

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
AMENDMENT TO AND ADOPTION OF
RULES OF PRACTICE FOR THE FIRST
JUDICIAL DISTRICT COURT.

ADKT No. 393

FILED

SEP 04 2009

TRACIE LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER AMENDING THE LOCAL RULES OF PRACTICE
FOR THE FIRST JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA

Pursuant to a petition filed on March 10, 2009, by the judges of the First Judicial District Court to amend the local rules governing practice in the First Judicial District Court;

IT IS HEREBY ORDERED that the Local Rules of Practice for the First Judicial District Court of the State of Nevada shall be amended as set forth in Exhibit A.

IT IS FURTHER ORDERED that this rule amendment shall become effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and



dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.

Dated this 4th day of September, 2009.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Douglas, J.
Douglas

Saitta, J.
Saitta

Pickering, J.
Pickering

cc: All First Judicial District Court Judges
Alan Glover, Clerk, Carson City
Maxine Cortes, Court Administrator, Carson City
Vanessa Dixon, Clerk of Court, Storey County
Administrative Office of the Courts

EXHIBIT A

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

Rule 1. Organization of the ~~[court]~~ Court; application of the rules.

1. The First Judicial District consists of two Departments and is comprised of Carson City and Storey County.

2. The word "rule," without further identification, means one of the Rules of Practice and may be cited as the "First Judicial District Court Rules," which may be referred to and abbreviated as [~~"F.J.D.C.R."~~] "FJDCR."

3. These rules are intended to be supplemental to the District Court Rules [~~(D.C.R.)~~] (DCR) of the State of Nevada.

4. Whenever it appears to the Court that a particular situation does not fall within any of these rules, or that the literal application of a rule would work hardship or injustice in any case, the Court shall make such order as the interests of justice require.

5. The Judges of this Court may interchange with each other. In the event of absence or upon the inability of a Judge, or when agreed by the Judges, either Judge may act in the Department of the other without specific assignment of causes.

6. Assignment of [~~Cases~~] cases.

A. Criminal [~~Cases-~~] cases. All criminal cases will be randomly assigned to a Department when they are filed with the Clerk. No cases shall be assigned to a Department by the Justice Court,

District Attorney, or any other agency. Cases involving multiple defendants, or cases where a defendant has been previously handled by one Department on an unrelated case, shall be assigned to the same Department.

~~[Cases will be alternately assigned to each Department.]~~ The Judges may, by agreement, transfer cases from one Department to another to ensure expeditious handling of cases.

B. All civil cases will be randomly assigned to a Department by the Clerk when filed. ~~[Cases will be alternately assigned to each Department.]~~ No case can be brought to a Judge without filing. Cases where applications are made to waive filing fees will be conditionally assigned on the same basis, and upon the order waiving fees being filed, will be confirmed as previously assigned.

C. Any civil cases where a preliminary order is sought, like a domestic restraining order, shall be alternately assigned. Contact with the Clerk is required before seeking any preliminary order. The Clerk will assign that case to a Judge. If that Judge is actually unavailable, and an actual emergency exists, the Judge of the other Department may consider the request. The Court minutes may reflect unavailability. The Judges may, by agreement, change the assignment of cases to ensure the expeditious processing of cases. If a divorce action has been filed in District Court, any application for a temporary protective order must be filed in District Court.

D. Cases will not be reassigned unless upon good cause and order signed by both Judges, or upon disqualification, or as otherwise provided by rule or law.

Rule 2. Law and motion calendar.

1. The Law and Motion Calendar shall be called as follows:

A. Department 1—Carson City:

Each Monday:

8:30 a.m. Uncontested civil calendar, guardianships, and probate proceedings.

9:00 a.m. Criminal calendar.

11:30 a.m. Adoptions and uncontested parental rights matters.

B. Department 2—Carson City:

Each Tuesday:

8:30 a.m. Uncontested civil calendar, guardianships, and probate proceedings.

9:00 a.m. Criminal calendar.

11:30 a.m. Adoptions and uncontested parental rights matters.

C. Storey County:

10:00 a.m. Third Friday of each month: Criminal calendar; uncontested civil calendar, guardianships, and probate proceedings. In the event the calendar dictates the need for an additional date, the fourth Friday of each month is designated.

2. Departments 1 and 2 shall hold all civil settings for Carson City and Storey County on each Wednesday at 9:00 a.m. in the

office of the judicial assistant for each respective ~~[court]~~ Court, or any other area designated by the Court.

3. All plea agreements shall be submitted for Department I before 5:00 p.m. on the Thursday prior to Monday's Law and Motion calendar and for Department II before 5:00 p.m. on the Friday prior to Tuesday's Law and Motion Calendar.

Rule 3. Summary estates. Summary estate proceedings and estates to be set aside without administration, if supported by a verified petition or affidavit, or both, and proof or waiver of notice and service, as provided by law, by the parties entitled to notice, and if all other legal requirements have been met, may be determined by the Court on the pleadings in Chambers ~~[with the presence of counsel]~~.

Rule 4. Arbitration.

1. The First Judicial District Court adopts the mandatory, nonbinding "Nevada ~~[Rules of]~~ Arbitration Rules" and any amendments thereto promulgated by the Nevada Supreme Court.

