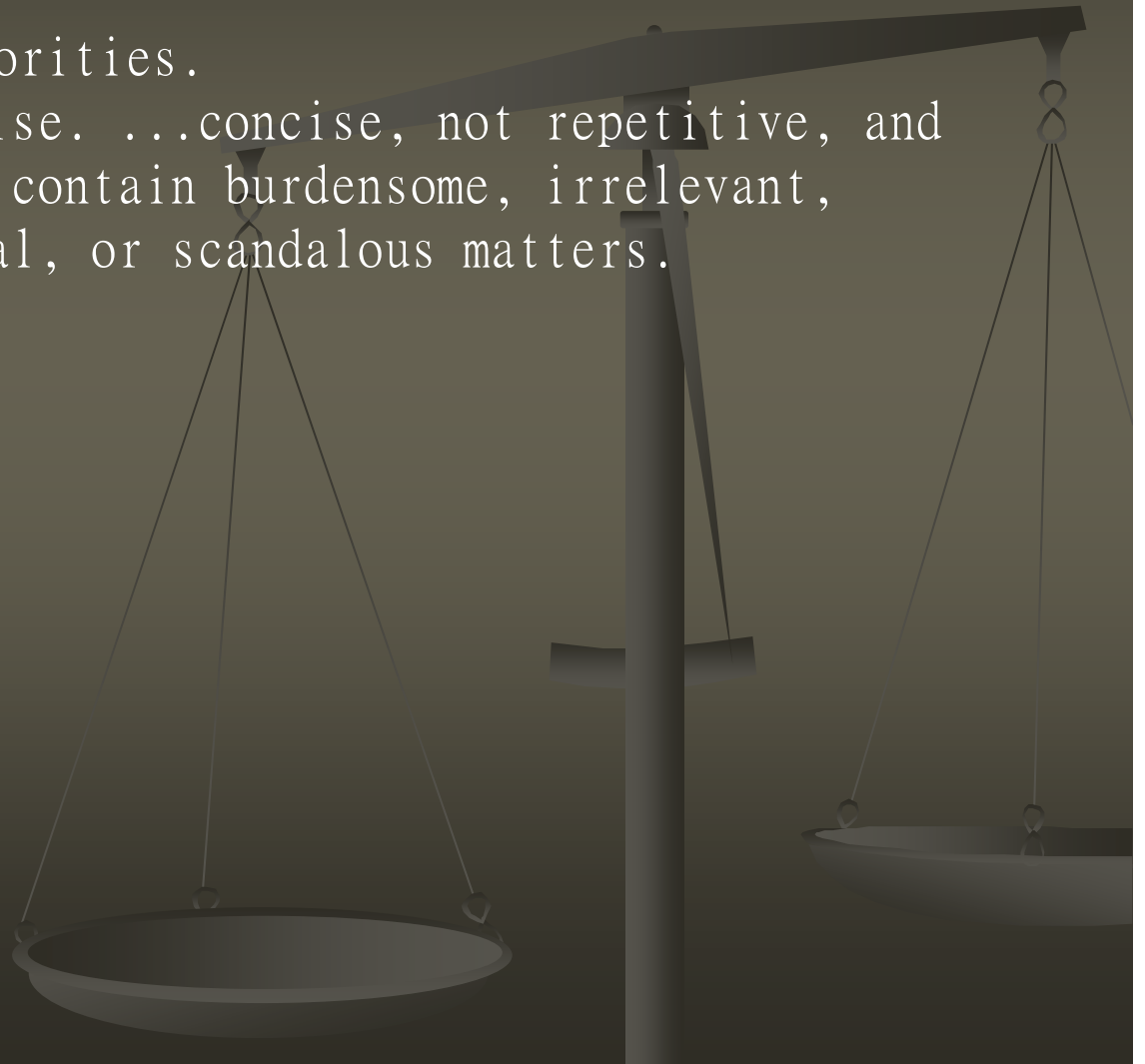


FJDCR 3.23

What are the rules regarding points and authorities?

- 3.23 Points and authorities.

- (a) Concise. ...concise, not repetitive, and must not contain burdensome, irrelevant, immaterial, or scandalous matters.



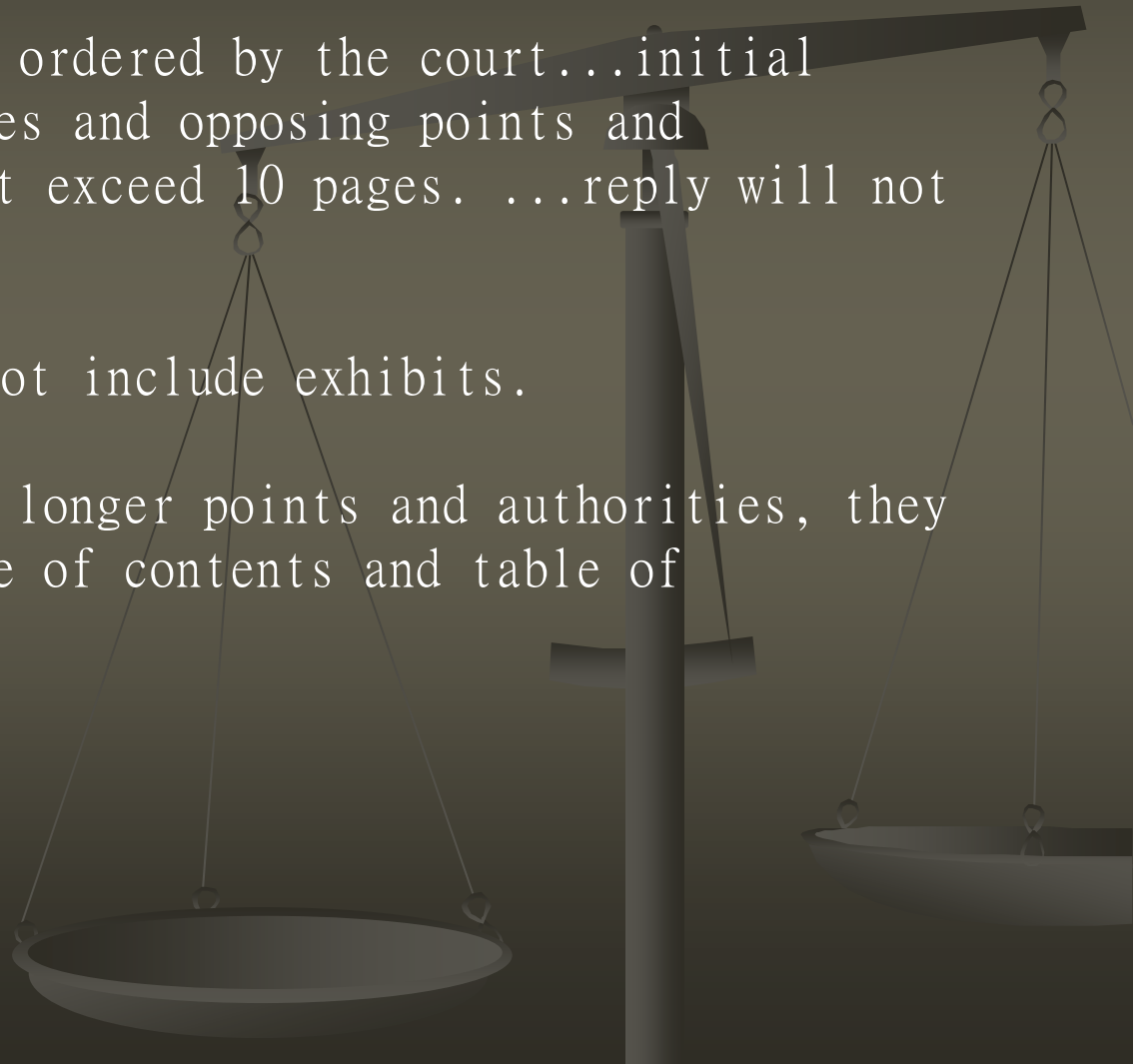
FJDCR 3.23(b)

Are there page limits?

- (b) Unless otherwise ordered by the court...initial points and authorities and opposing points and authorities, will not exceed 10 pages. ...reply will not exceed 5 pages.

The page limits do not include exhibits.

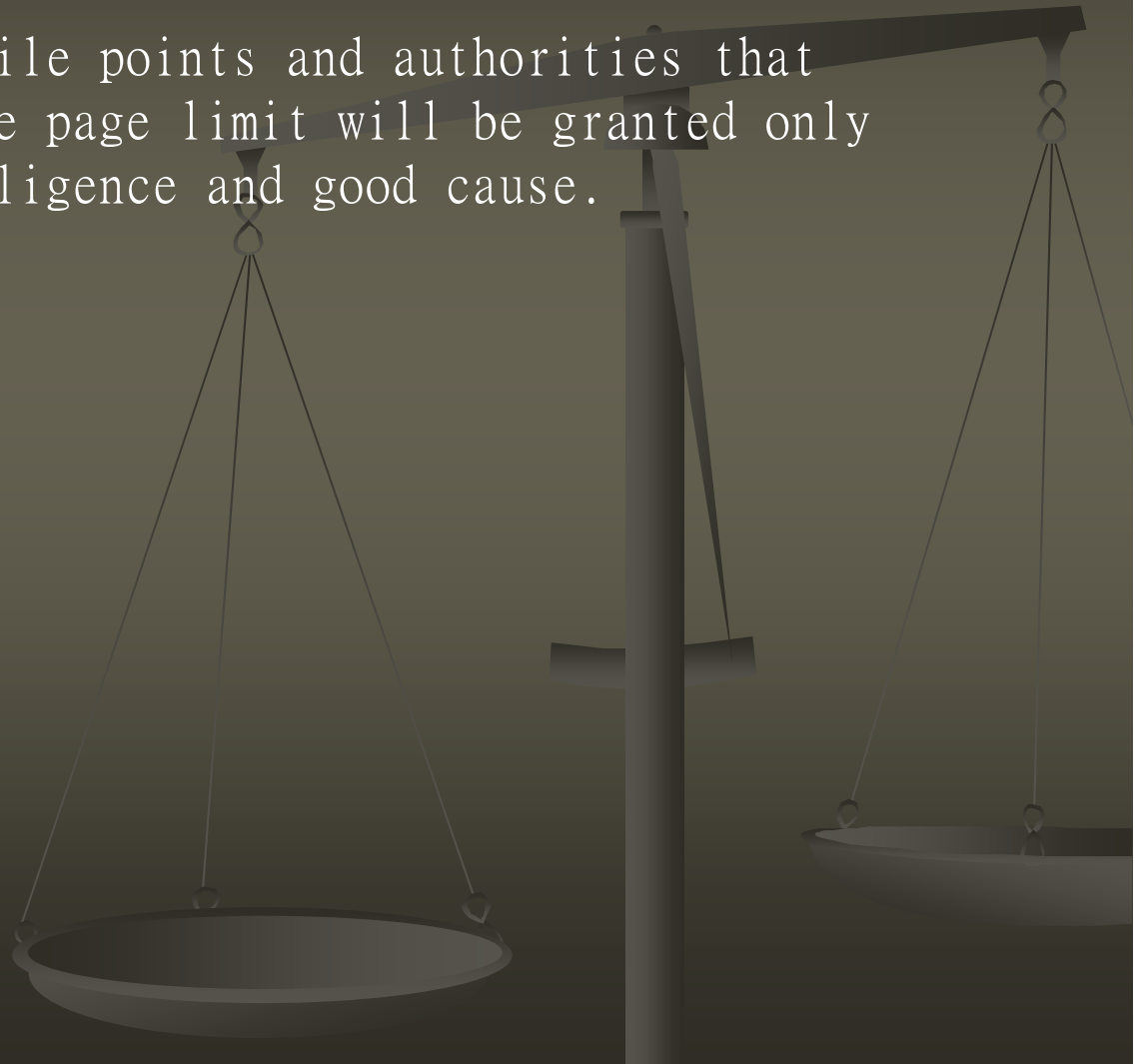
If the court allows longer points and authorities, they will include a table of contents and table of authorities.



FJDCR 3.23(c)(1)

What if the points and authorities just have to be longer?

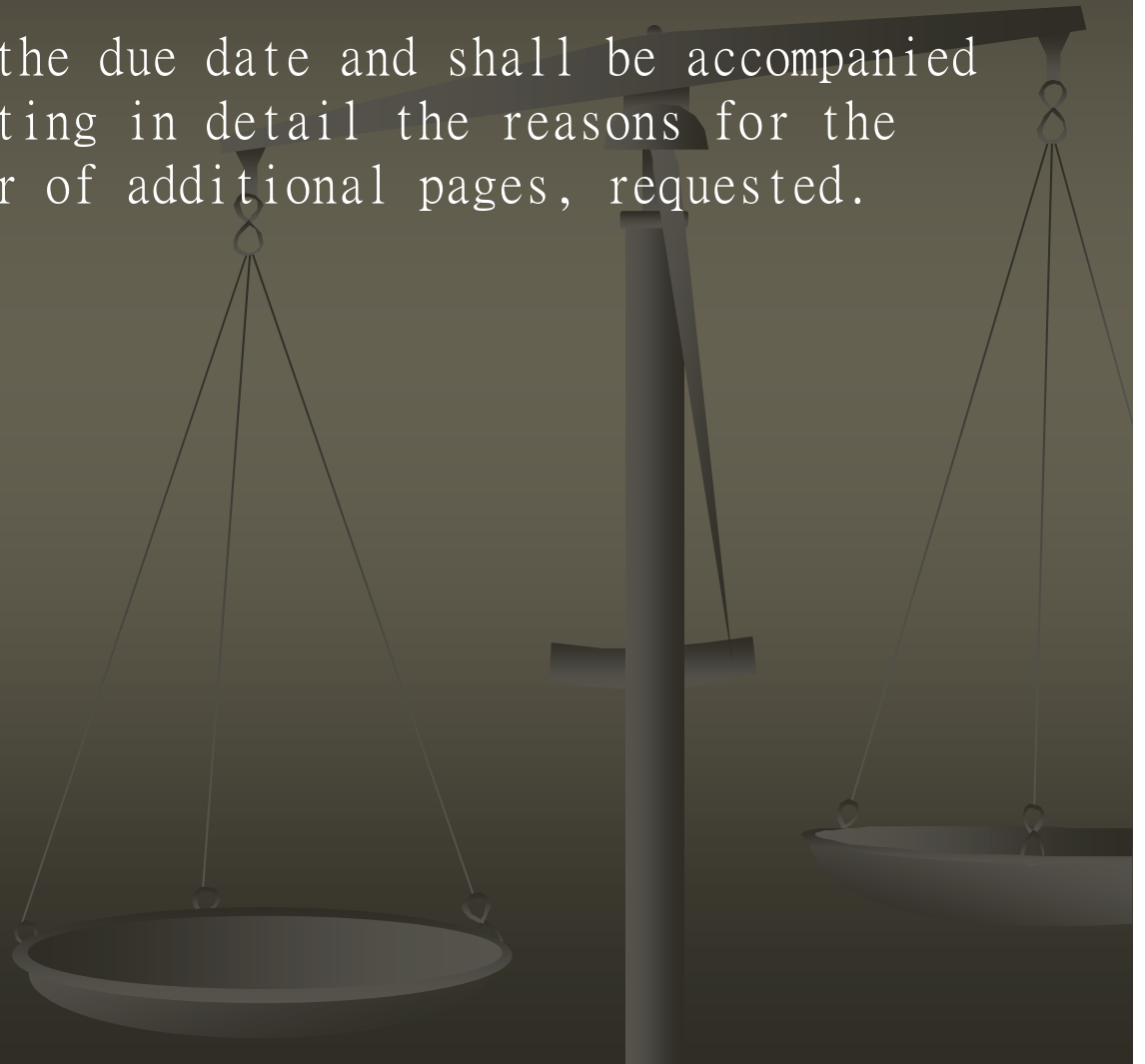
- (c)(1) A motion to file points and authorities that exceed the applicable page limit will be granted only upon a showing of diligence and good cause.



FJDCR 3.23(c)(2)

When does a motion to exceed the limit have to be filed?

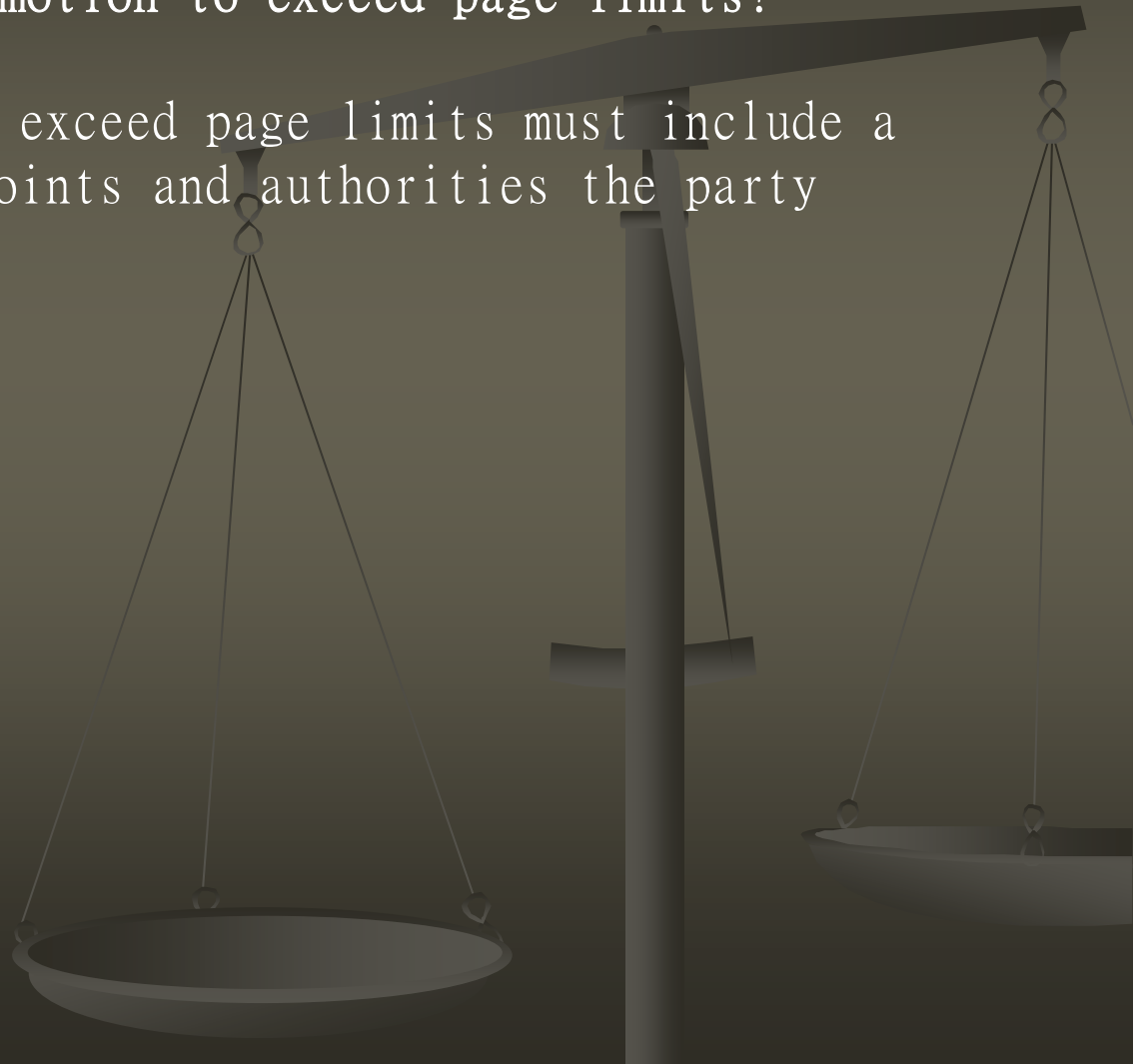
- (c)(2) on or before the due date and shall be accompanied by a declaration stating in detail the reasons for the motion and the number of additional pages, requested.



FJDCR 3.23(c)(3)

When do you submit the proposed points and authorities that are the subject of the motion to exceed page limits?

- (c)(3) The motion to exceed page limits must include a single copy of the points and authorities the party proposes to file.



