

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

KATHERINE STOCKS
Director and State Court
Administrator



JOHN MCCORMICK
Assistant Court Administrator

AGENDA

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

Date and Time of Meeting: April 15, 2022 @ 1:30 pm

Place of Meeting: Remote Access via Blue Jeans (BlueJeans.com or BlueJeans app, see "Notices" for access information)

All participants attending via teleconference should mute their lines when not speaking; it is highly recommended that teleconference attendees use a landline and handset in order to reduce background noise.

- I. Call to Order
 - A. Call of Roll
 - B. Determination of a Quorum
 - C. Welcome and Opening Remarks
- II. Public Comment
- III. Approval of Previous Meeting Summary (*Pages 3-6*)
 - A. February 18, 2022
- IV. Review of Local Orders, Rules, Policies/Procedures (*Pages 7-216*)
 - A. Table of Compiled Local Rules, Resources, and Forms with Supporting Documentation
- V. Jurisdictional Input: Review of Commission Membership Responses (*Pages 217-313*)
 - A. Table of Compiled Responses with Supporting Documentation
- VI. Other Items/Discussion
- VII. Next Meeting Date and Location
 - A. TBD

VIII. Information Resources (Available via the Commission's [webpage](#))

- A. *The Impacts of the Pandemic on State and Local Courts* - Report by Thomson Reuters
- B. *The Virtual Courtroom* - Presentation by Professor Joe Regalia, Boyd School of Law
- C. *Virtual Justice: A National Study Analyzing the Transition to Remote Criminal Court*
- D. *Why Court Appearances Should be Remote by Default* – Report by Willick Law Group
- E. *Major Facilities and Camps and the Benefits of Virtual Access* – Report by Nevada Department of Corrections

IX. Public Comment

X. Adjournment

- Action items are noted by * and typically include review, approval, denial, and/or postponement of specific items. Certain items may be referred to a subcommittee for additional review and action.
- Agenda items may be taken out of order at the discretion of the Chair in order to accommodate persons appearing before the Commission and/or to aid in the time efficiency of the meeting.
- If members of the public participate in the meeting, they must identify themselves when requested. Public comment is welcomed by the Commission but may be limited at the discretion of the Chair.
- The Commission is pleased to provide reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If assistance is required, please notify Commission staff by phone or by email no later than two working days prior to the meeting, as follows: Jamie Gradick, (775) 687-9808 - email: jgradick@nvcourts.nv.gov
- This meeting is exempt from the Nevada Open Meeting Law (NRS 241.030)
- At the discretion of the Chair, topics related to the administration of justice, judicial personnel, and judicial matters that are of a confidential nature may be closed to the public.
- **Notice of this meeting was posted in the following locations:** Nevada Supreme Court website: www.nvcourts.gov; Carson City: Supreme Court Building, Administrative Office of the Courts, 201 South Carson Street; Las Vegas: Nevada Supreme Court, 408 East Clark Avenue.

Teleconference Dial-in: 1-408-419-1715 or 1-408-915-6290

Meeting ID: 540 866 972

Participant Passcode: 3004

Please Note: Those attending via mobile device must use the BlueJeans application to access the meeting.

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MEETING SUMMARY

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

February 18, 2022

01:30 PM

Summary prepared by: Margarita Bautista

Members Present

Justice James Hardesty, Co-Chair
Justice Douglas Herndon, Co-Chair
John Arrascada
Judge Rebecca Burton
Judge Tara Clark Newberry
Judge Paige Dollinger
Judge Kriston Hill
Darin Imlay
Judge Tierra Jones
Christopher Lalli
Alicia Lerud
Judge Cynthia Leung
Judge Lori Matheus
Leslie M. Nino Piro
Jennifer Noble
Judge Melissa Saragosa
Judge Alan Tiras
Judge Natalie Tyrrell

Guests Present

William Wright

AOC Staff Present

Jamie Gradick

I. Call to Order

- Justice Hardesty called the meeting to order at 1:35 p.m.
- Ms. Gradick called roll; a quorum was present.
- Opening Comments
 - Justice Hardesty opened the meeting by thanking attendees for participating in the Commission.
 - Justice Hardesty provided a brief overview of the Commission's creation and the challenges and benefits of virtual hearings.

- Justice Hardesty asked attendees to introduce themselves, to provide a brief explanation of their experience with virtual advocacy, and to offer suggestions regarding what issues on which the commission should focus.
 - Mr. Arrascada stated he looks forward to developing uniform rules. Additionally, virtual hearings can be beneficial to recognition of the 6th Amendment right for clients and the right of confrontation.
 - Judge Burton stated she would love to see consistent procedures put in place by the commission. Judge Burton also stated that being in a courtroom is a learning tool for new attorneys because it allows them to gain the experience needed to be able to settle cases outside of the courtroom as opposed to in front of a judge.
 - Judge Clark Newberry would like the commission to consider the difference in how virtual cases are conducted in civil cases versus criminal. The real challenge she foresees is how the commission is going to make uniform rules while allowing for flexibility.
 - Judge Dollinger would love to see a hybrid model because, in certain circumstances, in-person hearings are needed but for others, virtual hearings are a better route. Judge Dollinger agreed that the commission should work to achieve uniformity, consistency and balance for virtual hearings.
 - Judge Hill stated she preferred in-person hearings because in Elko, the internet connection is unreliable and hearings can be disastrous for pro pers as well as for counsel. The only time she prefers virtual hearings is for guardianship hearings because it allows her to see where the senior is and how they are doing. She echoes what has been said about uniformity and consistency.
 - Mr. Imlay stated that virtual hearings allow for equal access to hearings because, sometimes, clients cannot attend due to transportation issues. Virtual format also allows for efficiency as attorneys can continue to work while they wait for a hearing to start.
 - Judge Jones stated she would like to see a hybrid model put in place because, from her experience with the pandemic, virtual appearances are great for routine items and beneficial for individuals who are incarcerated at NDOC. Virtual appearances are also great for witnesses who live out of state or out of country who testify at evidentiary hearings, and it saves taxpayers money. On the other hand, Judge Jones understands that, for certain hearings, it is best to have them in person.
- Justice Hardesty asked both Judge Clark Newberry and Judge Jones if they perceived if there was a benefit from video communication with inmates from the Nevada prison without having to bring them to the courthouse.
 - Judge Jones responded that it would be very beneficial for inmates to have the option of appearing virtually for routine hearings as there can be challenges with transporting inmates to the courthouse.
 - Judge Clark Newberry echoed what Judge Jones stated and added that continuances are often issued due to various factors involved with inmate transportation. Judge Clark Newberry stated that she would prefer virtual appearances for those who are current inmates at NDOC.
- Justice Hardesty extended the above question to Judges Burton and Dollinger.
 - Judge Burton and Judge Dollinger both stated that access to court hearings for those incarcerated have been great so far. Judge Dollinger went on further to say that access for those in the prison system has been great especially to court hearings but

sometimes unfortunately those inmates do not have access to meetings with their attorneys prior to hearings and she would like to see a change in that.

- Justice Hardesty informed everyone that he would be circulating an article detailing NDOC processes for inmate hearing preparation.
 - Mr. Imlay stated that having unfettered access to his clients would be of benefit to both clients and the system and would speed up the process; lack of access to clients is a challenge.
- Attendees continued with introductions and input on Commission areas of focus.
 - Mr. Lalli expressed agreement with the comments previously made by commission members and asked for clarification regarding how this commission's work would connect with the rules set forth by ADKT 424. Justice Hardesty stated the commission's work would, likely, extend or reconcile the created under the separate ADKT Order.
 - Ms. Lerud expressed appreciation for being appointed to the Commission; it will allow her to see what type of facilities, training, and staff will be needed to function in this environment.
 - Judge Leung stated that, pre-pandemic, her court had been doing video calls and so the transition was easier. She has seen that the pandemic made other judges in her jurisdiction appreciate the virtual hearings although she understands that defense attorneys and their clients prefer in person hearings. Judge Leung would appreciate uniformity because even within her own jurisdiction there is no uniformity right now with regards to policies for virtual hearings. Virtual hearings were also very helpful for the recovering community who have built a relationship with specialty court judges.
 - Judge Matheus stated she prefers virtual hearings because she has had a higher success rate for appearance and compliance. She also surveyed her community and most everyone agreed that virtual was better because virtual helped with transportation, budget and compliance issues. Virtual has also allowed her community more access to a bigger pool of attorneys who were not previously available.
 - Ms. Nino Piro stated that virtual appearances save time and money which are beneficial for everyone. It also allows for externs to be able to continue receiving their education. She also echoed the same concerns and struggles that had been previously mentioned.
 - Ms. Noble stated that she has taken notice that there is a potential for lack of confidentiality when virtual hearings are held, and defense attorneys need to speak with their clients but on the other hand transportation issues make it hard for in person hearings.
 - Judge Saragosa commented that, sometimes, virtual hearings can be detrimental because most of her cases involve the indigent community or members who are not savvy enough to be able to provide documentation prior to a hearing. She recognizes that virtual hearings, in certain circumstances, are better because they allow for those needing to be present for a short fifteen-minute hearing to appear without having to go through extensive court security protocols. Judge Saragosa also stated that virtual hearings reduce the cost of attorney fees.
 - Judge Tiras stated he was a full supporter of technology and therefore supported his jurisdiction going virtual but also understood that not all jurisdictions have that

capability and thus procedures need to be made that can accommodate all jurisdictions and areas.

- Judge Tyrell stated that virtual hearings are going to be key with the new bill, AB 424, deadline that will assist with weekend and late afternoon hearings. Judge Tyrell understands that a hybrid model seems to be the best option as there are quite a few hearings that can be done virtual but there are two types that need to be done in person including trials and preliminary hearings.
- Justice Hardesty tasked the commission membership with completing the following tasks in preparation for the net meeting:
 - Compile a list of the perceived pros and cons of virtual hearings as it pertains to your jurisdiction.
 - Canvass individual courts for IT and/or connectivity challenges or needs.
 - Survey colleagues and their views on this topic.
 - Compile a list of what types of hearings should be heard virtually and which should be heard in-person.
- Justice Hardesty asked that the response to the above request be sent to himself, Justice Herndon and Ms. Gradick by March 25, 2022.
- Ms. Gradick will distribute a survey to gauge membership availability for the next meeting.

II. Public Comment

- There was no public comment.

III. Review of Resources and Reports

- Tabled for future meeting.

IV. Review of Local Orders, Rules, Policies/Procedures

- Tabled for future meeting

V. Commission Scope and Mission Discussion

- Tabled for future meeting

VI. Other Items/Discussion

- Rule Approval Process and Next Steps.

VII. Next Meeting

- TBD

VIII. Adjournment

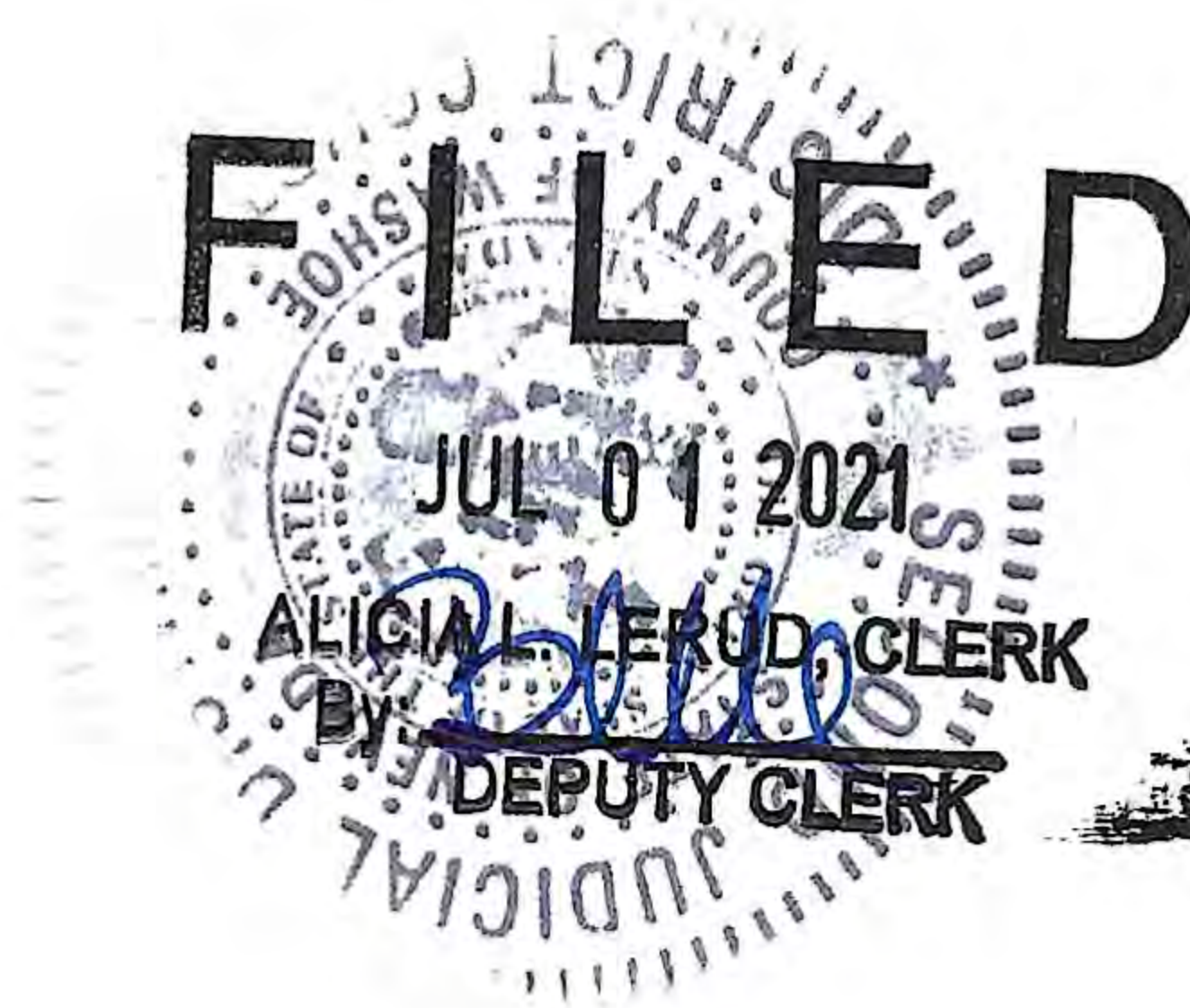
- The meeting was adjourned at 3:10 pm.

Virtual Advocacy

Information Request

Court	Contact	Links	Comments
Tab 1: Second Judicial District			
Washoe County District Court	Gina Greco Administrative Assistant		> Provided Zoom Protocols courtesy of Graig Franden > Provided Administrative Order 2021-05(B) courtesy of Judge Freeman
Incline Village Justice Court	Judge Alan Tiras	www.ivcbcourt.com	Using materials provided by NJLJ
Reno Justice Court	James Conway Court Administrator		Creating an admin order detailing how parties can request a remote appearance.
Sparks Justice Court	Anitia Whitehead Court Administrator		Using materials provided by NJLJ
Tab 2: Fifth Judicial District			
Pahrump Justice Court	Alisa Shoultz Court Administrator		
Tab 3: Seventh Judicial District			
Ely Justice Court	Judge Bishop		
Tab 4: Eighth Judicial District			
Las Vegas Justice Court	Jessica Gurley Court Administrator Deputy Clerk	http://lasvegasjusticecourt.us/faq/laws_and_rules.php	
North Las Vegas Justice Court	Terri March Court Administrator Clerk of the Court		
Tab 5: Tenth Judicial District			
Churchill County District Court	Tiffany Josephs Court Systems Administrator	www.churchillcourts.org	> Forms were created by another court and adapted to fit the Tenth. > Due to limitations, Jury Trials are audio only > Law & Motion dockets are posted to the website, audio and visual
Tab 6: Other			
Willick Law Group	Marshal Willick Attorney		> Submitted the pending EDCR 5 Committee Summary outlining changes due to increased virtual meetings/events

TAB 1



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**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

IN THE ADMINISTRATIVE MATTER OF:
RESCINDING TEMPORARY CLOSURE ORDER
AND DIRECTING PROCESS FOR CONTINUED
IN-PERSON EMPLOYEE AND PUBLIC
ACCESS TO THE SECOND JUDICIAL
DISTRICT COURT

ADMINISTRATIVE ORDER 2021-05(B)

**[SJDC REMAINS OPEN VIA VIRTUAL AND AUDIOVISUAL ACCESS
AS SJDC CONTINUES IN PERSON OPENING]**

[CRIMINAL AND CIVIL JURY TRIALS CONTINUE TO PROCEED]

[EMPLOYEES' AND PUBLIC'S CONTINUED RETURN TO COURT FACILITIES]

WHEREAS the Second Judicial District Court ("SJDC") Chief Judge has authority to make administrative decisions pertaining to the business of the court (WDCR 2(2), NRS 3.025(2)(c));

WHEREAS the judicial power is vested in the state Court system comprised of the Nevada Supreme Court, the Nevada Court of Appeals, District Courts, Justice Courts and Municipal Courts. Neva. Const. art. VI, §1. The Nevada Constitution expressly recognizes the Chief Justice as the administrative head of the Court system. Nev. Const. art. VI, §19. By expressly identifying the Chief Justice as the Court system's administrative leader, the Chief Justice has "inherent power to take actions reasonably necessary to administer justice efficiently, fairly, and economically,"

1 Halverson v. Hardcastle, 123 Nev. 245, 260, 163 P.3d 428, 439 (2007). Consequently, the Nevada
2 Supreme Court, “through the Chief Justice, has the ultimate authority over the judiciary’s inherent
3 administrative functions.” Id. at 260, 163 P.3d at 439.
4

5 WHEREAS on March 12, 2020, Governor Steve Sisolak (“Governor Sisolak”) issued a
6 Declaration of Emergency in response to the outbreak of the Coronavirus Disease (COVID-19). On
7 March 13, 2020, the President of the United States declared a nationwide emergency pursuant to
8 §501(6) of the Robert T. Stanford Disaster Relief and Emergency Assistance Act. 42 U.S.C. §§5121-
9 5207;
10

11 WHEREAS the Declaration of Emergency in Nevada has not been rescinded although
12 Directives have been issued regarding reopening;

13 WHEREAS the Declaration of Emergency for COVID-19, and all Directives issued are
14 available at: [gov.nv.gov/News/Emergency_Orders/Emergency Orders](http://gov.nv.gov/News/Emergency_Orders/Emergency_Orders) (last accessed 5/30/2021)
15 (Directive 045 is not available on this site currently);
16

17 WHEREAS on May 3, 2021, Governor Sisolak issued Directive 045, stating:

18 Section 2: Consistent with Directive 041 and the *Nevada United: Roadmap to*
19 *Recovery* plan for a federally supported, state managed, and locally executed
20 reopening approach, county governments are hereby delegated the authority to manage
21 certain COVID-19 related mitigation measures, including restrictions on businesses
22 and public activities. Restrictions imposed by county government through their
23 COVID-19 Local Mitigation and Enforcement Plan (“Local Plan”), as set forth in
24 Directive 041, may be more restrictive than the standards required by those statewide
25 Directives that remain in effect, but in no case shall county guidelines be more
26 permissive than the provisions of those Directives.

27 Declaration of Emergency Directive 045 (May 3, 2021) (emphasis in original);

28 WHEREAS Washoe County submitted its COVID-19 Mitigation Enforcement Plan for
approval by the Governor and State of Nevada’s COVID-19 Mitigation and Management Task Force.
It was ultimately approved after a subsequent submission. (“Approved WC Plan”).

1 [https://covid19washoe.com/2021/05/03/washoe-county-covid-19-mitigation-enforcement-plan-](https://covid19washoe.com/2021/05/03/washoe-county-covid-19-mitigation-enforcement-plan-approved-by-state-gov-sisolak)
2 [approved-by-state-gov-sisolak](https://covid19washoe.com/2021/05/03/washoe-county-covid-19-mitigation-enforcement-plan-approved-by-state-gov-sisolak) (last visited 6/13/2021). The Washoe County Board of County
3 Commissioners (“BCC”) approved elimination of all capacity and social distancing requirements
4 effective June 1, 2021. The BCC also, with certain exceptions, approved the elimination of mask¹
5 requirements for those who are vaccinated;
6

7 WHEREAS this AO is intended to be consistent with Nevada’s Declaration of Emergency in
8 Nevada, Governor Sisolak’s most recent Directives, and subsequent renewals or extensions of said
9 Directives, together with the Approved WC Plan, as approved by the BCC;
10

11 WHEREAS the Chief Judge continues to enter Administrative Orders (“AO(s)”) on court
12 matters during the COVID-19 pandemic as it ensues and wanes. All AOs are available at
13 [washoecourts.com/ Main/AdminOrders](http://washoecourts.com/Main/AdminOrders) (last visited 6/1/2021);
14

15 WHEREAS this AO is also intended to be consistent with the May 12, 2020, Statement from
16 the National Council of Juvenile and Family Court Judges Regarding Safe Courts and Access to
17 Justice During COVID-19 (“the NCJFCJ Statement”)² and AO 2020-05(A) which adopted the
18 NCJFCJ Statement’s protective guidelines and addresses when precautions should be altered, in now
19 pertinent part:
20

- 21 1. No court should return to full operation until prevailing science and local
22 health authorities say it is safe to do so.
- 23 2. Video and telephonic hearings should be encouraged whenever possible in the
24 interest of justice so that all parties and witnesses can participate. . .

25 * * *

- 26 5. When any court re-opens, it should follow the Centers for Disease Control and
27 Prevention (CDC) recommendations for distancing, including in elevators,
28

¹ In this AO, “mask” shall mean a face covering that snugly covers the nose and mouth. It does not include face coverings with vents, exhalation valves, or mesh, gaiters or bandanas, which are not permitted. “Mask” includes face shields but only if worn with a mask and not alone.