2. Those civil cases commenced in this ~~[court]~~ Court that have a probable jury award value not in excess of fifty thousand dollars (\$50,000) per plaintiff, exclusive of interest and costs, and regardless of comparative liability, are subject to the mandatory provisions of the "Nevada ~~[Rules of]~~ Arbitration Rules," and will be processed and governed as provided in said rules.

3. The special master is designated as the "arbitration commissioner" for purposes of the "Nevada ~~[Rules of]~~ Arbitration Rules." By stipulation of the parties in any case which is subject to the

mandatory arbitration program, the arbitration may be conducted as a binding arbitration in accordance with NRS Chapter 38 [~~of the Nevada Revised Statutes~~]. The parties may stipulate to use an arbitrator of their choice as provided in the “Nevada [~~Rules of~~ Arbitration Rules” or the special master may act as arbitrator in such binding arbitration proceedings.

Rule 5. Special masters.

1. The Judges of the First Judicial District may order the appointment of a special master or masters for the purpose of settlement of cases, to hear applications for temporary protective orders, to coordinate discovery proceedings, to coordinate alternative dispute resolution matters, or for any other proper purpose determined by a Judge to whom a particular case has been assigned.

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

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

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

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

6. The District Court may appoint a Parenting Coordinator in high-conflict cases to assist the parties in creating agreed upon structured guidelines for implementing their parenting plan, for improving communication between the parties, for improving their parenting skills, to assist in minimizing conflict, and to develop a plan to deal with disputes. Any fee associated therewith will be paid by the parties equally, unless the Court enters an Order directing otherwise. The District Court may set forth in the Order appointing a Parenting Coordinator decision-making power to be approved in writing by the parties.

Rule 6. Continuances. Continuances of any matter set for trial or hearing on the merits shall be granted by the Court only:

1. Upon compliance with [~~D.C.R.~~] DCR 9 or 14; or
2. Upon the Court's own motion when required by reason of other business of the Court; or
3. Upon written stipulation of counsel, and the written approval of the Judge, obtained not less than 10 days prior to the jury trial date or not less than 5 days prior to the non-jury trial date or hearing date.

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

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

Rule 7. Civil settings.

1. All preliminary motions and memoranda must be submitted not less than 10 days prior to trial and all discovery procedures must be completed as set forth in [~~N.R.C.P.~~] NRCP 26 or any pretrial order.

2. Contested matters shall be set on dates agreeable to counsel. A 10-day notice to set a time for trial may be made by any party when the case is at issue, and after the [~~N.R.C.P.~~] NRCP 16.1 Joint Case Conference Report has been filed and the NRCP 16.2 Case Management order issued by the Court. At the time fixed in the Notice to Set, with showing of service upon all parties, the judicial assistant shall set the case for trial at a time certain. If fewer than all parties appear before the judicial assistant on an application for setting and file with the Court Clerk a conformed copy of written notice to appear for setting at said hour and day certain, the judicial assistant shall then set the matter to be heard on a date satisfactory to the counsel

present. Time shall be computed as provided in **[N.R.C.P.] NRCP 6**. No domestic relations matter will be set until financial disclosure forms are filed pursuant to NRCP 16.2.

3. If the parties cannot agree on a trial date, the Court shall set the case for trial on the first available date thereafter. In the event of a dispute, the party seeking relief from the setting shall give 5 days' written notice to his or her other opponent or opponents for resolution of the dispute by the Judge.

4. Multiple settings shall be made by the judicial assistant as the Judge may direct. Matters which cannot be heard by the Judge setting the matter because of a conflict with a prior matter may be assigned to another Department by the Judge to be heard, if possible, at the same time as originally set. If an assignment is not possible, the judicial assistant shall immediately inform counsel for all parties and the matter shall have first priority to be heard and shall be assigned the first available date by the Judge, unless otherwise ordered. Criminal matters shall have priority over civil matters, unless otherwise provided by law.

5. If a case is settled at any time, Plaintiff's or movant's counsel shall immediately notify the Court Clerk and the Judge.

6. Once set, a case may be removed from the calendar only with the consent of the trial Judge.

Rule 8. Civil setting not governed by Rule 7. Setting of the following cases shall not be governed by **[F.J.D.C.R.] FJDCR 7**, but shall be assigned to a Department for hearing:

1. Cases submitted on agreed statement of facts.

2. Uncontested probate, guardianship, or juvenile matters; trustee's hearings and accounts; adoptions; and[,] other matters which the Court would generally hear at the time set in notices.

3. Applications for judgments by default under [N.R.C.P.] NRCP 55.

4. Other matters requiring the attention of the Court without contest.

5. Motions in actions for divorce and motions under [N.R.C.P.] NRCP 65. No domestic relations matter, except an application for a temporary protective order, shall be set until a financial disclosure form is filed pursuant to NRCP 16.2.

Rule 9. Extensions or shortening of time.

1. Except as otherwise provided, all applications for extension of time shall be made by motion and upon 5 days' notice to all parties and to the Judge who shall set the motions for early hearing.

2. No ex parte motions for extension of time shall be granted, except that the Court may, upon the filing and service of a notice of motion for extension of time pursuant to [D.C.R.] DCR 17, and upon a showing of good cause, order a temporary extension pending the determination of the ex parte motion. This rule shall in no way contravene [F.J.D.C.R.] FJDCR 7.

