

## RULE 45. CLERK'S DUTIES

### (a) General Provisions.

(1) **Qualifications.** The clerk of the Supreme Court **[shall]** must take the oath and post any bond required by law. Neither the clerk nor any deputy clerk **[shall]** may practice as an attorney or counselor in any court while in office.

(2) **When Court Is Open.** ~~[The Supreme Court and Court of Appeals are always open for filing any proper paper, issuing and returning process, making a motion, and entering an order.]~~ The clerk's office with the clerk or a deputy in attendance **[shall]** will be open during business hours on all days except Saturdays, Sundays, and nonjudicial days. The court may provide by rule or by order that the clerk's office **[shall]** will be open for specified hours on Saturdays or on particular nonjudicial days. In exceptional circumstances, the court may provide by order for closure of the court for a limited period.

### (b) Records.

(1) **The Docket.** The clerk **[shall]** must maintain a docket, in the form and style prescribed by the court, and **[shall]** must enter therein each case. Cases **[shall]** will be assigned consecutive file numbers. The file number of each case **[shall]** must be noted on the folio of the docket whereon the first entry is made. All papers filed with the clerk and all process, orders, and judgments **[shall]** will be entered chronologically in the docket on the folio assigned to the case. Entries **[shall]** will be brief but **[shall]** must show the nature of each paper filed or judgment or order entered. The entry of an order or judgment **[shall]** will show the date the entry is made. The clerk **[shall]** will keep a suitable index of cases contained in the docket.

**(2) Calendar.** The clerk ~~[shall]~~ will prepare, under the direction of the court, a calendar of cases awaiting argument. In placing cases on the calendar for argument, the clerk ~~[shall]~~ will give preference to appeals in criminal cases and to appeals and other proceedings entitled to preference by law.

**(3) Other Records.** The clerk ~~[shall]~~ will keep such other books and records as may be required from time to time by the court.

**(c) Notice of Orders or Judgments.** Upon the entry of an order or judgment, the clerk ~~[shall]~~ will immediately serve a notice of entry by mail on each party, with a copy of any opinion, and ~~[shall]~~ will make a note in the docket of the mailing. Service on a party represented by counsel ~~[shall]~~ will be made on counsel.

**(d) Custody of Records and Papers.** The clerk has custody of the court's records and papers. Unless the court orders or instructs otherwise, the clerk ~~[shall]~~ must not permit an original record or paper to be taken from the clerk's custody. Upon disposition of the case, original papers transmitted from a court or agency ~~[shall]~~ must be returned to the court or agency from which they were received. The clerk ~~[shall]~~ must preserve a copy of any briefs or other papers that have been filed. The transcript and appendices to the briefs must be retained for 90 days after issuance of the remittitur, and then may be destroyed.

**(e) Office Location; Attendance at Court Sessions[; ~~Removal of Papers~~].**

(1) The clerk's office ~~[shall]~~ will be kept in Carson City, Nevada.

(2) The clerk or the clerk's deputy ~~[shall]~~ will attend ~~[in person]~~ the sessions of the court.

**(f) Fees.** The clerk [~~shall~~] is not [~~be~~] required to file any paper or record in the clerk's office or docket any proceeding until the fee required by law and these Rules has been paid.