² [NCJFCJ.org/wp-content/uploads/2020/05/NCJFCJ_Statement_Regarding_Court_Safety_COVID-19_Final.pdf](https://ncjfcj.org/wp-content/uploads/2020/05/NCJFCJ_Statement_Regarding_Court_Safety_COVID-19_Final.pdf) (last visited 6/1/2021).

1 wearing masks or other personal protective equipment . . . If local health
2 requirements are more strict . . . courts should follow the more stringent rules.

- 3 6. Physical distancing measures should be in effect and enforced for the
4 foreseeable future until testing has been deemed sufficient to allow contact
5 tracing, or a vaccine has been developed, is available, and has been given to
6 the requisite percentage of the population. This is the only way we will know
7 whether someone entering our busy courthouses has the virus or has been
8 exposed to it.
- 9 7. Courts and/or local officials should provide personal protective equipment,
10 including but not limited to masks, gloves, and hand sanitizer, to judicial
11 officers and court staff.
- 12 8. Criminal defendants, juvenile offenders, parents in dependency cases, parties,
13 victims, witnesses, counsel, and jurors are ordered to appear in court. They
14 cannot “opt-out.” Therefore, courts and/or local officials should provide
15 personal protective equipment to anyone who enters a courthouse until they are
16 deemed unnecessary by local health authorities.
- 17 9. Court dockets and schedules should be staggered or otherwise organized to
18 minimize crowding . . .

19 WHEREAS this AO is also intended to be consistent with the Center for Disease
20 Control and Prevention (“CDC”) guidelines³;

21 WHEREAS the SJDC recommenced jury trials on September 21, 2020. On that date, Washoe
22 County reported 1,221 active COVID-19 cases and 85.9 as the seven-day moving daily average for
23 new COVID-19 positive cases. <https://gis.washoecounty.us/agolHost?id=COVID19Dashboard>
24 (visited 9/21/2020);

25 WHEREAS on April 5, 2021, SJDC again commenced criminal jury trials. On this date,
26 Washoe County reported 2,133 active COVID-19 cases and 61.4 as the seven-day moving daily
27 average for new COVID-19 positive cases. Civil jury trials commenced on April 15, 2021 (prior
28 cases in the flight resolved by settlement)ⁱ;

³ The CDC guidelines are available at [cdc.gov/coronavirus/2019-ncor/community/organizations](https://www.cdc.gov/coronavirus/2019-ncor/community/organizations) (last visited 6/1/2021).

1 WHEREAS on June 22, 2021, Washoe County reported approximately 1,336 active COVID-
2 19 cases and 19.4 as the seven-day moving daily average for new COVID-19 positive cases;

3 WHEREAS the SJDC continues to monitor the Governor’s Directives, BCC approvals, and
4 the CDC guidelines for conducting SJDC proceedings; and,
5

6 WHEREAS it is critical for the SJDC to continue to take precautions related to COVID-19,
7 and its emerging variants, by methodically continuing the use of audiovisual access to SJDC
8 proceedings while also providing physical access of employees and the public to its facilities for jury
9 trials and hearings.
10

11 **Accordingly, and good cause appearing therefor, this Administrative Order 2021-05(B)**
12 **follows:**

13 All provisions of prior AOs shall remain in full force and effect except as modified or
14 supplemented by this and subsequent AOs. This AO specifically amends AO 2021-05 and AO 2021-
15 05(A).
16

17 During the COVID-19 pandemic, the SJDC, in consultation with the Nevada Supreme Court,
18 exercised its ministerial judicial powers to control entry into SJDC facilities. On an emergency basis,
19 the Chief Judge entered AOs 2020-2 and subsequent AOs to date. These AOs changed SJDC
20 procedures to minimize person-to-person contact and mitigate the risk associated with the COVID-19
21 pandemic, and to mitigate the spread of COVID-19, while continuing to provide essential SJDC
22 services.
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1 This AO continues the SJDC's operational and judicial response to the COVID-19 pandemic.
2 Since the March 16, 2020, issuance of AO 2020-2 and the March 18, 2020, issuance of
3 AO 2020-05 temporarily closing in-person public access to the SJDC physical facilities, the
4 SJDC effectively continued Court operations, Court proceedings and public access to the Court
5 via strategic planning, virtual and alternative method access, and graduated in-person access
6 based on national, state and local restrictions, CDC guidelines, and prevailing science and
7 statistics.
8

9 **THE CONTINUED OPENING OF THE SJDC SHALL PROCEED AS DISCUSSED,**
10 **EFFECTIVE JULY 6, 2021. AUDIOVISUAL PROCEEDINGS REMAIN THE PREFERRED**
11 **METHOD FOR CONDUCTING PROCEEDINGS.**
12

13 **Court Proceedings During Closure and Continued Opening**

14 As stated, since entry of AO 2020-05, the SJDC has remained committed to facilitating
15 continued Court operations and proceedings. From March 1, 2020 to May 31, 2021, the SJDC's
16 judicial officers entered approximately 75,400 orders, conducted approximately 35,500 hearings
17 (includes heard matters only and does not include continued hearings) via audiovisual means, and
18 safely conducted approximately twenty (20) approved in-person hearings and eleven (11) jury trials.
19 Zoom meetings/webinars conducted in the one (1) year period of June 1, 2020 – June 1, 2021⁴ totaled
20 11,612 with 180,976 participants (multiple hearings and entire dockets often occur on one
21 meeting/webinar). These meetings/webinars also include Zoom bench trials and settlement
22 conferences.
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⁴ Zoom.com maintains usage information for a rolling one (1) year period.

1 Since the April 5, 2021, jury trials and resolution by change of pleas or settlement or attorney
2 or party requested continuances occurred as follows⁵:

3 Trial Flight⁶ 8 – April 5, 2021 (criminal)

- 4 • 28 cases in TF
5 • 20 cases resolved; of these, 5 cases resolved via jury trial
6 • 8 cases continued to later TF

7 Trial Stack 1⁷ – April 6, 2021 (civil)

- 8 • 4 cases in TS
9 • 4 cases resolved; of these, 1 case resolved via jury trial

10 Trial Flight 9 – May 3, 2021 (criminal)

- 11 • 6 criminal cases in TF
12 • 3 cases resolved; of these, 0 cases resolved via jury trial
13 • 3 cases continued to later TF

14 Trial Stack 2 – May 4, 2021 (civil)

- 15 • 7 cases in the stack
16 • 5 cases resolved; 2 cases resolved via jury trial
17 • 2 cases continued to later TS

18 **Vaccination Information**

19 “In general, people are considered fully vaccinated: 2 weeks after their second dose in a 2-
20 doses series, such as the Pfizer or Moderna vaccines, or 2 weeks after a single-dose vaccine, such as
21 Johnson & Johnson’s Janssen vaccine.” [https://www.dcd.gov/coronavirus/2019-ncov/vaccines/fully-
22 vaccinated.html#vaccinated](https://www.dcd.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html#vaccinated) (bullets and footnote omitted) (last visited 6/23/2021). “Unvaccinated
23 person refers to individuals of all ages, including children, that have not completed a vaccination
24 series or received a single-dose vaccine.” [https://www.cdc.gov/coronavirus/2019-ncov/vaccines/
25 fully-vaccinated-guidance.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html) (last visited 6/1/2021). On June 1, 2021, the CDC’s guidance

26 ⁵ Continuances have been granted at counsel’s request or due to appointment of new counsel and not at the SJDC’s behest.

27 ⁶ The SJDC adopted a Trial Flight (“TF”) and Trial Stack (“TS”) process for conducting jury trials. The TF
28 system for criminal jury trials was established in AO 2020-02(E).

⁷ The TS system for civil jury trials was established in AO 2021-07 and AO 2021-07(A).

1 included persons who are fully vaccinated are not required to wear a mask or social distance from
2 others. Unvaccinated persons are required to wear a mask and social distance from others.

3 Vaccinated and unvaccinated persons “will still need to follow guidance at your workplace.”

4 <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html> (last visited 6/1/2021).

5
6 On June 1, 2021, Washoe County observed on its Regional Information Center COVID-19
7 update:

8 The change coincides with Nevada Governor Steve Sisolak’s announcement to
9 terminate all state COVID-19 mitigation measures by June 1. As of today, all
10 businesses in Washoe County can reopen to 100 percent capacity and social distancing
11 is no longer required. Masks do not need to be worn by those who have received the
12 COVID-19 vaccine (1 dose for Janssen – Johnson & Johnson and two doses for
13 Moderna and Pfizer) and it has been two weeks since the final dose.

14 <https://covid19washoe.com/2021/06/01/covid-19-weekday-updates-come-to-a-close-residents-urged-to-follow-covid-19-dashboard/>.

15 As of June 22, 2021, in Washoe County, 445,181 vaccine doses have been administered,
16 representing 53.64% fully vaccinated individuals in the county’s age twelve (12) plus population.

17 Breakthrough cases (tested positive two-plus weeks after being fully vaccinated) totaled 116.

18 [https://www.washoecounty.us/health/programsand services/cphp/communicable diseases-and-epidemiology/educational-materials/covid-19.php](https://www.washoecounty.us/health/programsand%20services/cphp/communicable%20diseases-and-epidemiology/educational-materials/covid-19.php).

21 **Judges and Court Employees**

22 It remains critical and prudent for the SJDC to continue opening while reducing opportunities
23 for reemergence of COVID-19, and variant caused transmission, at levels that would preclude
24 continued court operations. Therefore, the SJDC is continuing to incrementally open the SJDC
25 facilities to employees, parties, counsel and the public.
26

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1 **Safety and Precautions**

2 Consistent Nevada OSHA's Updated Guidance, effective May 14, 2021, the following
3 workplace safety protocols shall be incorporated by the SJDC to the maximum extent practicable:
4

- 5 a. Employers should encourage employees to receive a COVID-19 vaccine.
- 6 b. Organizations may have mask policies that are more restrictive than the CDC guidance.
- 7 c. All employers must provide face coverings for unvaccinated employees and shall
8 require these employees to wear face coverings in all instances where required by
9 emergency directives, including any space visited by the general public, even if no one
10 else is present.
- 11 d. Close or limit access to common areas where employees are likely to congregate and
12 interact. When in common areas, face coverings are required for unvaccinated
13 employees.
- 14 e. Maintain regular housekeeping practices, including routine cleaning and disinfecting
15 of surfaces and equipment.
- 16 f. Conduct daily surveys of changes to staff/labor health conditions.
- 17 g. Post signage with the latest CDC mask guidance for vaccinated and unvaccinated
18 guests.

19 The SJDC is committed to providing a safe and healthy workplace for all our employees and
20 the public it serves. To mitigate the spread of COVID-19, we will continue to operate in a manner
21 that reduces the risks associated with this public health emergency. Consequently, the following
22 precautions are ordered:
23

24 During general SJDC operations, until further AO, unvaccinated judges and employees shall
25 wear masks at all times in SJDC facilities. Vaccinated judges are not required to wear masks in
26 chambers. Vaccinated employees are not required to wear masks in offices where the employee does
27 not interface with the public. All judges and employees will wear masks when interfacing with the
28 public. Interfacing with the public includes courtroom proceedings. Employees must provide proof
of vaccination to SJDC Human Resources. Judges must provide proof of vaccination to the Chief
Judge.

The daily employee health survey and temperature screening is no longer required of judges
and employees. An incident-based reporting system has been implemented.

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County Employees (Non-SJDC Employees)

Washoe County Sheriff’s Office employees, Washoe County Facilities employees, and outside contractors must adhere to the same mask protocols as SJDC employees. All other Washoe County employees must adhere to mask protocols that apply to members of the public.

Public Entrance and Interaction

During this time, it remains critical to prevent the spread of illness among members of the Court, counsel, staff, the public, and our community partners. CDC has advised people to take precautions to stay healthy and that the best way to prevent illness is to avoid exposure. Mask requirements for fully vaccinated individuals have been eliminated by Washoe County, with some exceptions, including public transportation and detention facilities. The SJDC recognizes that, unlike most other facilities, attendance at court proceedings is often compelled and individuals are frequently required to remain in enclosed courtrooms for extended periods of time (in excess of fifteen minutes).

After review of guidelines and with consideration of the SDJC’s physical limitations at 75 Court Street, the Chief Judge concludes **all persons shall wear masks in SJDC facilities, including any security screening line to enter regardless of vaccination status** except as otherwise provided in this AO or ordered by the Chief Judge. Children under the age of two and individuals who are unable to remove a mask without assistance are not required to comply with these mask directives. Individuals who are unable to wear a mask should request to appear by alternative means.

Social distancing requirements were eliminated for fully vaccinated persons by revised CDC guidelines and by the BCC as of June 1, 2021. Notwithstanding elimination of social distancing requirements for fully vaccinated individuals, all judicial officers are encouraged to manage courtrooms to allow comfortable space between people in the courtroom – for example, requiring

1 members of the public to sit in every other seat, or spacing jury chairs out to allow the maximum
2 amount of space between jurors.

3 SJDC Court Administration shall maintain notices at the entrance of all SJDC facilities
4 advising the following people may not enter SJDC facilities:
5

6 (1) All persons without a mask;

7 (2) Persons who are ill or experiencing unexplained fever, cough, or shortness of breath.

8 Anyone attempting to enter in violation of these protocols or refusing to comply with the protocols
9 will be denied entry.
10

11 Temperature screening is no longer required of non-SJDC employees.

12 **Physical Limitations in Court Facilities**

13 The General Jurisdiction building located at 75 Court Street has physical limitations which
14 that increases congestion of persons in the facility (i.e., elevators reduced to one working elevator and
15 non-function air conditioning in courtroom(s)) as well as the in person on-going jury trials which
16 require additional space to stage, provide areas for breaks, and accommodate counsel and parties).
17 Effectuation of continued opening will be determined on business and space needs, space availability,
18 impact on proceedings and restrictions due to facility repairs.
19

20 The Court Administrator shall keep the Chief Judge apprised of issues in facilities and will
21 immediately request repair, if needed, by Washoe County Facilities. In addition, the Court
22 Administrator shall contact Washoe County Facilities at the beginning of each month to request
23 confirmation the ventilation systems are functioning and programmed to operate in compliance with
24 CDC guidelines.
25

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1 **Court Proceedings**

2 **Appearances by Alternative Means**

3 To ensure access to justice, continue to minimize the potential for the spread of COVID-19
4 infection among persons in SJDC facilities, and to reduce foot traffic in SJDC facilities, **appearances**
5 **by alternative means remain preferred.** For court proceedings, judicial officers should, to the
6 extent possible, accommodate requests to appear by alternative means for any attorney, party or
7 witness who is considered a vulnerable person under current CDC guidelines. This includes persons
8 who are over 65, pregnant, or suffering from an underlying health condition.
9
10

11 The SJDC's means of alternative appearance includes audiovisual and audio appearance via
12 the Zoom.us platform.

13 Attorneys, parties, and witnesses are reminded, appearance by alternative means still
14 constitutes a court appearance and attire should remain professional and court appropriate.
15 Appearances should be made from a quiet place free of distractions. Also, for the safety of the
16 community and to facilitate audiovisual quality, no appearances by alternative means will be allowed
17 by persons driving a vehicle.
18

19 EFFECTIVE JULY 6, 2021, in General Jurisdiction matters, jury trials (including Short Trial
20 Program jury trials) will continue in person. Bench trials, and other evidentiary hearings, including
21 hearings on motions to suppress, motions regarding expert qualification, motions in limine requiring
22 testimony, and motions regarding prior act evidence may also proceed in person. All other
23 proceedings, including hearings that do not require testimony, will proceed via audiovisual platform.
24 Should all parties consent and the Court approves and orders such, any hearings requiring testimony
25 may be conducted via audiovisual platform. Judicial officers may also order proceedings to occur via
26 audiovisual platform.
27
28

1 Family Division non-evidentiary hearings shall continue to proceed via audiovisual means.
2 Evidentiary hearings and bench trials may be heard via audiovisual means or in-person, as
3 determined by the presiding judge in the judicial department.
4

5 DURING IN PERSON PROCEEDINGS, ALL PARTICIPANTS WILL WEAR MASKS IN
6 THE COURTROOM. The judicial officer may allow participants, including jury venire members, to
7 lower their masks when talking.

8 Judicial officers, to the extent possible, shall accommodate requests to appear by alternative
9 means for any attorney, party or witness who is considered a vulnerable person under current CDC
10 guidelines.
11

12 By prior AO, courtrooms used at 75 Court Street included Department 4, Department 9,
13 Courtroom A, and the Complex Litigation Courtroom ("CLC"). At 1 South Sierra Street, designated
14 hearing rooms were used. EFFECTIVE JULY 6, 2021, ALL AVAILABLE COURTROOMS MAY
15 BE UTILIZED.
16

17 The SJDC will continue to follow the updated COVID-19 Jury Trial Plan for safely
18 conducting jury trials. Jury selection will take place in individual courtrooms, or the CLC, following
19 all necessary protocols. Trial commencement dates within TFs and TSs will allow for summoning
20 of up to two jury venires on those dates.
21

22 Beginning June 28, 2021, trials commenced being heard in the assigned departments'
23 courtroom and will continue to do so unless an accommodation is required for the proceeding to
24 occur in another courtroom. Jury trials in TFs and TSs going forward shall proceed as set and
25 prioritized by AO. The SJDC continues, through the TF and TS models, to maximize hearing the
26 maximum number of trials confirmed to proceed.
27
28

1 If a judge is not available to preside over a trial and the trial involves a defendant who has
2 invoked the right to a speedy trial, or any other case involving a statutory or constitutional priority, the
3 Chief Judge may reassign the trial to another judicial department, or a senior judge, as necessary to
4 ensure that trials are completed during the TFs and TSs are maximized.
5

6 The time period of any continuance entered as a result of the pandemic caused by COVID-19,
7 shall be excluded for the purposes of calculating speedy trial under NRS 178.556(1) and NRS 174.511
8 as the Court finds that the ends of justice served by taking this action outweigh the interests of the
9 parties and public in a speedy trial.
10

11 Exhibits should be submitted to the assigned judicial department in the manner directed by the
12 judicial officer.

13 Media reporters may request to attend any public court proceeding for the purpose of observing
14 the proceedings. Any reporter requesting such an appearance in person or by audiovisual means must
15 contact Court Administration. Media representatives must comply with Part IV. Rules on Electronic
16 Coverage of Court Proceedings of the Nevada Supreme Court Rules (SCR 229 – 246).
17

18 Part IX of the Nevada Supreme Court Rules governing appearances by telephonic and
19 audiovisual transmission expressly excludes juvenile proceedings from the rules governing
20 appearances by telephonic and audiovisual transmission. This rule is suspended as it relates to
21 juvenile proceedings. Attorneys, probation officers, social workers, parents, guardians, and any other
22 necessary parties to a juvenile proceeding may appear by audiovisual means, unless in person is
23 granted by the judge.
24

25 **Weekly Criminal Dockets**

26 All criminal matters shall continue to be heard. By separate AO, each judicial department will
27 be assigned a time to hear an audiovisual docket via Zoom platform and to hear an in person docket.
28

1 The SJDC Resource Center, Protection Order Help Center and Washoe County Law Library
2 are encouraged to continue to serve as many individuals as possible by phone, email, and other
3 alternative means. These departments are also open for in-person assistance to persons with
4 appointments and walk-ins if space is available. Appointments can be made by calling 775-325-6731
5 or appearing and setting the first available appointment.
6

7 Litigants are encouraged to file electronically without a personal visit to the Resource Center
8 Office when at all possible. For litigants who do not have the ability to electronically file documents,
9 documents may be mailed to the following address:
10

11 Second Judicial District Court Clerk's Office
12 75 Court Street
13 Reno, Nevada 89501

14 For those who need in person assistance to E-file documents, the Resource Center staff can
15 provide assistance from 8:00 am to 4 p.m.

16 The SJDC drop box of 1 S. Sierra remains available and accessible. Instructions for paying
17 fees, fines and obtaining copies online, via telephone, drop box or mail, may be accessed on the
18 SJDC's website by Clicking on the "Pay fees, fines, and copies online using a credit or debit card"
19 button. <https://www.washoecourts.com/Click Pay fees, fines and copies online> (last visited
20 6/1/2021).
21

22 **Grand Jury Proceedings**

23 By August 1, 2021, the Jury Commissioner shall submit a plan to the Court Administrator for
24 empaneling the grand jury, including a timeline for summoning the venire members and selecting the
25 grand jury panel. By subsequent AO, the Chief Judge will direct when the grand jury will be
26 empaneled. The Chief Judge may consider empaneling two grand juries if facilities allow.
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Settlement Conferences

Judicial settlement conferences continue to be highly encouraged. Settlement conference statements and supporting exhibits shall be submitted electronically, unless otherwise ordered. Settlement conferences shall continue to be held by audiovisual means.

Specialty Court Program

All Specialty Court Program dockets will continue to occur by audiovisual means until further iiAO.

Alternative Dispute Resolution

All matters in the Court Annexed Arbitration Program, Court Annexed Mediation Program, and Nevada Foreclosure Mediation Program should proceed. These matters shall be conducted by audiovisual means.

For any cases assigned to the Court Annexed Arbitration program, the time between March 17, 2020, and July 6, 2021 shall not be applied toward the one-year time limit for holding any arbitration hearing pursuant to NAR 12(B).

Guardianship Proceedings

All guardianship matters may continue to proceed by audiovisual means, including compliance hearings. For adult guardianships, all proposed protected persons and protected persons must appear by alternative means. For minor guardianships, appearance is within the discretion of the judge.