3.7 Motions and stipulations

3.24 Legal Citations and Factual References



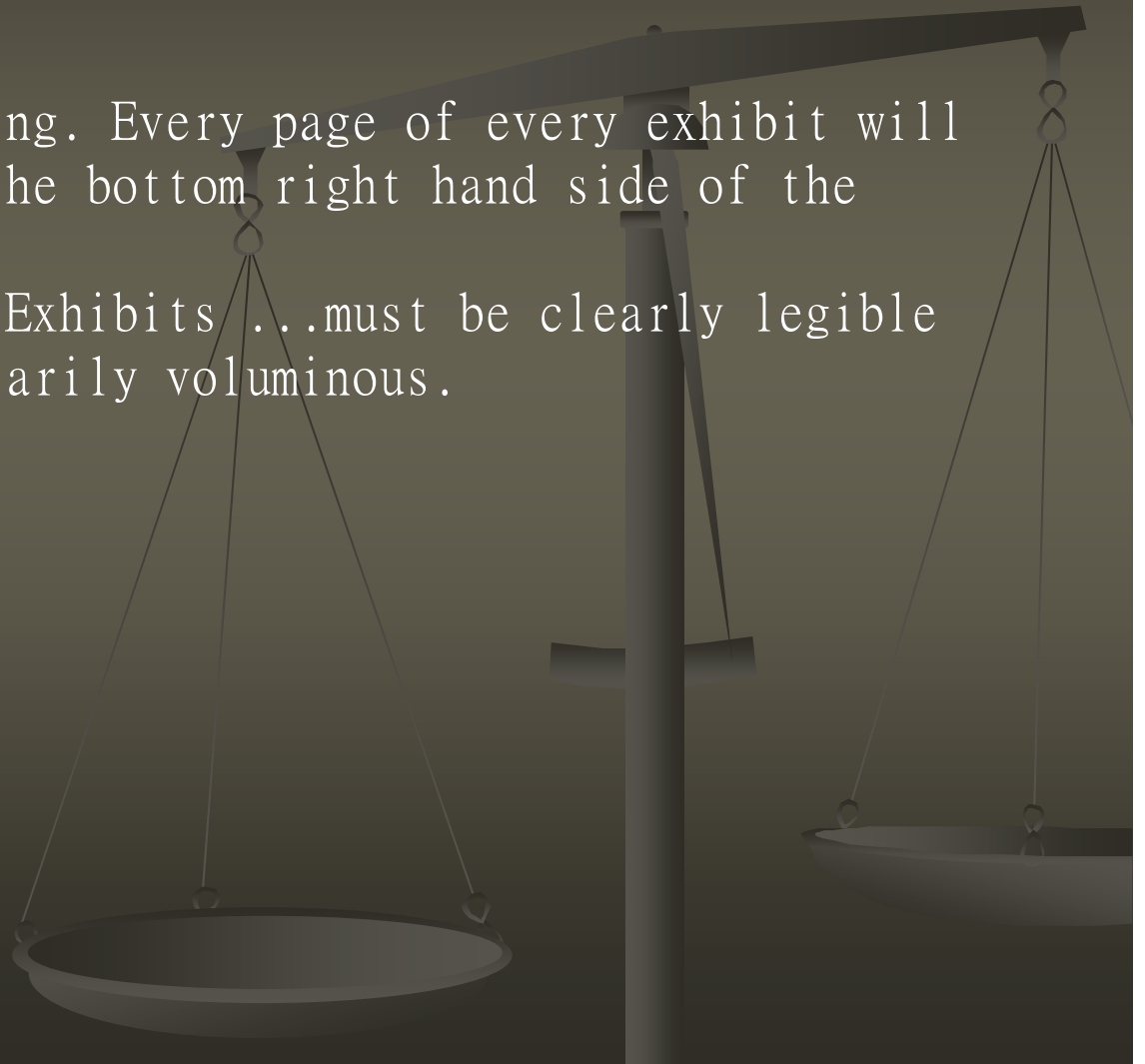
FJDCR 3.25

What are the rules regarding exhibits to motions?

- 3.25 Exhibits.

- (a) Page numbering. Every page of every exhibit will be numbered on the bottom right hand side of the page.

- (b) Legibility. Exhibits ...must be clearly legible and not unnecessarily voluminous.

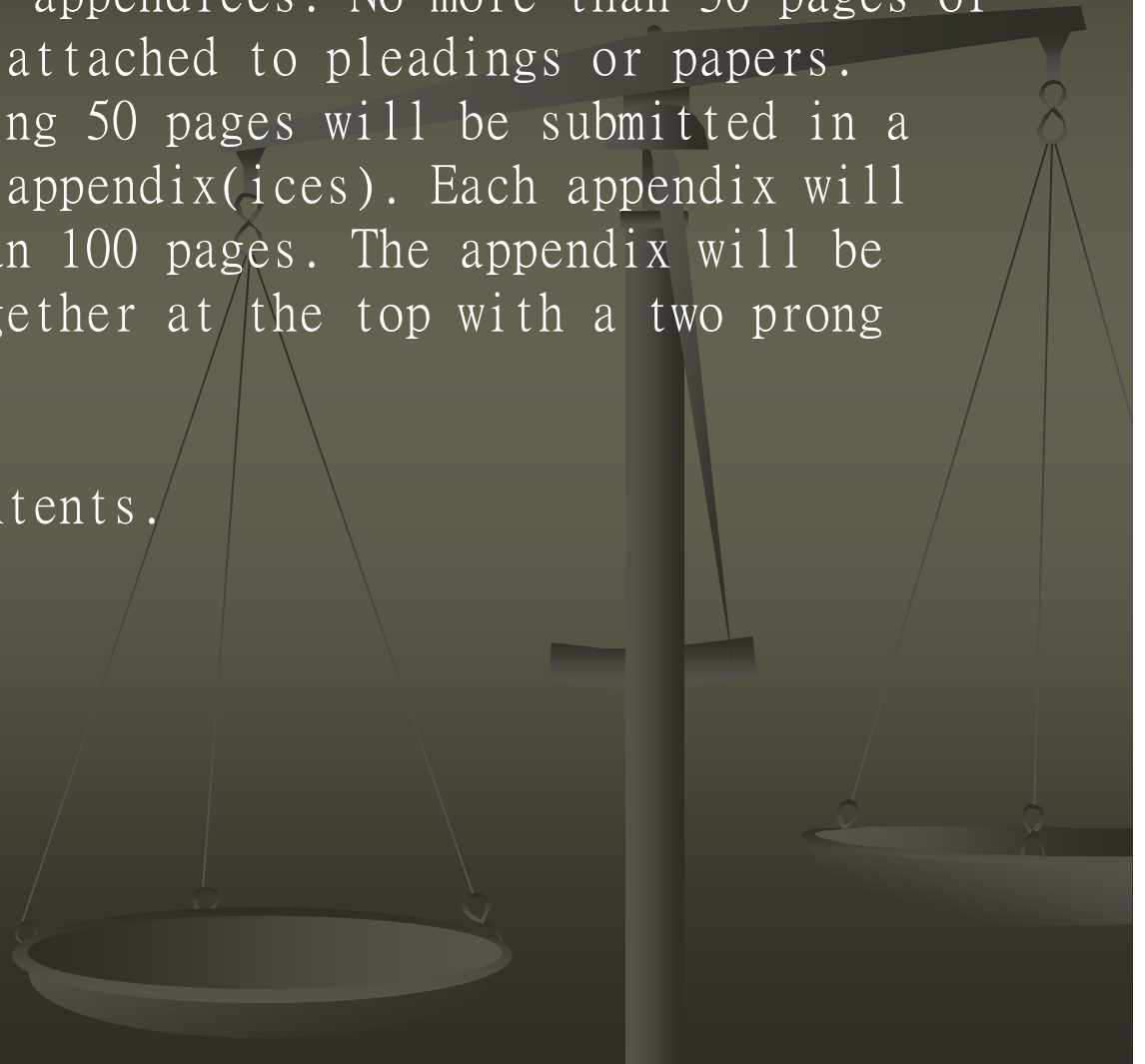


FJDCR 3.25 Continued

(c) Page limits; appendices. No more than 50 pages of exhibits may be attached to pleadings or papers. Exhibits exceeding 50 pages will be submitted in a separate, bound appendix(ices). Each appendix will have no more than 100 pages. The appendix will be firmly bound together at the top with a two prong fastener

(d) Cover sheet.

(e) Table of contents.



FJDCR 3.25 Continued

(f) Exhibit index tabs. Exhibits ...must have indexing tabs which extend below the bottom of the pages of the documents so each exhibit number can be clearly seen without having to thumb through the exhibits. The exhibits will be identified as Exhibit 1, Exhibit 2, etc., and any exhibits attached to exhibits will be identified as Exhibit 1A, Exhibit 1B, etc.

(g) Oversized exhibits.

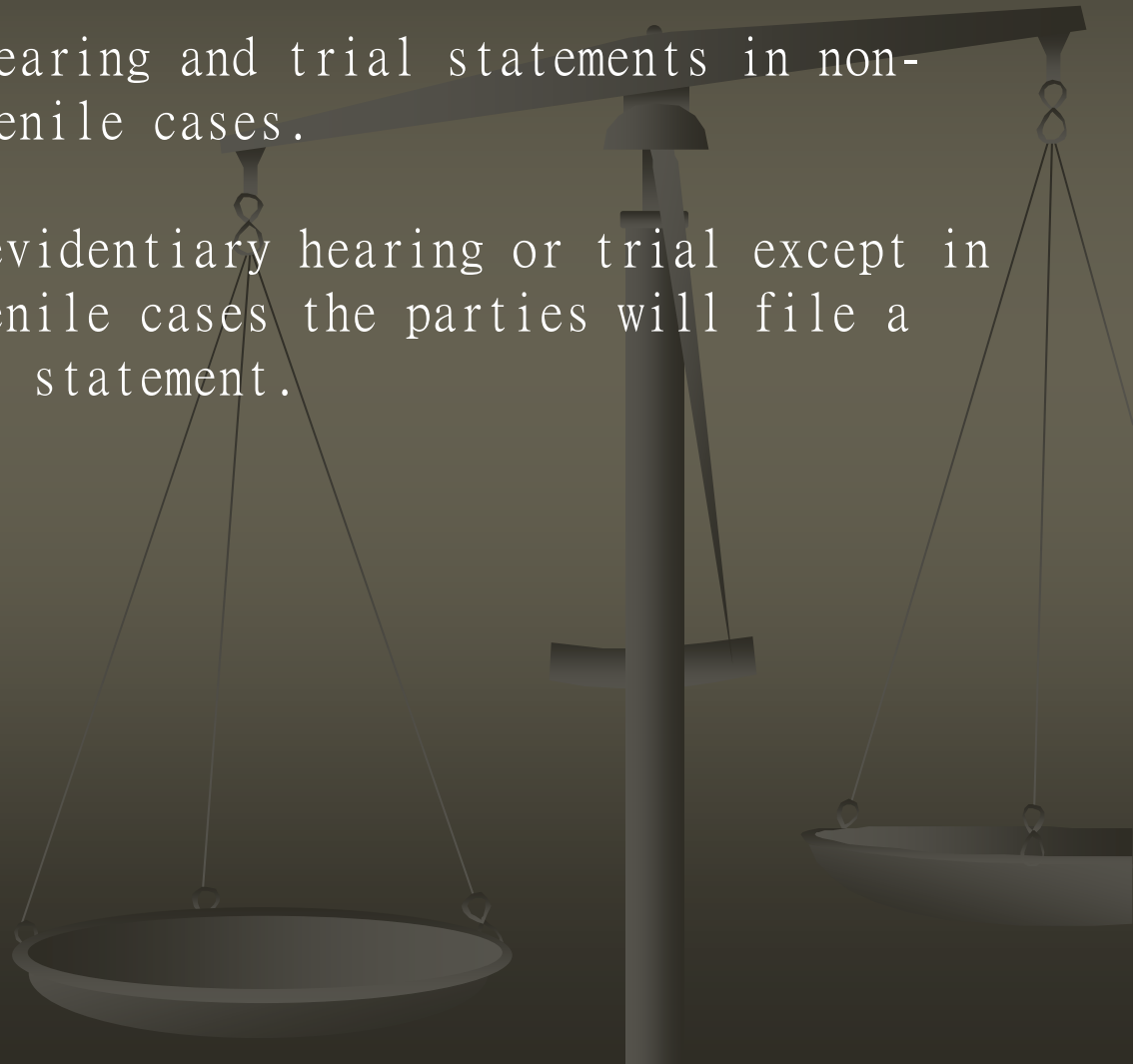
(h) Legal authority not to be attached. Copies of cases, statutes, or other legal authority will not be attached as exhibits or made part of an appendix.

FJDCR 4.5(a)

Are hearing and trial statements required?

- 4.5(a) Evidentiary hearing and trial statements in non-criminal and non-juvenile cases.

(a) Before any evidentiary hearing or trial except in criminal or juvenile cases the parties will file a hearing or trial statement.



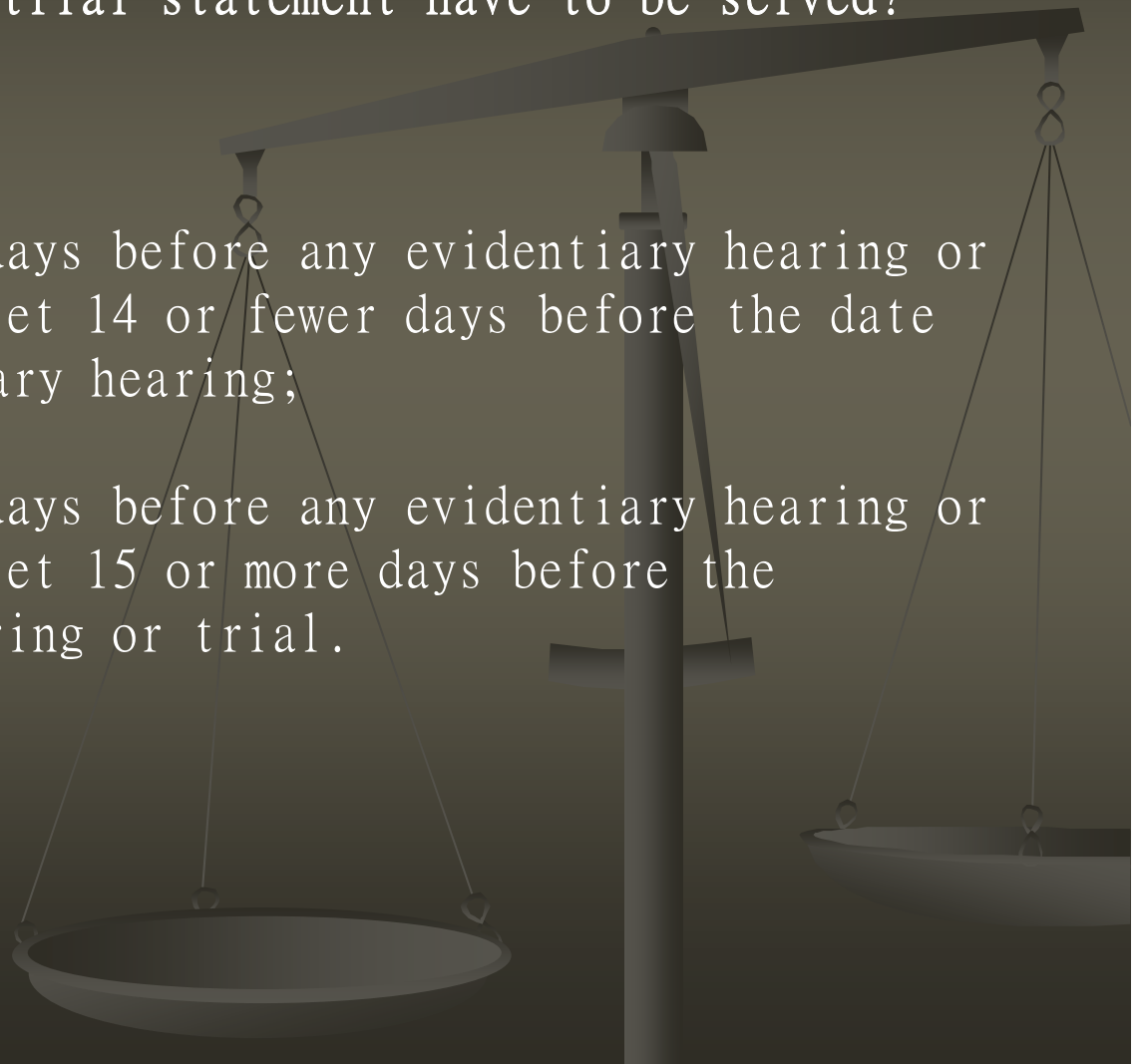
FJDCR 4.5(a)(1)

When does a hearing or trial statement have to be served?

■ (a)(1) Service.

(A) at least 2 days before any evidentiary hearing or trial that was set 14 or fewer days before the date of the evidentiary hearing;

(B) at least 7 days before any evidentiary hearing or trial that was set 15 or more days before the evidentiary hearing or trial.



FJDCR 4.5(a)(2)

What does a hearing or trial statement need to include?

■ (a)(2)

(A) A certification that the party has served the hearing statement on the opposing party within the time limits set in subsection 4.5(a)(1)(A)-(B) of this rule;

(B) A list of witnesses the party intends to call at the hearing or trial, with the witness's physical and mailing address, all known telephone numbers, and email address, and a summary of the witness's specific expected testimony;

(C) A copy of all exhibits the party intends to use at the hearing;

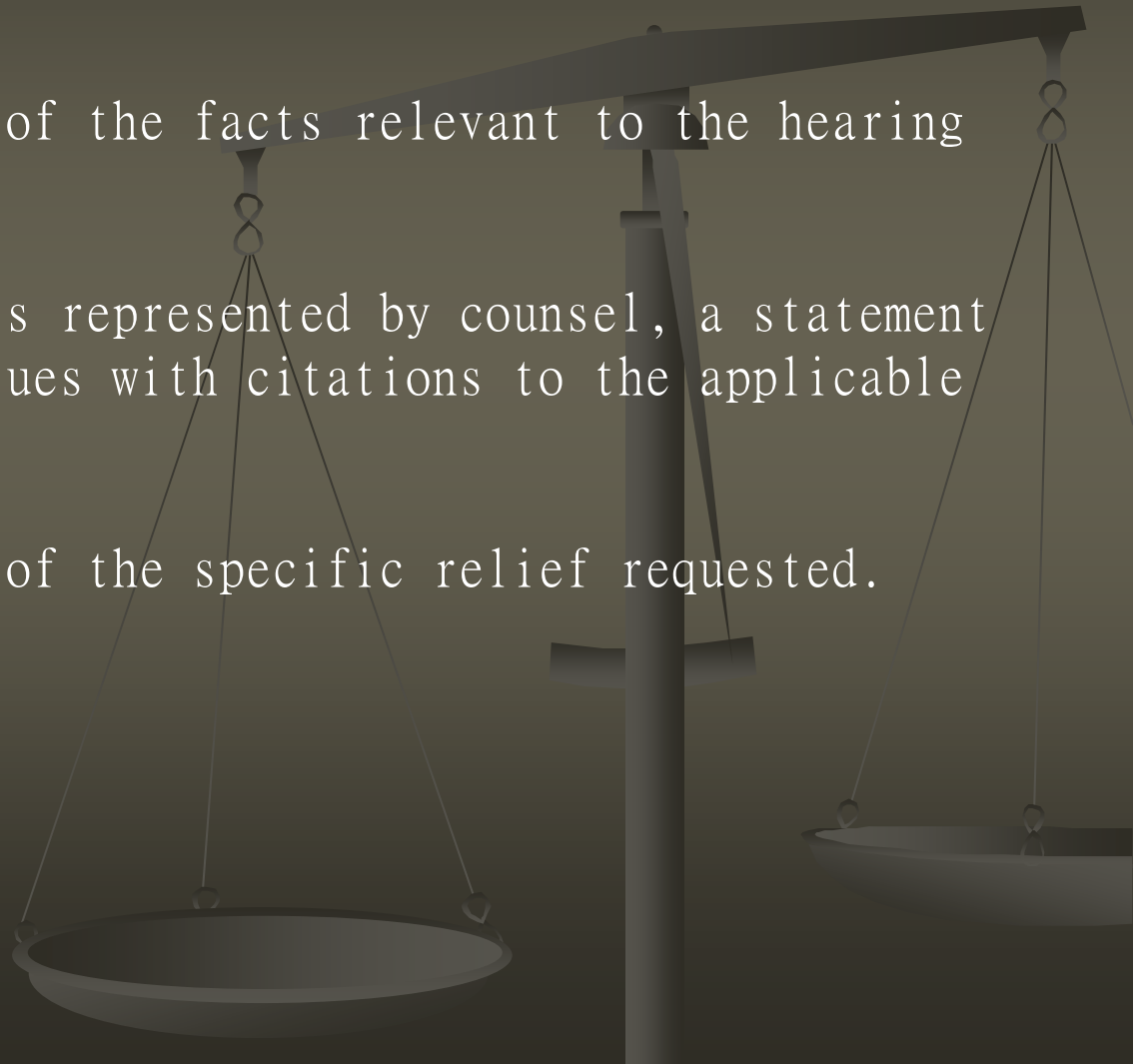
FJDCR 4.5(a)(2) Continued

- (2) Content

- (D) A statement of the facts relevant to the hearing or trial;

