

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF CREATING A
COMMITTEE TO UPDATE AND
REVISE THE NEVADA RULES OF
CIVIL PROCEDURE.

No. ADKT 0522

FILED

DEC 31 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER AMENDING THE RULES OF CIVIL PROCEDURE, THE
RULES OF APPELLATE PROCEDURE, AND THE NEVADA
ELECTRONIC FILING AND CONVERSION RULES*

On February 2, 2017, this court established a committee to review and recommend updates to the Nevada Rules of Civil Procedure and the associated district court and specialized rules. The committee consisted of co-chairs Justice Mark Gibbons and Justice Kristina Pickering, Judge Elissa F. Cadish, Judge Kimberly A. Wanker, Judge James E. Wilson, Discovery Commissioner Wesley M. Ayres, Discovery Commissioner Bonnie A. Bulla, Professor Thom Main, and attorneys George T. Bochanis, Robert L. Eisenberg, Graham A. Galloway, Racheal Mastel, Steve Morris, William E. Peterson, Daniel F. Polsenberg, Kevin C. Powers, Don Springmeyer, Todd E. Reese, and Loren S. Young. The Nevada Supreme Court acknowledges and thanks the NRCP committee members for their dedication, time, and effort to comprehensively review and revise the NRCP and recommend the associated amendments to the NRAP and NEFCR.

On August 17, 2018, the committee co-chairs, Justices Mark Gibbons and Kristina Pickering of the Nevada Supreme Court, filed a petition to amend the Nevada Rules of Civil Procedure, the Nevada Rules of Appellate Procedure, and the Nevada Electronic Filing and Conversion Rules. This court solicited public comment on the petition, received written public comment, and held a public hearing on October 19, 2018, in this

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matter. This court reviewed the committee's recommendations, considered the public comment, and edited the rules. In particular, as to the proposed NRCP 32(a)(5), regarding the use of expert and treating physician deposition transcripts, the court agrees that the use of deposition transcripts would lower the cost of litigation and assist access to justice. The court, however, is reluctant to create by rule an additional exception to the hearsay rule, beyond those established in NRS Chapter 51. Establishing such a hearsay exception is the province of the Legislature.

The revised Nevada Rules of Civil Procedure, Nevada Rules of Appellate Procedure, and Nevada Electronic Filing and Conversion Rules contain significant changes. These changes will necessitate the review and probable revision of other associated rules and forms, including, among others, the family court financial disclosure forms, the Nevada Justice Court Rules of Civil Procedure, and a more thorough review of the Nevada Rules of Appellate Procedure. The Nevada Supreme Court will address the need for review of these rules in 2019.

For the benefit of the bench and the bar and to facilitate the transition from the existing rules to the new rules, the Nevada Supreme Court will create redlines of the new NRCP against the former NRCP and against the current FRCP. These redlines will be posted in ADKT 0522 and will be available on the Nevada Appellate Courts' website located at: <https://nvcourts.gov/AOC/Committees and Commissions/NRCP/Adopted Rules and Redlines/>. If any discrepancies exist between the redlines and the attached exhibits, the attached exhibits control as they are the officially adopted rules. The committee's agendas and minutes are available on the committee's website and will also be posted to ADKT 0522.

Accordingly,

WHEREAS, this court has solicited public comment on the petition, received written public comment, and held a public hearing on October 19, 2018; and

WHEREAS, this court has determined that rule changes are warranted;

IT IS HEREBY ORDERED that the Nevada Rules of Civil Procedure shall be amended and shall read as set forth in Exhibit A; and

IT IS HEREBY ORDERED that the Nevada Rules of Appellate Procedure shall be amended and shall read as set forth in Exhibit B; and

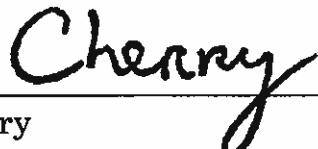
IT IS HEREBY ORDERED that the Nevada Electronic Filing and Conversion Rules shall be amended and shall read as set forth in Exhibit C.

IT IS FURTHER ORDERED that this amendment to the Nevada Rules of Civil Procedure, the Nevada rules of Appellate Procedure, and the Nevada Electronic Filing and Conversion Rules shall be effective prospectively on March 1, 2019, as to all pending cases and cases initiated after that date. 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.

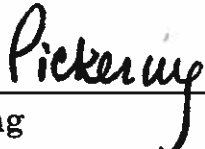
IT IS FURTHER ORDERED that on and after the effective date, these amended rules shall control when conflicts arise between these amended rules and the local rules or the district court rules. Time frames accruing before the effective date of these amended rules shall be calculated using the existing, unamended rules. Time frames accruing on or after the effective date of these amended rules shall be calculated under these amended rules. If a reduction in the time to respond or other adverse consequence results from the change in and application of these amended rules, an extension of time or other relief may be warranted to prevent prejudice.

Dated this 31 day of December 2018.



_____, C.J.
Douglas


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Richard Pocker, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
All Court of Appeal Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Administrative Office of the Courts