Termination of Parental Rights Proceedings

Termination of parental rights proceedings will be conducted in person or by audiovisual means. Termination of parental rights trials will be conducted in-person unless there is a stipulation by the parties or extraordinary circumstances exist to conduct the trial remotely as determined by the

1 Court. Other motions may be decided on the papers or heard by alternative means. Status checks
2 maybe handled by written reports or, if necessary, heard by alternative means.

3
4 **Probate and Trust Matters**

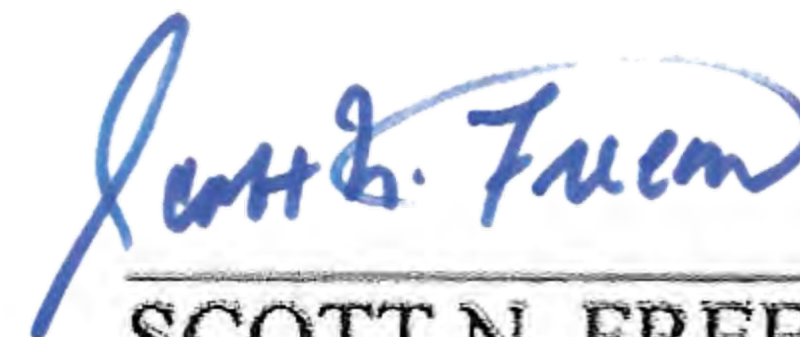
5 Probate hearings that are opposed or require a hearing will be heard by audiovisual means
6 unless the judicial officer determines that an in person hearing is required.

7 **This SJDC AO does not affect the portions of the 1 S. Sierra Street facility that are not**
8 **used by the Family Division of the SJDC, i.e., Reno Justice Court and Reno Municipal Court**
9 **facilities.**

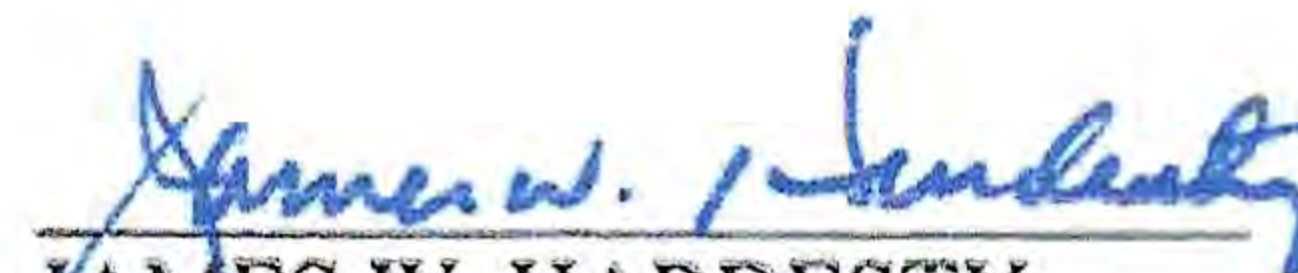
10
11 This AO shall be reviewed at appropriate intervals, as determined by the Chief Judge, based
12 on the changing circumstances relating to the SJDC's continued opening, and shall remain in effect
13 until modified or rescinded by a subsequent order.

14 IT IS SO ORDERED.

15 DATED this 1st day of July, 2021.

16
17
18 

19 SCOTT N. FREEMAN
20 CHIEF JUDGE

21
22 

23 JAMES W. HARDESTY
24 CHIEF JUSTICE
25 NEVADA SUPREME COURT

SECOND JUDICIAL DISTRICT COURT PROTOCOLS

BEHAVE AS YOU WOULD IN A PHYSICAL
COURTROOM

Dress appropriately.

Dress as if attending a job interview. You may also wear your work uniform or clothing, if you are joining court on a work break.
No hats or sunglasses.

Choose a quiet place to attend Court. Avoid being outside if it is windy.

Cellphones should be muted, doors to rooms closed, and disruptions minimized.

Be aware of your Zoom background and the area behind you. Avoid distractions. No playful virtual backgrounds are allowed, such as Hawaii or Space.

Try not to sit directly in front of or behind a window. The light or reflection can affect the video.

Log on fifteen (15) minutes early for your Court hearing. The Courtroom Clerk will admit you when ready.

Turn off your microphones and camera after checking in with the Clerk.

Do not smoke, eat, or drink while you are participating in Court via Zoom.

Do not walk around on the phone while you are participating in Court via Zoom. Remain seated or standing still.

Do not drive while participating in Court via Zoom.

If you are in a vehicle, safely pull over then stop the vehicle before participating in Court via Zoom.

Do not speak over or interrupt anyone. Use appropriate language, just as you would in a physical courtroom.

Keep your microphone and camera off until your case is called.

Once your hearing is over, turn off your microphone and camera.

Only you, attorneys, or other people the Judge requests will be allowed to talk to the Judge.

Address the Judge as "Your Honor" or "Judge."
Family members and friends may not speak to the Judge unless the Judge asks them to speak.

If there is a court reporter or language interpreter present, he or she may interrupt to request that people speak more slowly, clearly, loudly, or closer to the microphone, or to request a repetition or the spelling of a name.

If you do not follow the Court's rules, you may be removed from the Court hearing, and the Judge may impose other sanctions.



Second Judicial District Court
State of Nevada
Washoe County

From: [REDACTED]
To: [REDACTED]
Subject: Re: Commission to Study Best Practices for Virtual Advocacy - Information Request
Date: Thursday, January 6, 2022 1:15:22 PM
Attachments: [Technology Survey - Incline Justice Court 211026.docx](#)

Dear [REDACTED]:

Attached is also a survey that I've cobbled together and plan to set up on the Court's website.

I'm trying to get more information from our users to help us better serve them.

Also, our Court's website (www.ivcbcourt.com) has information for the public about our virtual court calendars.

Thanks,

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 6, 2022 1:09 PM
To: [REDACTED]
Subject: Fw: Commission to Study Best Practices for Virtual Advocacy - Information Request

Dear [REDACTED]:

Could you check your email to make sure that I'm on the list for this? Thanks.

Also, attached is a document that a committee of the NJLJ put together toward the beginning of the pandemic. It was circulated to our membership. At this point, there are probably some items that should be updated but all-in-all, it was a decent effort. Let me know if you'd like it in Word.

See you tomorrow.

Best personal regards,

[REDACTED]

Technology Survey

Incline Justice Court

In September 2019, Incline Justice Court implemented a virtual court program. The pandemic has expanded the scope of the Court's use of this technology. In July 2021, the Court adopted a hybrid approach to court appearances. Additionally, the Court is presently evaluating the use of Online Dispute Resolution ("ODR") to determine its feasibility for traffic, minor criminal matters, landlord tenant matters, small claims and bail hearings.

Your feedback will help us better understand the current and future uses of these technologies, and other applications. This survey will take approximately 15 minutes. Incline Justice Court will maintain your responses confidentially unless you affirmatively provide identifying information.

Q1 Which of the following best describes your role in your interactions with Incline Justice Court?

- Litigant (e.g., Plaintiff or Defendant)
 - Prosecutor
 - Public Defender
 - Defense Attorney
 - Plaintiff's Attorney
 - Other (please specify) _____
-

Q2 To what extent do you agree that virtual court proceedings...

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	N/A - Don't Know
...make it easier for participants to access the courts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...make courts more transparent to the public.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...decrease stress for litigants.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...make participants feel safer.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...make participants feel freer to contribute.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...increase participation levels from victims.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...make it easier to assess witness credibility.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...improve the reputation of your state's trial courts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...reduce the risk of transmission of the COVID-19 virus.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...are a good option for your state's trial courts as they navigate the COVID Pandemic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q3 How concerned are you about Incline Justice Court using virtual technology (i.e., Zoom) to conduct court proceedings (during the pandemic and hereafter)?

- I am not at all concerned
- I am concerned about certain types of cases or proceedings
- I am concerned about all types of cases and proceedings

Q4 Please elaborate based on your answer above:

Q5 How concerned are you about Incline Justice Court live-streaming court proceedings?

- I am not at all concerned
- I am concerned about certain types of cases or proceedings
- I am concerned about all types of cases and proceedings

Q6 Please elaborate based on your answer above:

Q7 How comfortable do you feel with using technology (i.e., Zoom) to hold virtual court proceedings?

- Extremely Comfortable
- Moderately Comfortable
- Slightly Comfortable
- Not at all Comfortable

Q8 Have you conducted or been involved in a virtual court proceeding using any of the following platforms? (Select all that apply)

- Zoom
 - Polycom
 - Zoom and Polycom at the same time
 - Bluejeans
 - Adobe Connect
 - Cisco WebEx
 - Google Meet
 - GoToMeeting
 - Microsoft Teams
 - Skype
 - None
 - Other (please specify)
-

Q9 How many of your proceedings have you personally conducted using virtual technology either at Incline Justice Court or otherwise?

	All	Many	Some	None	Not Applicable
Criminal Arraignments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Criminal Pleas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pretrial Conferences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Criminal Sentencing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Traffic Arraignments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Traffic Trials	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preliminary Examinations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Civil or Small Claims Trials or Proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bench Trials	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Evidentiary Hearings/Motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Non-Evidentiary Hearings/Motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other Proceeding Types	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q10 Which types of proceedings would you be open to continue conducting virtually?

	Yes	No	Not Applicable
Criminal Arraignments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Criminal Pleas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pretrial Conferences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Criminal Sentencing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Traffic Arraignments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Traffic Trials	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preliminary Examinations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Civil or Small Claims Trials or Proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bench Trials	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Evidentiary Hearings/Motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Non-Evidentiary Hearings/Motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other Proceeding Types	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q11 If you ever decided NOT to participate in a virtual proceeding, what were the main reasons for that decision? (Select all that apply)

- The decision was made by someone else
- Judicial preference
- Limited filings or demand
- Technical or connection issues for all participants
- Concerns about security/encryption
- Lack of training
- Lack of funding
- Lack of participant resources (technology)
- Concerns about reduced participant engagement
- Lack of participant familiarity with the platform
- Concerns about participant distractions (work, family, pets, etc)
- Reduced ability to assess witness credibility
- Limited ability to judge body language
- Off-screen guidance of witnesses
- Participants using phone or computer to look up information
- Concern that virtual proceedings would take longer
- Concern about undermining the legitimacy of the court

Concern about livestreaming certain case types

Other (please specify)

Q12 Please elaborate about any concerns you have regarding remote proceedings:

Q13 For the next several questions, please respond based on the virtual proceedings that you have conducted or been involved in.

Q14 During the virtual proceedings in which you have participated, how often do the following scenarios occur?

	Never	Rarely	Sometimes	Most of the Time	Always	N/A - Don't Know
Each participant (not the court) controls his or her own audio (muting or unmuting)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Usage of a waiting room	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Usage of a breakout room	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Usage of a chat feature	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Usage of participants screen sharing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q15 During virtual proceedings in Incline Justice Court, how often do the following participants have audio or video connection issues?

	Never	Rarely	Sometimes	Most of the Time	Always	N/A - Don't Know
Judge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prosecuting Attorney	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public Defender	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other Attorney or Counsel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q16 During virtual proceedings in which you have participated in other Courts, how often do the following participants have audio or video connection issues?

	Never	Rarely	Sometimes	Most of the Time	Always	N/A - Don't Know
Judge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prosecuting Attorney	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public Defender	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other Attorney or Counsel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q17 During virtual proceedings in Incline Justice Court, if a key participant has audio or video connection issues, how does the court respond?

	Never	Rarely	Sometimes	Most of the Time	Always	N/A - Don't Know
Adjourn the proceeding	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have the participant call in by telephone for audio only connection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Proceed as usual	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify):	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q18 During virtual proceedings in which you have participated in other Courts, if a key participant has audio or video connection issues, how does the court respond?

	Never	Rarely	Sometimes	Most of the Time	Always	N/A - Don't Know
Adjourn the proceeding	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have the participant call in by telephone for audio only connection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Proceed as usual	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify):	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q19 During virtual proceedings in Incline Justice Court, how often do the following scenarios occur?

	Never	Rarely	Sometimes	Most of the Time	Always	N/A - Don't Know
All participants, including the judge, join the virtual proceeding remotely from their personal residence(s) or other non-court location(s).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The judge participates from the bench, but all others participate remotely.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The judge and one court staff member participate from the bench, but all others participate remotely.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The judge and several others are in the courtroom, but at least one person participates remotely.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q20 During virtual proceedings in which you have participated in other Courts, how often do the following scenarios occur?

	Never	Rarely	Sometimes	Most of the Time	Always	N/A - Don't Know
All participants, including the judge, join the virtual proceeding remotely from their personal residence(s) or other non-court location(s).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The judge participates from the bench, but all others participate remotely.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The judge and one court staff member participate from the bench, but all others participate remotely.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The judge and several others are in the courtroom, but at least one person participates remotely.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q21 Are there any issues with virtual proceedings that were not addressed elsewhere in this survey?

Q22 Do you have any tips or tricks for conducting virtual proceedings that you would like to share with other courts?

Q23 Have you used an Online Dispute Resolution (“ODR”) System with any Court? If so, which one? Please check all that apply.

- Matterhorn
- Modria
- ODRI
- Other: _____
- None

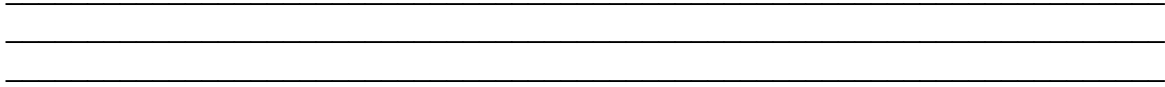
Q24 How often do you use ODR?

	Never	Rarely	Sometimes	Most of the Time	Always
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q25 If offered by Incline Justice Court, would you use ODR for:

Traffic	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Minor Criminal Matters	<input type="checkbox"/> Yes	<input type="checkbox"/> No
landlord tenant matters	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Small Claims	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Civil Claims	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Bail Hearings	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other:	_____	

Q26 What other technologies would you recommend be implemented by Incline Justice Court:



Nevada Judges of Limited Jurisdiction Suggested Virtual Courtroom Standards and Guidelines

May 5, 2020

NJLJ Virtual Suggested Courtroom Standards and Guidelines

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V200505

NJLJ Suggested Virtual Courtroom Standards and Guidelines Committee

Hon. Stephen Bishop
Hon. Richard Glasson
Hon. Kevin Higgins
Hon. Cynthia Leung

Hon. Mason Simons
Hon. Diana Sullivan
Hon. E. Alan Tiras

Governing Authority

SCR Part IX authorizes judicial officers to conduct most proceedings remotely, whether physically present in the courtroom or elsewhere.¹ The guidance provided here is designed to encourage Nevada Justice and Municipal Courts conducting remote proceedings to do so based on developed standards and guidelines. Before utilizing “virtual courts,” it is strongly recommended that all judges carefully review SCR Part IX and NRS 178.388(4).

The Nevada Judges of Limited Jurisdiction (“NJLJ”) has identified some current practices from various courts around the state and country. These guidelines are not the only way to conduct court proceedings virtually, but they are examples of what courts are doing and what may be working. They are offered to assist each court and judicial officer to develop their own procedures. These Nevada Judges of Limited Jurisdiction Virtual Courtroom Standards and Guidelines (“NJLJ Suggested Virtual Courtroom Guidelines”) provide guidance designed to support audio and video recording for authorized virtual proceedings.

Different courts throughout the State are using different video conferencing services² and there is no one best service for all courts. Each court should evaluate the options available and make its own individual determination of the service and processes that are best suited for them.

This document breaks down a proceeding into subparts, set forth here in a mostly chronological order. Each subpart is further broken down into a “Standards” and a “Suggested Guidelines.” “Standards,” as the name suggests, sets forth the general/theoretical underlying principles a court should consider and be prepared to meet. “Suggested Guidelines,” in contrast, are some methods which the committee has found to be the most successful. These suggested processes are not the only way to successfully run a virtual court. Different courts operate under different circumstances and, likewise, courts may have different processes in place to meet the standards to accomplish these goals.

Thanks to the State Court Administrative Office of the State of Michigan for their work in developing their State’s Virtual Courtroom Standards and Guidelines.

¹ SCR Part IX-B(B) Rule 4 allows trials upon a showing of “good cause.”

² Common video conference service providers include Zoom ([see Exhibit A - Appendix 1](#)), GoToMeeting ([see Exhibit A - Appendix 2](#)) BlueJeans ([see Exhibit A - Appendix 3](#)), and WebEx ([see Exhibit A - Appendix 4](#))

Business Processes in Support of Virtual Courtroom

Courts must be able to support their fundamental business processes when establishing a virtual courtroom. This includes the ability to operate as if the court were using its traditional brick and mortar courthouse. The court needs to account for electronically filing documents, electronically signing orders to document the court's hearings, and maintaining the decorum of the court.

A. Prior to Hearings

1. Remote Filing

Standard

The court needs to account for electronically filing documents, electronically-signing orders to document the court's hearings, and maintaining the decorum of the court. Courts may have different business processes in place to accomplish these goals.

Suggested Guidelines

If in-person filing of court pleadings is limited, the court may issue an Administrative Order to allow for court pleadings to be accepted for filing by other means such as U.S. mail, e-filing, e-mail, facsimile or other forms of electronic conveyance. NRS Chapters 720 and 721 permit electronic signatures on documents. This may be in the form of a document signed in person by the party and submitted to the court electronically (by fax or preferably email) or by utilizing an electronic signature service for authentication and transmission purposes.³

2. Notice & Providing Video Conference Meeting Information

Standard

The court shall provide adequate notice to the parties and the public. The court should also ensure that the parties are able to participate remotely.

Suggested Guidelines

The amount of time required to be considered adequate notice may vary depending on the court and type of proceeding. Generally, it is preferable to give more notice than less.

The court should provide (or otherwise make available) to the parties, all information necessary to appear via videoconference. The court can provide the video conference

³ An example of this type of service is DocuSign (www.DocuSign.com).

hearing information to parties in the following ways:

- a. The court may post instructions and session links on its website⁴.
- b. The court may issue an order allowing or directing appearances via videoconference.⁵ Such order may contain the necessary information to appear via videoconference.
- c. Court staff may phone the parties in advance and obtain the e-mail address to which the meeting code/invitation and any password can be sent.
- d. If the party does not have e-mail or the ability to join by video, court staff may provide the telephone number to join the meeting and the meeting code so that they can participate via phone.
- e. The court may design a new document that lists the court proceeding, court date, time of hearing, and the video conference meeting ID.
- f. The court may utilize more than one of these options.

Courts should post their daily dockets (on the court's website, if available) and indicate on the docket which hearings are being held virtually. Instructions on how to access virtual hearings should also be provided. Dockets should provide easily locatable information to access to the court's calendar on its website and/or links to live streams of its hearings.

3. **Exhibits**

Standard

The court must make necessary arrangements for the parties to offer physical, documentary and intangible evidence. This includes methods to: (1) allow the parties to submit their evidence to the court; (2) make the proffered evidence available to the opposing party to inspect the evidence; and (3) allow the opposing party the ability to object to the proffered evidence.

Suggested Guidelines

Materials that are intended to be used as evidence at or during a hearing should not be filed with the court.

Proposed exhibits should be submitted in advance of the hearing for introduction into evidence as exhibits and for all parties and necessary witnesses to view and examine.

⁴ There are potential problems with posting the meeting identifiers in a public place. People may appear at the proceedings with the intent to disrupt the proceedings. This can be minimized by using restrictive settings (including chat, screen sharing and audio muting) with the videoconferencing service and by removing disruptive persons from the sessions. Please see discussion below and Footnote 6.

⁵ See Exhibit B (Forms)

Courts can allow exhibits to be numbered and submitted to the court so they can be marked and logged before the hearing.

At the most basic, the court may require the parties, prior to the hearing, to: (1) mark and submit all expected exhibit(s) to the court; and (2) provide duplicates of the marked exhibits to opposing counsel.

Submission of exhibits may also be made via electronic means. Such means can include email to a designated email account. Other available technologies to submit exhibits include Dropbox or Box. If using one of these technologies, the court may, during the proceedings, share the screen with the attorneys or parties, as the case may be, to allow them to offer, inspect and/or object to the exhibit. Alternatively, the court may open the document and share its screen with the parties. After appropriate consideration, the exhibit may be admitted as a part of the record.

4. Setting up the Proceedings

Standard

The court must ensure the technology used for teleconferencing hearings is properly set up to allow the court to properly conduct the hearing, and also allow the public and the press the ability to observe the hearing. This includes providing the appropriate identifying information to the participants.

Suggested Guidelines

The hearing sessions should be set up by the court. This allows the court to ensure the information necessary to access the hearing is provided to the participants.

There are two (2) commonly available procedures used to set up the hearing sessions and there are benefits and drawbacks to each:

- (a) Publicly posting the information necessary to fully participate in the hearing. One way this can be accomplished is posting the hearing information on the court's website allowing the parties to click on the link to attend. This method risks exposing the court proceedings to potential hacking or disruption (e.g., "zoom bombing"). This risk can be mitigated depending on the settings used.⁶ This method, however, is very simple to set up and maintain and does not require much additional effort by the court leading up to the proceeding. Both participants and observers are admitted into the proceeding and no separate streaming of the proceeding is generally necessary to allow public viewing. In some circumstances,

⁶ Possible setting options to reduce this risk are discussed later, under security concerns.

such as particularly controverted or high-profile cases, demand for public viewing may exceed the number of participants that the video conferencing service may allow. In such cases, the court should consider live-streaming the proceedings.