- (E) If a party is represented by counsel, a statement of the legal issues with citations to the applicable law; and

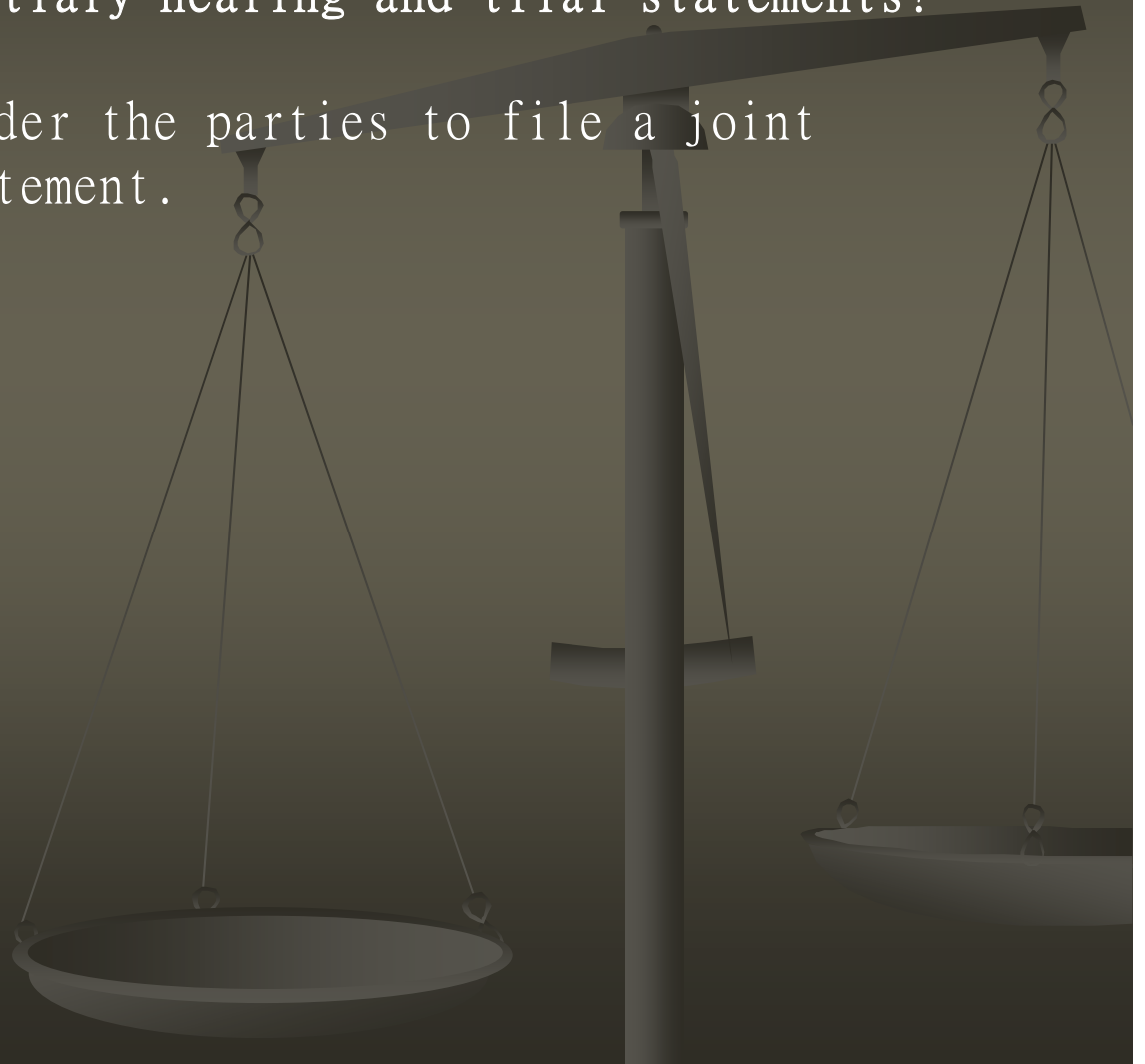
- (F) A statement of the specific relief requested.



FJDCR 4.5(b)

What about joint evidentiary hearing and trial statements?

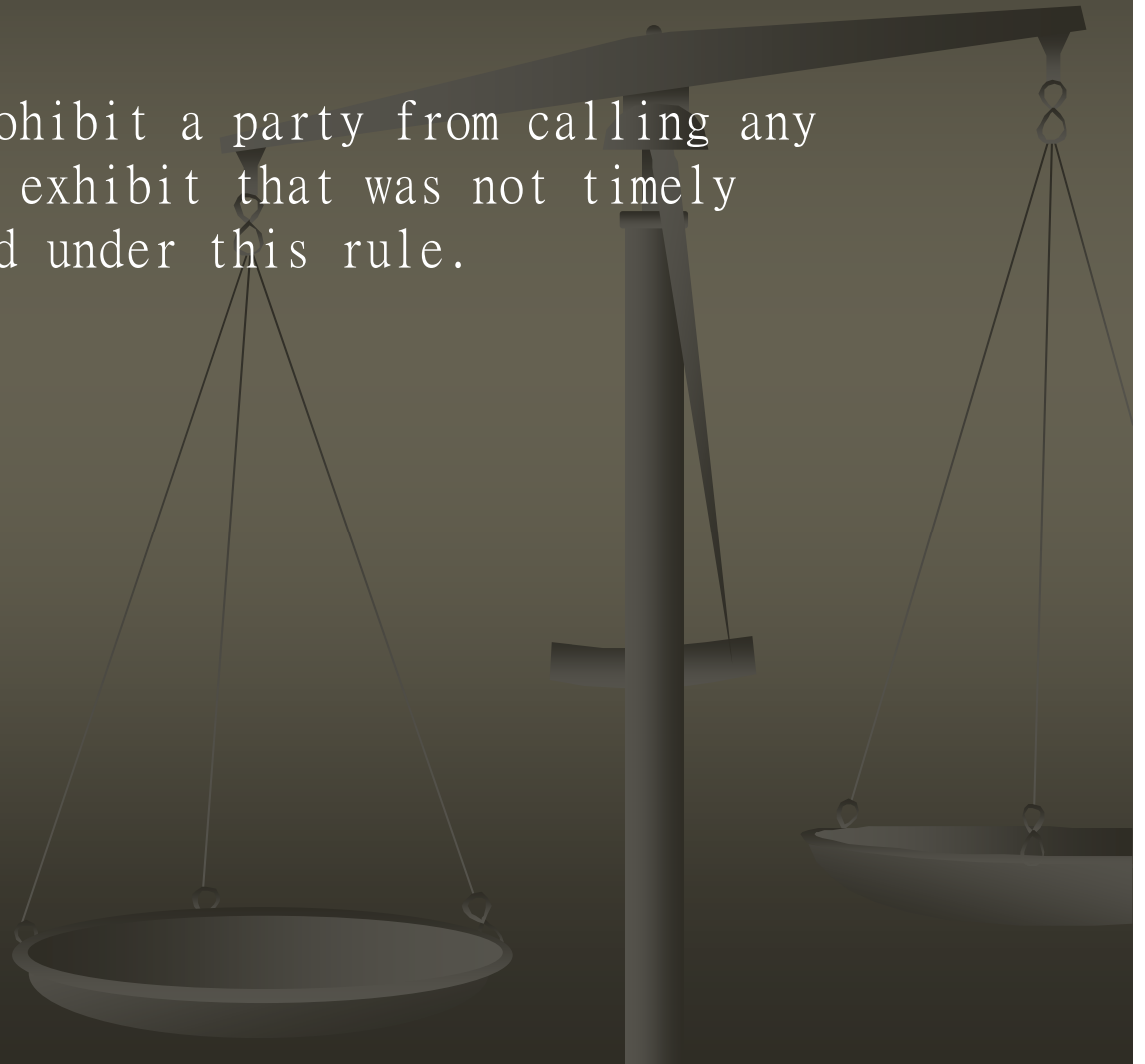
- (b) The Court may order the parties to file a joint hearing or trial statement.



FJDCR 4.5(c)

What if a party fails to timely disclose witnesses or exhibits?

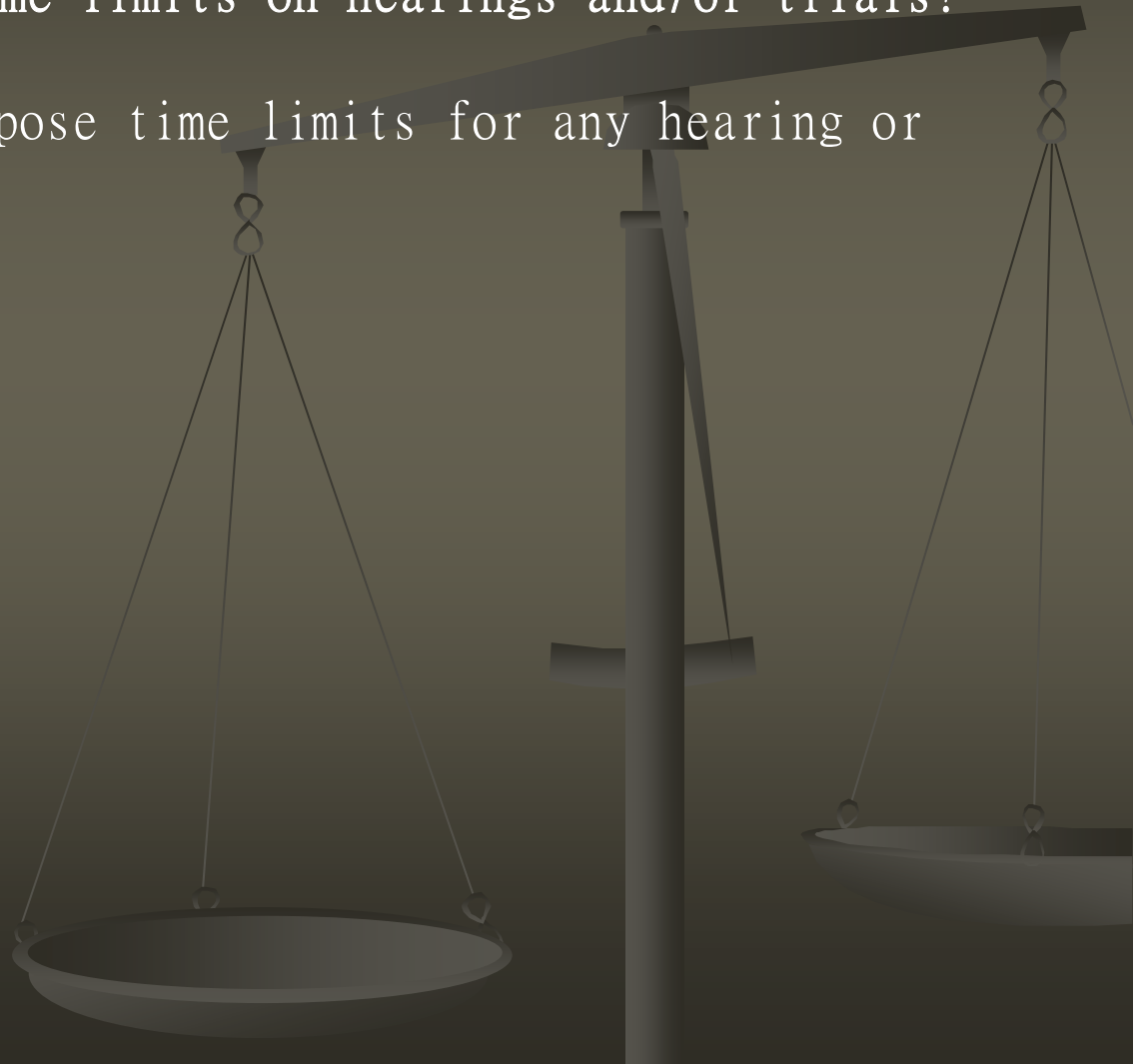
- (c) The court may prohibit a party from calling any witness or using any exhibit that was not timely disclosed as required under this rule.



FJDCR 4.8

Can the court impose time limits on hearings and/or trials?

- 4.8 The court may impose time limits for any hearing or trial.



FJDCR 7.2

Are there standards of conduct for attorneys in family law cases?

■ 7.2

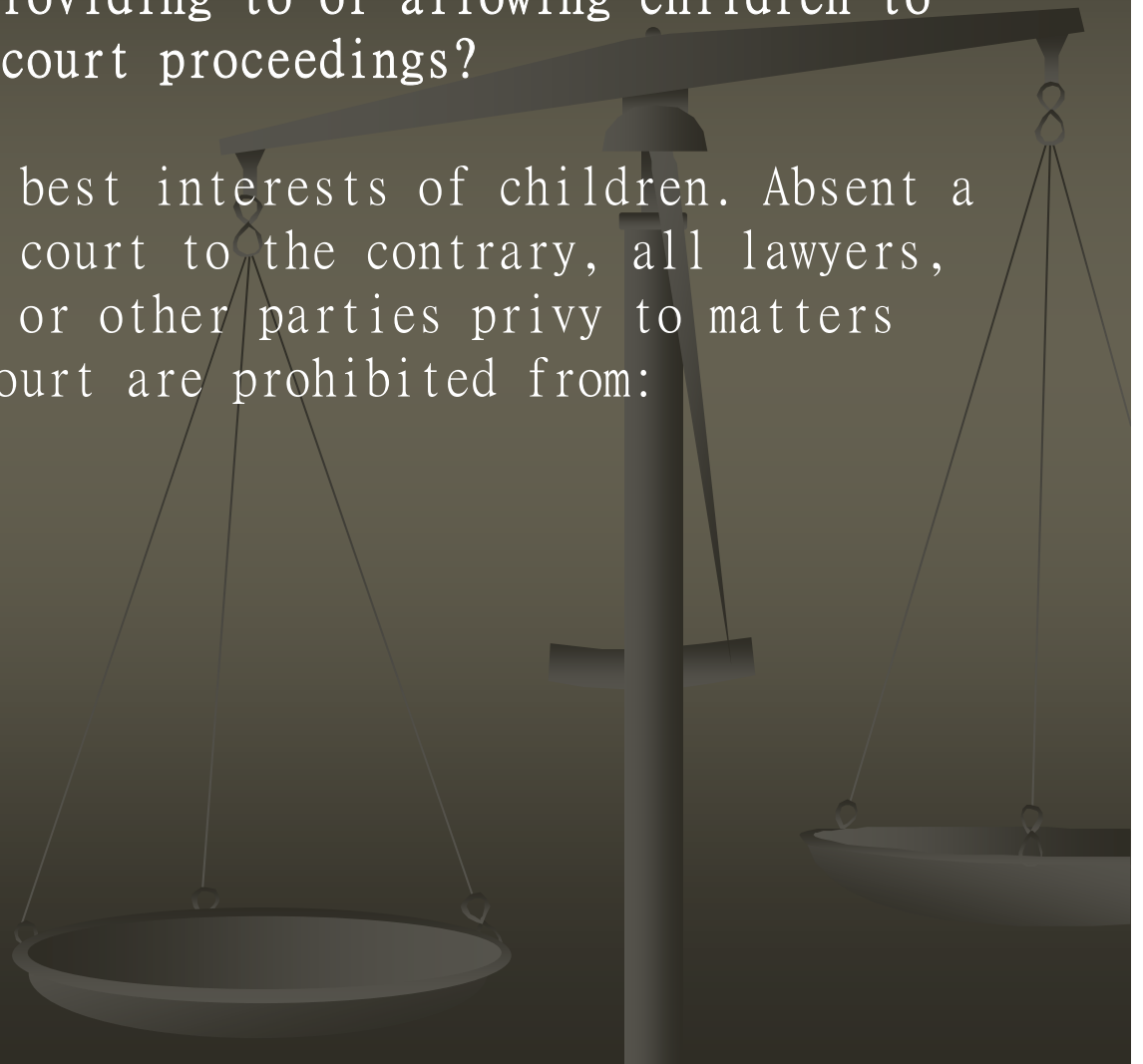
(a) Respect. An attorney must not participate in or further vindictive conduct and will strive to lower the emotional level of a family dispute by treating all other participants with respect.

(b) Alternate dispute resolution. Attorneys will attempt to resolve family disputes by agreement and will consider and counsel their clients about alternative means of achieving resolution including negotiation, mediation, arbitration, and litigation.

FJDCR 7.3

Do the rules restrict providing to or allowing children to have information about court proceedings?

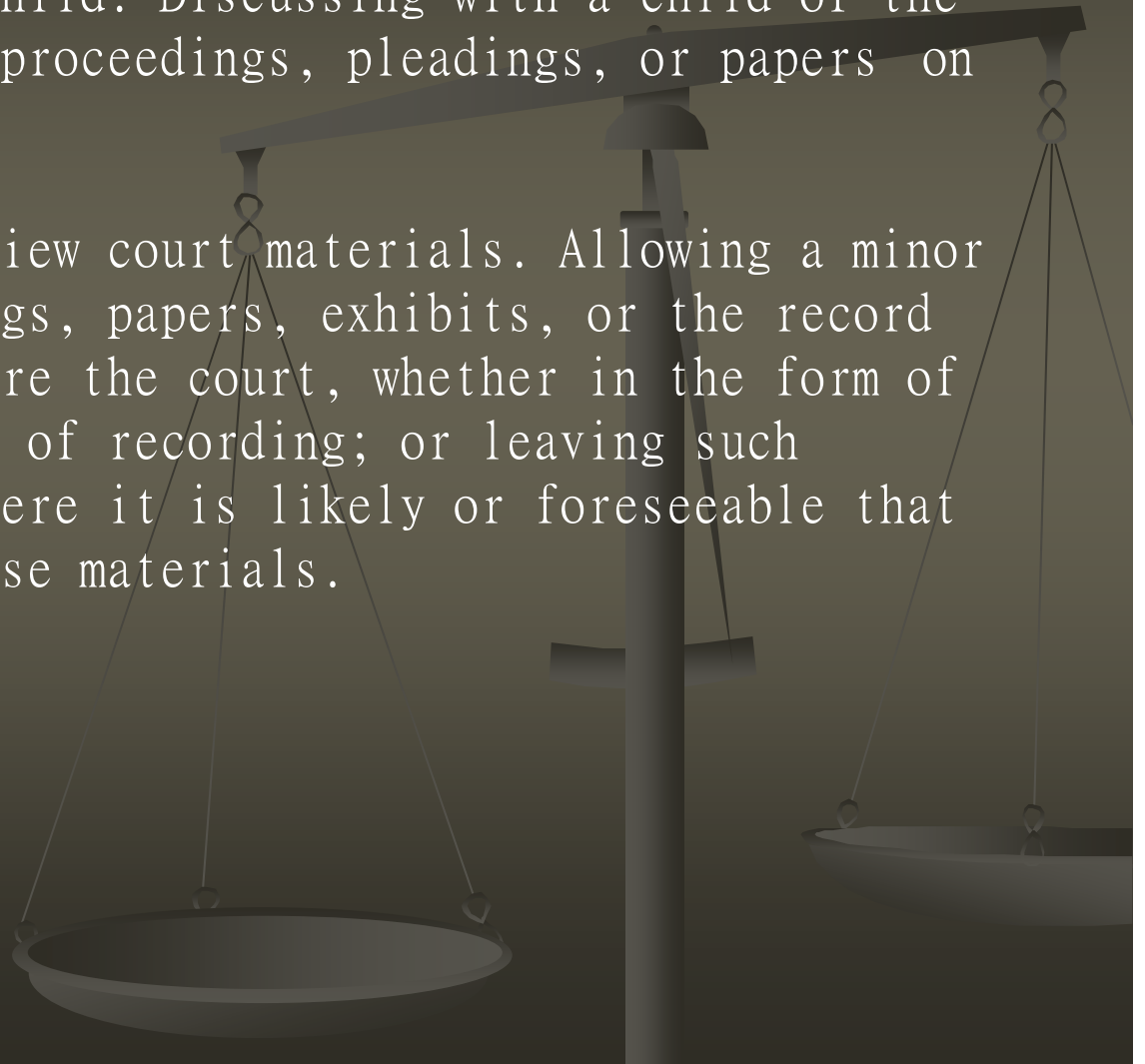
- 7.3 Confidentiality, best interests of children. Absent a written order of the court to the contrary, all lawyers, litigants, witnesses or other parties privy to matters being heard by the court are prohibited from:



FJDCR 7.2 Continued

(a) Discussing with a child. Discussing with a child of the litigants, the issues, proceedings, pleadings, or papers on file with the court;

(b) Allowing child to view court materials. Allowing a minor child to review pleadings, papers, exhibits, or the record of the proceedings before the court, whether in the form of transcripts or any form of recording; or leaving such materials in a place where it is likely or foreseeable that a child will access those materials.