3. For good cause, the Judge may make ex parte orders shortening time as set forth in [D.C.R.] DCR 17.

* * *

Rule 11. Jury commissioner. The Court hereby designates the Clerk of the Court of each county, or such deputy clerk as may be assigned with the approval of the Judges, as jury commissioner. The ~~[district judges]~~ District Judges may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the Court finds desirable for efficient administration. The jury commissioner is directly responsible to the District Court.

Rule 12. Pretrial conference.

1. The trial Judge may require a pretrial conference upon the Judge's own ~~[motion]~~ order or upon motion made at least 30 days prior to trial.

2. Pretrial conferences ~~[shall]~~ may include settlement negotiations.

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

4. Statements of counsel made at the pretrial conference shall not be admissible in evidence ~~[, except as adopted by a pretrial order]~~.

Rule 13. Jury instructions. Proposed special jury instructions and forms of verdicts must be served on all counsel and ~~[received by]~~ provided to the Judge at the commencement of any civil or criminal trial. Additionally, special instructions developed during the course of the trial, and which could not reasonably have been anticipated before trial, shall be exchanged by counsel and submitted to

the Court as soon as practicable. An original and one copy of each instruction requested by any party must be tendered to the Court. The copies must indicate ~~[who]~~ which party tendered them.

1. All original proposed jury instructions shall be in clear, legible type on clean, white paper of standard quality, not less than 16-lb. weight, 8 1/2 x 11 inches in size, with a black border line and no less than 28 numbered lines.

2. The designation "Instruction No." shall ~~[be]~~ appear near the lower ~~[left-hand]~~ left-hand corner of the page.

3. The original instructions shall not bear any markings identifying the submitting attorney, and shall not contain any citations of authority. No portion thereof shall be in capital letters, underlined, or otherwise emphasized.

4. Counsel are required to submit authorities, if any, and the same may appear on a carbon copy or photocopy of the instructions. Counsel shall provide a disk in Word or WordPerfect with the instructions therein to the Court or e-mail a copy to the Court.

5. The instructions given to the jury will be firmly bound together and the Judge shall write the word "Given" at the conclusion thereof and sign the last of the instructions to signify that all have been given. The signature line, with the words "~~[district judge]~~ District Judge" typed thereunder, shall be placed on the right half of the page, a few lines below the last line of type on the last instruction.

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

7. Proposed jury instructions shall be submitted to the Court by delivering the original to the Judge's chambers prior to the commencement of trial on the first day scheduled for trial. Opposing counsel shall be served at the same time.

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

* * *

Rule 15. Motions and similar moving papers in civil cases.

1. All motions and similar moving documents, unless made during a hearing or trial, shall be in writing, and, if requiring testimony, shall comply with the notice requirements of ~~[N.R.C.P.]~~ NRCP 6(d).

2. Upon any motion, the moving party shall serve and file with the motion a memorandum setting forth the points and authorities relied upon in support of the motion.

3. An opposing party, unless otherwise ordered by the Court, shall have 10 days after service of the moving party's memorandum within which to serve and file a memorandum of points and authorities in opposition to the motion.

4. The moving party, unless otherwise ordered by the Court, shall have 5 days after service of the opposing memorandum to file and serve a reply memorandum of points and authorities, if he or she so desires.

5. The failure of a moving party to file a memorandum of points and authorities in support of a motion shall constitute a consent

to the denial of the motion; a failure of an opposing party to file a memorandum of points and authorities in opposition to any motion within the time permitted shall constitute a consent to the granting of the motion.

6. Upon the expiration of the time for filing the reply memorandum, either party [~~may notify~~] shall request the Clerk [~~to~~] submit the matter for decision by filing and serving all parties with a written request for submission of the motion to the Court.

7. Proposed orders shall accompany the motion and opposing memorandum.

8. On motions for summary judgment, each party shall file a concise statement setting forth each fact material to the disposition of the motion which the party claims is or is not genuinely in issue, and cite the particular portions of any pleading, affidavit, deposition, interrogatory, answer, admission, or other matter upon which he or she relies in making such argument. Except by leave of the Court, all motions for summary judgment must be submitted to the Court at least 30 days prior to the date the case is set for trial.

9. Oral argument. Decisions on all motions, unless otherwise provided for in these rules, shall be rendered without oral argument, unless (a) oral argument is requested by the Court, in which event the Court shall set a date and time for hearing; or⁵ (b) ordered pursuant to [~~D.C.R.~~] DCR 15. Either party may request a hearing, the grant or denial of which shall lie within the Court's discretion.

10. 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 Court granted upon motion therefor, after notice of such motion to the adverse parties.

11. Motions to compel discovery or for sanctions for failure to provide discovery will not be considered unless a statement of the movant is attached thereto, certifying that, after a personal consultation with opposing counsel and a good faith effort to comply, counsel has been unable to satisfactorily resolve the matter.

12. In domestic relations matters, all motions for temporary support, maintenance and attorneys' fees, and any oppositions thereto, shall include ~~[disclosure of the financial condition of the parties on a form approved by the Court pursuant to F.J.D.C.R. 24]~~ the Financial Disclosure Form.

13. Attorneys' fees motions. Motions for attorneys' fees must include sworn testimony, oral or by affidavit, addressing the following elements to be considered in determining the reasonable value of an attorney's services:

A. The qualities of the advocate: his ability, training, education, experience, professional standing and skill;

B. The character of the work: its difficulty, intricacy, importance, the time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation;

C. The work actually performed by the lawyer: the skill, time and attention given to the work;

D. The result: whether the attorney was successful and what benefits were derived; and

E. Any other factor that tends to establish the value of an attorney's services.

See Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345 (1969).