- (b) Keeping access to the hearing limited and streaming the hearing live. This method avoids disruption of the hearing by keeping the virtual courtroom secure by not providing the information necessary to participate in the hearing this information to the public or press. In this scenario, participants (e.g., litigants, witnesses and/or attorneys) appear by invitation only and are the only individuals allowed to participate in the virtual hearing. The court, however, should consider establishing a live stream to allow the public to view the proceedings. This method requires more coordination between the court and the participants to ensure that each participant has the accurate information for the session. There is also a potential issue with witnesses subject to the Exclusionary Rule having access to the video stream-

5. Party's Notification of Intention to Appear Virtually

Standard

Depending on how the court sets up virtual hearings, the court needs to know who will be appearing in order to build its calendar and provide the appropriate links or invitations to the correct persons and, depending on the proceeding, to provide the court with documentation for the judge's review at the proceeding.

Suggested Guidelines

In order to help the court staff to build the proceeding calendar (particularly for traffic and similar arraignments), it is beneficial to have the participants notify the court prior to the session of their intention to appear⁷. Identifying information such as name, citation or case number, addresses, phone and email may be desired by the court and collected as well as a copy of the party's ID (driver's license or other) and any documents that they would like the court to be able to consider at the proceeding (such as a current driver's license, proof of insurance and/or registration) should be provided in adequate time for the information and documentation to be entered into the court's case management system to be made available for the judge at the proceeding.

Certain courts may require additional documentation from defendants which may be ordinarily submitted to the court during the proceeding to, instead, be executed and

⁷ Again, the timing here may vary depending on the court and nature of the proceeding.

submitted in advance and made a part of the file. The court may, of course, disregard unnecessarily submitted documentation.

B. Conducting the Virtual Hearing

1. Logging In to the Hearing

Standard

The court must be able to sufficiently authenticate the identity of the participants (i.e., identify and confirm the individuals participating the hearing are who they purport to be). The court must also ensure the participants are properly participating in the hearing.

Suggested Guidelines

When the participants log in, the court should utilize and display on the image of the individual those identifiers which are necessary to identify the party (e.g., their legal name.) Other personal identifiers (e.g., social security numbers, dates of birth, etc.) which might allow for identity theft should not be displayed.

A member of the court staff should review the identity of all participants to ensure that the appropriate identifiers are presented or withheld, as the case may be. Instructions on how the participants properly identify themselves should be provided to the participants either directly (perhaps using the email invitation) and/or on or through the court's website.

When hosting hearings, the court may enable a "Waiting Room" function if included in the video conference service provider's product. The "Waiting Room" allows the host to filter participants prior to admission into the virtual courtroom session, by controlling who is admitted to the hearing and preventing participation by individuals who have no reason to address the court or other parties. This allows the court to keep the courtroom secure while still allowing the public to view proceedings via an outside streaming service.⁸

2. Consent to Virtual Hearing

Standard

The court should ensure the parties to the virtual hearing have consented to conducting the hearing virtually. All procedures associated with remote hearings must be consistent with a party's constitutional rights.

⁸ See, however, Section A(4), above, discussing potential issues with violations of the Exclusionary Rule.

Suggested Guidelines

Prior to the hearing, the court, may wish to issue an order including a deadline for the parties to object to a virtual hearing. This deadline can be included in an order setting the virtual hearing and/or the order providing the information necessary to attend the virtual hearing.

At the start of the hearing, the court should address on the record that the parties are waiving any right they may have to be present in the courtroom for the proceeding. In addition, if there is a victim involved, the court must ensure that the victim's right to be present is addressed on the record.

At the start of each hearing, the court should verify with each participant that they are able to proceed and are aware of the procedure for participation, including the time and method of participating.

Criminal defendants have a right to be present (personally or by video) for each critical stage of a criminal proceeding. A defendant has the right to be physically present at trial but may waive the right and appear by video. Victims have a constitutional and statutory right to be present.⁹

If a party objects to a virtual hearing, the court may continue the matter to a later date, when personal appearances can be had.

In certain limited cases it may be necessary to conduct a videoconference hearing without the consent of the parties. If such action becomes necessary, the court should make detailed findings explaining the necessity of conducting the virtual hearings and explain why alternatives (e.g. postponement) is not feasible.

Even when the court is legally permitted to conduct a hearing virtually without the consent of a party, the court may wish to seek consent.

3. Making the Record

Standard

Proceedings conducted via videoconferencing technology must be recorded by the court, except for those hearings not required to be recorded.¹⁰ The required recording must be sufficient to produce a verbatim written transcript as if the hearing were held in person in the courtroom.

⁹ See Article 1, Section 8A of the Nevada Constitution (e.g, "Marsy's Law").

¹⁰ NRS 4.390 *et seq.*

For purposes of generating a transcript, courts may use the recording of a remote proceeding generated using a remote meeting service provider. NRS 4.390 *et seq.* authorizes courts to use audio and video recording equipment for making a record of court proceedings. The recording created is used to produce a transcript.

Suggested Guidelines

a. Recording the Hearing

When conducting a virtual hearing, it is recommended the videoconferencing system feed directly into the court's recording system.

Some vendors may also create an audio transcript or create a log for use in further transcription. Such a transcript is likely to be created automatically by a speech recognition algorithm and may not be accurate.

Where a direct feed into the recording system is not possible due to equipment limitations, a microphone should be placed near the speaker.

Alternatively, courts using JAVS (or other similar recording system) may be able purchase software¹¹ to record virtual hearings. Some versions of this software allow operators to listen to monitoring streams and make time-stamped notes, either manually or through quick keys. courts using other digital recording systems are encouraged to explore similar options for those programs.

Alternatively, the court may engage a stenographer (court reporter) who may be invited to attend the proceeding as a participant to make a transcribed record of the proceedings. Courts using a court reporter to stenographically record the proceedings will not need to separately record the virtual proceedings because the court reporter's recording and notes are the official recording from which the transcript is prepared. The court reporter recording a proceeding continues to have the same ability and responsibilities to interrupt and clarify as if all participants were physically present in a courtroom.

The court should monitor the hearing to ensure the sound is functioning, speaking is clearly heard, and the video is recording to ensure the record is captured appropriately and thoroughly for future transcription. Judges may wish to assign staff to host or co-host each hearing to facilitate this responsibility.

An additional option to record the proceedings is to utilize the recording function built-in to some of the videoconferencing systems. If the court wishes to do so, it is recommended that the recording be stored on a local system which is backed up

¹¹ An example of such software is Notewise.

frequently. It may be possible to map a drive to the court's server and to have those files backed up in the ordinary course.

b. Calling the Case

To assist in complying with logging standards, when calling the case the judge should establish and adhere to certain verbal practices including:

1. Stating the case number and title;
2. Indicating the start and end time of the hearing;
3. Requiring each participant to state and spell their name;
4. Reminding all participants to speak slowly, clearly, and one at a time.

c. Using the "Chat Feature"

Certain video conferencing services have a private messaging "chat" feature that may be used to create the log. Depending on the videoconferencing service, the court, through the host (or co-host), can allow the host and participants to "chat" with everyone, with only the host, with everyone publicly or privately, or with no one. The chat function allows participants to type text (comments) during the proceeding. It is up to the court to allow or limit the function. For example, a private chat between an attorney and client may be desirable; however, a chat between the court and one attorney could allow for ex parte communication or comments to be made that are not included in the official record. If a court elects to enable the chat feature, public chats (not private chats) may be saved.

It is important to remember that different videoconference vendors' programs may operate differently and any content created using the "chat feature" may not be saved along with the recording. The chat file may include a time-stamped log of the chat messages, showing who the message was from and the time it was sent.

Assuming the program does record content created in the "chat feature," the person in charge of recording may create the log by typing notes into the "chat" feature including the name of the court, name of the judge, case number, case name, parties present, witnesses called, and any other essential notations during the hearing. When a transcriber is producing a transcript from one of these recordings, looking at the play timeline at the bottom of the screen will allow him or her to obtain the time of any witnesses speaking and assist in the production of an accurate transcript.

Judges should use caution when using the chat feature to ensure there is no ex parte communication between the judge and one party.

d. Using the Video

There are commonly two methods to watch the video feed: “gallery” view and “speaker” view. Different vendors may use different terms to describe these options. The “gallery” view allows the court to observe multiple participants at once, albeit in smaller size. The “speaker” view provides a larger image, but only of the participant the software identifies as the speaking participant.

The court should use the “gallery” view of participants, if available. The “gallery” is preferable to the “speaker” view, because when multiple people talk at once, the software may have difficulty determining which participant is speaking. Using the “gallery” view will prevent the program from doing so, and will allow the court to see all of the participants and the court reporter/recorder to know who was speaking.

e. Managing the Speaking Participants

The court must be vigilant in ensuring quality recording so an accurate transcript can be prepared. There is often a slight time delay when participating via telephone or videoconferencing. This delay can be up to a few seconds. Thus, the parties may be more likely to overlap when talking. The court should frequently remind parties to talk slowly and to not interrupt. If overlap occurs, the court should ask parties to repeat what they said and encourage parties to only speak when they have been prompted to do so, unless there is an objection or some other reason to speak out of turn. At a minimum, parties appearing telephonically should be instructed to identify themselves each time they speak.

f. Attorney-Client Communications

Many video videoconferencing services giving the host the ability to create “breakout rooms” accessible only to designated participants. These “breakout rooms” can be set up for use for private attorney-client communications. The court should ensure the “breakout rooms” used for such attorney-client communications are not recorded. When finished with their communication, the attorney and the client may then rejoin the main meeting.

g. Order and Decorum

The judge is responsible for maintaining order and decorum just as he or she does in the physical courtroom.

1. General Considerations: Reminding the attendees the court expects a certain level of decorum and professionalism will solve many issues before they occur. At a minimum, the court should consider reminding the attendees of the following:
 - a. The proceeding is live. Anything said during the proceeding may be overheard by all of those observing.
 - b. The proceedings are being recorded. Everything said will be captured and made part of the record just as in a physical courtroom.
 - c. Courtroom decorum rules still apply. Those participating should continue to operate as if they were inside the courthouse. Standards, including decorum, demeanor, and dress code, still apply.
 - d. All participants (including court staff) participating in virtual proceedings should have a professional background. courts are encouraged to use pictures of their courtroom as the background.

2. Muting: Videoconferencing services include a number of features allowing the host to control who may enter a virtual hearing and who may speak during it. The host of the proceeding typically has the ability to mute or unmute all participants in the virtual courtroom. Some of the videoconferencing services allow the designation of a co-host; judges can be the host and a staff member, either a clerk or recorder/operator, can be the co-host and manage participants. The host can also engage a feature to mute participants upon entry into the virtual courtroom. Judges should advise participants they are using such feature. If the court elects to mute participants or attorneys, the court must be vigilant to ensure such muting does not prevent the party or attorney from making objections or otherwise participating. Many services offer a “hand raising” feature, which notifies the host (i.e. the court) of the individual’s desire to speak. The individual may “click” or activate the “raise hand” feature, which will notify the court and the court may then unmute the individual.

3. Disruptive Participants: Most videoconferencing services allow a host to remove a participant if needed. If the court is using the “waiting room” feature, a participant can frequently be returned to the “waiting room.” The removed participant cannot rejoin the meeting on their own and can only be readmitted by the court host. Alternatively, the court may disable the video and mute the microphone of the offending participant. The court should be

aware excluding an individual from a virtual hearing may be viewed equally as seriously as excluding an individual from an in person hearing and will likely be reviewed under the same standards. Before excluding an individual, the court should warn the person such behavior is inappropriate and continued behavior will result in exclusion from the hearing. The court should also make a clear record what constituted the offending behavior.

h. Other Useful Features

1. Play Sound when a Participant Enters or Leaves a Meeting: Depending on the videoconferencing service, the court may be able to configure settings to play a sound when someone enters or leaves a proceeding. This will help the court and the recorders and operators track the participants in the hearing.
2. Limiting Accessibility: In some circumstances it may be necessary to discuss matters with only some participants (e.g. the court may need to speak to attorneys without a witness hearing; or the court may need to address a matter with only court staff). Some videoconferencing services allow the host to temporarily remove a participant from the virtual courtroom, while the rest of the participants continue the meeting. When the participant(s) are put on hold, their video and audio connections will be disabled.

C. Public and Press Access

Standard

Access to proceedings must be provided to the public either during the proceeding or immediately after via access to a video recording of the proceeding, unless the proceeding is closed or access would otherwise be limited by statute or rule.

Suggested Guidelines

The court may choose to create a live streaming account¹². Information about public availability of court proceedings via live streaming must be accessible to the public and the Press. This can be accomplished by any or all of the following methods: (1) press release; (2) standing order posted at the court; (3) posting the information on the court's website; or (4) another method to effectively communicate access to court proceedings.

¹² YouTube (www.youtube.com) is often chosen for this purpose.

Alternatively, as discussed above, although more vulnerable to security issues, the court may post links directly on its website (or otherwise) providing a link to the proceeding itself. It is possible, depending on the service subscription, to have issues with allowing sufficient persons to view the proceedings

D. Preserving the Record

Standard

The court must ensure the record of a virtual hearing is preserved in, at least, the same manner as the record of any other hearing.

Suggested Guidelines

Most vendors will provide a method to record and store an audiovisual recording of the proceeding. It is advisable, in any case, to make backup recordings and store the backups in a secure location. Many services offer some limited cloud recording and storage.

If feasible, it is recommended, in addition to the service provided storage, the court also utilize its own audiovisual recording system to record the proceeding (e.g. if the court usually utilizes JAVS (or other audiovisual recording system), the court should continue to utilize JAVS, but also retain the vendor's recording, as a backup).

Depending on the videoconferencing service, the proceeding recording may be stored in the cloud or on a local computer. It is advisable, in any case, for backup recordings to be made and stored in a secure location. Many services offer some limited cloud recording and storage. If feasible, it is also recommended, in addition to the service provided storage, the court also utilize its own audiovisual recording system to record the proceeding.

Before conducting too many virtual hearings, it is advisable for the court to consult with the person/people who transcribe the court's hearing, to ensure the virtual hearings do not create excessive difficulty for the transcriptionist.

E. After the Hearing

Standard

After the hearing, parties may need to interact with court clerks for various reasons (e.g. sentencing documentation, additional hearing settings, etc.). Such access should be provided with access as soon as possible post-hearing (and preferably as an adjunct part of the hearing) to avoid potential future communication issues.

Suggested Guidelines

It is recommended allowing parties access to court clerks in a virtual setting adjunct to the hearing. The court should provide the parties with the information necessary to access the virtual meeting at the end of the hearing session.

A perhaps preferable alternative would be to have the court clerk waiting in a breakout room for the parties to provide the post hearing de-brief.

F. Security Concerns

Standard

Security incidents are reported to have occurred nationwide involving the use of video and teleconferencing platforms¹³. The court should take steps to minimize the risk of hacking or disruption.

Suggested Guidelines

The following steps may be used to help lessen the risk of hacking, disruption or hijacking of court proceedings:

1. Do not make meetings open to the public. If available, use the “waiting room” feature and control the admittance of guests.
2. For a separate private meeting, use the scheduling options to create a meeting for a specific time, and with a unique Meeting ID that is shared only with the invited participants.
3. Do not share any Meeting ID on an unrestricted, publicly available social media post. Only provide the Meeting ID and password(s) directly to specific litigants.
4. Manage screen sharing options by limiting screen sharing to “Host Only.”

G. Troubleshooting

Troubleshoot an Audio Echo in a Meeting

There are three common causes of an audio echo, or feedback, during a video conference meeting:

1. The participant called in by phone and is using his or her computer’s audio at the same time;

¹³ Federal, State, and Local Law Enforcement Warn Against Teleconferencing Hacking During Coronavirus Pandemic

2. There are participants with computer or telephone speakers that are too close together; or
3. There are multiple computers with active audio in the same conference room.

In each instance, the feedback can normally be eliminated if there is only one audio source.

F. Conclusions and Informal Tips

We acknowledge that we were driven to create these guidelines in the midst of an unfortunate circumstance (i.e., COVID-19 pandemic of 2020) which created a need to consider modification of our processes and procedures from our norm. Virtual courts offer one potential way for the courts to be able to continue to provide services to the public is through the use of the virtual proceedings described above. Admittedly, this is less than ideal and may simply be an undesirable or unsuitable process for some courts and judges. Others may find this technology and procedures appropriate for certain of their proceedings but not for others. Still other courts may find that they can use the technology for most, if not all, of their proceedings. Each court, and indeed each judge, is different and may have different preferences, ideas, skills and aptitudes making the adoption of these guidelines a strictly personal decision. As long the court remains committed to the high calling of serving and protecting the public's constitutional rights, judges are discharging their duties.

For courts adopting some form of virtual court proceedings, please make every effort to be patient with staff, parties, witnesses and yourself. Remember how it took time to get comfortable being on the bench, in a physical courtroom; in the same way, it will take time and practice to become comfortable in a virtual court setting.

Even though it is easy to develop an informality working in this way, it is important that the public, attorneys and the judge remember a virtual hearing is still a court proceeding and important work is being done. Try to be as formal as you normally on when on the bench with a courtroom full of people. Take control of your virtual courtroom as you do your physical courtroom.

Exhibit A - Appendix 1
Zoom

Due to the ongoing updates and changes, please see the current information on our website, www.njlj.org.

Exhibit A - Appendix 2
GoToMeeting

Due to the ongoing updates and changes, please see the current information on our website, www.njlj.org.

Exhibit A - Appendix 3
BlueJeans

Due to the ongoing updates and changes, please see the current information on our website, www.njlj.org.

Exhibit A - Appendix 4
WebEx

Due to the ongoing updates and changes, please see the current information on our website, www.njlj.org.

Exhibit B

Sample Forms

Due to the ongoing updates and changes, please see the current information on our website, www.njlj.org.

Exhibit C

Limited Selection of Legal Authority to Justify Virtual Hearings

“[T]he Constitution... is not a suicide pact.” *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 160, 83 S. Ct. 554, 563 (1963). Circumstances can exist to justify allowing witnesses to testify at trial, from behind a screen or via closed circuit television, without violating the confrontation clause. *See e.g. Maryland v. Craig*, 497 U.S. 836, 110 S.Ct. 3157 (1990); *Coy v. Iowa*, 487 U.S. 1012, 108 S.Ct. 2798 (1988).

The confrontation clause protects a defendant’s right to confront witnesses at trial, but not at other hearings. *See e.g. State v. Zamzow*, 374 Wis.2d 220, 892 N.W.2d 637 (2017); *Peterson v. California*, 604 F.3d 1166 (9th Cir. 2010); *State v. Lopez*, 314 P.3d. 236 (N.M. 2013). Indeed, even in Nevada, hearsay is admissible in certain cases. NRS 171.196(6). The right to confrontation “has never been held to be absolute.” *People v. Gonzales*, 54 Cal. 4th 1234, 1266, 144 Cal. Rptr. 3d 757, 791, 281 P.3d 834, 863 (2012).

Nevada law favors appearance by telephonic means. SCR Part IX-A(A) R.2. Indeed, Nevada law permits appearances in criminal cases via telephone “in all criminal proceedings and hearings except trial” for a “party or witness.” SCR Part IX-A(A) R.4(1). The court is empowered to permit such telephonic appearances even at a trial. SCR Part IX-A(A) R.4(2); SCR Part IX-A(A) R.4(3). Similarly, the court is empowered to permit a witness to appear via audiovisual transmission equipment in criminal proceedings. SCR Part IX-A(B) R.4.

[Second Judicial District](#)

From: [REDACTED]
To: [REDACTED]
Subject: RE: Commission to Study Best Practices for Virtual Advocacy - Information Request
Date: Wednesday, January 5, 2022 3:49:35 PM
Attachments: [image001.png](#)

Since the start of the pandemic, we have entered several admin orders that authorized remote appearances, but they didn't include any specifics on how to request a remote appearance. However, we are in the process of returning to primarily in-person proceedings, so we will be entering a new admin order that details how parties/counsel can request a remote appearance. I'll send it to you when it is finalized. It should be ready by early next week, so if you don't receive something from me by then, please feel free to check back.

[REDACTED]



[REDACTED]
Court Administrator | Reno Justice Court
Office: [REDACTED]
1 South Sierra Street, Reno, NV 89501
www.washoecounty.us/rjc/

TAB 2

From: [REDACTED]
To: [REDACTED]
Subject: RE: Commission to Study Best Practices for Virtual Advocacy - Information Request
Date: Thursday, January 6, 2022 8:16:49 AM
Attachments: [PJC COVID-19 Admin Order 2021-09.pdf](#)

Attached is our most recent Admin Order

Note: Court hours of operation are 7:00am – 5:00pm Monday through Thursday and closed on Fridays.

Thank you,

[REDACTED]
Justice Court Administrator

[REDACTED]
W: [REDACTED]
C: [REDACTED]

From: Al [REDACTED]
Sent: Wednesday, January 5, 2022 12:01 PM
To: [REDACTED]
Subject: RE: Commission to Study Best Practices for Virtual Advocacy - Information Request

Good morning!

We did administrative orders allowing remote appearances (mostly because of COVID) but the request to appear remotely still has to be filed. I'm happy to send the Administrative Order if you'd like but I wasn't sure if that was exactly what you were referring to.

Note: Court hours of operation are 7:00am – 5:00pm Monday through Thursday and closed on Fridays.