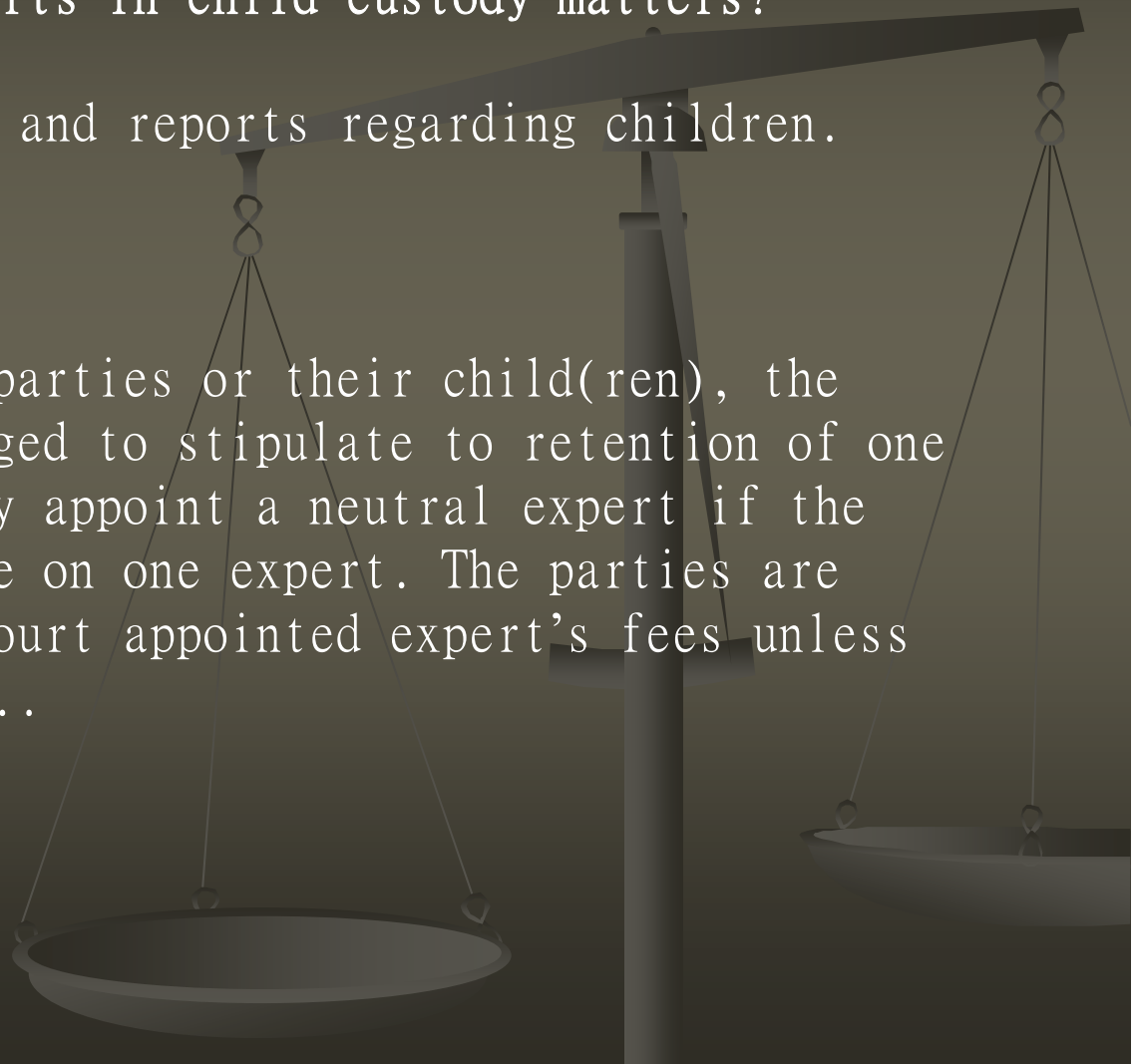
FJDCR 7.4

Do the rules cover experts in child custody matters?

■ 7.4 Expert testimony and reports regarding children.

(a) Order required.

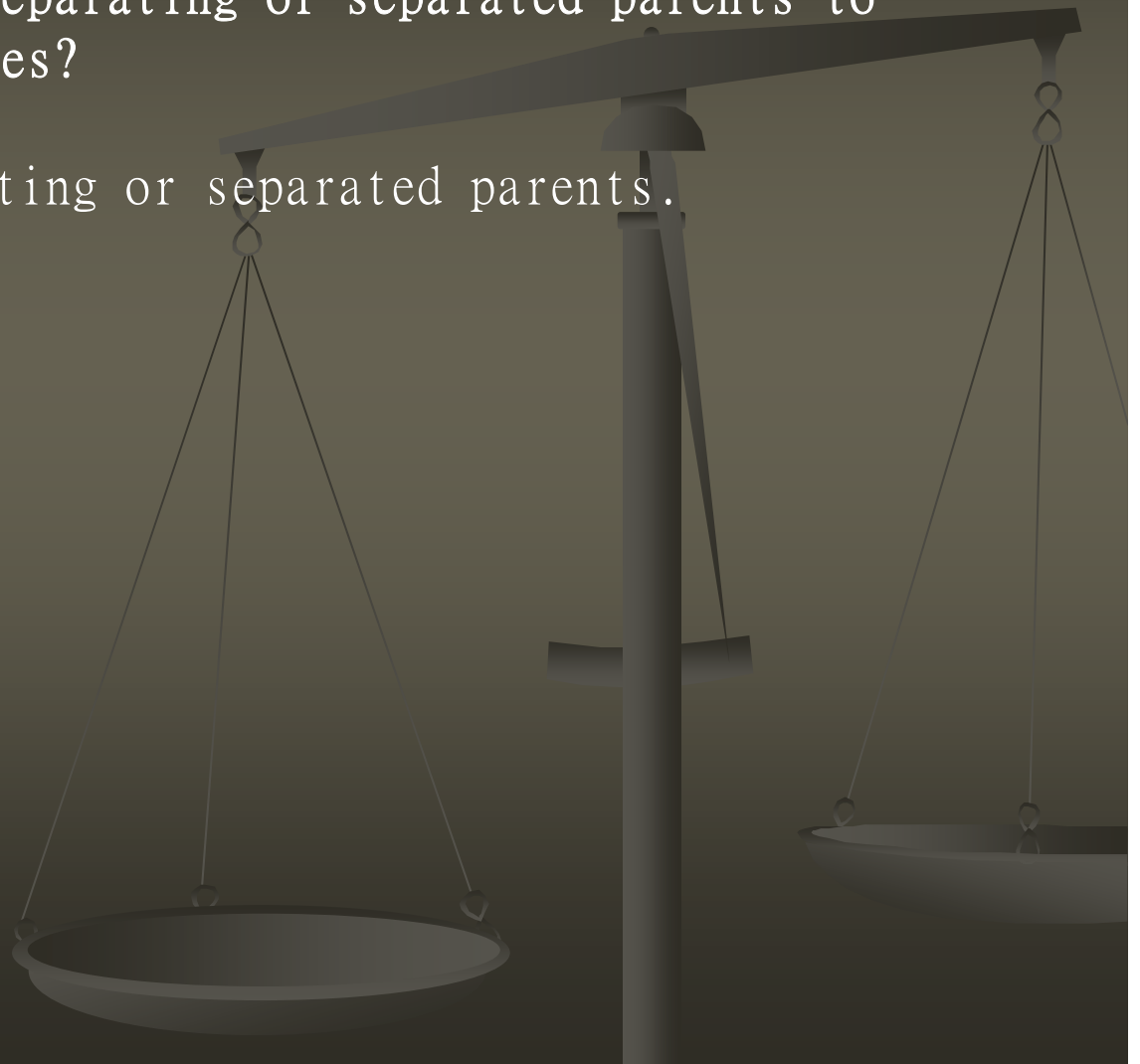
(b) Evaluation. ...parties or their child(ren), the parties are encouraged to stipulate to retention of one expert. ...court may appoint a neutral expert if the parties cannot agree on one expert. The parties are responsible for a court appointed expert's fees unless otherwise ordered....



FJDCR 7.5

Can the court require separating or separated parents to take co-parenting classes?

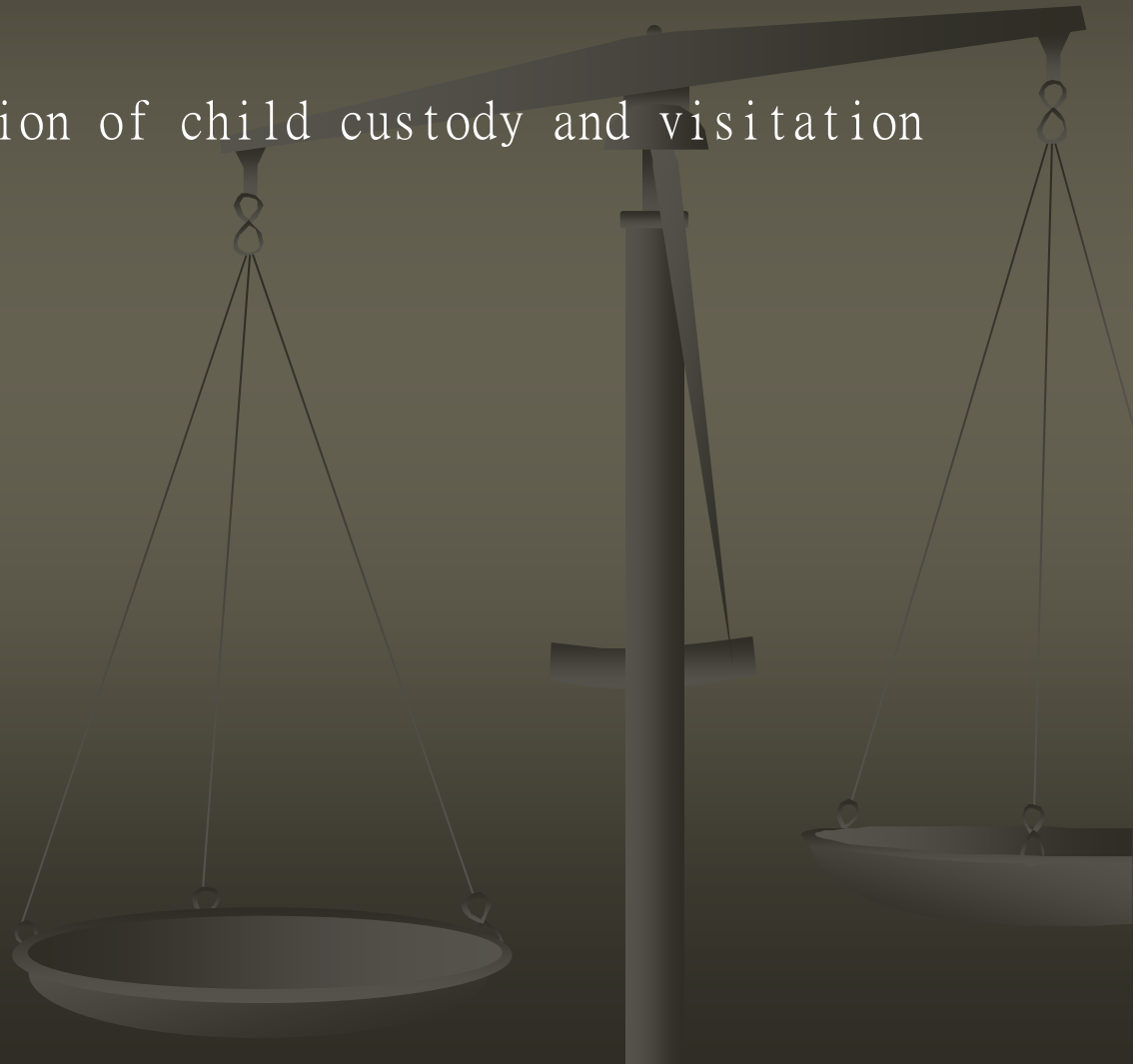
- 7.5 Class for separating or separated parents.



FJDCR 7.6

Is mediation of child custody and visitation issues mandatory?

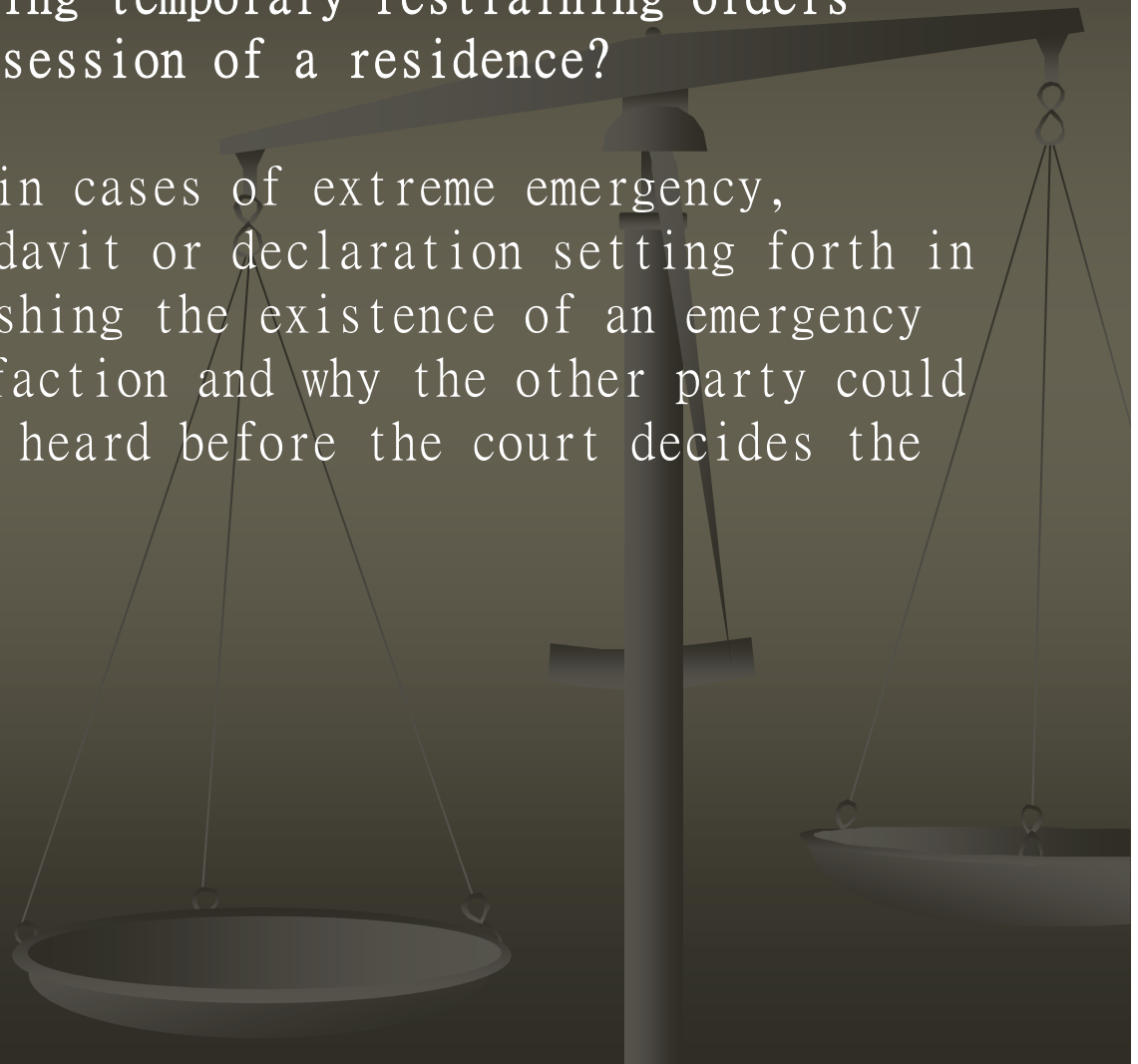
- 7.6 Mandatory mediation of child custody and visitation issues.



FJDCR 7.9

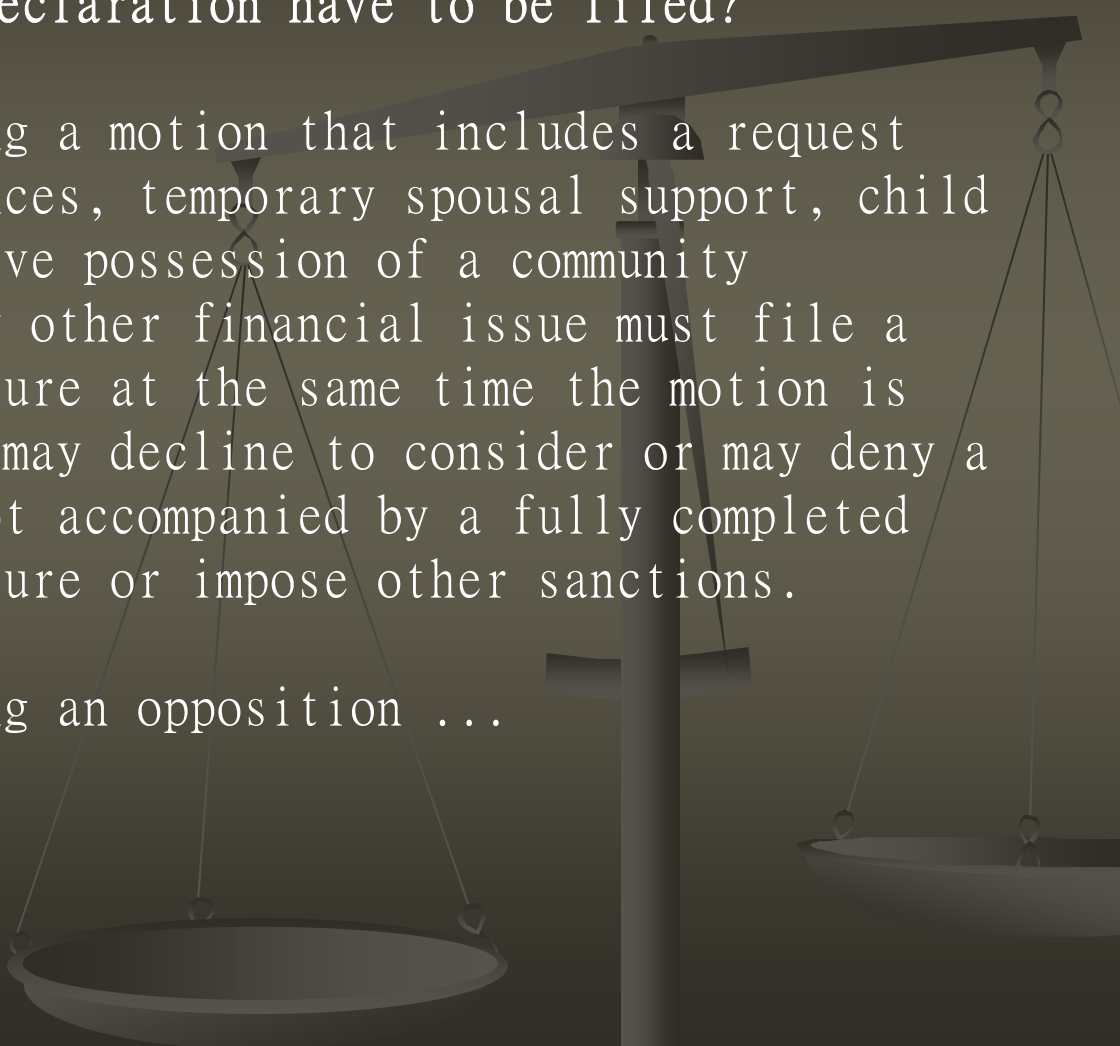
What is the rule regarding temporary restraining orders regarding exclusive possession of a residence?

- 7.9 Considered only in cases of extreme emergency, supported by an affidavit or declaration setting forth in detail facts establishing the existence of an emergency to the court's satisfaction and why the other party could not or should not be heard before the court decides the motion.