Rule 16. Interrogatories and admissions.

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

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

3. Objections to interrogatories made under **[N.R.C.P.] NRCP 33** shall be made in the same manner as motions under **[F.J.D.C.R.] FJDCR 15**, provided, however, that the Judge may expedite the determination of objections to interrogatories in such manner as he or she sees fit.

4. A motion for a protective order made promptly and, in any event, at or before the time specified for the discovery, shall operate as an automatic stay of the discovery against which the motion is directed. After the motion for a protective order is decided by the Court, which decision may include sanctions, the discovery against which the motion was directed may be pursued to the extent and manner permitted by the Court's decision.

5. Original discovery documents shall be retained by the party initiating the discovery and shall not be filed with the Court unless and until they are used in the proceeding.

* * *

Rule 18. Ex parte orders.

1. Ex parte orders are disfavored and counsel are encouraged to move with notice whenever possible.

2. No ex parte orders, except an order of the Court to file a case by number only, or an order to allow an indigent to file a complaint without payment of fees, shall be presented to a Judge for signing before the case has been filed with the Clerk and given a case number.

3. Ex parte orders and orders based upon written stipulation of counsel, or in connection with any uncontested matters, shall be signed only by the Judge of the Department in which the case is pending, unless such Judge designates another Judge to hear such application. In the event there is no such designation, and the Judge of the Department in which the case is pending is unavailable, the ex parte order may be signed by the Judge assigned to the other Department.

4. Whenever the Court has issued an ex parte order, the party obtaining it shall serve, within such time as prescribed by the Court, a copy thereof, and the papers upon which it was based, upon each party who has appeared in the cause, except that an order to show cause shall be served within the time fixed by the order.

5. Notice exceptions in domestic relations cases.

A. A party is excused from giving [~~sueh~~] notice where notice would frustrate the very purpose of the order or cause the party or child to suffer immediate and irreparable injury.

B. Ex parte orders may be obtained without notice in the following circumstances:

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

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

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

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

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

Rule 19. Documents of the [~~court~~] Court; pleading requirements.

1. Bankruptcy notice.

A. The first pleading filed by each party to an action shall contain a statement that the party filing the pleading is not a debtor in bankruptcy.

B. All parties to an action shall promptly make known to the Court if, during the litigation, they become debtors in bankruptcy or if, to their knowledge, other parties to the litigation become debtors in bankruptcy.

2. In all cases, the notation of judgments and orders in the civil docket by the Clerk shall be made at the earliest practicable time. The notation of judgments will not be delayed pending taxation of costs, but a blank space may be left in the form of judgment for insertion of costs by the Clerk after they have been taxed, or there may be inserted in the judgment a clause reserving jurisdiction to tax and apportion the costs by subsequent order.

3. Every document presented to a Judge for his or her signature, including orders, findings, conclusions of law, and judgments, and every paper presented for filing, shall bear a designation of what it purports to be, the number and title of the case, and the name of the attorney or moving party who presented same with his or her office address immediately thereafter.

4. All proposed findings, conclusions of law, judgments and decrees, orders affecting the title to or creating or affecting a lien upon real or personal property, appealable orders, and such other orders as the Court may direct, shall be prepared, in writing, by the prevailing party, and shall embody the Court's decision, where applicable, and incorporate the decision by reference, unless the Court shall otherwise order. The prevailing party shall serve a copy of the proposed document

upon counsel for all parties 5 days prior to submission of the document to the Court Clerk and shall file proof of such service. Thereafter the prevailing party shall file a request to submit the proposed document and the Court Clerk shall then submit it to the Court. If opposing counsel intends to object to the form or substance of any such document, or move to amend it, counsel shall do so within 5 days after service of the proposed findings and judgment upon all parties. The proposed document (order, judgment, etc.) shall be submitted no later than 10 judicial days following the hearing or trial.

5. All orders presented to a Judge for his or her signature, ~~[whether pursuant to stipulation or otherwise,]~~ must be on a separate sheet of paper and properly entitled in the ~~[court]~~ Court and cause. A stipulation and order may be in one document provided that the caption reflects that it is both a stipulation and an order.

~~[6. All pleadings and documents intended for the files of this Court shall be on paper 8 1/2 inches x 11 inches in size, of good quality and without interlineations, unless noted thereon by the Clerk at the time of filing.~~

~~A. Pleadings offered for filing or filed shall consist entirely of original typewritten pages. Carbon copies shall not be filed. Only one side of the paper may be used. The lines on each page shall be double spaced and numbered consecutively, except that descriptions of real property or quotations of authority cited may be single spaced. Pages shall be numbered consecutively at the bottom.~~

~~B. Where possible, the original document shall be filed, but if a copy of the document is offered for filing or filed the copy must be clearly legible.~~

~~C. No original pleading or paper shall be amended by making erasures or interlineations thereon, or by attaching papers thereto, except by leave of Court.~~

~~D. The Clerk shall not accept for filing or file any pleadings or documents which do not comply with this rule; but for good cause shown, the Court may permit the filing of pleadings and documents which do not comply herewith. The provisions of this rule, except as to the size of paper, shall not apply to printed forms furnished by the Clerk.]~~

6. All pleadings and papers presented for filing must be flat, unfolded, firmly bound together at the top, on white paper of standard quality, not less than 16-lb. weight and 8 1/2 x 11 inches in size. All papers must be typewritten or prepared by some other duplicating process that will produce clear and permanent copies equally legible to printing. The font size shall not be more than 12 points. Photocopies may not be filed, except as provided in section 6 of this rule. Only one side of the paper may be used.

