

Supreme Court of Nevada  
ADMINISTRATIVE OFFICE OF THE COURTS

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**MEETING SUMMARY**

**Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts**

August 30, 2023

2:00 p.m.

*Summary prepared by: Jamie Gradick*

*Note: Because this meeting focused on developing/editing a working document, this summary includes only the relevant discussion and action item portions of the meeting.*

Members Present:

Justice Douglas Herndon (Co-chair)  
Justice Patricia Lee (Co-chair)  
Justice Ron Parraguirre (Co-chair)  
Judge Tara Clark Newberry  
Judge Paige Dollinger  
Evelyn Grosenick  
Judge Kriston Hill  
Darin Imlay  
Judge Tierra Jones  
Christopher Lalli  
Alicia Lerud  
Judge Lori Matheus  
Leslie Nino Piro  
Jennifer Noble  
Jonathan Norman  
Judge Melissa Saragosa  
Judge Natalie Tyrrell

Guests Present:

Audrey Beeson  
Judge Scott Freeman  
Peter Handy  
Celinda Galindo Hull  
Thomas Qualls  
Marcie Ryba  
JoNell Thomas  
Nick Tomassetti  
Chief Judge Jerry Wiese

AOC Staff Present:

Ms. Jamie Gradick  
Ms. Almeda Harper

- I. Call to Order
  - Justice Herndon called the meeting to order at 2:06 p.m.
  - Ms. Gradick called roll; a quorum was present.
- II. Public Comment
  - There was no public comment.
- III. Review and Approval of Previous Meeting Summaries
  - The summaries of the April 15, 2022, December 2, 2022, and July 11, 2023 meetings were approved.
- IV. Finalization and Approval of the "Preamble for Rules of Virtual Advocacy"

- Attendees reviewed and discussed proposed revisions to the document.
  - Justice Lee commented on the applicability of the presumption lists to the limited jurisdiction courts; given the differences between these courts, it may be better if only the preamble and procedural rules applied to those courts.
    - Justice Herndon informed attendees that, it's his understanding, that the Chief Justice prefers all courts be included in this effort. As such, there will need to be a presumptive appearance case type list developed specifically for the limited jurisdiction courts.
    - Attendees briefly discussed the variety in caseloads, processes, and resources amongst the limited jurisdiction courts.
    - Justice Herndon suggested that the Subcommittee on Uniform Rules for Limited Jurisdiction Courts reconvene, with the addition of members of the Bar and the full-Commission chairs, to try to develop a list that will work for everyone.
      - ♦ Ms. Gradick will reach out to Marcie Ryba and other practitioners in this meeting and will set a meeting up.
  - Judge Clark-Newberry suggested the removal of the "always" language from the preamble as a "carve-out" for those situations where an in-person appearance is impracticable. Softening the language to allow the deviation may be more acceptable to some of the rural jurisdictions.
    - Chris Lalli commented on the importance of statewide uniformity of rules and stated that there are enough "off-ramps" in the procedures to allow for flexibility for those courts and situations that need it. Justice Parraguirre expressed agreement with this.
  - Judge Saragosa expressed concern issuing a written order to a defendant who is not present in the courtroom; this can cause a variety of issues, especially for DV cases.
    - In these instances, is there room in the "offramps" of the rules for courts to make local rules in advance?
  - Judge Saragosa expressed concern regarding gathering initial contact information or completing financial disclosures and suggested that limited jurisdiction court be allowed to develop their own "offramp rules".
    - Justice Herndon commented that these issues are judge/court specific; the lists are presumptive, the judge will have the discretion to decide what works best for their court and under what circumstances.
    - Justice Lee suggested the addition of specific language allowing the court to "rebut" the presumptions as needed by the court or requested by parties, just for clarity.
    - JoNell Thomas commented that this can't be a "free-for-all" as there are some circumstances that must be in person. Additionally, there is a need for uniformity throughout the state; that shouldn't be "thrown out" for "judicial whim".
      - ♦ Justice Herndon commented that judges are expected to follow the guidelines and only deviate from the presumptions when they deem it necessary and can support it with a good cause showing.
  - Attendees discussed public attendance and access.
    - Under Section 2(d), public needs to contact the court since not all courts have virtual access links publicly published to their websites; this is cumbersome for those larger courts that do have links readily accessible in their websites.
    - Justice Herndon offered proposed language; attendees agreed.
  - Justice Herndon referenced S.C.R. requiring notice of deviation within 5 days; the preamble sets it at 48 hours.
    - Discussion was held regarding the possibility of revising the S.C.R., and the timing for doing so, in order to avoid a potential conflict between the S.C.R and this document.
      - ♦ A suggestion was made to add "consistent with Supreme Court Rule" to the preamble.
      - ♦ Judge Clark-Newberry commented that the S.C.R.s need updating in a few places.
      - ♦ Justice Parraguirre commented that the S.C.Rs could be updated quickly; a public hearing isn't necessary for these types of updates. Once the Commission's product is complete,

the Supreme Court's legal staff can complete an evaluation of what updates are needed and this can be placed on the next conference agenda.