FJDCR 7.11(a) and (b)

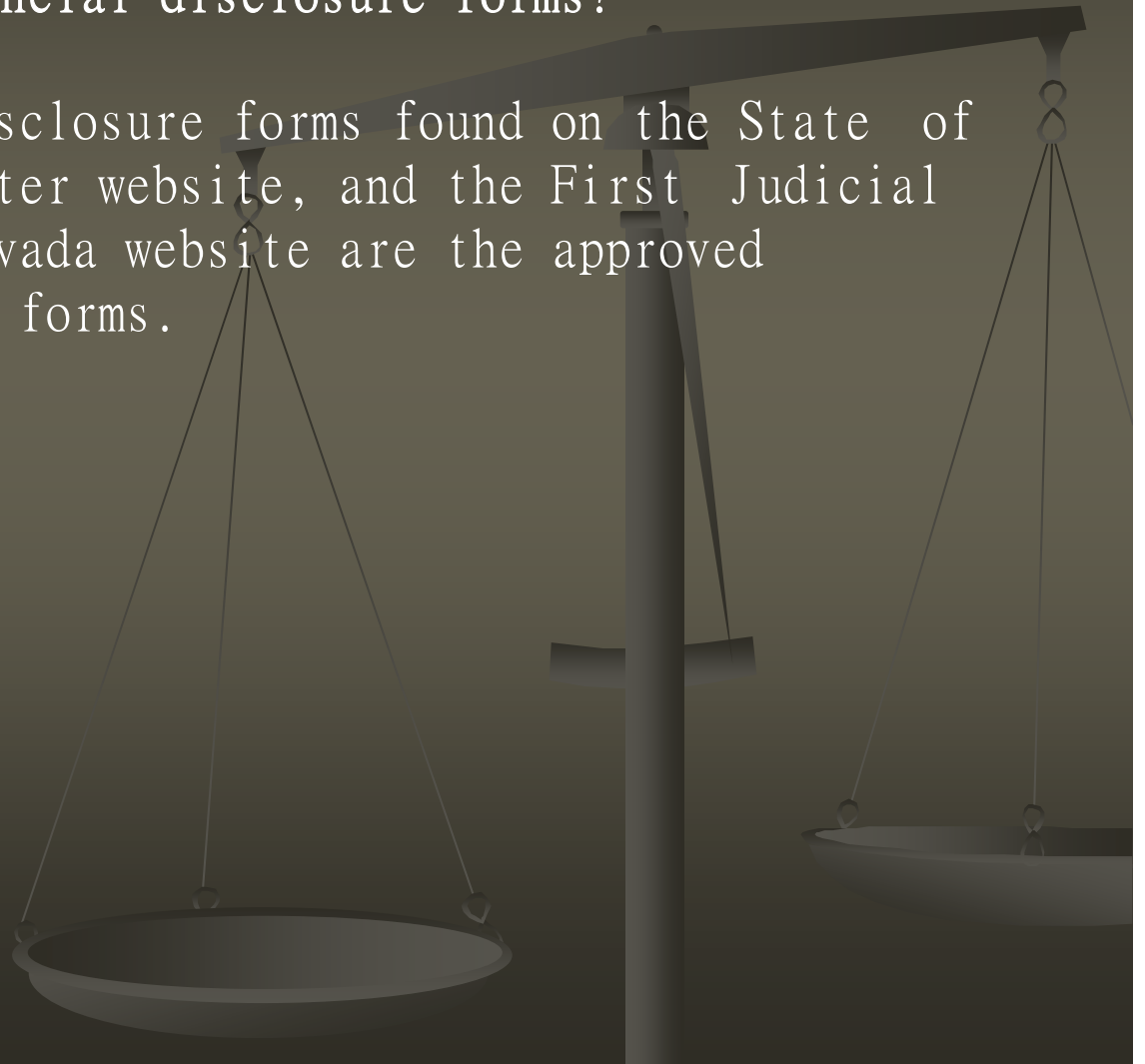
When does a financial declaration have to be filed?

- (a) A party filing a motion that includes a request for fees, allowances, temporary spousal support, child support, exclusive possession of a community residence, or any other financial issue must file a financial disclosure at the same time the motion is filed. The court may decline to consider or may deny a motion that is not accompanied by a fully completed financial disclosure or impose other sanctions.
 - (b) A party filing an opposition ...
- 

FJDCR 7.11(c)

Are there approved financial disclosure forms?

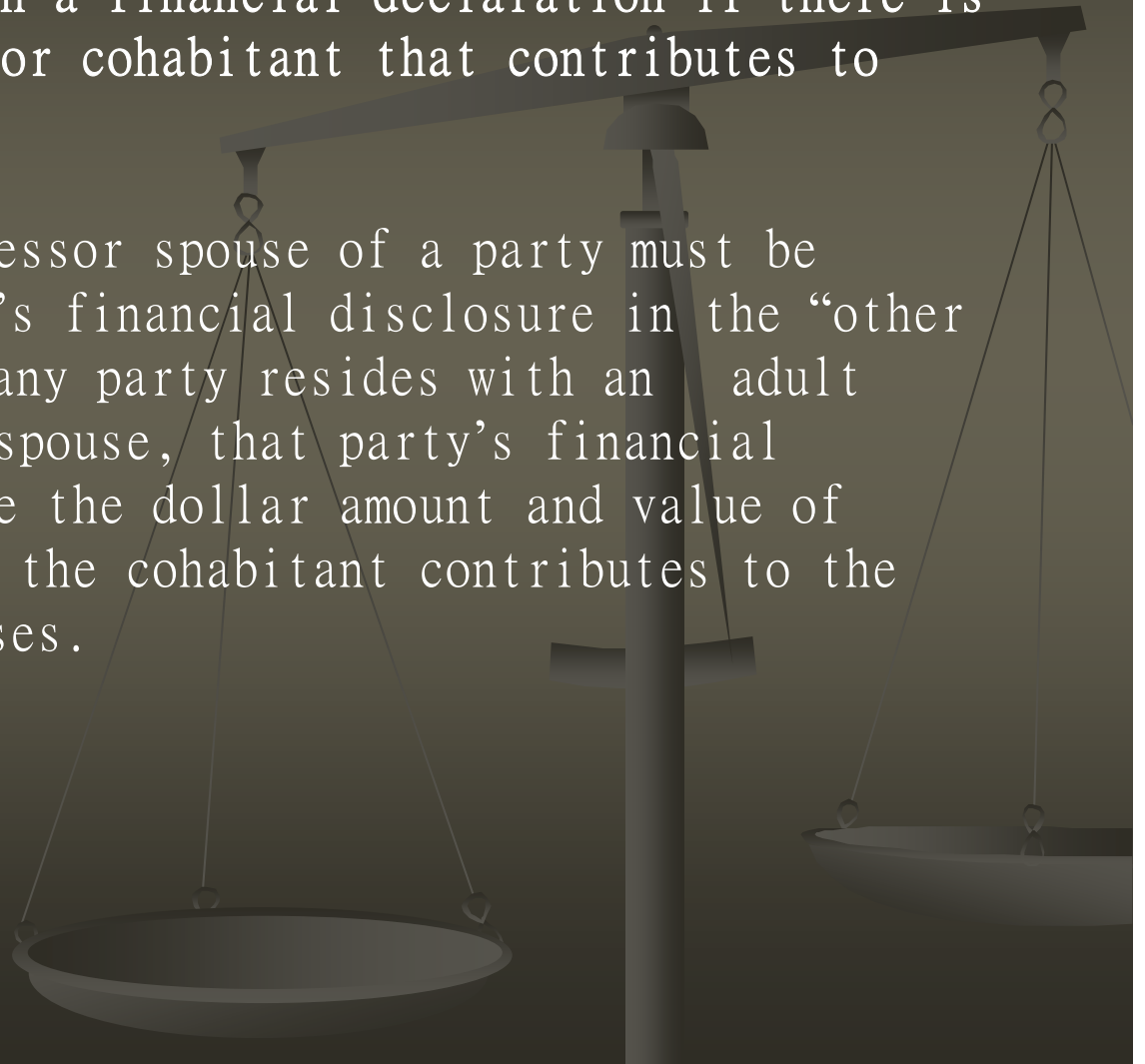
- (c) The financial disclosure forms found on the State of Nevada Self-Help Center website, and the First Judicial District Court of Nevada website are the approved financial disclosure forms.



FJDCR 7.11(d)

What must be included in a financial declaration if there is a successor spouse and/or cohabitant that contributes to household expenses?

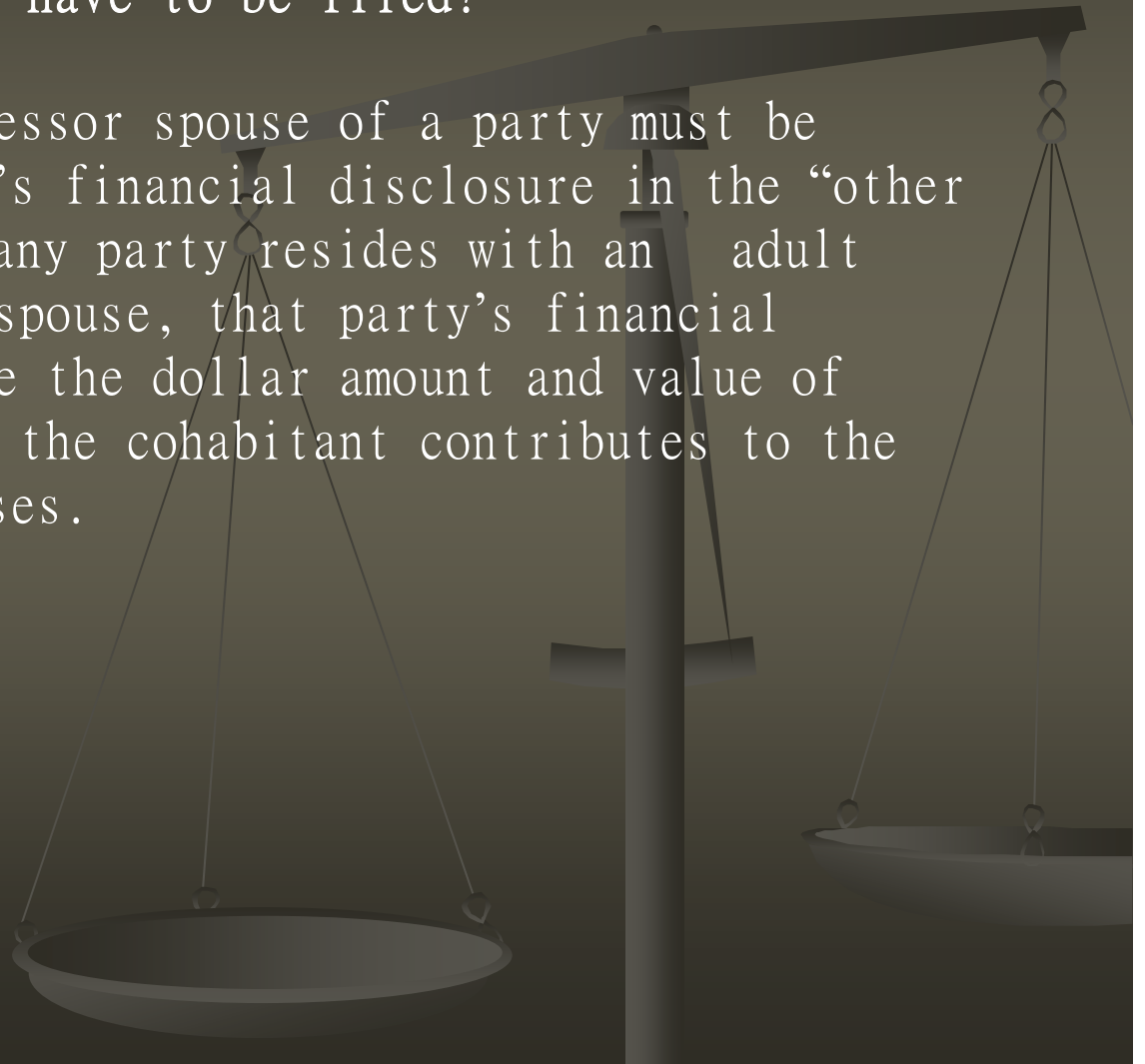
- (d) Income of a successor spouse of a party must be listed in that party's financial disclosure in the "other income" section. If any party resides with an adult person other than a spouse, that party's financial disclosure must state the dollar amount and value of other services which the cohabitant contributes to the filing party's expenses.



FJDCR 5 - Criminal

When do plea agreements have to be filed?

- (d) Income of a successor spouse of a party must be listed in that party's financial disclosure in the "other income" section. If any party resides with an adult person other than a spouse, that party's financial disclosure must state the dollar amount and value of other services which the cohabitant contributes to the filing party's expenses.



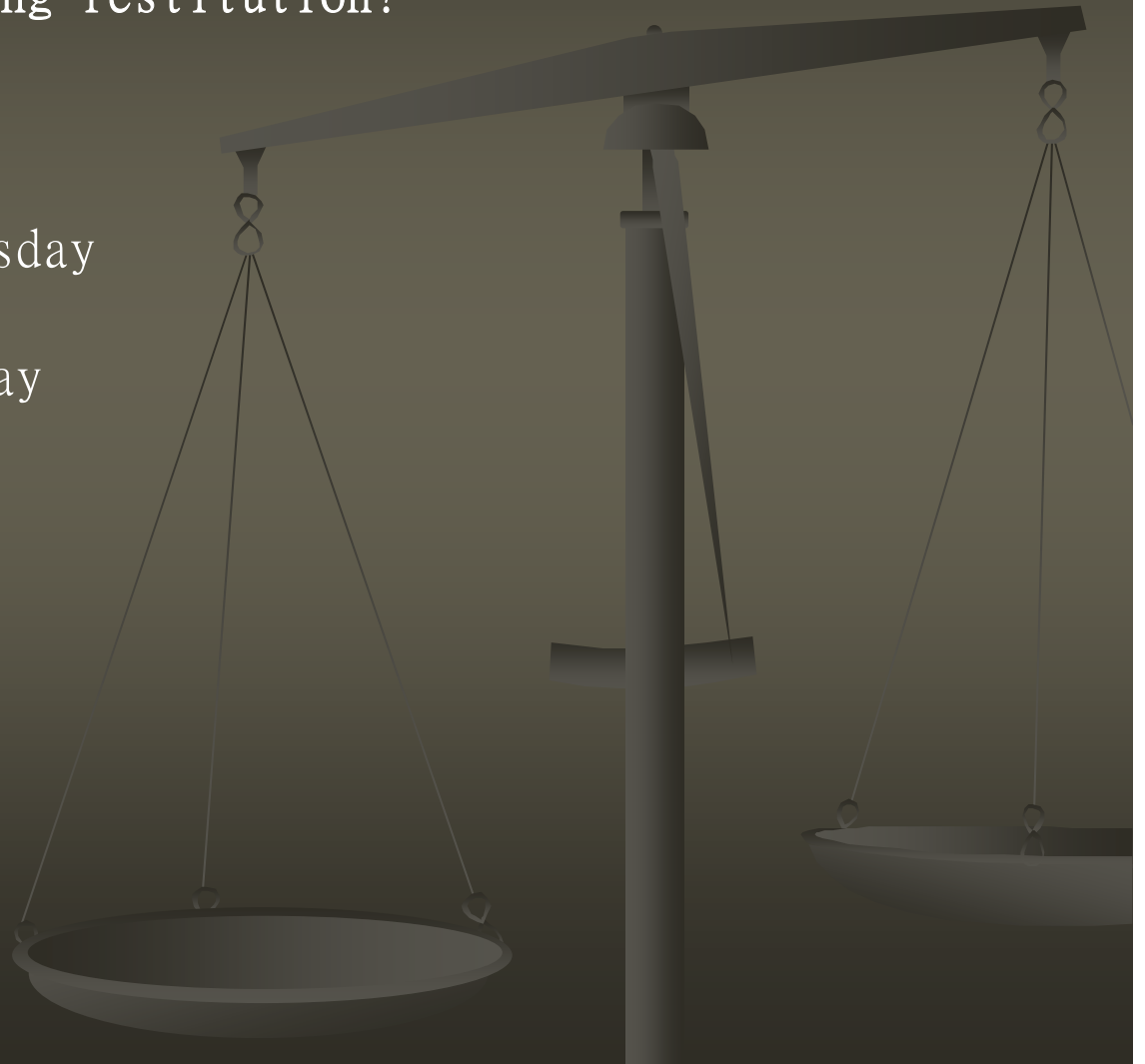
FJDCR 5.4

Is there a rule regarding restitution?

■ 5.2

Department 1 – Thursday

Department 2 – Friday



FJDCR 5.4

- 5.4 Stipulation of affidavit of declaration

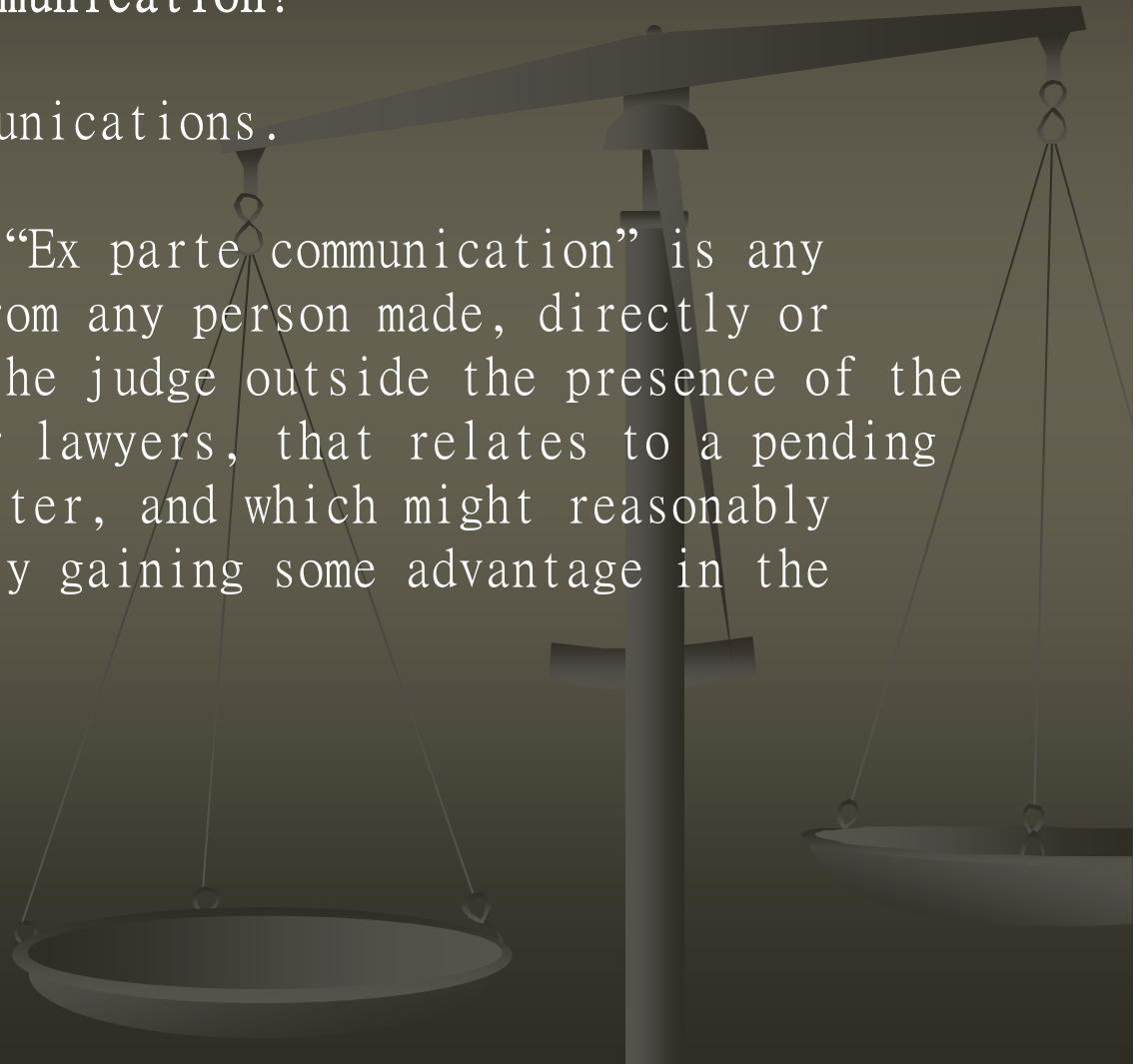


FJDCR 1.9(a)

What is an ex parte communication?

- 1.9(a) Ex parte communications.