All papers presented for filing, receiving or lodging with the Clerk shall be pre-punched with 2 holes, centered 2 3/4 inches apart, 1/2 inch to 5/8 inch from the top edge of the paper.

The lines on each page must be double-spaced, except that descriptions of real property may be single-spaced. Pages must be numbered consecutively at the bottom. Lines of pages must be numbered in the left margin or on legal pleading paper.

Any pleadings or papers presented for filing that are larger than what can be fastened in a 2-inch Acco fastener must be submitted for filing in volumes of no larger than 2 inches per volume with a cover page on each volume indicating the title of the document and volume number.

7. No original pleading or paper may be amended by using correction fluid or tape, making erasures or interlineations thereon, or by attaching slips thereto, except by leave of the Court.

8. The following information shall appear upon the first page of every paper presented for filing:

A. The name, Nevada State Bar identification number, address and telephone number of the attorney and of any associated attorney appearing for the party filing the paper; whether such attorney appears for the plaintiff, defendant, or other party; or the name, address and telephone number of a party appearing in proper person, shall be set forth to the left of center of the page beginning at line 1 and shall be single-spaced. The space to the right of center shall be reserved for the filing marks of the Clerk.

NAME
BAR NUMBER
ADDRESS
CITY, STATE, ZIP CODE
TELEPHONE NUMBER
ATTORNEY FOR:

B. The title of the Court shall appear at the center of the page, line 6, below the information required by paragraph 1 as follows:

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA IN AND FOR CARSON CITY OR IN AND FOR STOREY
COUNTY

C. Below the title of the Court shall appear in the space to
the left of center, line 9, the name of the action or proceeding, e.g.,

JOHN DOE,

Plaintiff,

vs.

RICHARD ROE,

Defendant.

D. In the space to the right of center at lines 11 and 12,
shall appear the case number and the department number as follows:

Case No. CV99-00000

Dept. No. 1

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

(Example)

ATTORNEY

BAR NUMBER

ADDRESS

CITY, STATE, ZIP CODE

PHONE NUMBER

ATTORNEY FOR:

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA IN AND FOR CARSON CITY

JOHN DOE,

Plaintiff

vs.

Case No. CV99-000000

RICHARD ROE,

Dept. No.

Defendant.

MOTION, ORDER, REPLY, JUDGMENT, ETC.

F. Pleadings or papers presented for filing should be in the following order:

- (1) Pleading or document including filer's signature;
- (2) Affirmation;
- (3) Certificate of Service, unless attached as part of pleading; and
- (4) Index of Exhibits, followed by the Exhibits, if any.

Pursuant to NRS 239B.030(4), the First Judicial District Court requires that upon filing of a new matter, the party must submit an "Initial Appearance" Affirmation and state on the filing of additional documents in the matter that an Affirmation will be provided only if the document contains personal information. The purpose of this "Initial Appearance" Affirmation is to ensure that each person who initiates a case, or upon first appearing in a case, acknowledges his or her understanding that no further affirmations are necessary unless a pleading or document which is filed contains personal information. The Affirmation becomes part of the actual document, so all subsequent copies of the document must also include the information or they would

not be a true and accurate copy of the original. Personal information is defined in NRS 603A.040, as a natural person's first name or first initial and last name in combination with any one or more of the following data elements: (1) social security number, (2) driver's license or identification number, and (3) account numbers in combination with any required code or password that would permit access to the person's financial account.

9. The "Initial Appearance" Affirmation and Affirmation forms are available at the First Judicial District Court Clerk's Office and on the Court's website at www.carson-city.nv.

10. Social security numbers and any financial account numbers must be redacted from any documents filed with the Court. If a social security or account number is needed for identification purposes, all but the last four digits of that number must be redacted from the pleadings and documents.

11. All exhibits attached to pleadings or papers must be 8 1/2 x 11 inches in size; must be separated with bottom-tabbed divider pages; must be labeled numerically, i.e., Exhibit 1, 2, 3, etc., rather than alphabetically. Exhibits that are larger than 8 1/2 x 11 inches must be reduced to 8 1/2 x 11 inches. Exhibits such as maps must be folded so as to appear 8 1/2 x 11 inches in size. All exhibits attached to pleadings or papers must be separated by a bottom-tabbed divider page and clearly marked with the exhibit number at the top and bottom of the page. All exhibits attached to pleadings or papers must be preceded by an Index of Exhibits indicating the exhibit number, exhibit description, and the length of each exhibit (number of pages). Copies of exhibits must be clearly legible and not unnecessarily voluminous.

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

12. Accountings and/or financial reports must be attached as exhibits to pleadings and documents and not included in the body of any pleading or document.

13. If pleadings or documents are presented for filing with multiple case numbers, a separate original must be filed for each individual case.

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

15. When a decision of the Supreme Court of the State of Nevada is cited, the citation to Nevada Reports must be given together with the citation to West's Pacific Reporter and the year of the decision. When a decision of an appellate court of any other state is cited, the citation to West's Regional Reporter System must be given together with the state and year of the decision. When a decision of the United States Supreme Court is cited, the United States Reports citation and year of decision must be given. When a decision of the court of appeals or of a district court or other court of the United States is cited that has been reported in the Federal Reporter System, that citation, court and year of decision must be given.