- Attendees discussed the pro bono exception language proposed by Justice Lee and Mr. Norman.
  - Mr. Norman commented that many pro bono attorneys are more likely to take cases if they know, up-front, whether they may appear remotely.
  - Justice Herndon expressed concern regarding the breadth of the provision and suggested the language be modified to include language encouraging the court to give preference to pro bono practitioners. Attendees agreed to this addition.
- Attendees briefly discussed the remaining changes proposed by Justice Lee and Mr. Norman.
  - Mr. Norman commented that the public access issues had already been addressed by changes made earlier in the meeting.

## V. Review of Subcommittee Reports

- Attendees reviewed and discussed the Presumptive Appearance Case Types for Criminal Cases list.
  - Mr. Lalli suggested “preliminary hearings” be added to the list; attendees agreed.
  - Judge Saragosa suggested the addition of “pretrial release hearings”.
    - Justice Herndon clarified that this particular list, along with the civil and family lists, pertain specially to district courts.
  - Justice Parraguirre commented that the civil list contains items that should be relocated to the criminal list; Ms. Gradick made the changes.
  - Attendees discussed what types of proceedings would fall under the “evidentiary” hearings category.
    - Judge Saragosa commented that items already codified in statute wouldn't need to be included on these lists.
  - Evelyn Grosenick expressed concern regarding the “virtual option for family and victims or for defendants already in custody” exception under “sentencing” - allowing the option for parties/defendant to opt for virtual could be problematic.
    - Attendees discussed that this, oftentimes, is a jail transportation issue.
  - Mr. Imlay commented that stipulations by counsel should be exception for all the presumptions.
    - Justice Herndon commented that this could be challenging in instances where the judge has questions regarding the reasoning or details behind the stipulation.
- Attendees reviewed and discussed the Presumptive Appearance Case Types for Civil Cases list.
  - Justice Herndon commented that the civil list contains items that should fall under the family list; these items are already on that list and will be removed from this one.
  - Justice Herndon commented on those hearing types in which both “presumptive in-person” and “presumptive virtual” are listed as options and asked that attendees choose one option or the other.
    - Settlement conferences: Justice Parraguirre commented that preferences among those judges participating in the Supreme Court's settlement program vary and it's more efficient to have a virtual option when adjusters are appearing remotely from out-of-state.
      - ♦ Attendees discussed this needing to be decided on a case-by-case basis and agreed to leave it to judicial discretion with, input from the parties, rather than select a presumption.
    - Status conferences:
    - Motion Hearings (dispositive): Attendees discussed the rationale behind this and agreed that this falls under “law and motion” calendar and doesn't need its own category on the list.
  - Attendees discussed the inclusion of “mediation” on the list and agreed to remove it; this was based on feedback from practitioners, but the courts shouldn't weigh in on this.
  - Attendees discussed whether the “Exceptions/comments” will be included in the final recommendations.

- Justice Herndon explained that he doesn't intend this column to be part of the final product so the Commission will need to decide how to incorporate the applicable comments into the preamble/procedural rules.
- Attendees reviewed and discussed the Presumptive Appearance Case Types for Family Cases list.
  - Attendees discussed the inclusion of "mediation" on the list and agreed to remove it; attendees also made changes to "settlement conferences" to conform with those made to the civil list.
  - Justice Herndon suggested "Ex Parte Applications for TPOs" be changed to presumptively in-person to comply with S.C.R.
    - Attendees discussed local preferences/practices and agreed to add "with hearing" and make this presumptively in-person.
  - Attendees discussed "Motions to Extend or Dissolve".
    - Alicia Lerud commented that DV advocates in her jurisdiction have requested that motions to extend hearings remain virtual; statistics show a higher rate of participation in the virtual format.
    - Justice Herndon expressed concern regarding not having the parties appear in person on these issues.
    - Ms. Beeson suggested there be a "carve-out" for instances in which TPO service wasn't properly completed.
    - After discussion, attendees agreed to change this presumptively "virtual" on the understanding that the judge retains discretion to hold it in-person, if they deem it necessary.
  - Ms. Beeson suggested 432B Guardianships be presumptively virtual, especially since the other guardianship hearings are virtual.
    - Attendees briefly discussed and agreed.
  - Attendees briefly discussed the addition of "case closures" to the list; these should be virtual.
    - The change was approved.
  - Ms. Beeson commented that adjudicatory and plea hearings should be separate entries and explained the differences in how these are, usually, handled.
    - Attendees discussed the various forms these hearings take and what they are called in various jurisdictions. A suggested was made to differentiate between "contested" and "uncontested" adjudicatory hearings.
    - Attendees agreed to use the language of 432B to title the initial plea (or admit/deny) hearing category; Judge Dollinger will look this language up and provide it to Ms. Gradick.
  - Justice Lee commented that the subcommittee discussed adoptions should be left to judicial discretion.
    - Judge Dollinger commented that the judge should defer to the family's preference unless there's cause not to.
    - Attendees agreed to make it presumptively virtual understanding that the families are free to choose to come into court.

## VI. Next Meeting

- Ms. Gradick will send out a calendar invite the next meeting.

## VII. Adjournment

- There being no further comment, the meeting was adjourned at 4:30 p.m.