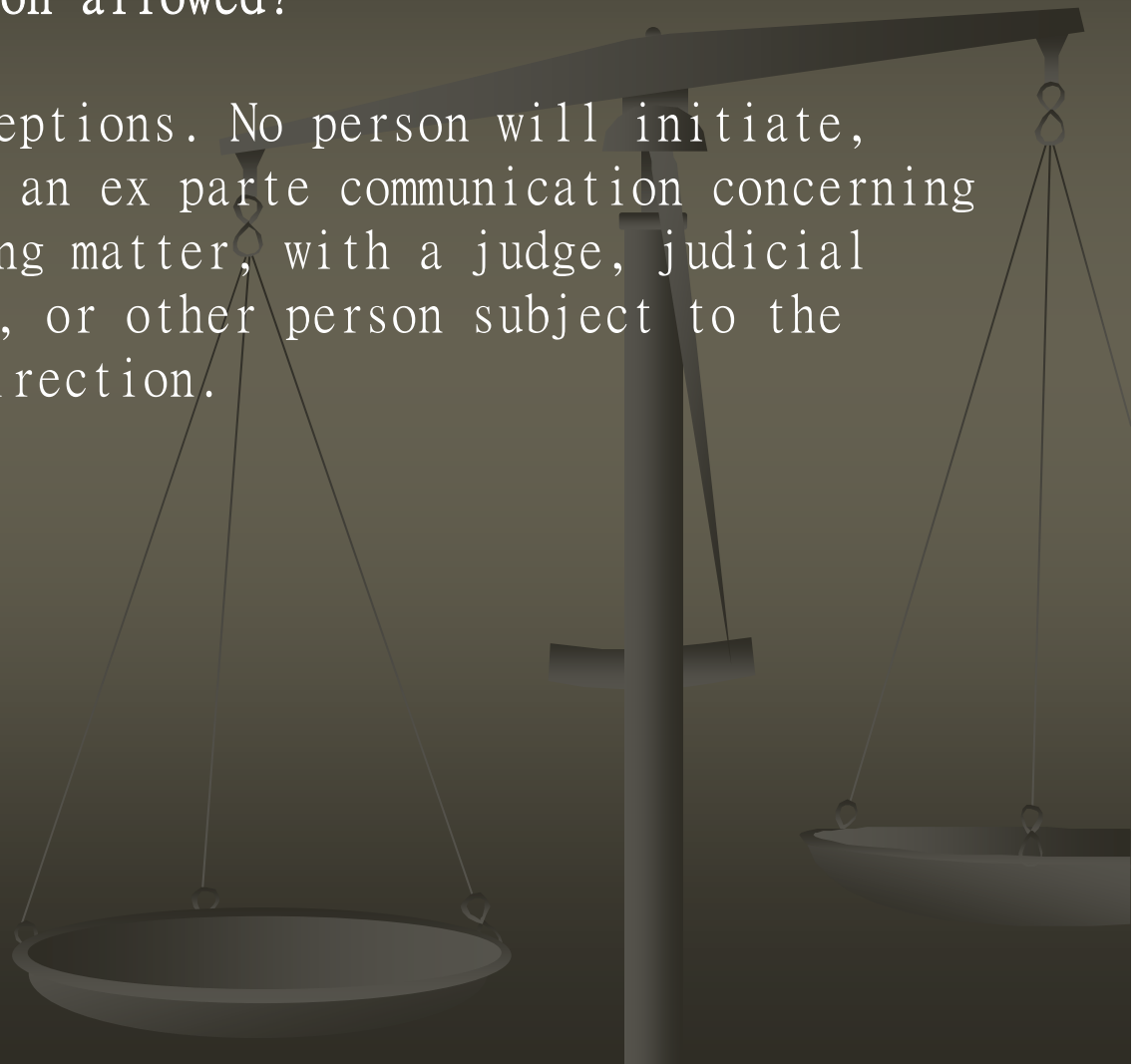
(a) Definition. “Ex parte communication” is any communication from any person made, directly or indirectly, to the judge outside the presence of the parties or their lawyers, that relates to a pending or impending matter, and which might reasonably result in a party gaining some advantage in the litigation.



FJDCR 1.9(b)

Is ex parte communication allowed?

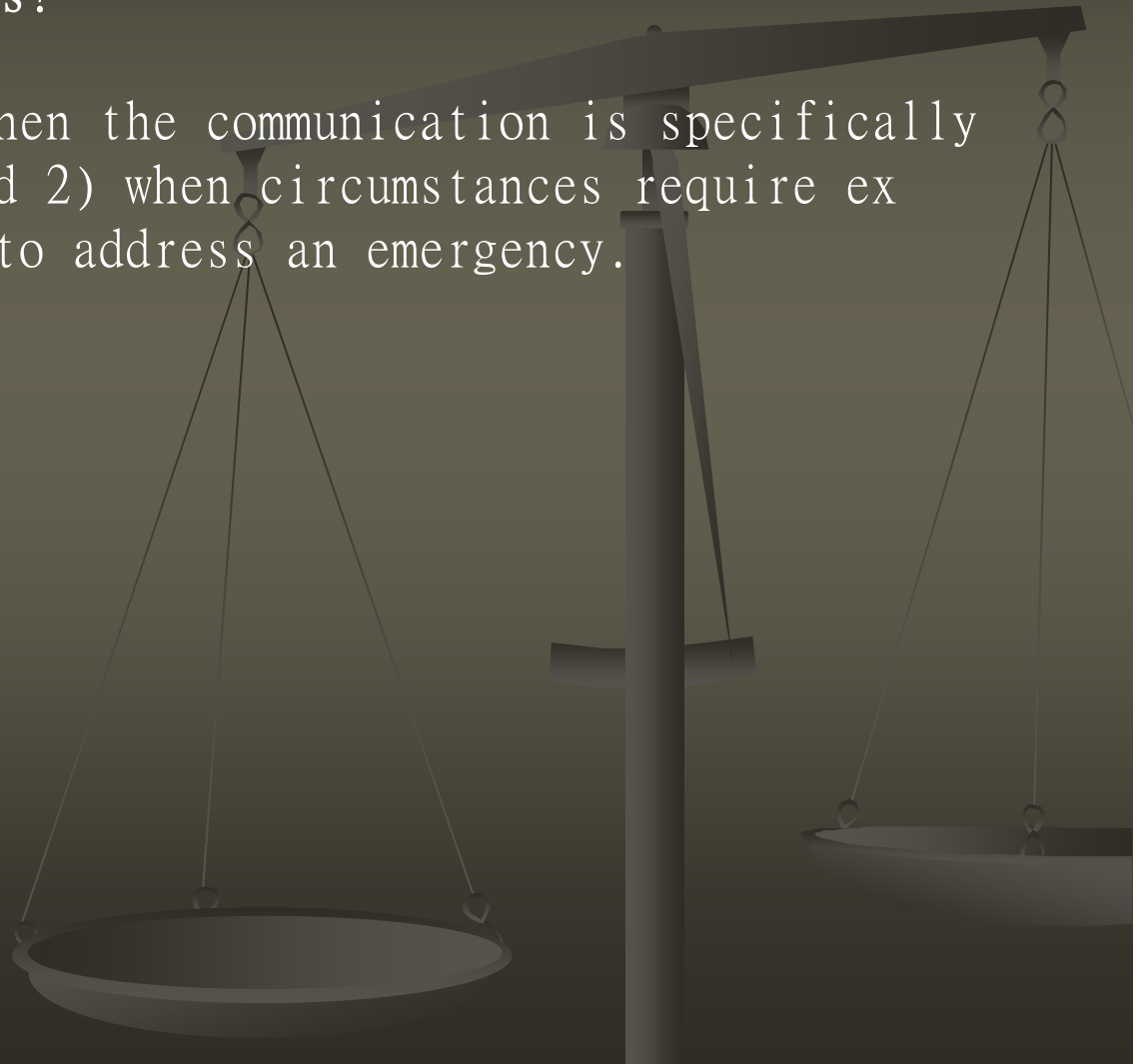
- (b) Not allowed; exceptions. No person will initiate, make, have, or cause an ex parte communication concerning a pending or impending matter, with a judge, judicial assistant, law clerk, or other person subject to the judge's control or direction.



FJDCR 1.9(b)

Are there any exceptions?

- Two exceptions: 1) when the communication is specifically permitted by law; and 2) when circumstances require ex parte communication to address an emergency.



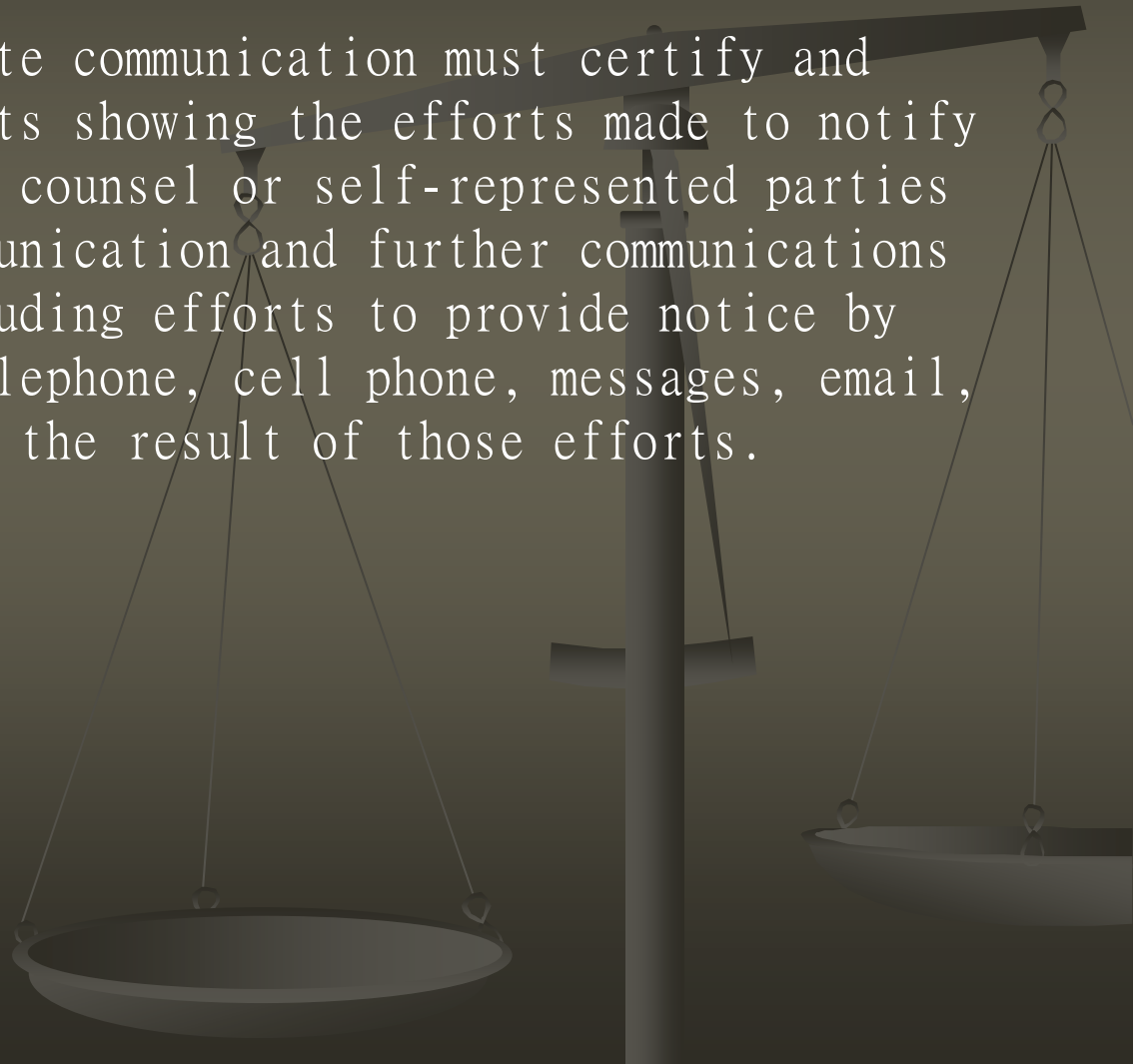
FJDCR 1.9(c)

What notice of an ex parte communication is required?

- (c) As soon as reasonably possible, give notice of the ex parte communication to all parties, and attempt to include all parties in any hearing or further communications with the judge.
- The party or attorney seeking ex parte communication must certify and present specific facts showing the efforts made to notify and include opposing counsel or self-represented parties in the ex parte communication and further communications with the judge, including efforts to provide notice by personal service, telephone, cell phone, messages, email, and other means, and the result of those efforts.

FJDCR 1.9(c) Continued

- Party seeking ex parte communication must certify and present specific facts showing the efforts made to notify and include opposing counsel or self-represented parties in the ex parte communication and further communications with the judge, including efforts to provide notice by personal service, telephone, cell phone, messages, email, and other means, and the result of those efforts.



FJDCR 1.5

How are cases assigned by the court clerk?

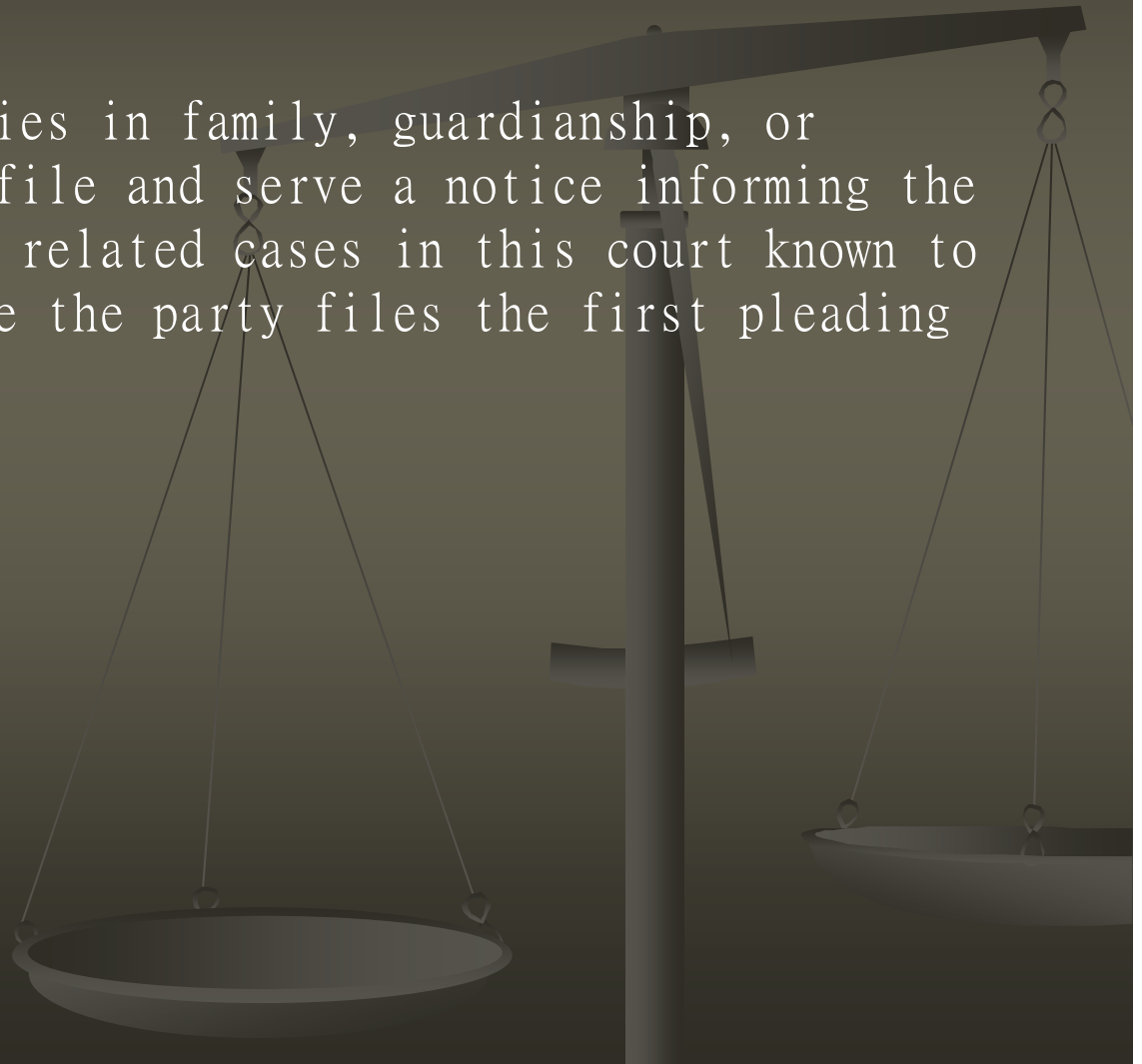
- 1.5 Assignment of cases – One Family one Judge



FJDCR 1.6(a)

Does your first pleading or paper have to contain notice of related cases?

- 1.6 (a) Notice. Parties in family, guardianship, or juvenile cases must file and serve a notice informing the court of any and all related cases in this court known to the party at the time the party files the first pleading or paper.

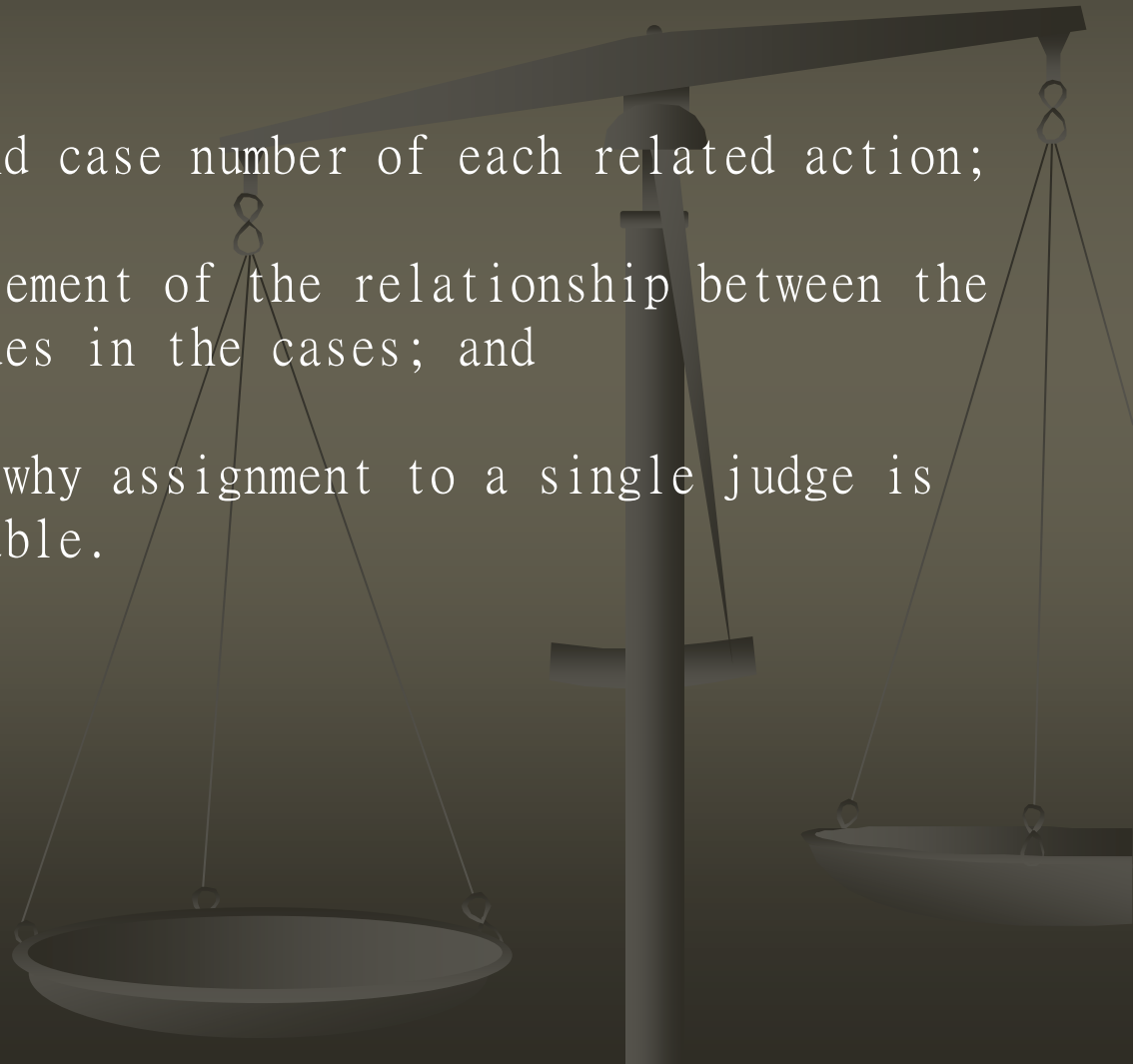


FJDCR 1.6(b)

What does the notice need to include?