Rule 20. Default judgment.

1. An application for a judgment by default regardless of the amount of the proposed judgment must be made upon affidavit unless the Court specifically requests the presentation of oral

testimony. Supporting affidavits must be made on personal knowledge, not by the attorney representing the plaintiff, set forth such facts as would be admissible in evidence, show affirmatively that the affiant is competent to testify to the matters stated therein, and avoid more general conclusions or argument. An affidavit substantially defective in these respects may be stricken, wholly or in part, and the Court may decline to consider the application for the default judgment.

2. Unless written notice of the application is required or the prior consent of the Court is obtained, a request for the entry of judgment by default under **[N.R.C.P.] NRCP** 55(b)(2) must be made without placing the matter on the motion calendar. The application, together with any supporting affidavits, and a request for submission must be filed with the Clerk who shall promptly deliver the same to the Judge for his or her consideration in chambers.

* * *

Rule 22. Appearances; substitutions; withdrawal or change of attorneys.

1. Civil cases. An attorney of record shall be deemed such in all subsequent related proceedings before the Court until such time as a withdrawal of counsel is made pursuant to **[S.C.R.] SCR** 46 and 166.

2. Criminal cases. Counsel of record, when intending to withdraw, shall serve notice of such intention upon the District Attorney and file the same with the Clerk of the Court. 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 3 days' actual notice of such intention. In addition, there must be strict compliance with **[S.C.R.] SCR** 46 and 166 relative to any such withdrawal. The request to withdraw must generally relate to counsel's inability to adequately defend his or her 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 of the hearing of any other matter in the case would result. Discharge of an attorney may not be grounds to delay a trial or other hearing.

Rule 23. Juvenile ~~[court]~~ Court procedures.

1. The Judges of the **[Juvenile] District** Court may appoint one or more juvenile masters to serve on a full-time or part-time basis. A master shall serve at the pleasure of the appointing Judges, and unless the appointing Judge makes his or her order terminating the appointment of a master, such master may continue to serve as such until the appointment of his or her successor. The compensation to be allowed to a master shall be fixed by the District Court.

2. A master shall hear such cases as are assigned to him or her by the District Judge **[of the Juvenile Court]**, with the following

powers: to hear all preliminary matters and arraignments; to take the plea of any juvenile; to appoint an attorney to represent any minor in any proceeding in which the Court has jurisdiction if it appears that such minor is unable to employ counsel; to take the waiver of any minor and his or her family of their right to employ counsel; to conduct all detention, transfer, and adjudicatory hearings; to make proper disposition of all juvenile cases including certification of those who are over the age of 14 and who are brought before the Juvenile Division of the District Court pursuant to ~~[NRS 62.060 and 62.080]~~ NRS 62B.030; to accept written agreements releasing a child to the custody of his or her parents, guardian, or custodian upon a return date or to set bail or bond in proper cases; to procure the attendance of witnesses by issuance and service of subpoenas; to require the production of evidence; to swear witnesses; to take evidence and rule on its admissibility; to make findings of fact and recommendations which, if approved by the **[Juvenile]** District Court Judges, become a decree of the **[Juvenile]** District Court; and, to act as the supervising master in the Juvenile Traffic Court of Carson City and Storey County and to recommend, in connection therewith, the appointment of assistant special masters by the Juvenile Judge, if the same are deemed necessary. Nothing in the above grant of powers shall be deemed to be a limitation of power of the Juvenile Court master, who shall have all inherent powers of the Juvenile Court subject to the approval of the **[Juvenile]** District Court Judge.

3. The proceedings before the master shall be conducted in the same manner as in the District Court. All proceedings before the master shall be reported and transcribed by a duly appointed court

reporter or by sound recording equipment, as provided by law. Within 10 days after the evidence before him or her is closed, the master shall file with the Judge all papers relating to the case, written findings of fact, and recommendations. Within the above time period, the master shall serve upon the minor's attorney of record and the minor's parent, guardian, or adult relative, a written explanation of the right to appeal the recommendation by the Juvenile Court. Service, as provided in this section, shall be by mail to the last known address of such person or to the address designated by such person appearing at the hearing before the master or to his or her attorney, if any has appeared as an attorney of record.

4. An appeal to the ~~[Judge of the Juvenile Division of the]~~ District Court from findings and recommendations made by the master may be made by any party to the proceedings before the master. The notice of appeal shall be in writing, served on all parties to the proceedings before the master, and be filed within 5 days of the notice of the master's findings and recommendations as required by NRS ~~[62.090]~~ 62B.030. The person filing the appeal shall notify all parties, simultaneously with the filing, to appear before the ~~[Calendar Clerk]~~ Judicial Assistant for each respective Court for setting and file a statement setting forth the issues on appeal. The hearing on the appeal must be set within 30 days from the date of the filing of the notice of appeal. If the hearing on the appeal is not set within 30 days, the ~~[Juvenile]~~ District Court Judge may dismiss the appeal. Permission of the ~~[Juvenile]~~ District Court Judge must be obtained for a setting which is more than 30 days from the filing of the notice. At the time of

filing of the Notice of Appeal, the person filing the appeal shall file a request with the Juvenile Court that the proceedings be transcribed.

5. All appeals of matters heard before a master shall be before the [~~Judge of the Juvenile~~] District Court. If a notice of appeal is filed within the [~~5-day~~] 5-day time limit, the District Court Judge must review the transcript of the proceedings before the master. The Judge shall hear oral argument, may require briefing and, thereafter, either approve and confirm the findings of fact and recommendation, in whole or in part, or remand the case to the master for a further evidentiary hearing. The Judge may also conduct a new hearing in the District Court.

6. No recommendation of a master or disposition of a juvenile case, including certification to stand trial as an adult, shall become effective until expressly approved by [~~a Judge of the Juvenile~~] the District Court.

Rule 24. Divorce proceedings.

1. All uncontested divorce and annulment proceedings shall be submitted to the Court for consideration without hearing.

2. Affidavits in divorce cases shall comply with the requirements of [~~N.R.C.P.~~] NRCP 56(e). The affidavit of the resident witness must state the affiant's residence address, the length of time affiant has resided in this state, that affiant is personally acquainted with the party to the action whose residence is being corroborated, the party's residence address, the date from which the affiant knows that the party has resided at that address, and the total length of time

affiant knows the party has resided within the State of Nevada. The resident witness affidavit shall not predate the filing of the complaint.

3. In all suits for divorce or separate maintenance, each party shall file with the Court a disclosure statement of all assets and liabilities and all income and expenses on a form approved and published by the Court. The parties shall file such disclosure forms no less than 10 days before the ~~[N.R.C.P. 16.1]~~ NRCP 16.2 early case conference or 40 days from service of the Complaint or Petition, whichever is earlier. This requirement may not be waived as to content or time except by order of the Court for good cause shown. The forms served shall be amended forthwith as material information is obtained by the parties or their attorney.

4. In all motions to modify child support or spousal support, the income and expense portion of the disclosure form shall be filed and served on the opposing party or their counsel at the time of filing the motion and shall be filed and served by the responding party at the time of filing a response, but not later than 20 days after service of the motion. Income of any spouse other than a party must be listed in that party's affidavit of financial condition[s] in the "other income" section of the affidavit. If any party resides with an adult person other than a spouse, that party's affidavit of financial condition[s] must reflect the extent to which the cohabitant shares in the party's expenses. This requirement may not be waived as to content or time except by order of the Court for good cause shown.

5. Filing and service of such prescribed forms shall not supplant nor limit discovery pursuant to the Nevada Rules of Civil Procedure.

6. In all divorces and annulments when an appearance and waiver has been filed by the responding party and entry of default is sought, no additional affidavit need be filed under **[N.R.C.P.] NRCP 55** for the issuance of a default by the Court Clerk.

Rule 25. Mediation.

1. Matters subject to mediation.

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

B. Mediation of the dispute by the approved family mediators or by private mediator must take place before the trial or hearing on custody, access and/or support.

2. Referral for mediation by the Court. Referrals to mediation made by the Court pursuant to subsection 1 of this rule shall be to the approved family mediators.

3. Referral for mediation by individual party.

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

B. The Court may then refer the matter to the approved family mediators.

4. Private mediation, selection.

A. Parties may select by agreement a private mediator.

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

C. The mediator has a right to withdraw from any case.

5. Private mediation, referral to private mediator.

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

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

6. Scheduling mediation. Upon referral to the approved family mediator, an orientation and conference will be scheduled which both parties must attend, unless other procedures are agreed upon pursuant to this rule.

7. Mediation conference.

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

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

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

8. Mediation report.

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

B. In the event that no agreement is reached, the mediator shall notify the Court that mediation has been concluded.

9. Failure to appear for mediation.

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

B. The Court shall take whatever action it deems necessary or appropriate.

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

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

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

A. The fact that an Order for Protection Against Domestic Violence has been obtained; and

B. The case number of the protection order action.

13. Exemption from mediation.

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

B. The party seeking an exemption must file a motion with the Court.

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

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

14. Inappropriate cases.

A. The Court shall establish procedures to assure that cases which are inappropriate for mediation or which may require special protocols for the protection of the parties are screened prior to any contact between the parties in the mediation process.

B. Mediation is not appropriate where:

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

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

(3) The case is at the post-dissolution stage and has involved protracted litigation, if the Court, upon appropriate motion, exempts such case from mediation.

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

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

15. Support persons.

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

16. Fees for service. Fees may be assessed to parties referred to mediation pursuant to NRS 3.500(2)(e) and in accordance with the fee schedule approved by the Court. Unless otherwise directed, each party is required to pay one-half the fee of the ~~[court approved]~~ court-approved mediator. Payment will be made to the Clerk of the District Court in the county where the action is being heard. The payments shall be made promptly, using procedures for such payment established by the County Clerk.

17. Failure to pay fees for mediation. In the event that either party fails to pay the mandated fees for mediation, the ~~[court approved]~~ court-approved mediator shall contact the Court and report such failure. The Court may enter such further orders, including contempt orders, necessary to ensure prompt payment of the fees.

Rule 26. Unsuccessful mediation.

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

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

3. The custody evaluation may be by stipulation or appointment or by referral of the Court to the appropriate individual for such custody evaluation.

4. Child custody evaluation.

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

B. Upon the request of either party or on its own initiative, the Court may appoint a neutral expert if the parties cannot agree on their own.

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

5. Based on the financial condition of the parties, the District Court may order that mediation funds can be used for a psychological evaluation and/or a child custody evaluation or to assist in payment of a Parenting Coordinator in high-conflict cases.

