


IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: ADOPTION OF RULES
GOVERNING INFORMAL FAMILY
LAW TRIALS

ADKT 0619
FILED

SEP 19 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  CHIEF DEPUTY CLERK

*ORDER APPROVING PILOT PROGRAM IMPLEMENTING
INFORMAL FAMILY TRIALS AND ADOPTING RULES
GOVERNING INFORMAL FAMILY LAW TRIALS*

WHEREAS, on April 22, 2024, Patricia Lee, Associate Justice, Nevada Supreme Court, on behalf of the Family Law Subcommittee of the Judicial Council of the State of Nevada (JCSN), petitioned this court to adopt and implement the use of informal family trials in pre-judgment and post-judgment family law proceedings and to adopt proposed Rules Governing Informal Family Law Trials; and

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on August 1, 2024; and

WHEREAS, this court concludes that adoption of a pilot program implementing informal family trials in pre-judgment and post-judgment family law proceedings is warranted and that the proposed Rules Governing Informal Family Law Trials are appropriate; accordingly,

IT IS HEREBY ORDERED that a pilot program implementing the use of informal family trials in pre-judgment and post-judgment family law proceedings shall be adopted and the proposed Rules Governing Informal Family Law Trials shall be adopted as District Court Rule 27 and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the adoption of DCR 27 shall be effective on November 19, 2024, and shall expire on November 19, 2025, unless further extended by the court.

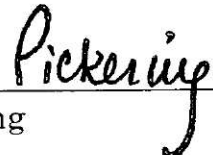
IT IS FURTHER ORDERED that the JCSN shall file a report with this court no later than November 19, 2025, detailing feedback from the district courts participating in the pilot program regarding successes, concerns, and issues related to the pilot program.


IT IS FURTHER ORDERED that 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 rules.

Dated this 19TH day of September, 2024.

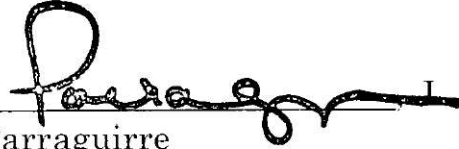

_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Herndon


_____, J.
Lee



Parraguirre


_____, J.
Bell

cc: Richard Dreitzer, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
Legal Aid Center of Southern Nevada
Nevada Legal Services
Northern Nevada Legal Aid
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Douglas County Bar Association
Elko County Bar Association
Administrative Office of the Courts

EXHIBIT A
ADOPTION OF DISTRICT COURT RULE 27

27. Informal Family Law Trials.

1. Applicability. Upon the consent of all parties and the court, an Informal Family Law Trial (IFLT) may be held to resolve any or all issues in actions brought under NRS Chapter 125, 125C, or 126. This rule applies to both pre-judgment and post-judgment proceedings.

2. General. An IFLT is an alternative trial procedure to which the parties, their attorneys, and the court voluntarily agree. Under this model, the court may admit any relevant and material evidence and the traditional format used to question witnesses at trial does not apply. In most cases, the only witnesses will be the parties. Other relevant witnesses may be called only at the discretion of the court.

3. Election. All parties must elect an IFLT and waive a traditional trial.

(a) At any time prior to the scheduling of a traditional trial, the court may offer the parties the option of electing an IFLT and must explain the process.

(b) If the parties elect to use an IFLT in place of a traditional trial, the court must obtain all parties' consent in writing using the approved trial process selection form. See Form 1 in the Appendix of Forms.

(c) The court may decline to utilize the IFLT procedure at any time and direct that a case proceed in the traditional manner of trial even after an IFLT has been commenced but before judgment has been entered.

(d) A party who has previously agreed to proceed with an IFLT may file a motion to opt out of the IFLT provided such motion is filed not less than 21 calendar days before trial. This time period may be modified or waived by the court upon a showing of good cause.

4. Trial Procedure. The IFLT shall be conducted as follows:

(a) At the beginning of an IFLT the court should have the parties affirm on the record that they understand the rules and procedures of the IFLT process.

(b) The court may ask the parties or their lawyers for a brief summary of the issues to be decided.

(c) The plaintiff, or moving party, will be allowed to speak to the court under oath concerning all issues in dispute. The party is not questioned by another party or any lawyers, but may be questioned by the court to develop evidence required by any statute or rule.

(d) The parties are not subject to cross-examination. However, the court shall ask the defendant, or non-moving party or their counsel if there are any other areas the party wishes the court to inquire about. The court will inquire into these areas if requested and if relevant to an issue to be decided by the court.

(e) The process in subsections 4(c) and 4(d) is then repeated for the other party.

(f) Expert reports, if any, will be received as exhibits. Upon the request of either party, the expert will be sworn and subjected to questioning by counsel, the parties, and/or the court.

(g) Non-expert witnesses are not allowed to testify unless the court orders otherwise based on a showing of good cause. Testimony from lay

witnesses if permitted by the court may be given in person or in the form of affidavit or unsworn declaration under the penalty of perjury.

(h) The court may receive into evidence any exhibits offered by the parties. The court will determine what weight, if any, to give each exhibit. Absent good cause, a party may not offer an exhibit, affidavit, or unsworn declaration that was not timely disclosed pursuant to the Nevada Rules of Civil Procedure, local rules, or any applicable court orders. The court may order the record to be supplemented after the IFLT.

(i) Declarations, letters, or other submissions by the parties' minor children will not be admitted, but records and/or reports from court ordered child interviews may be admitted.

(j) The parties or their counsel will be offered the opportunity to respond briefly to the statements of the other party.

(k) The parties or their counsel will be offered the opportunity to make a brief closing statement.

(l) At the conclusion of the case, the court shall render judgment. The court may take the matter under advisement but best efforts should be made to issue prompt judgments.

(m) The court may modify these procedures as justice and fundamental fairness requires.

(n) The court may put reasonable time limits on any person's testimony or argument.

5. Judgment and Appeals. The court's final judgment will have the same force and effect as if entered after a traditional trial and may be appealed under the provisions of the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure.