

RULE 45. CLERK'S DUTIES

(a) General Provisions.

(1) **Qualifications.** The clerk of the Supreme Court shall take the oath and post any bond required by law. Neither the clerk nor any deputy clerk shall 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 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 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 time period.

Commented [JO1]: This sentence is inconsistent with NRS 1.130 and does not appear to be necessary.

(b) Records.

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

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

(3) **Other Records.** The clerk shall 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 immediately serve a notice of entry by mail on each party, with a copy of any opinion, and shall make a note in the docket of the mailing. Service on a party represented by counsel shall 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 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 be returned to the court or agency from which they were received. The clerk shall 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 be kept in Carson City, Nevada.
- (2) The clerk or the clerk's deputy shall attend ~~in person~~ the sessions of the court.

(f) Fees. The clerk shall 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.