Thank you,

[REDACTED]
Justice Court Administrator

[REDACTED]
W: [REDACTED]
C: [REDACTED]

1 IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
2 COUNTY OF NYE, STATE OF NEVADA

PAHRUMP JUSTICE COURT

BY A. Shoultz

2021 JUL 28 A 9:37

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4 IN THE ADMINISTRATIVE MATTER OF:
5 PAHRUMP JUSTICE COURT'S
6 RESPONSE TO CORONAVIRUS
7 DISEASE (COVID-19)

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ADMINISTRATIVE ORDER 2021-09

RECEIVED AND FILED

9 On February 14, 2021, Nevada Governor Steve Sisolak announced strategic and
10 responsible next steps for the State to navigate the pandemic and increase vaccination
11 efforts to safely reopen the State. Additionally, Nye County manager Tim Sutton has
12 announced the reopening of county offices that have been closed due to the pandemic
13 beginning March 15, 2021. Accordingly, the Pahrump Justice Court hereby issues the
14 following changes to its previous Covid-19 Administrative Orders, effective August 2,
15 2021:

16 **Department A**

- 17 1. The Court will conduct all civil and criminal hearings in person, with litigants,
18 defendants, counsel, and witnesses appearing in the courtroom with masks and
19 social distancing, unless previously being given approval to appear
20 electronically. Any litigant or witness that does not wish to appear and testify in
21 person must file a written request to testify by electronic means with the Justice
22 Court at least five (5) judicial days before the trial/hearing date, and must serve
23 the opposing party with a copy of the request to appear by electronic means.
24 Any litigant or witness who has symptoms of Covid, has tested positive for
25 Covid, who has had close contact with any persons who are positive for Covid,

1 or has traveled outside the United States within the past fourteen (14) days
2 prior to their court appearance, shall not appear in person and must promptly
3 notify the Court and the subpoenaing attorney that they are prohibited from
4 appearing in person.

- 5 2. Domestic battery jury trials will resume and will require defendants, witnesses,
6 counsel, and potential jurors to appear in person. In-custody defendants will
7 receive priority for scheduling jury trials.

8 **Department B**

- 9 1. The Court will conduct all civil and criminal hearings, in person with all litigants
10 and attorneys appearing in the courtroom. Any litigant or witness that does not
11 wish to appear in person must file a written request to appear by electronic
12 means with the Justice Court not less than five (5) judicial days before the
13 hearing date, and must serve the opposing party with a copy of the request to
14 appear by electronic means. Any litigant or witness who has symptoms of
15 Covid, has tested positive for Covid, who has had close contact with any
16 persons who are positive for Covid, or has traveled outside the United States
17 within the past fourteen (14) days prior to their court appearance, shall not
18 appear in person and must notify the Court and the subpoenaing attorney that
19 they are prohibited from appearing in person.


- 20
21 2. Domestic battery jury trials will resume and will require all litigants, witness,
22 counsel, and potential jurors to appear in person. In-custody defendants will
23 receive priority for scheduling jury trials.

24 Both Departments A and B will utilize Zoom meetings for electronic appearances
25 on the effective date of this order, with login information being provided to litigants,
witnesses, and counsel prior to the hearing date if electronic appearance is granted. All


1 other provisions set forth in the Court's previous Covid-19 Administrative Orders, which
2 are not expressly modified or vacated by this Order, shall remain in effect until further
3 notice. This Administrative Order is posted on the Nye County website and copies may
4 be obtained by emailing the Court at pjc@pahrumptjusticecourt.com, or by contacting the
5 court at (775) 751-7050.

6 Dated this 27th day of July, 2021.

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Lisa Chamlee
Justice of the Peace
Pahrump Township, Dept. A



Kent Jaspersen
Justice of the Peace
Pahrump Township, Dept. B

TAB 3

From: [REDACTED]
To: [REDACTED]
Subject: RE: Commission to Study Best Practices for Virtual Advocacy - Information Request
Date: Wednesday, January 5, 2022 3:27:22 PM
Attachments: [RemoteOrder2.docx](#)
[RemoteOrder1.docx](#)
[SKM_C654_ED22010516180.pdf](#)

We are still doing everything almost entirely remotely. We've done everything but a jury trial entirely via Zoom. It is very rare to have a hearing in which someone doesn't appear via Zoom. Everyone has gotten so accustomed to it, even the attorneys in the same building appear remotely regularly.

We don't have much of an omnibus procedure per se. Most of it is a basic framework with a lot of on the fly ad hoc adapting to situations as we can. My staff kind of snickered at the idea of me developing standard procedures.

That being said, I've attached the orders regarding remote appearances (with the relevant parts highlighted) and our Zoom procedure sheets we provide to the parties/attorneys.

The NJLJ spent a lot of time working on a best practices document at the beginning of the pandemic. If you don't already have it, I can try to track it down.

[REDACTED]
Justice of the Peace - Ely Justice Court
801 Clark St
Ely, NV 89301

[REDACTED]

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IN THE JUSTICE COURT OF ELY TOWNSHIP NO. 1
COUNTY OF WHITE PINE, STATE OF NEVADA

IN RE: PRECAUTIONS REGARDING
COVID-19.

**ORDER FOR APPEARANCES AND TESTIMONY VIA
AUDIOVISUAL TRANSMISSION EQUIPMENT AT
PRELIMINARY HEARINGS**

I. Global Pandemic

The world is currently in the midst of a lethal pandemic from severe acute respiratory syndrome coronavirus 2 (hereafter “coronavirus”). The outbreak has been described as “unprecedented”.¹ Many of those infected with coronavirus are asymptomatic.² As of April 8, 2020, the Centers for Disease Control have reported 12,754 deaths from coronavirus, in the United States alone.³ In Nevada, there have been over 2,000 confirmed cases of infection and approximately 80 deaths.⁴ The virus has also reached White Pine County.⁵

¹ See e.g. Reilly, Claire, *'I'm scared': Johns Hopkins expert says coronavirus is totally unprecedented*, CNet, April 3, 2020, available online at: <https://www.cnet.com/news/johns-hopkins-pandemic-expert-says-coronavirus-covid-19-is-totally-unprecedented/>

² See Mandavilli, Apoorva, *Infected but Feeling Fine*, New York Times, March 31, 2020, available online: <https://www.nytimes.com/2020/03/31/health/coronavirus-asymptomatic-transmission.html>

³ See Centers for Disease Control, <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>, last accessed, April 9, 2020.

⁴ See Nevada Health Response, <https://nvhealthresponse.nv.gov/>, last accessed April 9, 2020.

⁵ See e.g. Roberts-McMurray, KayLynn, *Ely’s CoVID-19 Patient Zero Confirmed*, the Ely Times, April 7, 2020, available

1 States of emergency have been declared.⁶ Both state and federal recommendations to prevent
2 infection and to slow the spread of the disease include: (1) cancellation of events; (2) closure of non-
3 essential businesses; (3) keeping a 6 foot distance between individuals (a.k.a. social distancing).⁷ White
4 Pine County has enacted similar declarations, guidance, directives and/or requirements.⁸

5 II. Ely Justice Court

6 Ely Justice Court has multiple preliminary hearings scheduled for individuals in custody, who
7 have not waived their right to preliminary hearing within 15 days. (*See e.g.* 20-CR-00076-7K; 20-CR-
8 00077-7K; 20-CR-00078-7K; 20-CR-00079-7K; 20-CR-00081-7K).

9 Ely Justice Court's courtroom is very small. Its area encompasses approximately 375 square
10 feet, not all of which is usable space. Approximately 6 feet separate the bench from defense counsel
11 table. A similar distance separates the witness stand from counsel tables. Approximately 3 feet separate
12 the bench from the witness stand. Approximately 3 feet and no physical barrier separate the public
13 gallery from counsel table. A similar distance separates the two counsel tables. Presentation of
14 testimony during a preliminary hearing requires, at least 7 people (i.e. the judge, court clerk, bailiff,
15 prosecuting attorney, defense attorney, defendant and the testifying witness) to be present in the
16 confined space. Every person entering or exiting the courtroom must generally walk in the 6 feet
17 between the bench and counsel table and/or the 3 feet between the gallery and counsel table.

18 Prior to the pandemic outbreak, the Court regularly conducted trials, where witnesses
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online: <https://elynews.com/2020/04/07/elys-covid-19-patient-zero-confirmed/>

21 ⁶ *See e.g.* Nevada Governor,
22 http://gov.nv.gov/News/Press/2020/Governor_Sisolak_Declares_State_of_Emergency_in_Response_to_COVID-19/,
last accessed April 9, 2020.

23 ⁷ *See e.g.* Centers for Disease Control, <https://www.cdc.gov/>; Nevada Health Response, <https://nvhealthresponse.nv.gov/>,
last accessed April 9, 2020.

24 ⁸ *See* White Pine County Public Health, [https://www.whitepinecounty.net/634/White-Pine-County-Board-of-Public-
25 Health](https://www.whitepinecounty.net/634/White-Pine-County-Board-of-Public-Health), last accessed April 9, 2020.

1 -including expert witnesses- testified via audiovisual transmission equipment. Since the outbreak of the
2 pandemic, both Ely Justice Court and the 7th Judicial District Court have recently began conducting
3 criminal and/or civil hearings via audio-visual transmission equipment, utilizing the services of Zoom,
4 with procedures and equipment provided by Ely Justice Court. Further, Hon. Stephen J. Bishop has
5 extensive experience utilizing Zoom and other similar audiovisual transmission equipment to
6 successfully participate in high level university courses, continuing judicial education and statewide
7 judicial committee meetings.

8 III. Relevant Law

9 An individual charged with a felony or gross misdemeanor generally has a right to a preliminary
10 hearing “within 15 days.” NRS 171.196(2). The Court may, however, continue the preliminary hearing
11 for “good cause.” *Id.* At a preliminary hearing, a defendant has the right to “cross-examine witnesses
12 against him.” NRS 171.196(5).

13 The confrontation clause protects a defendant’s right to confront witnesses at trial, but not at
14 other hearings. See e.g. *State v. Zamzow*, 374 Wis.2d 220, 892 N.W.2d 637 (2017); *Peterson v.*
15 *California*, 604 F.3d 1166 (9th Cir. 2010); *State v. Lopez*, 314 P.3d. 236 (N.M. 2013). Indeed, even in
16 Nevada, hearsay is admissible in certain cases. NRS 171.196(6).

17 The right to confrontation “has never been held to be absolute.” *People v. Gonzales*, 54 Cal.
18 4th 1234, 1266, 144 Cal. Rptr. 3d 757, 791, 281 P.3d 834, 863 (2012).

19 “[T]he Constitution... is not a suicide pact.” *Kennedy v. Mendoza-Martinez*, 372 U.S. 144,
20 160, 83 S. Ct. 554, 563 (1963). Circumstances can exist to justify allowing witnesses to testify at trial,
21 from behind a screen or via closed circuit television, without violating the confrontation clause. See
22 e.g. *Maryland v. Craig*, 497 U.S. 836, 110 S.Ct. 3157 (1990); *Coy v. Iowa*, 487 U.S. 1012, 108 S.Ct. 2798
23 (1988).

1 Nevada law favors appearance by telephonic means. SCR Part IX-A(A) R.2. Indeed, Nevada
2 law permits appearances in criminal cases via telephone “in all criminal proceedings and hearings
3 except trial” for a “party or witness.” SCR Part IX-A(A) R.4(1). The Court is empowered to permit
4 such telephonic appearances even at a trial. SCR Part IX-A(A) R.4(2); SCR Part IX-A(A) R.4(3).
5 Similarly, the Court is empowered to permit a witness to appear via audiovisual transmission
6 equipment in criminal proceedings. SCR Part IX-A(B) R.4.

7 IV. Analysis

8 The current circumstances facing the Court are unprecedented. The Court is required to
9 balance the defendant(s) right to a preliminary hearing with the health and safety of the court, court
10 staff, attorneys, defendants and the public. Infection by coronavirus creates a very real possibility of,
11 not just serious sickness, but death.

12 The courtroom facilities provided for Ely Justice Court are so small it is impossible to practice
13 the recommended social distancing. Similarly, as many of those infected are asymptomatic but still
14 contagious, the Court has no way to identify and exclude contagious persons. These factors create an
15 unreasonable risk of infection (and death) from conducting in-person preliminary hearings.

16 There is no constitutional right to confrontation in preliminary hearings. The only right to
17 confrontation at a preliminary hearing comes from statute. Further, such a right is not absolute and
18 circumstances may justify limiting the right. The Court finds it difficult to fathom circumstances which
19 could more necessitate limitation of the right than those of the present times (i.e. a severe global
20 pandemic of a virus resulting in serious illness and/or death).

21 Before the pandemic, Nevada law favored remote appearances –whether by telephone or
22 audiovisual transmission equipment- even at trial. Given the severity of the pandemic, it is illogical to
23 conclude this favor has lessened.

24 Given the Courts’ recent successful experiences using audiovisual transmission, the Court is
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1 confident cross-examination can be effective by audiovisual transmission equipment. Thus, the Court
2 sees little reason not to expand the use of such technology to protect not only the health of the court,
3 counsel, witnesses, defendant and the public, while at the same time respecting defendant(s)'s rights to
4 a timely preliminary hearing and confrontation.

5 **V. Conclusion**

6 It is appropriate and necessary to conduct preliminary hearings via audiovisual transmission
7 equipment. The Court specifically finds denial of physical confrontation is necessary to: (1) promote
8 the health and safety of the court, counsel, witnesses, defendant and the public; and (2) inhibit the
9 spread of and reduce the risk of infection by coronavirus. Further, the Court specifically finds the
10 reliability of the testimony will not be impaired by being presented via audiovisual transmission
11 equipment.

12 **VI. Order**

13 Accordingly and good cause appearing, it is the ORDER of the Court that:

- 14 1. All preliminary hearings shall be conducted entirely via audiovisual transmission
15 equipment:
 - 16 a. Counsel shall appear via audiovisual transmission equipment.
 - 17 b. Defendant shall appear via audiovisual transmission equipment.
 - 18 c. Witnesses shall offer testimony via audiovisual transmission equipment.
- 19 2. The Court will schedule and provide access instructions for each hearing to the
20 parties and/or their counsel, prior to the preliminary hearing.
- 21 3. Evidence shall be handled in the following manner:
 - 22 a. All evidence to be admitted will be marked, by the proffering party, and
23 submitted to the Court not less than one judicial day prior to the scheduled
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hearing.

b. In the event the evidence is photographic or documentary, a copy of the exhibit with the identifying marking shall be provided to opposing counsel not less than one judicial day prior to the scheduled hearing.

c. In the event the evidence is not amenable to copying, counsel for the proffering party shall notify both the Court and opposing counsel in writing, not less than one judicial day prior to the scheduled hearing, and shall offer suggestions on how to introduce and present the evidence.

d. Failure to comply shall constitute grounds for exclusion of such evidence.

4. Members of the public seeking to observe proceedings shall be provided with information to view the proceedings via audiovisual transmission equipment.

5. In the event a defendant does not wish to conduct a preliminary hearing via audiovisual transmission equipment, he/she shall, notify the Court in writing – specific to his/her particular case- of such objection. Blanket and/or standing objections are not permitted.

6. The Court may, in its discretion, modify this order, at any time, by verbal or written order, including without limitation, if the Court concludes a personal appearance is necessary to ensure the integrity of the proceedings.

7. This order shall remain in effect until either:
a. The State of Emergency declared by the Governor of Nevada, on March 16, 2020, is lifted; or
b. The order is modified by subsequent order of the Ely Justice Court.
whichever occurs first.

8. As Judge Bishop has recused himself from Case No. 20-CR-00075-7K, this order

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shall not apply to said case.

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IN THE JUSTICE COURT OF ELY TOWNSHIP NO. 1
COUNTY OF WHITE PINE, STATE OF NEVADA

IN RE: COVID-19 (CORONAVIRUS)
PRECAUTIONS.

**ORDER MODIFYING COVID-19 (CORONAVIRUS)
PRECAUTIONS**

The judiciary is a separate and equal branch of government. *See* Nev. Const. Art. 3 §1; Nev. Const. Art. 6; *Goldberg v. State*, 93 Nev. 614, 514 P.2d 521 (1977)(“it is clear the judiciary [is] a coequal branch of government”). “[T]he court is entitled to manage its internal affairs without interference from separate governmental branches... the legislative and executive branches are strictly prohibited from infringing on the court's incidental powers reasonable and necessary to carry out the duties required for the administration of justice.” *City of Sparks v. Sparks Muni. Ct.*, 129 Nev. 348, 364-645, 302 P.3d 1118, 1129 (2013). Justice Courts are a part of the judicial branch. *See* Nev. Const. Art. 6. Justice Courts are subject to the oversight of the Nevada Supreme Court. *See* SCR Part II. The Nevada Supreme Court has left much to the discretion of the Justice Courts regarding how to respond to the pandemic. Internal affairs of the Court, necessary to the administration of justice, include, without limitation establishment of Court hours, assignment of staff, scheduling of hearings, setting occupancy limits of courtrooms and the like.

In 2020, the United States of America experienced the lethal pandemic from severe acute respiratory syndrome coronavirus 2 (hereafter “coronavirus”). The outbreak has been described as

1 “unprecedented”.¹ Many of those infected with coronavirus are asymptomatic.² Many hundreds of
2 thousands of people have been reported to have died from the virus and many more have been
3 infected with the virus. The virus has also reached White Pine County.³

4 In response, the Governor of Nevada declared a state of emergency and issued emergency
5 orders, which, among other things, restricted the capacity of public gatherings and facility occupancies.
6 Such restrictions have not been successfully challenged legislatively or judicially. Beginning February
7 14, 2021 and March 15, 2021, the Governor’s directives relaxed the restrictions on public gatherings
8 and increased the maximum occupancy limits. *See* Governor’s Emergency Directive 037. White Pine
9 County has also declared various states of emergency and issued directives. *See e.g.* White Pine County
10 Board of County Comm’rs Resolution 2020-17. While the Court is not, necessarily, bound by these
11 restrictions, the Court considers them be instructive and has, to the extent practical, attempted to abide
12 by them.

13 The Court has operated under pandemic restrictions for approximately 1 year. The past several
14 weeks have shown a marked decrease in coronavirus infections in White Pine County. Vaccines to
15 protect against coronavirus have been administered, in White Pine County, with remarkable speed and
16 wide-ranging availability. Schools have resumed in person instruction. Scholastic sports competitions
17 have resumed. Also, instructive is the District Court’s attempted to conduct, at least one, jury trial. As
18 such, the Court concludes it is an appropriate time to modify certain of the Court’s prior restrictions.

19 Nonetheless, Ely Justice Court’s courtroom is very small, encompassing approximately 375
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21 ¹ *See e.g.* Reilly, Claire, *'I'm scared': Johns Hopkins expert says coronavirus is totally unprecedented*, CNet, April 3, 2020, available
22 online at: <https://www.cnet.com/news/johns-hopkins-pandemic-expert-says-coronavirus-covid-19-is-totally-unprecedented/>

23 ² *See* Mandavilli, Apoorva, *Infected but Feeling Fine*, New York Times, March 31, 2020, available online:
<https://www.nytimes.com/2020/03/31/health/coronavirus-asymptomatic-transmission.html>

24 ³ *See e.g.* Roberts-McMurray, KayLynn, *Ely’s CoVID-19 Patient Zero Confirmed*, the Ely Times, April 7, 2020, available
25 online: <https://elynews.com/2020/04/07/elys-covid-19-patient-zero-confirmed/>

1 square feet, not all of which is usable space. Due to winter weather, it is impractical adequately
2 ventilate the Courtroom. Approximately 6 feet separate the bench from defense counsel table. A
3 similar distance separates the witness stand from counsel tables. Approximately 3 feet separate the
4 bench from the witness stand. Approximately 3 feet and no physical barrier separate the public gallery
5 from counsel table. A similar distance separates the two counsel tables. Presentation of testimony
6 during a preliminary hearing requires, at least 7 people (judge, court clerk, bailiff, prosecuting attorney,
7 defense attorney, defendant and the testifying witness(es)) to be present in the confined space. Every
8 person entering or exiting the courtroom must generally walk in the 6 feet between the bench and
9 counsel table or the 3 feet between the gallery and counsel table.

10 Prior to the pandemic outbreak, the Court regularly conducted trials, where witnesses
11 -including expert witnesses- testified via audiovisual transmission equipment. Since the outbreak of the
12 pandemic, both Ely Justice Court and the 7th Judicial District Court have successfully conducted
13 numerous criminal and/or civil evidentiary hearings via audio-visual transmission equipment, utilizing
14 the services, equipment, processes and software from Ely Justice Court. Hon. Stephen J. Bishop has
15 extensive experience utilizing Zoom and other similar audiovisual transmission equipment to
16 successfully participate in continuing judicial education and statewide judicial committee meetings.

17 Nevada law favors remote appearances by audiovisual transmission equipment or telephone.
18 See SCR Part IX. Nevada law permits remote appearances, even at criminal trials. See SCR Part IX-
19 A(A) R.4(2); SCR Part IX-A(B) R.4(1). The Court has discretion to modify the rules, in consideration
20 of the policy favoring remote appearances. See SCR Part IX-A(A) R.4. SCR Part IX-B(A) R.4(1).

21 Accordingly and good cause appearing, it is the ORDER of the Court that, unless modified by
22 subsequent order of the Court:

- 23 1. Appearances of counsel, witnesses and parties via audiovisual transmission
24 equipment (i.e. Zoom) remain most strongly encouraged. Such appearances will be
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1 deemed preemptively or presumptively approved. In any case, where the opposing
2 party objects to such appearances by any person (including without limitation
3 witnesses, opposing counsel or opposing party), the objection must:

- 4 a. Be in writing;
- 5 b. Be filed and served, on opposing counsel, not less than 5 judicial days prior
6 to the hearing; and
- 7 c. Cite all relevant law and allege facts, which if true, are sufficient to establish
8 good cause to require personal appearances.

9 Untimely and/or unwritten and/or otherwise noncompliant objections may be
10 summarily denied.

11 2. Evidence may be submitted remotely:

- 12 a. Documentary evidence must be:
 - 13 i. Marked by the proffering party; and
 - 14 ii. Uploaded to the Court's Dropbox account, not less than one day
15 prior to the hearing.⁴
- 16 b. In the event the evidence is not amenable to copying, counsel for the
17 proffering party shall notify both the Court and opposing counsel in
18 writing, not less than one judicial day prior to the scheduled hearing, and
19 shall offer suggestions on how to introduce and present the evidence.

20 Failure to comply shall constitute grounds for summary exclusion of such evidence.

21 3. Filings by mail and/or e-mail and/or fax will continue to be accepted.

22 4. Any participants in custody of the White Pine County Jail and/or the Nevada
23 Department of Corrections shall continue to appear only via audiovisual

24 _____
25 ⁴ For information/assistance regarding uploading documents to Dropbox, contact the Court.

1 transmission equipment.

2 5. All other persons (including, observing public, parties, litigants, witnesses and
3 attorneys) may attend and/or participate in hearings, in person subject a maximum
4 limit of 4 people, excluding Court staff, at any one time in the Courtroom. Space
5 shall be allocated on a first come first serve basis. These limitations may be
6 modified, as deemed necessary by the Court for any reason (including without
7 limitation, any participant's action or inaction which unreasonably and/or
8 unnecessarily increases the number of persons present for hearing). Any persons
9 not able to be accommodated shall be provided with information to appear
10 remotely.

11 6. The Court, in its discretion and/or as circumstances and technological limitations
12 warrant, may allow audio-only appearance and/or appearances via telephone, on a
13 case by case basis. *See* SCR Part IX-A.

14 7. Jury trials remain stayed in all cases where the defendant's speedy trial right(s) have
15 been waived. Cases requiring jury trials, where the defendant's speedy trial right(s)
16 have not been waived will be evaluated on a case-by-case basis.

17 8. The order regarding invocation of the presumption of NRS 484B.600, contained in
18 ¶(1)(c) of the Court's order of March 17, 2020, remains in effect.

19 9. All law enforcement agencies remain strongly encouraged to seek search warrants
20 by telephonic and/or electronic means.

21 10. Face masks, covering both the nose and mouth remain required for all, in person,
22 appearances, including, without limitation: for the entirety of any hearings, all
23 interactions with Court staff outside the Courtroom and use of the Court's waiting
24 area. Any person unwilling and/or unable to comply with the masking requirement
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shall be provided the reasonable accommodation of remote appearances or assistance via telephone.

11. The Court may, in its discretion and as circumstances and/or technological limitations warrant modify this order, without prior notice by an oral or written order. Such modifications will be on a case-by-case basis and shall not affect any other cases, unless specifically directed by the Court.

12. The stay(s) on civil actions and any subsequent lifting of such stay(s) are not modified by this order.

13. Any prior orders not conflicting with this order, shall remain in effect.

14. This order shall expire when the states of emergency, relating to the pandemic, issued by both the Governor of Nevada and the White Pine County Commission are terminated.

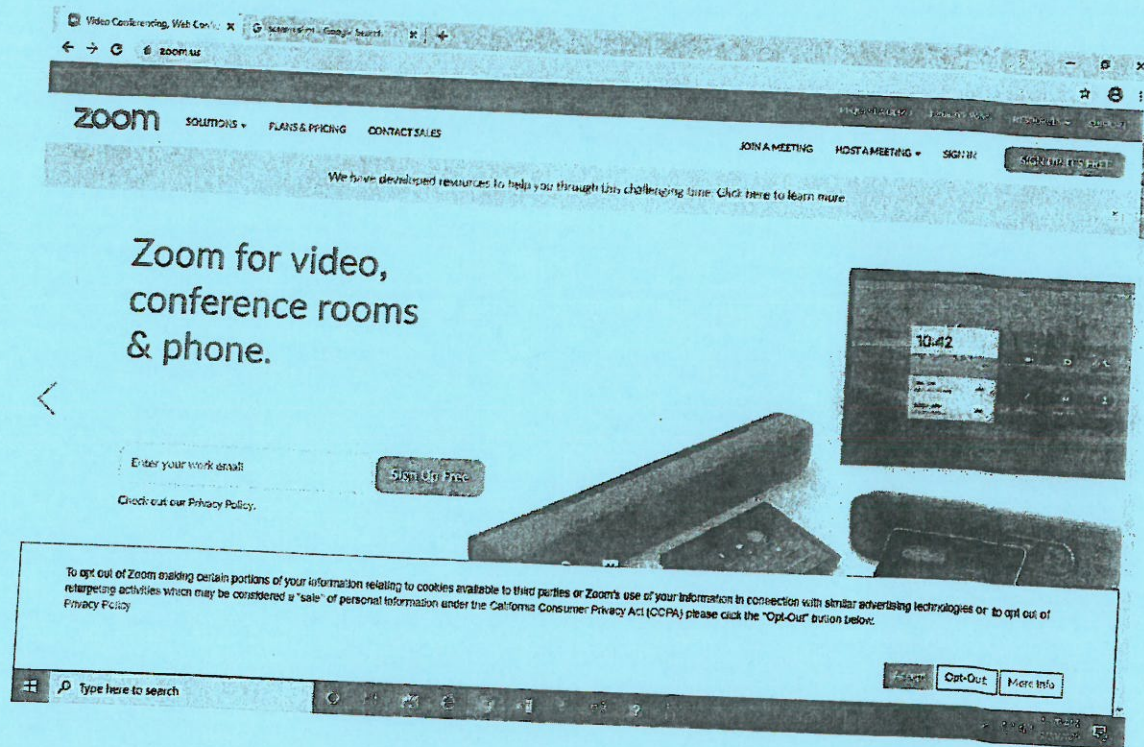
Date: _____.

JUSTICE OF THE PEACE

Traffic Trials

Steps to Use AudioVisual Transmission Equipment

1. Use a device with a camera, microphone and speaker (e.g. iPad, iPhone, computer with webcam and microphone, etc.)
2. Ensure camera, microphone and speakers are operational
3. Go to www.zoom.us
4. Click join a meeting



5. Enter meeting ID **828 8075 2264**
6. Enter meeting password **638 544**
7. Participate in the meeting
8. Any difficulties, please contact the Court: **775-293-6540**

It is strongly recommended to not use cellular data, as these meetings will use a significant amount of such data.

Prior to participating, you should test your equipment and connection at zoom.us/test

Remote Appearances for Criminal Matters

Hearings in criminal matters may be conducted via Zoom. Requests to appear remotely are presumptively approved. Any objection to a remote appearance must be made in writing, not less than 10 days prior to the hearing. Such objection must cite all relevant law to justify requiring an in person appearance and must allege sufficient facts to establish good cause to require an in person appearance. Non-conforming objections will be summarily overruled.

If a party wishes to utilize a videoconference provider other than Zoom, the party must: (1) notify the Court, not less than 10 days prior to the hearing; (2) make all necessary arrangements; (3) ensure all necessary information is provided to all participants at the hearing; (4) bear all risks of such remote appearance; and (5) pay all costs for utilization of the alternate provider.

In the event additional arrangements are necessary to utilize Zoom (e.g. scheduling through NSHE, et al.) such arrangements must be made by the participants for whom the arrangements are necessary.

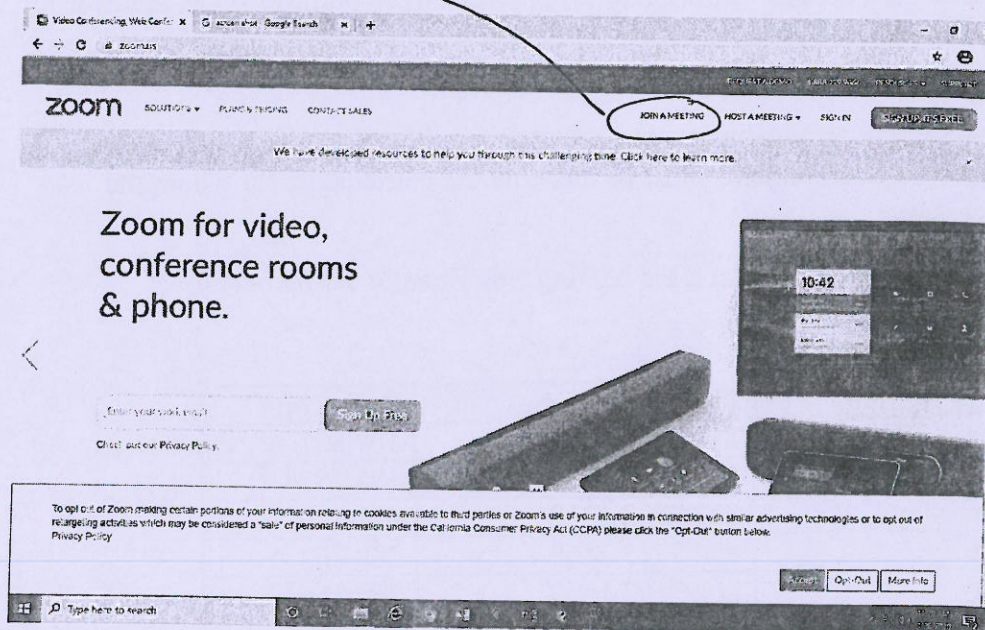
The information necessary to attend the hearings via Zoom is set forth below:

<u>Day of Hearing</u>	<u>Meeting Number</u>	<u>Pass Code</u>
Monday	816 0782 0172	109 801
Tuesday	897 3905 1459	198 653
Wednesday	823 2792 6232	471 229
Thursday	874 7723 2869	289 763
Friday	862 9102 1650	299 266

More detailed instructions to utilize Zoom are included on the reverse (i.e. back) page.

Steps to Use AudioVisual Transmission Equipment

1. Use a device with a camera, microphone and speaker (e.g. iPad, iPhone, computer with webcam and microphone, etc.)
2. Ensure camera, microphone and speakers are operational
3. Go to www.zoom.us
4. Click join a meeting



5. Enter meeting number
6. Enter meeting pass code
7. Participate in the meeting
8. Any difficulties, please contact the Court: 775-293-6540
9. To participate by telephone, without video call 415-762-9988 and utilize the appropriate meeting id and pass code

It is strongly recommended to not use cellular data, as these meetings will use a significant amount of such data.

Prior to participating, you should test your equipment and connection at zoom.us/test

Remote Appearances for Civil Matters

Hearings in all civil cases (i.e small claims, evictions, temporary protective orders) will be conducted remotely via audiovisual transmission equipment and/or telephone. All parties, attorneys and witnesses must, unless granted special accommodation, appear remotely.

The Court utilizes Zoom to conduct remote hearings. If you wish to utilize an alternate videoconference provider, you must: (1) advise the Court at least 10 days prior to your hearing date; (2) make all necessary arrangements; (3) ensure all parties are given the information necessary to participate; (4) agree to bear all risks from the remote appearance; and (5) be responsible for all costs of the alternate provider.

For the remainder of 2020, the information necessary to attend hearings remotely will vary depending upon the scheduling of your hearing, as set forth below:

<u>Date of Hearing</u>	<u>Meeting Number</u>	<u>Pass Code</u>
Monday	843 1889 7912	858 581
Tuesday	844 0296 7875	947 380
Wednesday	875 9668 3360	218 499
Thursday	898 7365 7757	449 549
Friday	854 7813 4011	855 090

Instructions to participate are included on the reverse (or next) page.

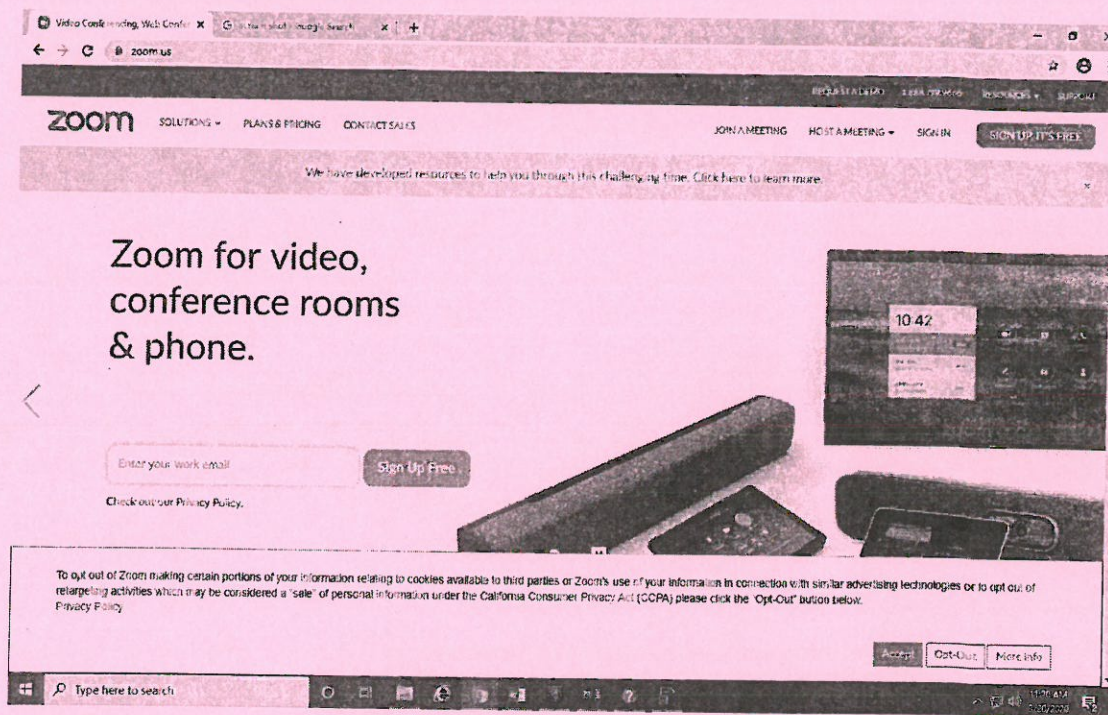
If you are unable to utilize Zoom, alternative arrangements (including but not limited to telephonic appearances) may be made. In order for your needs to be accommodated, you must contact the Court via telephone, fax or email, not less than 48 hours prior to your hearing date. If you contact the Court via telephone, you will likely be asked to submit your request in writing.

These requirements are subject to change.

Traffic Arraignments

Steps to Use AudioVisual Transmission Equipment

1. Use a device with a camera, microphone and speaker (e.g. iPad, iPhone, computer with webcam and microphone, etc.)
2. Ensure camera, microphone and speakers are operational
3. Go to www.zoom.us
4. Click join a meeting



5. Enter meeting ID **852 6380 6335**
6. Enter meeting password **188 905**
7. Participate in the meeting
8. Any difficulties, please contact the Court: **775-293-6540**

It is strongly recommended to not use cellular data, as these meetings will use a significant amount of such data.

Prior to participating, you should test your equipment and connection at zoom.us/test

TAB 4

From: [REDACTED]

Sent: Monday, January 10, 2022 12:02 PM

To: [REDACTED]

Subject: RE: Commission to Study Best Practices for Virtual Advocacy - Information Request

Good morning,

Well, there's been several Administrative Orders during the pandemic, but the ones I recall that reference virtual appearances are below and attached. Note that

- 1) **Administrative Order 20-19:**
encouraged the use of electronic communications to resolve criminal cases, talked about hearings being rescheduled, conducting Civil hearings by video, customer service lobby being closed, etc. Obviously most of this information doesn't apply, but this is an example of an AO.
- 2) **Administrative Order 21-03 (Rescinded by AO 21-06):**
ordered that BlueJeans or telephonic appearances be maximized on all civil related matters.
- 3) **Administrative Order 21-04:**
implemented the use of BlueJeans for *in-custody* sessions due to the elevator work and references *out of custody* hearings continuing to be offered *at the discretion of the Judge*. Of course the elevator work has since been completed.
- 4) **Administrative Order 21-06:** Rescinds AO
Rescinds AO 21-03, but continues to allow parties to file a written request to appear by alternative means no later than two judicial days prior to the hearing.

http://lasvegasjusticecourt.us/faq/laws_and_rules.php

Some of the information is no longer relevant or the AO has expired or is rescinded, but this gives you an overview of what's out there. I don't think there's any definitively active AO that requires/mandates virtual hearings. Hope this helps!

[REDACTED]

FILED

2020 NOV 24 P 2:34

JUSTICE COURT
LAS VEGAS NEVADA

BY _____
DEPUTY

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER
REGARDING TEMPORARY
PROCEDURES IN CRIMINAL CASES
AND CIVIL CASES

ADMINISTRATIVE ORDER # 20-19

WHEREAS, JCRLV 6.5 allows the Chief Judge to make “such orders as deemed advisable” relating to local court rules and procedure; and

WHEREAS, the COVID-19 virus presents concerns regarding public health, and the Court wishes to limit unnecessary in-person contact; therefore,

IT IS HEREBY ORDERED that the following temporary changes shall be implemented on Monday, November 30, 2020:

(1) All criminal out-of-custody hearings scheduled between November 30, 2020, and December 31, 2020, will be suspended and continued for not less than thirty (30) days, based upon each department’s calendaring needs.

(2) All court filings will be accepted electronically through Odyssey eFileNV at <https://nevada.tylerhost.net/ofswb>.

(3) Individuals with attorneys for criminal cases are encouraged to contact their attorneys instead of coming to the Court to obtain the new court dates and/or provide their attorneys with proof of completion of any court-ordered requirements. Attorneys are encouraged to check the website www.lasvegasjusticecourt.us for all pending matters before communicating with the Court via e-mail (preferred) or phone to obtain new court dates for these matters. A listing of all e-mails and phone numbers can be found on the Court’s website at www.lasvegasjusticecourt.us.

(4) In order to reduce social contact, Las Vegas Justice Court encourages the use of electronic communications for the resolution of cases, including, but not limited to, arraignments, status checks, filings of motions, and plea agreements.

1 (5) Clark County Detention Center requests for release on own recognizance for
2 compelling medical reasons that arise between November 30, 2020, and December 31,
3 2020, will be granted until further notice. The Defendant will be given a date to return
4 not less than thirty (30) days from the date of release.

5 (6) The following case types and hearings will continue to be heard through in-person
6 appearances, although appearance by alternative means under Nevada Supreme Court
7 Rule Part IX is encouraged when possible:

- 8 1. All in-custody proceedings for criminal matters;
- 9 2. Bail motion hearings, motions to quash bench warrants, and motions for own
10 recognizance walk-through on arrest warrants, until arrangements can be made to
11 hear these matters by alternative means;
- 12 3. Civil temporary or extended protection orders;
- 13 4. Unlawful Towing cases;
- 14 5. Objections to Claims of Exemption; and
- 15 6. Evictions.

16 (7) All currently scheduled Las Vegas Justice Court Civil hearings are ordered to be
17 conducted by video or telephonic means whenever possible; decided on the papers; or
18 rescheduled unless otherwise directed by a Las Vegas Justice Court Judge.

19 (8) Small Claims trials, Small Claims motion hearings, and Small Claims examinations of
20 judgment currently set will be continued to a future date. Notifications to Small Claims
21 litigants of the new date will be made via mail and/or e-mail if an e-mail address is
22 available.

23 (9) The Traffic customer-service lobby remains closed to the public until further notice.
24 Defendants may reach a customer-service representative via phone at (702) 671-3444,
25 Monday through Thursday, from 7:30 AM through 5:30 PM, excluding holidays.

26 **IT IS FURTHER ORDERED** that this Administrative Order shall continue until
27 January 4, 2021, or until modified or rescinded by a subsequent Order.

28 Dated this 24th day of November, 2020.



**Suzan Baucum,
Chief Justice of the Peace
Las Vegas Justice Court**

1 JUSTICE COURT, LAS VEGAS TOWNSHIP

2 CLARK COUNTY, NEVADA

FILED

2021 APR -1 P 1:36

3
4 IN THE ADMINISTRATIVE MATTER
5 REGARDING TEMPORARY
6 PROCEDURES IN CIVIL CASES

ADMINISTRATIVE ORDER # 21-03

7
8 WHEREAS, Governor's Emergency Directive 037 places restrictions on gatherings to
9 minimize interpersonal contact to slow the rate at which the COVID-19 virus is spread; and

10 WHEREAS, Section 3 of Governor's Emergency Directive 037 restricts public
gatherings to the lesser of 250 persons or 50% of the listed fire code capacity; and

11 WHEREAS, court proceedings fall within the definition of a public gatherings; and

12
13 WHEREAS, Governor's Emergency Directive 036, as amended by Governor's
14 Emergency Directive 043, imposed a stay on certain qualifying unlawful detainer and summary
eviction actions; and

15 WHEREAS, temporary changes to local procedures are necessary to ensure ongoing
16 compliance with the Governor's Emergency Directives; and

17 WHEREAS, JCRLV 6.5 allows the Chief Judge to make "such orders as deemed
18 advisable" relating to local court rules and procedure; therefore,

19 IT IS HEREBY ORDERED that the following temporary changes shall be
implemented, effective April 1, 2021:

20 1. All departments hearing civil cases, including small claims actions, summary evictions, and
21 civil actions, will continue to maximize virtual court sessions through Bluejeans or telephonic
22 appearances for all counsel, parties, and witnesses, where possible.

23 a. Meeting IDs for all civil departments are as follows:

- 24 i. Department 4 – 7026713368
25 ii. Department 5 – 7026713381
26 iii. Department 6 – 7026713392
27 iv. Small Claims – 7026713478
28 v. Summary Evictions - 7026710809

2. Parties who choose not to appear virtually should be authorized to appear in person only
when doing so complies with the limitations on social gatherings as set forth in Governor's
Directive 037.

1 *Unlawful Detainer Civil Actions*

2 3. Plaintiffs whose order to show cause hearings and trials were vacated pursuant to Emergency
3 Directive 036 must resubmit a new order to show cause or notice setting trial to the court after
4 the period of the stay has been lifted or terminated. The court will not automatically reschedule
these court proceedings.