6. The District Court may appoint a Court Appointed Special Advocate (CASA) for children in high-conflict domestic relations cases and to assist the District Court by providing independent information thereto. CASA may request a reasonable fee for this service to cover its costs.

Rule 27. Qualifications of [~~court-approved~~] court-approved mediators.

1. Minimum requirements for approval:

A. The Court will establish, by order, the minimum requirements for approval as a mediator under this program.

B. Requests for approval as a mediator must be sent to the Court for a decision. The Court may order such further investigation as to the abilities and qualifications of the applicant as it deems appropriate.

C. No person may act as a mediator under this program unless approved in writing by the Court.

Rule 28. Compensation of mediators.

1. The Court will establish the compensation schedule for ~~[court-approved]~~ court-approved mediators both as to hourly compensation and total compensation. The schedule may be modified by the Court whenever deemed necessary.

2. The mediators will submit their bills to the Clerk of the Court, identified by case name and number, within 10 days from the date of the last session. A copy must also be furnished to the parties within that time. Following that submission of the bills, the parties must each pay their designated share of the bill to the Court within 10 days of the billing by the mediator.

3. Failure to pay within the date required shall be reported to the Court for such further action as the Court feels appropriate.

4. Upon receipt of payment, the Clerk shall promptly pay the mediators the billed amounts.

5. The Clerk shall file with the Court a report concerning mediation income and expenses and other matters as directed.

Rule 29. Forms—to be determined by Court.

1. The Court may adopt and approve forms which practitioners are encouraged to use.

2. Upon notification, the Court has the discretion to modify, amend, or supplement the existing forms or add new forms.

3. Approved forms are available on the Court's website at www.carson-city.nv.us.

Rule 30. Sanctions for noncompliance. If a party or an attorney fails, refuses, or neglects to comply with these rules, the Nevada Rules of Civil Procedure, the District Court Rules, the Supreme Court Rules, or any 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 or her expenses, including **[a]** reasonable ~~[attorney's fee]~~ attorneys' fees, incurred in preparing for and attending such hearing.

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 such matters in his or her pretrial memorandum or at the pretrial conference, refuse to allow the

disobedient party or attorney to support or oppose designated claims or defenses, or prohibit him or her from introducing evidence of physical or mental condition, or from introducing in evidence designated documents or things or items of testimony.

7. Enter the default of the disobedient party or attorney and, in the Court's sound discretion, dismiss the action or strike the defense of the disobedient party or attorney, with or without prejudice.

8. Impose such other sanctions, conditions, or remedies as the Court in its discretion may allow.

* * *

Rule 32. [~~Communication with law clerks.~~] Ex parte communication with Judge/law clerks.

1. The Judges will not permit, receive or consider ex parte communications.

2. Ex parte communication is any communication made outside the presence of the parties concerning a pending or impending proceeding.

3. All written communication for the Judges must be filed with the Court Clerk, served on all parties, and contain proof of service.

4. Purely procedural issues, e.g., continuances, may be discussed with the judicial assistant or law clerk.

5. No attorney may argue to or attempt to influence a judicial assistant or law clerk upon the merits of a contested matter pending before the [~~Judge or judicial officer~~] Judge to whom that judicial assistant or law clerk is assigned.

Rule 33. Appeals to District Court in criminal matters from Justice Court and Municipal Court.

1. Pursuant to NRS 189.010 for appeals from proceedings in the Justice Court and pursuant to NRS 266.595 and NRS 5.073 for appeals from proceedings in the Carson City Municipal Court, a Notice of Appeal in a criminal action tried before a Justice of the Peace or the Municipal Court Judge must be filed within 10 days from the entry of the judgment.

2. At the time of filing of the Notice of Appeal, the appellant shall file a request with the Justice Court or Municipal Court that proceedings be transcribed.

3. Pursuant to NRS 189.065 or NRS 5.073, the Justice Court or Municipal Court shall transmit to the Clerk of the District Court the transcript of the case, all other papers relating to the case and a certified copy of its docket of the case within 10 days after the Notice of Appeal is filed.

4. Pursuant to NRS 189.065 or NRS 5.073, the appellant must perfect his or her appeal by having the appeal set for hearing by the District Court within 60 days after the Notice of Appeal is filed.

5. The appellant shall file his or her brief within 30 days after the matter is set for hearing, provided the written transcript of the proceedings has been prepared and filed with the District Court and provided to the parties. The respondent shall file his or her opposing brief within 20 days thereafter, and any reply brief by the appellant shall be filed within 10 days thereafter.

Rule 34. Deposit of juror fees in the First Judicial District Court. Notwithstanding any other provision of law, when a party to civil litigation has deposited jury fees with the Clerk and that party waives a jury or the case is settled, none of the deposit shall be refunded if the Court finds that it has incurred the expense of calling a jury. If the jury fees so deposited are not refunded for the reason herein specified, or if a refund of jury fees deposited with the Clerk has not been requested in writing by the depositing party within 20 business days from the date the action is dismissed or otherwise disposed of, the fees shall be transmitted to the District Court.

All jury fees that were deposited with the Court in advance of trial and which remain on deposit in cases that were settled, dismissed, or otherwise disposed of, and in which 3 years have passed since the date the case was settled, dismissed or otherwise disposed of, shall be transmitted to the District Court and any refund is waived. This rule will be applied retroactively.