■ (b)

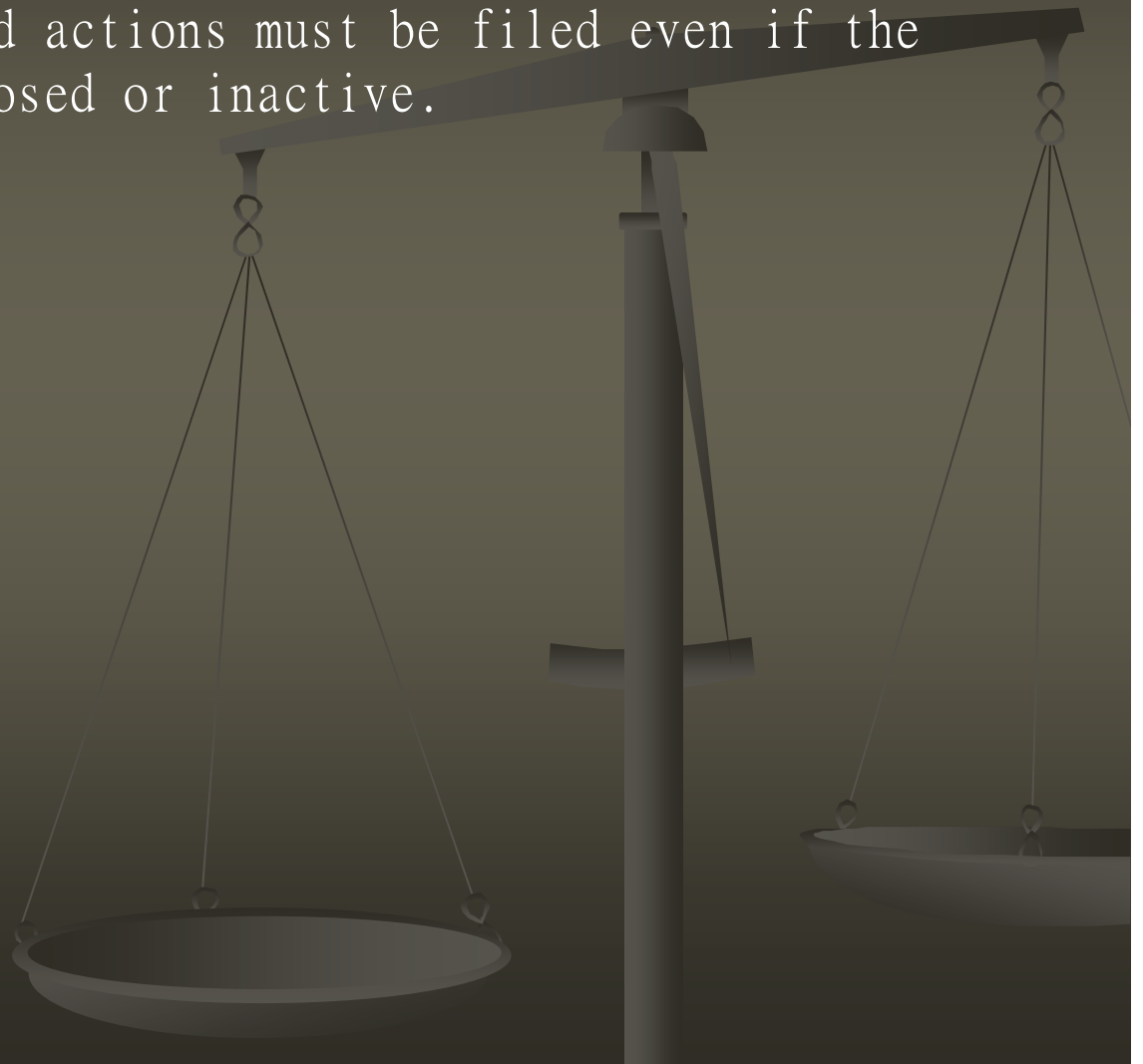
- (1) The title and case number of each related action;
- (2) A brief statement of the relationship between the parties and issues in the cases; and
- (3) The reasons why assignment to a single judge is or is not desirable.



FJDCR 1.6(c)

Do you have to give notice of closed or inactive cases?

- (c) Notice of related actions must be filed even if the related action is closed or inactive.



FJDCR 1.7(a)

Are there rules about attorney conduct?

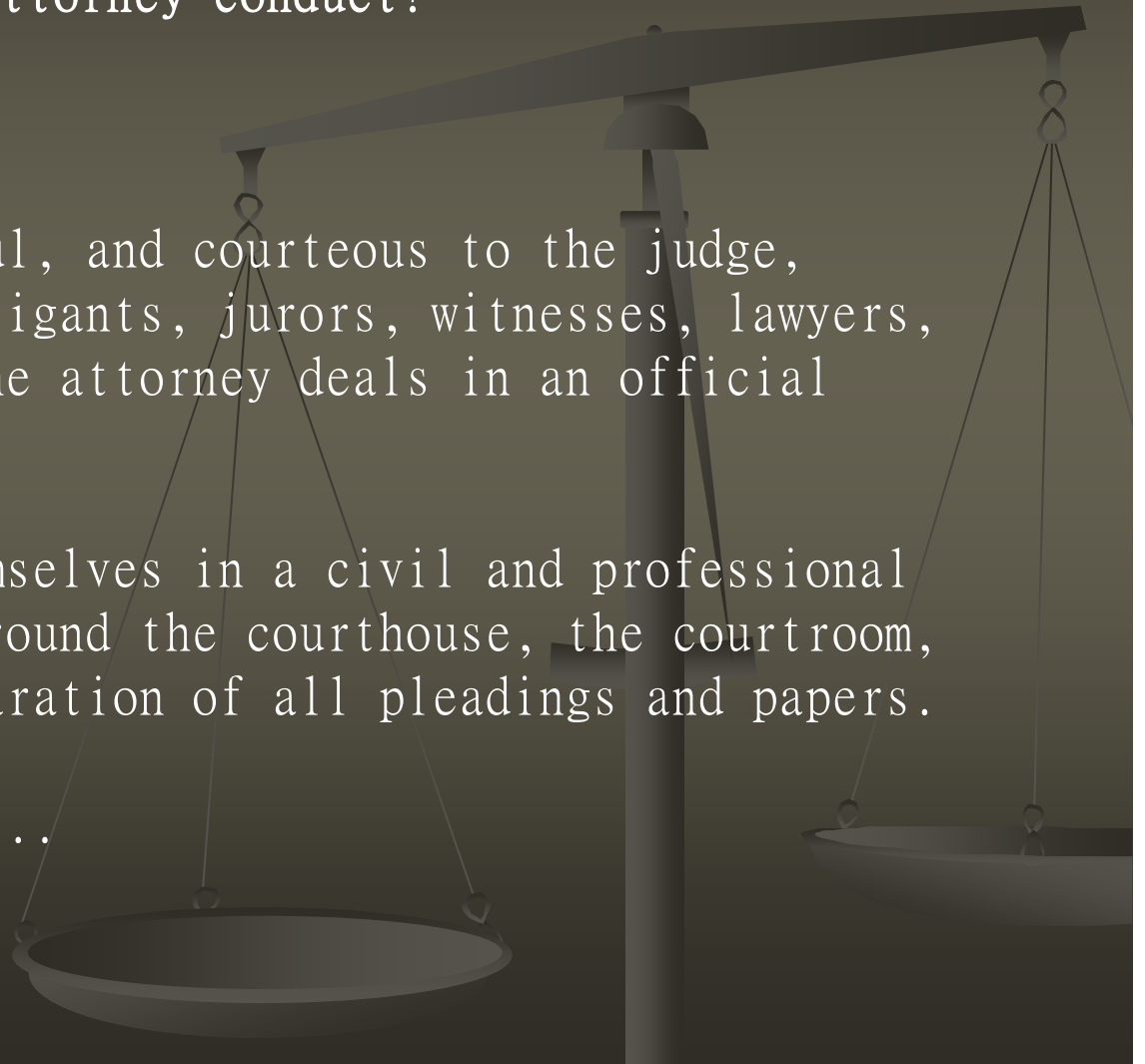
- 1.7 Attorneys.

- (a) Conduct.

- (1) ...respectful, and courteous to the judge, court staff, litigants, jurors, witnesses, lawyers, and with whom the attorney deals in an official capacity.

- (2) Conduct themselves in a civil and professional manner in and around the courthouse, the courtroom, and in the preparation of all pleadings and papers.

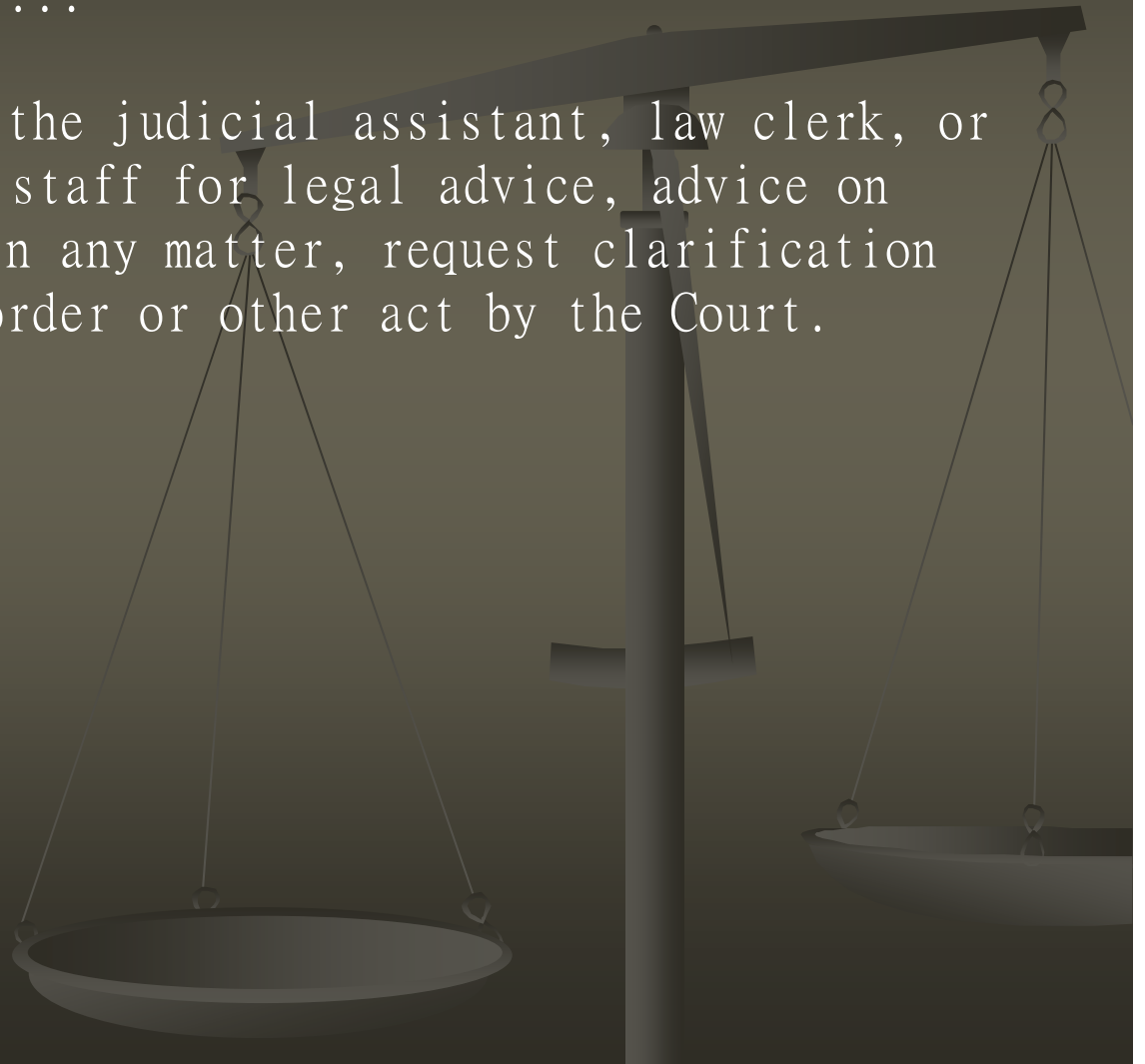
- (3) Be on time ...



FJDCR 1.7(a) Continued

(4) Be prepared ...

(5) Not contact the judicial assistant, law clerk, or other judicial staff for legal advice, advice on how to proceed in any matter, request clarification concerning any order or other act by the Court.



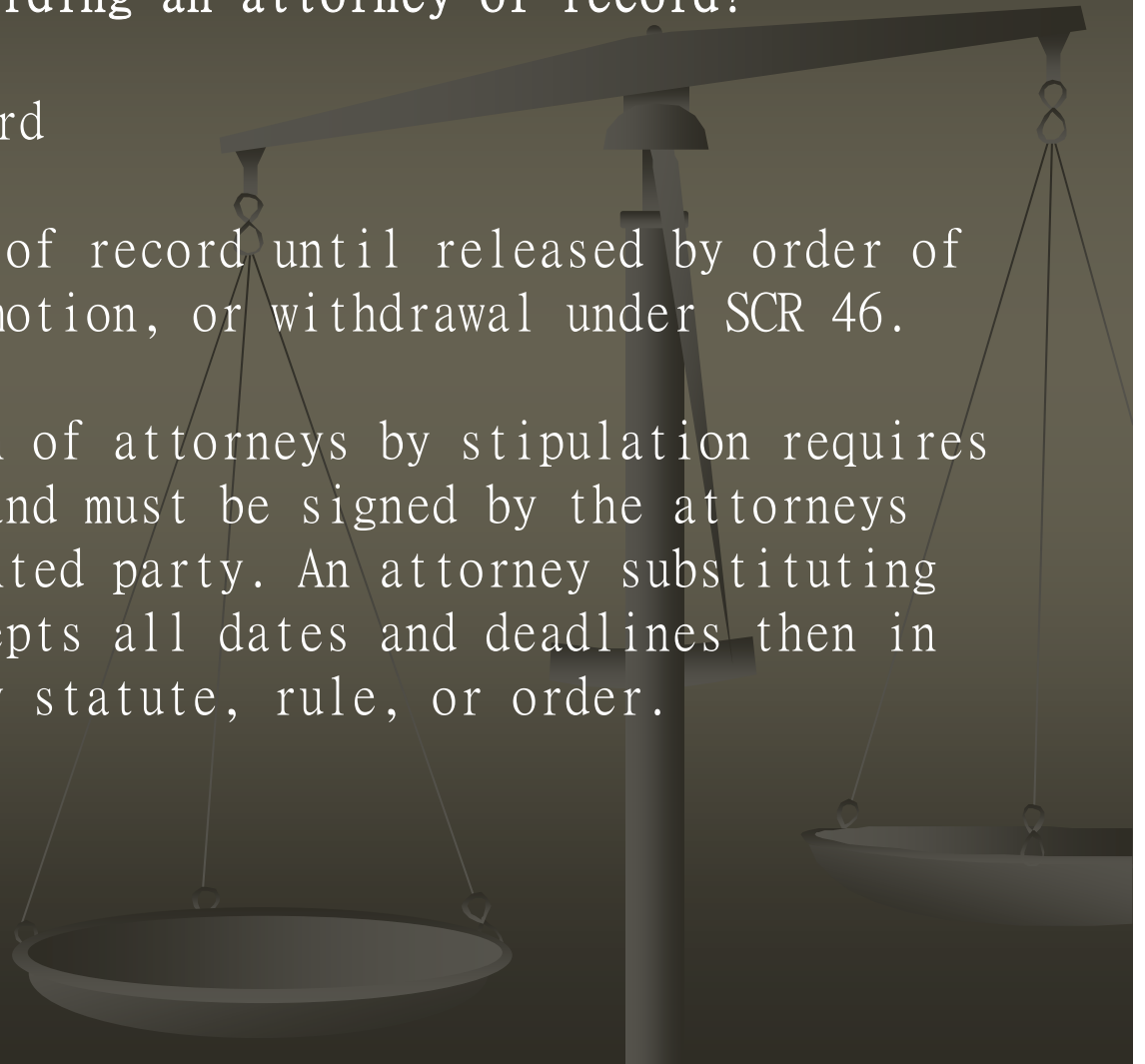
FJDCR 1.7(b)

What are the rules regarding an attorney of record?

- (b) Attorney of record

- (1) ...attorney of record until released by order of the court upon motion, or withdrawal under SCR 46.

- (2) Substitution of attorneys by stipulation requires leave of court and must be signed by the attorneys and the represented party. An attorney substituting into a case accepts all dates and deadlines then in effect under any statute, rule, or order.

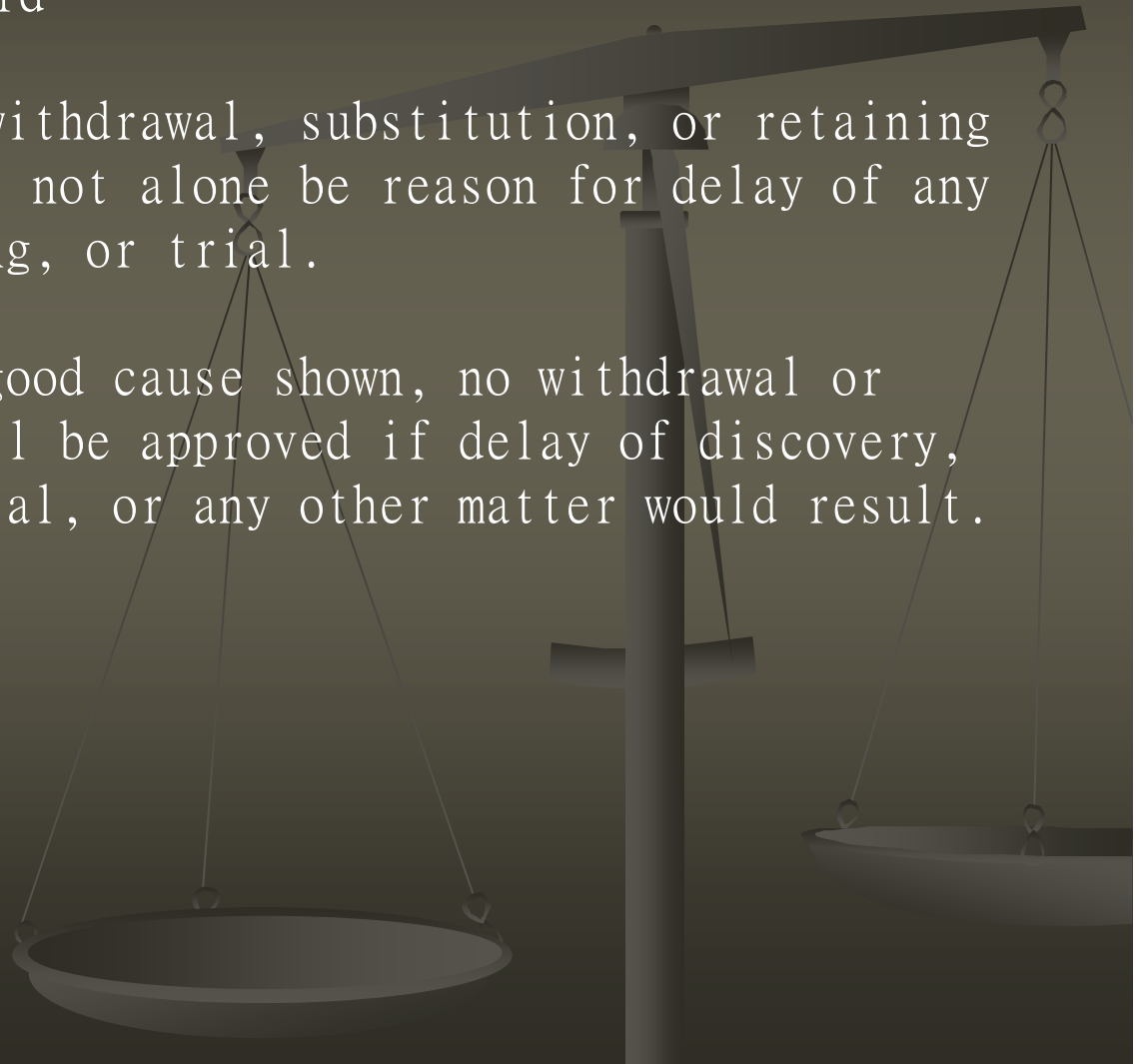


FJDCR 1.7(b) Continued

- (b) Attorney of record

(3) Discharge, withdrawal, substitution, or retaining an attorney will not alone be reason for delay of any deadline, hearing, or trial.

(4) Except for good cause shown, no withdrawal or substitution will be approved if delay of discovery, any hearing, trial, or any other matter would result.