5 4. All new orders to show cause or trial setting notices must clearly contain the following
6 information:

- 7 a. Notification that the hearing or trial is offered virtually;
- 8 b. Instructions for appearing by video through the Bluejeans virtual hearing through
either the internet website or phone application;
- 9 c. Instructions for the alternative telephonic appearance through Bluejeans by calling
(408) 419-1715;
- 10 d. The assigned Meeting ID for the department as set forth in Section 1, above; and

11 *Summary Eviction Actions*

12 5. Summary eviction actions will be governed by the Governor's Emergency Directive 036 as
13 amended by Governor's Emergency Directive 043. Summary eviction actions determined to be
in violation will be dismissed.

14 6. Summary eviction orders previously issued by the Court that are stayed pursuant to
15 Emergency Directive 036 will expire and must be re-issued by the Court prior to re-posting the
16 order.

17 a. Landlords will have thirty (30) days after the termination of Emergency Directive 036
to file a motion with the Court requesting the re-issuance of an eviction order with an affidavit or
18 declaration under the penalty of perjury that states:

- 19 i. The same tenant is still occupying the premises; and
- 20 ii. That the Landlord has not accepted any funds from any source which would
impact the Landlord's right to proceed with a lockout.

21 7. Landlords must file a motion to rescind any eviction order where a subsequent agreement,
22 mediation, curative action, payment of defaulted rent, or acceptance of assistance funds has fully
resolved the issues between the parties and resulted in a continuation of the tenancy.
23

24 8. Rule 6.2(b) of the Las Vegas Justice Court Local Rules of Practice (LVJCLRP) is suspended
for all Covered Evictions, as defined by Section 3 of Emergency Directive 036, until the
25 Directive is terminated.

26 a. Landlords will have thirty (30) days after termination of Emergency Directive 036, as
amended by Emergency Directive 043, to file an affidavit of complaint for summary eviction for
27 these stayed Covered Evictions.

28 b. If no complaint is filed, the case will be administratively closed pursuant to LVJCLRP
6.2(d).

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9. After the termination of Emergency Directive 036, as amended by Emergency Directive 043, Landlords whose summary eviction hearings were vacated and stayed pursuant to Emergency Directive 036 must file a motion with the Court requesting the matter to be placed back on calendar. The Court will not automatically reschedule such hearings due to the potential for a change in circumstance during the stay period.

- a. Landlords will have thirty (30) days after the termination of Emergency Directive 036, as amended by Emergency Directive 043, to file a motion to place the hearing on calendar.
- b. In no motion to place the hearing on calendar is filed, the case will be dismissed.

IT IS FURTHER ORDERED that this Administrative Order supersedes Administrative Order 21-01 and shall continue until May 31, 2021, unless terminated earlier.


Dated this 1st day of April, 2021.



MELISSA A. SARAGOSA
Chief Justice of the Peace
Las Vegas Justice Court

FILED

2021 MAY 20 P 3: 19

JUSTICE COURT
LAS VEGAS NEVADA
BY:  DEPUTY

1 JUSTICE COURT, LAS VEGAS TOWNSHIP
2 CLARK COUNTY, NEVADA

3
4 IN THE ADMINISTRATIVE MATTER
5 REGARDING TEMPORARY
6 COURTROOM ASSIGNMENTS AND
7 VIRTUAL HEARINGS

ADMINISTRATIVE ORDER # 21-04

8
9 WHEREAS, long term maintenance on Regional Justice Center elevators used to
10 transport Clark County Detention Center inmates has been underway since November 2020
11 leaving elevator cars inoperable for extended periods; and

12 WHEREAS, during the period of inoperability, movement of inmates has required
13 corrections officers to transport the inmates through the secure back hallway that accesses
14 judicial chambers; and

15 WHEREAS, the movement of inmates through the back hallway places Las Vegas
16 Justice Court judges and employees at risk when inmates become combative or resistant to
17 corrections officers; and

18 WHEREAS, temporary changes to local procedures and courtroom assignments are
19 necessary to minimize potential risk to the safety of Las Vegas Justice Court judges and staff;
20 and

21 WHEREAS, Governor Sisolak's Emergency Directive 043 extended a moratorium on
22 certain evictions until May 31, 2021;

23 WHEREAS, the backlog of eviction cases and expected surge of new eviction cases
24 requires additional judicial resources and courtroom space to conduct eviction hearings where
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1 the proceeding can be recorded using sound recording equipment (JAVS) in compliance with
2 NRS 4.390; and

3 **WHEREAS**, on May 13, 2021, the Las Vegas Justice Court acquired authorization to
4 occupy courtrooms 1C, 6C, and 6D in the Regional Justice Center; however these courtrooms are
5 not currently equipped with sound recording equipment; and

6 **WHEREAS**, Las Vegas Justice Court criminal departments have appointed certified
7 court reporters to take down the proceedings and are excepted from the statutory requirement of
8 recording proceedings with sound recording equipment where a court reporter is present; and

9 **WHEREAS**, JCRLV 6.5 authorizes the Chief Judge to make “assignment or
10 reassignment or courtrooms between departments to accommodate the needs of litigants, and
11 efficient and effective case management” and to “make such orders as deemed advisable”
12 relating to local court rules and procedure; therefore,

13 **IT IS HEREBY ORDERED** that the following temporary procedures shall be
14 implemented, effective May 24, 2021:

15 1. The following criminal departments currently using courtrooms on the south end of the RJC
16 (A/B courtrooms) are hereby temporarily reassigned for all calendars to courtrooms on the north
17 end of the RJC (C/D courtrooms) with inmate transportation available through Car 9:

- 18 a. Department 1 will be temporarily be assigned to courtroom 6C.
19 b. Department 7 will be temporarily be assigned to courtroom 8C.
20 c. Department 10 will be temporarily be assigned to courtroom 7D.
21 d. Department 13 will be temporarily be assigned to courtroom 1C.
22 e. Department 15 will be temporarily be assigned to courtroom 6D.

23 2. All remaining criminal departments assigned to courtrooms on the south end of the RJC (A/B
24 courtrooms) must conduct all arraignment calendars with in-custody defendants with virtual
25 court sessions through BlueJeans during the inoperability of Car 10. Inmates with cases set on
26 the arraignment calendar will not be transported to the RJC. In-custody defendants on the
27 preliminary hearing calendar whose cases have been resolved should be identified early and
28 heard virtually with the arraignment calendar to avoid transport to the RJC. Otherwise,
defendants scheduled for preliminary hearing calendars will be transported to the courtroom.
The meeting IDs for affected departments are listed below:

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- a. Department 2 – BlueJeans Meeting ID 7026713353
- b. Department 3 – BlueJeans Meeting ID 7026713361
- c. Department 11 – BlueJeans Meeting ID 7026710836
- d. Department 14 – BlueJeans Meeting ID 7026713625

3. All CCDC classrooms used for virtual appearances are situated with an adjacent private room equipped with an inmate telephone for attorney-client confidential communications. All courtrooms conducting virtual sessions for in-custody calendars are situated with an anteroom or co-located office space with a telephone for defense counsel to conduct attorney-client confidential communications. Phone numbers for the CCDC private rooms and RJC rooms are listed below:

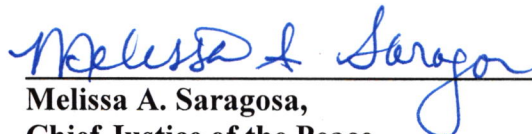
Department	CCDC Phone	RJC Phone
2 (Courtroom 8B)	671-8325	671-3380
3 (Courtroom 1B)	671-8329	671-3105
11 (Courtroom 7B)	671-8331	671-3340
14 (Courtroom 1A)	671-8321	671-0895

4. Out of custody calendars may, at the discretion of the judge, continue to be offered through BlueJeans in a virtual format. However, no calendar session may have more out-of-custody defendants or spectators present than the limitations set by the Clark County Local Mitigation and Enforcement Plan and any amendment thereto.

Traffic Division

5. The Traffic customer-service lobby remains closed to the public until further notice. Pursuant to NRS 484A.615, Defendants may resolve their traffic citations online at www.lasvegasjusticecourt.us or by requesting a plea form from a customer-service representative via phone at (702) 671-3444, Monday through Thursday, from 7:30 AM through 5:30 PM, excluding holidays. Such plea forms may be returned to the court via email and will be processed upon receipt.

Dated this 20 day of May, 2021.



Melissa A. Saragosa,
Chief Justice of the Peace
Las Vegas Justice Court

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JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA JUN 10 P 3 06

JUSTICE COURT
LAS VEGAS NEVADA *mee*

IN THE ADMINISTRATIVE MATTER
REGARDING TEMPORARY
PROCEDURES IN CIVIL CASES

ADMINISTRATIVE ORDER # 21-06

WHEREAS, JCRLV 6.5 allows the Chief Judge to make “such orders as deemed advisable” relating to local court rules and procedure; therefore,

WHEREAS, the Clark County Local Mitigation and Enforcement Plan expires on June 1, 2021 at which time Clark County will return to pre-pandemic social distancing and public gathering guidelines; and

IT IS HEREBY ORDERED that the sections of Administrative Order #21-03 mandating appearances for virtual court session through BlueJeans or telephonic appearance for all counsel, parties and witnesses is now rescinded. Parties will continue to have the option to appear by alternative means by filing a written request no later than two (2) judicial days prior to their court date for all civil cases including small claims actions, summary eviction actions and civil actions. The remaining provisions of Administrative Order #21-03 will be terminated on July 1, 2021.

Dated this 10th day of June, 2021.

Melissa A Saragosa

MELISSA A. SARAGOSA
Chief Justice of the Peace
Las Vegas Justice Court

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Commission to Study Best Practices for Virtual Advocacy - Information Request
Date: Thursday, January 6, 2022 9:33:22 AM
Attachments: [NLVJC Administrative Order 2021-01.pdf](#)
[NLVJC Administrative Order 2021-02.pdf](#)
[NLVJC Administrative Order 2021-03.pdf](#)
[NLVJC Administrative Order 2021-04.pdf](#)
[Video Conference - Witness Instructions - Android Devices.docx](#)
[Video Conference - Witness Instructions - IOS.docx](#)
[Video Conference -Court Instructions.docx](#)

Good morning [REDACTED],

Per your request, I am sending you copies of the administrative orders issued by our court last year that include language regarding remote appearances; they are largely duplicative in this area. Our court uses BlueJeans for remote video appearances; the technical instructions for both staff and the public are included.

Please let me know if you have any questions.

Thank you,

[REDACTED] [REDACTED]
Court Administrator/Clerk of Court
North Las Vegas Justice Court
2428 N. Martin L. King Blvd, Building A
North Las Vegas, NV 89032

Phone: [REDACTED]
FAX: [REDACTED]
Cell: [REDACTED]

FILED
11 JAN 2021
North Las Vegas Justice Court
By: TM

1 JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP

2
3 CLARK COUNTY, NEVADA

4
5 IN THE ADMINISTRATIVE MATTER OF:)
6 TEMPORARY PROCEDURES FOR) ADMINISTRATIVE ORDER: #2021-01
7 CRIMINAL, CIVIL AND TRAFFIC CASES)

8 WHEREAS, Local Rules of Practice for the Justice Court of North Las Vegas
9 Township, rule 6.5 (b) (2) empowers the Chief Judge to be responsible for the administration of
10 court rules and regulations; and

11 WHEREAS, the COVID-19 virus presents concerns regarding public health, and the
12 Court wishes to limit unnecessary in-person appearances; therefore,

13 IT IS HEREBY ORDERED that the following temporary changes shall be implemented
14 on Monday, January 11, 2021:

15 (1) All criminal out-of-custody hearings scheduled between January 1, 2021 and
16 February 15, 2021, will be suspended and continued for not less than thirty (30) days,
17 based upon each department's calendaring needs.

18 (2) Individuals with attorneys for criminal cases are encouraged to contact their attorneys
19 instead of coming to court to obtain the new court dates and/or provide their attorneys
20 with proof of any completion of any court-ordered requirements. Attorneys are
21 encouraged to check the website:

22 <https://cvpublicaccess.co.clark.nv.us/eservices/home.page.10>

23 for all pending matters before communicating with the court at (702) 455-7801 to obtain
24 new court dates for these matters.

25 (3) To reduce social contact, North Las Vegas Justice Court encourages the use of
26 electronic communications for the resolution of cases, including, but not limited to,
27 arraignments, status checks, filings of motions, and plea agreements.

1 (4) The following case types and hearings will continue to be heard through in-person
2 appearances, although appearance by alternative means under Nevada Supreme Court
3 Rule Part IX is encouraged when possible:

- 4 1. All in-custody proceedings for criminal matters;
- 5 2. Bail motion hearings, motions to quash bench warrants, and motions for own
6 recognizance walk-through on arrest warrants, unless arrangements can be made
7 to hear these matters by alternative means;
- 8 3. Civil temporary or extended protection orders:
- 9 4. Unlawful Towing cases;
- 10 5. Objections to Claims of Exemption; and
- 11 6. Evictions.

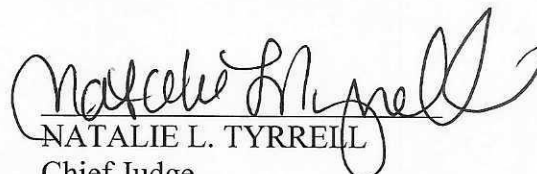
12 (5) All currently scheduled North Las Vegas Justice Court Civil hearings are ordered to
13 be conducted by video or telephonic means whenever possible; decided on the papers; or
14 rescheduled unless otherwise directed by the assigned case judge.

15 (6) Small Claims trials, Small Claims motion hearings, and Small Claims examination of
16 judgment currently set will be continued to a future date. Notifications to Small Claims
17 litigants of the new date will be made via mail and/or e-mail if an e-mail address has been
18 provided.

19 (7) The customer service lobby remains closed to the public for all Traffic matters until
20 further notice, Defendants may pay their citation on-line, or contact a customer service
21 representative via phone at (702) 455-7801, Monday through Thursday, from 8:00 AM
22 through 4:00 PM, excluding holidays.

23 **IT IS FURTHER ORDERED** that this Administrative Order shall continue until further
24 notice, or until modified or rescinded by a subsequent order.

25 Entered this 12 day of January, 2021.

26 
27 NATALIE L. TYRRELL
28 Chief Judge

FILED
16 FEB 2021
North Las Vegas J
By: TM

JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER OF:)
TEMPORARY PROCEDURES FOR) ADMINISTRATIVE ORDER: #2021-02
CRIMINAL, CIVIL AND TRAFFIC CASES)

WHEREAS, Local Rules of Practice for the Justice Court of North Las Vegas Township, rule 6.5 (b) (2) empowers the Chief Judge to be responsible for the administration of court rules and regulations; and

WHEREAS, the COVID-19 virus presents concerns regarding public health, and the Court wishes to limit unnecessary in-person appearances; therefore,

IT IS HEREBY ORDERED that the following temporary changes shall be implemented on Monday, March 1, 2021:

(1) The Court will resume hearing all criminal out-of-custody hearings in person, but cases may be handled by alternative means, such as facsimile, telephonic/video, or email. Only attorneys, defendants, and witnesses will be allowed to attend in person proceedings. Family and friends may contact the defendant’s attorney for further information.

(2) Attorneys and defendants are encouraged to check the court’s website for all pending matters:

<https://cvpublicaccess.co.clark.nv.us/eservices/home.page.10>

(3) To reduce social contact, North Las Vegas Justice Court encourages the use of electronic communications for the resolution of cases, including, but not limited to, arraignments, status checks, filings of motions, and plea agreements.

(4) The following case types and hearings will continue to be heard through in-person appearances, although appearance by alternative means under Nevada Supreme Court Rule Part IX is encouraged when possible:

1. All in-custody proceedings for criminal matters;
2. Bail motion hearings, motions to quash bench warrants, and motions for own recognizance walk-through on arrest warrants, unless arrangements can be made to hear these matters by alternative means;
3. Civil temporary or extended protection orders;
4. Unlawful Towing cases;
5. Objections to Claims of Exemption; and
6. Evictions.

(5) All currently scheduled North Las Vegas Justice Court Civil hearings are ordered to be conducted by video or telephonic means whenever possible; decided on the papers; or rescheduled unless otherwise directed by the assigned case judge.

(6) Small Claims trials, Small Claims motion hearings, and Small Claims examination of judgment currently set will be held in person or by alternative means, such as telephonically or video, whenever possible.

(7) The customer service lobby remains closed to the public for all Traffic matters until further notice, Defendants may pay their citation on-line, or contact a customer service representative via phone at (702) 455-7801, Monday through Thursday, from 8:00 AM through 4:00 PM, excluding holidays.

IT IS FURTHER ORDERED that this Administrative Order shall continue until further notice, or until modified or rescinded by a subsequent order.

Entered this 16 day of February, 2021.


NATALIE L. TYRRELL
Chief Judge

FILED
17 MAR 2021
North Las Vegas Justice Court
By: TM

1 JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP

2
3 CLARK COUNTY, NEVADA

4
5 IN THE ADMINISTRATIVE MATTER OF:)
6 TEMPORARY PROCEDURES FOR) ADMINISTRATIVE ORDER: #2021-03
7 CRIMINAL, CIVIL AND TRAFFIC CASES)

8 WHEREAS, Local Rules of Practice for the Justice Court of North Las Vegas
9 Township, rule 6.5 (b) (2) empowers the Chief Judge to be responsible for the administration of
10 court rules and regulations; and

11 WHEREAS, the COVID-19 virus presents concerns regarding public health, and the
12 Court wishes to limit unnecessary in-person appearances; therefore,

13 IT IS HEREBY ORDERED that the following temporary changes shall be implemented
14 on Monday, March 22, 2021:
15

16 (1) The Court has resumed hearing all criminal out-of-custody hearings in person, but
17 cases may be handled by alternative means, such as facsimile, telephonic/video, or email.
18 Only attorneys, defendants, and witnesses will be allowed to attend in person
19 proceedings. Family and friends may contact the defendant's attorney for further
20 information.

21 (2) Attorneys and defendants are encouraged to check the court's website for all pending
22 matters:

23 <https://cvpublicaccess.co.clark.nv.us/eservices/home.page.10>

24 (3) To reduce social contact, North Las Vegas Justice Court encourages the use of
25 electronic communications for the resolution of cases, including, but not limited to,
26 arraignments, status checks, filings of motions, and plea agreements.

27 (4) The Court is pleased to announce the availability of e-filing for civil cases. Attorneys
28 and companies may request an account by emailing us at:

Nlvjc_civil_clerks@ClarkCountyNV.gov

1 (5) The following case types and hearings will continue to be heard through in-person
2 appearances, although appearance by alternative means under Nevada Supreme Court
3 Rule Part IX is encouraged when possible:


- 4 1. All in-custody proceedings for criminal matters;
- 5 2. Bail motion hearings, motions to quash bench warrants, and motions for own
6 recognizance walk-through on arrest warrants, unless arrangements can be made
7 to hear these matters by alternative means;
- 8 3. Civil temporary or extended protection orders;
- 9 4. Unlawful Towing cases;
- 10 5. Objections to Claims of Exemption; and
- 11 6. Evictions.

12 (6) All currently scheduled North Las Vegas Justice Court Civil and Small Claims trials
13 and hearings will be held in person, but alternative means, such as telephonically or
14 video, are encouraged whenever possible.

15 (6) Traffic trials will now be held in person. Defendants may also pay their citation on-
16 line or by mail, or contact a customer service representative via phone at (702) 455-7801,
17 Monday through Thursday, from 8:00 AM through 4:00 PM, excluding holidays.

18 **IT IS FURTHER ORDERED** that this Administrative Order shall continue until further
19 notice, or until modified or rescinded by a subsequent order.

20 Entered this 17 day of March, 2021.

21
22 
23 NATALIE L. TYRRELL
24 Chief Judge

FILED

16 JUN 2021

North Las Vegas Justice Court
By: TM

JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER OF:)
TEMPORARY PROCEDURES FOR) ADMINISTRATIVE ORDER: #2021-04
CRIMINAL, CIVIL AND TRAFFIC CASES)

WHEREAS, Local Rules of Practice for the Justice Court of North Las Vegas Township, rule 6.5 (b) (2) empowers the Chief Judge to be responsible for the administration of court rules and regulations; and

WHEREAS, the COVID-19 virus continues to present concerns regarding public health, and the Court wishes to limit unnecessary in-person appearances; therefore,

IT IS HEREBY ORDERED that the following temporary changes shall be implemented on Wednesday, June 16, 2021:

(1) This order continues the North Las Vegas Justice Court’s response to the COVID-19 pandemic. For purposes of clarity and to avoid confusion, this order rescinds AO-2020-04, AO-2020-05, AO-2020-06, AO-2021-01, AO-2021-02, and AO-2021-03. Any portions of those orders that remain in effect are included in this order. This order takes effect upon filing.

(2) The Court has resumed hearing all criminal out-of-custody hearings in person, but cases may be handled by alternative means, such as facsimile, telephonic/video, or email, whenever possible. Social distancing requirements were eliminated by Clark County on June 1, 2021. Even with the elimination of social distancing requirements, all Justice Court judges are encouraged to manage courtrooms to allow comfortable space between individuals in the courtroom. **All members of the general public, regardless of vaccination status, must wear a face covering at all times while in the court facility, including courtrooms, security screening, lobby and other designated areas.** Only attorneys, defendants, and witnesses will be allowed to attend in person proceedings. Family and friends will be allowed to attend as space allows, or they may contact the defendant’s attorney for further information.

1
2 (2) Attorneys and defendants are encouraged to check the court's website for all pending
3 matters:

4 <https://cvpublicaccess.co.clark.nv.us/eservices/home.page.10>

5 (3) To reduce social contact, North Las Vegas Justice Court encourages the use of
6 electronic communications for the resolution of cases, including, but not limited to,
7 arraignments, status checks, filings of motions, and plea agreements. Civil matters may
8 be conducted by video or telephonic means whenever possible, or decided on the papers.