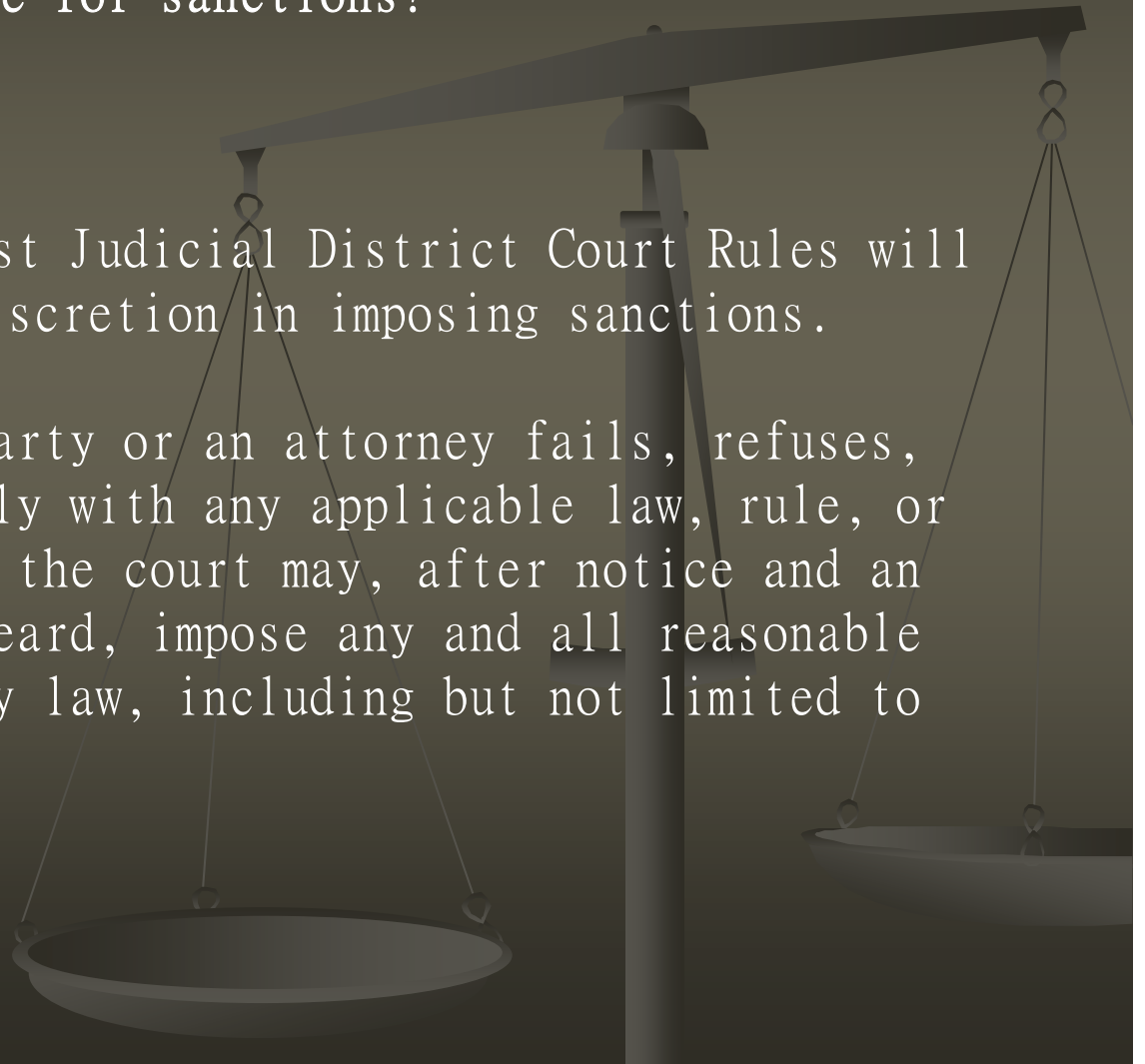
FJDCR 1.12

Do the new rules provide for sanctions?

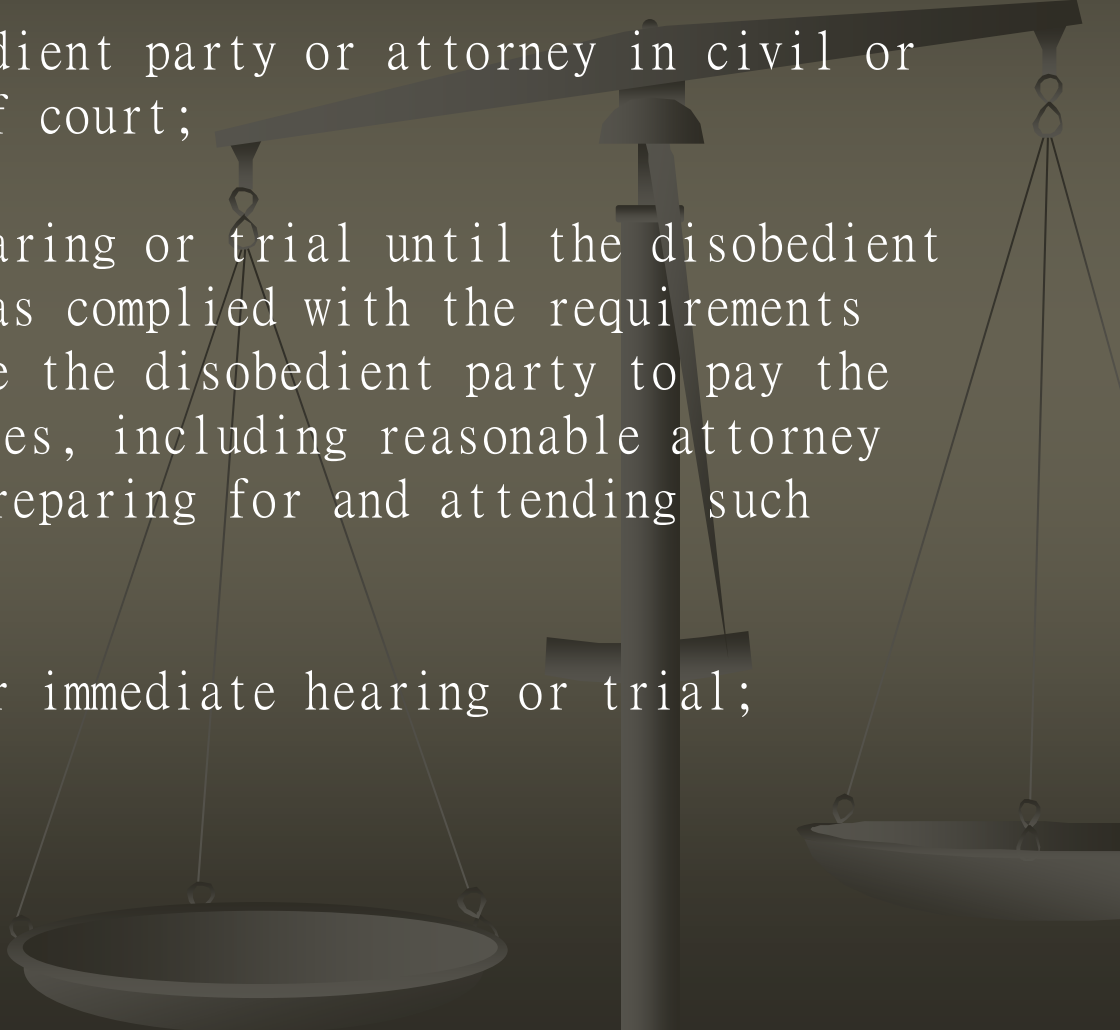
- 1.12 Sanctions.

(a) None of the First Judicial District Court Rules will limit the court's discretion in imposing sanctions.

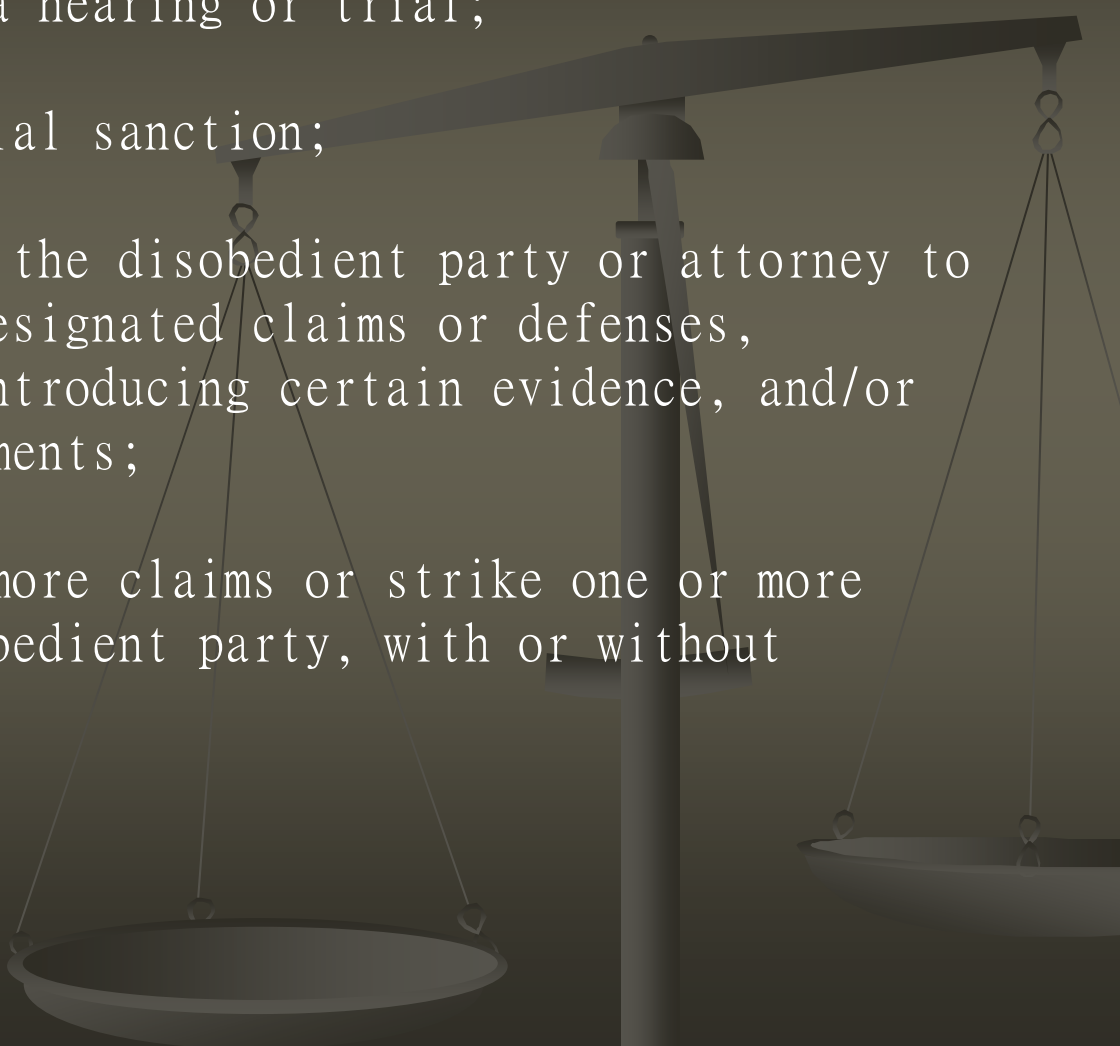
(b) Process. If a party or an attorney fails, refuses, or neglects to comply with any applicable law, rule, or order of the court, the court may, after notice and an opportunity to be heard, impose any and all reasonable sanctions allowed by law, including but not limited to the following:



FJDCR 1.12 Continued

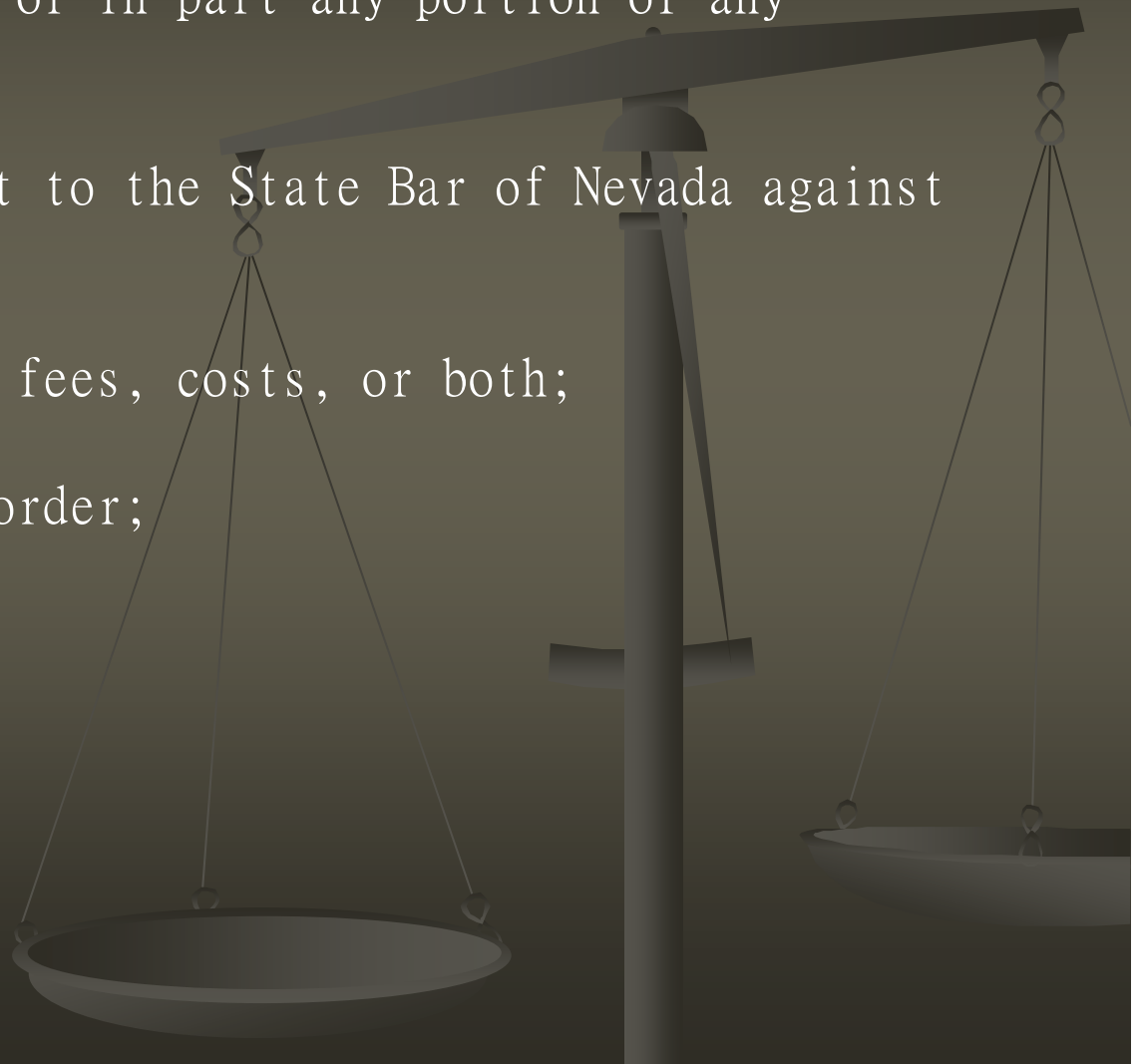
- (1) Hold the disobedient party or attorney in civil or criminal contempt of court;
 - (2) Continue any hearing or trial until the disobedient party or attorney has complied with the requirements imposed, and require the disobedient party to pay the other party's expenses, including reasonable attorney fees, incurred in preparing for and attending such hearing;
 - (3) Set the case for immediate hearing or trial;
- 

FJDCR 1.12 Continued

- (4) Decline to set a hearing or trial;
 - (5) Impose a financial sanction;
 - (6) Refuse to allow the disobedient party or attorney to support or oppose designated claims or defenses, prohibit him from introducing certain evidence, and/or making certain arguments;
 - (7) Dismiss one or more claims or strike one or more defense of the disobedient party, with or without prejudice;
- 

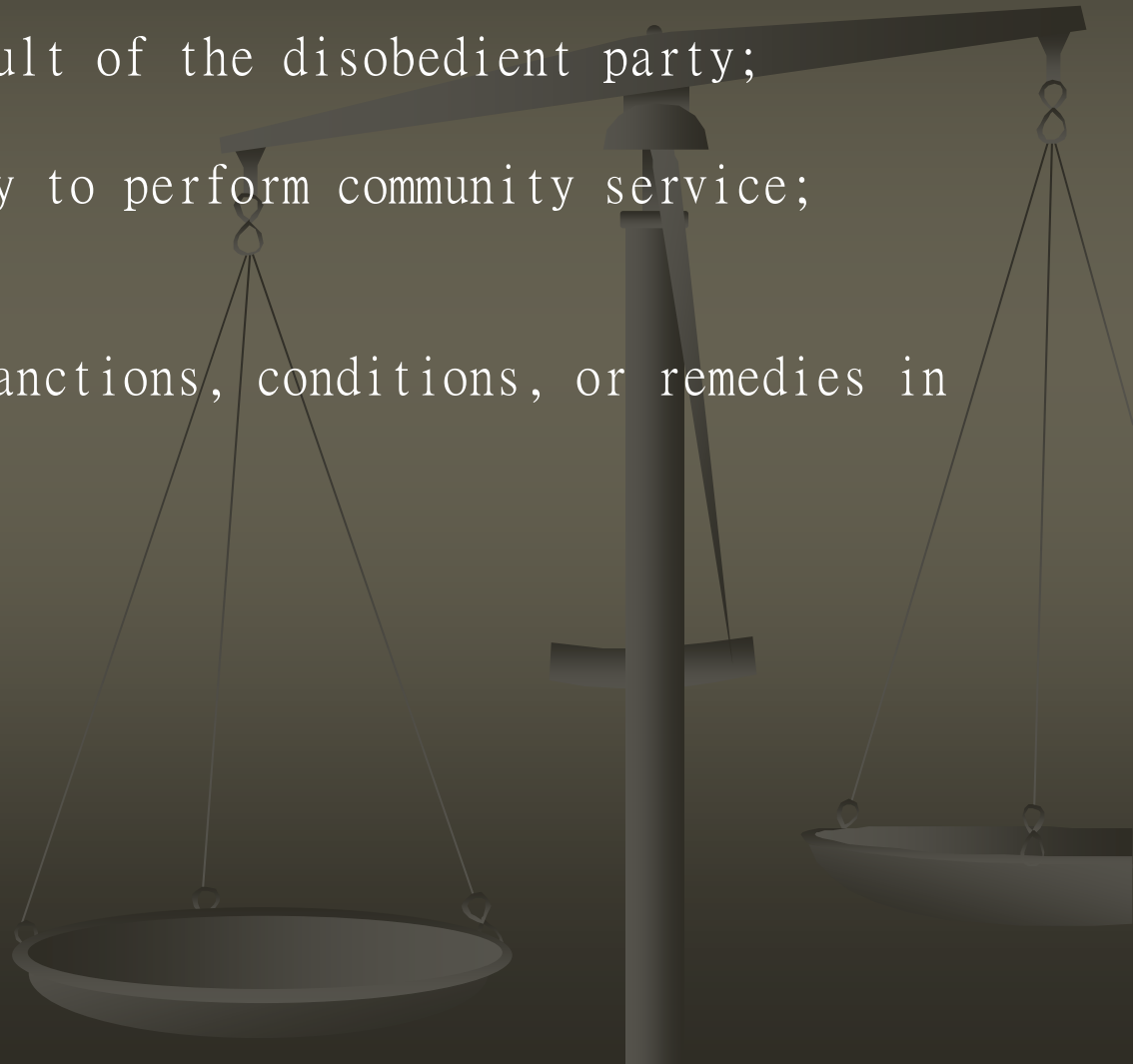
FJDCR 1.12 Continued

- (8) Strike in whole or in part any portion of any pleading or paper;
- (9) Make a complaint to the State Bar of Nevada against an attorney;
- (10) Award attorney fees, costs, or both;
- (11) Set aside any order;



FJDCR 1.12 Continued

- (12) Enter the default of the disobedient party;
- (13) Order the party to perform community service;
and/or
- (14) Impose other sanctions, conditions, or remedies in
its discretion.



FJDCR 6 Civil and Criminal Appeals from Municipal or Justice Court

What are the rules regarding appeal briefs from municipal or justice court? Are there page limits?

■ 6.1 Briefs.

...opening brief of not more than 10 pages within 30 days after the matter is set for hearing, or 30 days after the transcript of the proceedings has been filed with the district court and provided to the parties, whichever is later.

...answering brief of not more than 10 pages within 21 days thereafter.

...reply brief is not required, but if one is filed it must not be more than 5 pages and must be filed within 14 days after the answering brief is filed.

FJDCR 6 Civil and Criminal Appeals from Municipal or Justice Court

Is a request to submit required to submit appeal briefs?

- 6.2 Request to submit. Appellant will file a request to submit the case when he files his reply brief or 22 days after the filing of his opening brief, whichever is earlier.