9 (4) E-filing is available for civil cases. Attorneys and companies may request an account
10 and training by emailing us at:

11 Nlvjc_civil_clerks@ClarkCountyNV.gov

12 (5) The Court has resumed scheduling Criminal and Civil jury trials. All prospective
13 jurors, regardless of vaccination status, **must** wear face coverings while inside the
14 courtroom, jury deliberation room, and other designated areas.

15 (6) Traffic trials will now be held in person, however, defendants are encouraged to pay
16 their citation on-line or by mail, or contact a customer service representative via phone at
17 (702) 455-7801, Monday through Thursday, from 8:00 AM through 4:00 PM, excluding
18 holidays.

19 **(7) Mandatory Face Coverings for Those Who are Unvaccinated**

20 Consistent with Nevada OSHA's Updated Guidance, effective May 14, 2021, the
21 following workplace safety protocols shall be incorporated to the maximum extent
22 practicable:

- 23 a. Employers should encourage employees to receive a COVID-19 vaccine.
- 24 b. Organizations may have mask policies that are more restrictive than the CDC
25 guidance.
- 26 c. All employers must provide face coverings for unvaccinated employees and
27 shall require these employees to wear face coverings in all instances where
28 required by emergency directives, including any space visited by the general
public, even if no one else is present.
- d. Close or limit access to common areas where employees are likely to
congregate and interact. When in common areas, face coverings are required for
unvaccinated employees.
- e. Maintain regular housekeeping practices, including routine cleaning and
disinfecting of surfaces and equipment.
- f. Conduct daily surveys of changes to staff/labor health conditions.
- g. Post signage with the latest CDC mask guidance for vaccinated and
unvaccinated guests.

1 (8) The North Las Vegas Justice Court is committed to providing a safe and healthy
2 workplace for all our employees and the public we serve. To mitigate the spread of
3 COVID-19, we will need to continue to operate in a manner that reduces the risks
4 associated with this public health emergency. Consequently, the following precautions
5 are ordered:

6 a. All Justice Court judges and employees who are not fully vaccinated **must**
7 cover their noses and mouths with face coverings while at work. "Fully
8 vaccinated" means two weeks after completion of the vaccination process. This
9 includes all common areas of the facility as well as parking lots, back hallways,
10 rest rooms and break rooms. Judges and employees who are fully vaccinated are
11 still encouraged to wear face coverings while at work.

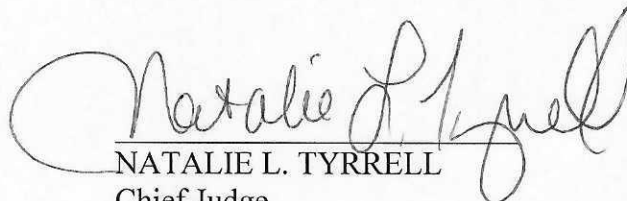
12 b. All attorneys, vendors, and employees of any organization or entity who work
13 in the Court facility who are not fully vaccinated **must** cover their noses and
14 mouths with face coverings while in any common areas of the facility. Common
15 areas include, but are not limited to, security screening, lobby areas, shared back
16 hallways, restrooms and courtrooms. This includes, but is not limited to,
17 employees of North Las Vegas Justice Court, Clark County District Attorney's
18 Office, Clark County Public Defender's Office, North Las Vegas Constable, and
19 contract counsel. Employees of other organizations with space in the Court
20 facility are subject to the policies of their individual employer while in their own
21 organization's work space.

22 c. Children under the age of two and individuals who are unable to remove the
23 face covering without assistance do not have to comply with the above-referenced
24 face covering directives. Individuals who are unable to wear a face covering
25 should make arrangements to appear by alternative means.

26 d. Face coverings **must** cover the nose and mouth at all times. Face coverings
27 with vents, bandanas, or face coverings made out of mesh are not permitted. Face
28 shields may be worn with a mask as added protection, but may not be worn alone.

19 **IT IS FURTHER ORDERED** that this Administrative Order shall continue until further
20 notice, or until modified or rescinded by a subsequent order.

21 Entered this 16 day of June, 2021.

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NATALIE L. TYRRELL
Chief Judge

Video Conference Using Android Device

Install the BlueJeans Application from the Google Play Store on your Android Device

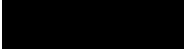
This should be done in advance of the meeting date and time.

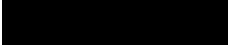
Please ensure that your device is connected to Wi-Fi before joining the meeting.

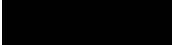
Open the App

Tap on “Join a Meeting or Event”

In the field “Meeting or Event ID”, enter the following ID numbers on the assigned day and time:

Department 1 –  - [20167029560333](#)

Department 2 –  - [284533972](#)

Department 3 –  - [709310336](#)

Leave Passcode blank

Tap button marked “App Audio & Video”

Make sure that the slider is set to green for Video On

Tap the “Join Meeting” button

Your Android device may alert you that “BlueJeans would like to Access the Microphone.” Tap “OK.” It may also alert you that that “BlueJeans would Like to Access the Camera.” Tap “OK.”

Join the Meeting

Video Conference Using iOS Device

Install the BlueJeans Application from the Apps store

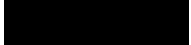
This should be done in advance of the meeting date and time.

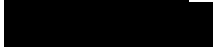
Please ensure that your device is connected to Wi-Fi before joining the meeting.

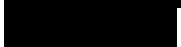
Open the App

Tap on “Join a Meeting or Event”

In the field “Meeting or Event ID”, enter the following ID numbers on the assigned day and time:

Department 1 –  - 20167029560333

Department 2 –  - 284533972

Department 3 –  - 709310336

Leave Passcode blank

Tap button marked “App Audio & Video”

Make sure that the sliders are set to green for Microphone On and Video On

Tap the “Join Meeting” button

Your iOS device may alert you that “BlueJeans would like to Access the Microphone.” Tap “OK.” It may also alert you that that “BlueJeans would Like to Access the Camera.” Tap “OK.”

Join the Meeting

Video Conferencing using Bluejeans in the Courtrooms

1. First make sure JAVS is in Presentation Mode. On the JAVS PC there is a Program called TightVNC. I have pinned it to the taskbar and You can also find it in the Start Menu and the Programs Menu.
2. When You click on TightVNC it will connect You to the PC inside the JAVS Cabinet. It should auto populate the PC name. If it doesn't just type in the PC name and you will connect. Bluejeans PC names listed below.

Dept 1. JNXD-BP4CBM2

Dept 2. JNXD-BP2H8M2

Dept 3. JNXD-6QHJKH2

3. Log into local account on the PC.

Username .\Bluejeans

Password county#1

(Make sure you type the .\ before you type the username as it is a local account.)

4. Click on the Bluejeans Icon on the desktop. Should already be logged into Bluejeans. If not use the username: NLVJC01
Password: Justic3!

Dept 1 Meeting ID 20167029560333 (Meeting called My Personal Meeting on top left)

Dept 2 meeting ID 284533972 (Listed on left under upcoming meetings)

Dept 3 Meeting ID 709310336 (Listed on left under upcoming meetings)

(If You don't see the meeting under upcoming just type the meeting number on bottom left in

Join By Meeting ID)

5. The Person connecting remotely to the meeting will need the Bluejeans App on their phone or tablet. When they open the App, they will just need to click on join a meeting or event. Type in the meeting ID and click on App Audio and Video. Once they connect to the meeting, they should see the cameras in the Courtroom and the people in the Courtroom will see and hear them on the screen through their phone or other or tablet.

TAB 5

[Tenth Judicial District](#)

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: REMINDER: Commission to Study Best Practices for Virtual Advocacy - Information Request
Date: Saturday, January 15, 2022 11:39:53 AM
Attachments: [Fillable Request to Appear By Zoom Packet.pdf](#)
[Remote Appearance Instructions .pdf](#)
[Zoom for Beginners - 10th Judicial.pdf](#)
[Live Stream Cards.pdf](#)
[Zoom Breakout Rooms Instructions.docx](#)
[Zoom Settlement Conf - Judge Stockard.docx](#)
[LiveStream Shortcuts.pptx](#)
[LiveStream Protocol.docx](#)
[Live Stream Signs - Jury Trial \(no video\).pptx](#)

Good morning,

I apologize that this is coming to you late.
I thought I had sent this on Thursday, but I just found this in my Drafts folder.
Hopefully you are still able to use this information.

The Tenth Judicial holds remote hearings with the Zoom platform.
If Counsel or a party requests to appear by Zoom for a hearing, we direct them to complete the above attached 'Fillable Request to Appear by Zoom Packet' that we created and posted on our website, www.churchillcourts.org.
The packet is located on our Electronic Appearance Information tab, which also includes links to the Supreme Court rules regarding telephonic or electronic appearances.

If the Zoom appearance is approved, a Zoom hearing is created and that information is then emailed to the email address(es) provided by the requesting party.
That email also includes the above attachments 'Remote Appearance Instructions' and 'Zoom for Beginners – 10th Judicial'.
These are forms that another court created and shared, and which we modified to fit our court.

We have started livestreaming our Law & Motion dockets and Jury Trials in an effort to provide more access to the public when there are seating restrictions.
Due to the setup and size of our courtrooms, Jury Trial livestreams only include sound at this time.
The Law & Motion dockets are posted on our website every week, and they include audio and video recordings.
Before any livestream begins, the Clerks read the above attached 'Live Stream Cards' to the courtroom and to online participants informing them that the proceedings will be live streamed.

I have attached the internal procedures that we have created for staff so far.

We have created instructions on how to do Breakout Rooms in Zoom, how to handle Settlement Conferences done through Zoom when Judge Stockard is handling them from his bench and all parties are on Zoom, a LiveStream Shortcut card for the clerks to use in the courtroom as a quick reminder on how to start livestream on Zoom and YouTube, a LiveStream Protocol which lists out what the clerks need to do for livestream if they are using video and if they are not using video, and I have also included the PowerPoint signs that we use when we do not have video on livestream during jury trials so that the public watching can understand what is happening.

We have found that Settlement Conferences work best with either all parties to the case participating in the Zoom platform, or that all parties – including the Judge – are present in the Courtroom.

[REDACTED]
Court Systems Administrator
Tenth Judicial District Court
73 N. Maine Street, Suite B
Fallon, NV 89406

[REDACTED]

[REDACTED] Fax

[REDACTED]

www.churchillcountynv.gov

NOTICE: This e-mail message and any attachments thereto may contain confidential, privileged or non-public information. Use, dissemination, distribution or reproduction of this information by unintended recipients is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy all copies. The opinions expressed in this message are my own, and not necessarily those of the Tenth Judicial District Court or Churchill County.

1 Case No.

2 Dept. No. I

3 The undersigned hereby affirms this document
4 Does not contain a social security number.

5 IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF CHURCHILL
7

8 _____
9 Plaintiff,

10 vs.

11 _____
12 Defendant.

**REQUEST TO APPEAR BY
COMMUNICATION EQUIPMENT**

13 _____
14 (*check one*) Plaintiff / Defendant (*your name*) _____

15 submits a Request to Appear by Communication Equipment for the (*check one*)

16 Motion Hearing

Trial Setting Conference

17 Case Management Conference

Other: _____

18 currently scheduled for the (*day*) _____ day of (*month*) _____, 20____.

19 For the purpose of this appearance, I understand it is my responsibility to make the
20 appropriate arrangements for Zoom, to ensure that I can participate on the date and time of the
21 hearing. I also understand that due to the unpredictable nature of court proceedings, my hearing
22 may be called at a time other than the scheduled time. Further, I understand that my failure to be
23 connected to Zoom, either through video or telephonic means, at the above-stated date and time
24 will constitute a nonappearance.

25 DATED this _____ day of _____, 20____.

26 Submitted By: (*Your signature*) _____

27 Printed Name: _____

28 Email (*Required*) _____

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Case No.
Dept. No. I
The undersigned hereby affirms this document
Does not contain a social security number.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CHURCHILL

Plaintiff,
vs.

Defendant.

**ORDER REGARDING
REQUEST TO APPEAR BY
COMMUNICATION EQUIPMENT**

This Matter is before the Court on the Request to Appear by Communication Equipment which was filed on *(date)* _____ by *(your name)* _____. The request concerns the hearing scheduled for the *(day)* _____ day of *(month)* _____, 20____.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED:

1. After reviewing the request, the Court:

Will grant an appearance by Zoom. The Court Clerk's office will email the corresponding Zoom Hearing information to the email address provided on the Request to Appear by Communication Equipment.

Will not grant an appearance by Zoom, and personal presence is required.

DATED this _____ day of _____, 20____.

THOMAS L. STOCKARD
DISTRICT COURT JUDGE

Remote Appearance Instructions

The 10th Judicial District Court will be using Zoom to conduct remote hearings. If you have been approved to appear by Zoom, you will need to visit <https://zoom.us/> to either download the Zoom application or join the hearing via the website with the provided Meeting ID and Passcode. Zoom is also available as an app you can download on smartphones or tablets. You may also use the dial-in numbers to appear by telephone only.

Be prepared for your virtual hearing:

Video

- Ensure you have a good internet connection
 - Close any open internet pages or tabs *except* Zoom
- Find a quiet place where you will not be interrupted
- Test your audio and video before the hearing is started
- Make sure your display name includes your first and last name
- Until your hearing is called, please turn your microphone and video off
- Be ready to start the hearing when it is called

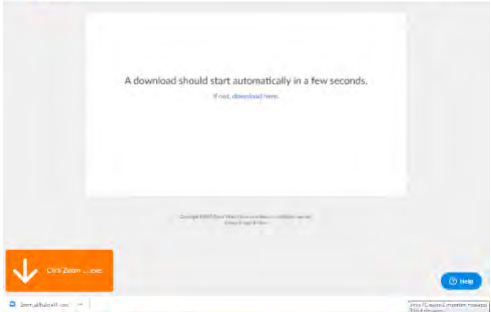

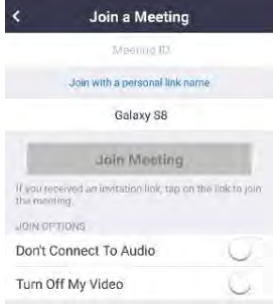
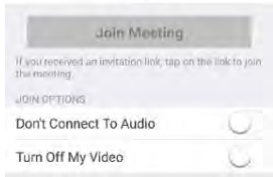
Telephone

- Find a quiet place where you will not be interrupted
- Your display name will be your telephone number you are calling in from and will be partially masked (ex: 7754236088 will be shown as 775****088)
- Until your hearing is called, please mute your phone
- Be ready to start the hearing when it is called

If you are having issues with your internet, please use the call-in number provided in the Zoom invitation so you can still participate in the hearing. If you have any questions, please contact our office at (775) 423-6088.

IMPORTANT! While parties may be appearing virtually these are still Court hearings, and the rules of professional conduct and dress are still applicable and must be followed since all appearances are recorded and remain part of the Court public record.

How to Use Zoom on Your Computer and Smartphone/Tablet

Computer:	Smartphone/Tablet:
<ol style="list-style-type: none">1. Type the following link into your internet browser: www.zoom.us2. Click the “JOIN A MEETING” button on the top right of the screen: 3. Type in your “Meeting ID or Personal Link Name” and click “Join.”4. It will then ask you to download the Zoom application to your computer or laptop. Click where the arrow is pointing in the bottom left corner of the screen: 5. A pop-up window will appear and ask if you want to run the application. When this happens, click “Run.”6. After downloading (this can take several minutes) another pop-up window will appear in which you will click, “Yes.”7. Once this finishes you will be able to click, “Join meeting.”8. Zoom will now be downloaded onto your computer, thus enabling you to use the application without going to the Zoom.us website.9. If the meeting will include simultaneous language interpretation, select “Join with Computer Audio.”	<ol style="list-style-type: none">1. Go to the App store on your cellular device or tablet (e.g., Google Play, Apple Store, etc.).2. Search for “Zoom Cloud Meetings.”3. Install the Application: 4. Once installed, open the Zoom App and click “Join a Meeting.” 5. Type in your “Meeting ID” and click “Join Meeting”: 6. You should now be in the meeting. You can start and stop your audio and video using these buttons on the bottom/top of the screen: 

If your computer does not have a webcam, microphone, or speakers you will not be able to participate in the audio and/or video functions of the meeting.

LIVE STREAM OPENING (Jury Trial)

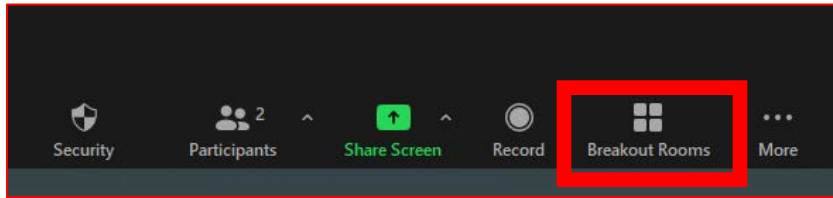
Good morning/afternoon. The Court would like to provide a friendly reminder that today's Trial is currently being live streamed for public viewing. This means for the entirety of the Trial, courtroom communication can be heard by those watching the live stream. Please be mindful of your professional decorum throughout this proceeding both on and off the record as it may be heard by all viewing.

LIVE STREAM OPENING (L&M)

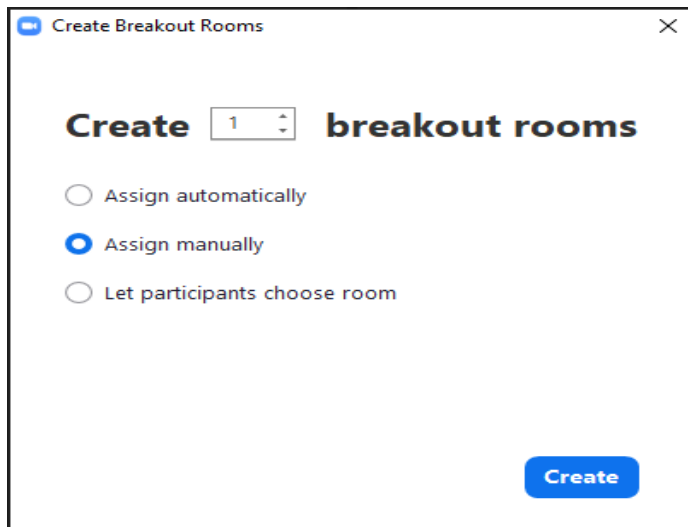
Good morning. The Court would like to provide a friendly reminder that today's Law & Motion is currently being live streamed for public viewing. This means for the entirety of the Law & Motion hearings, courtroom communication can be heard by those over Zoom and live stream. Please be mindful of your professional decorum throughout these hearings both on and off the record as it may be heard by all viewing.

ZOOM INSTRUCTIONS – Breakout Rooms

At bottom of screen, click on Breakout Rooms



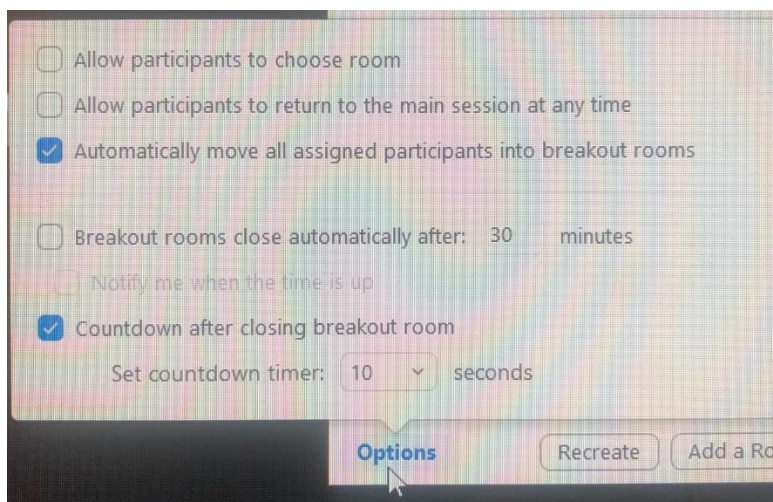
When the box comes up, click the up arrow button for how many rooms you need



Click Assign manually button

Click blue Create button

When box comes up, click on Options in bottom left corner



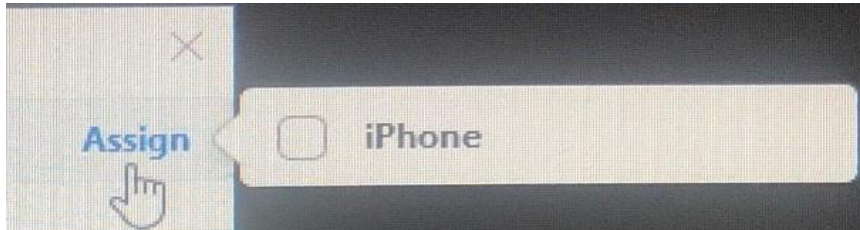
Top section – Only box checked: ‘Automatically move all assigned participants into breakout rooms’

Bottom section – Only box checked: ‘Countdown after closing breakout room’

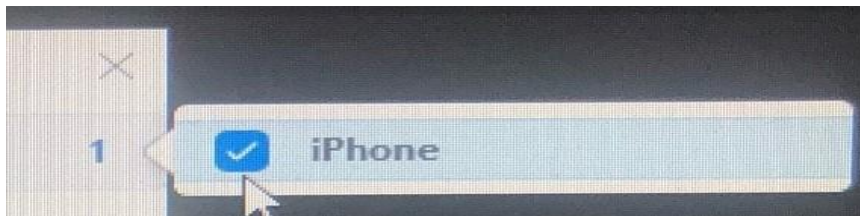
Set countdown timer: 10 seconds (If it is different than 10, change it to 10)

Click outside of the box to close it

Click Assign next to Room 1

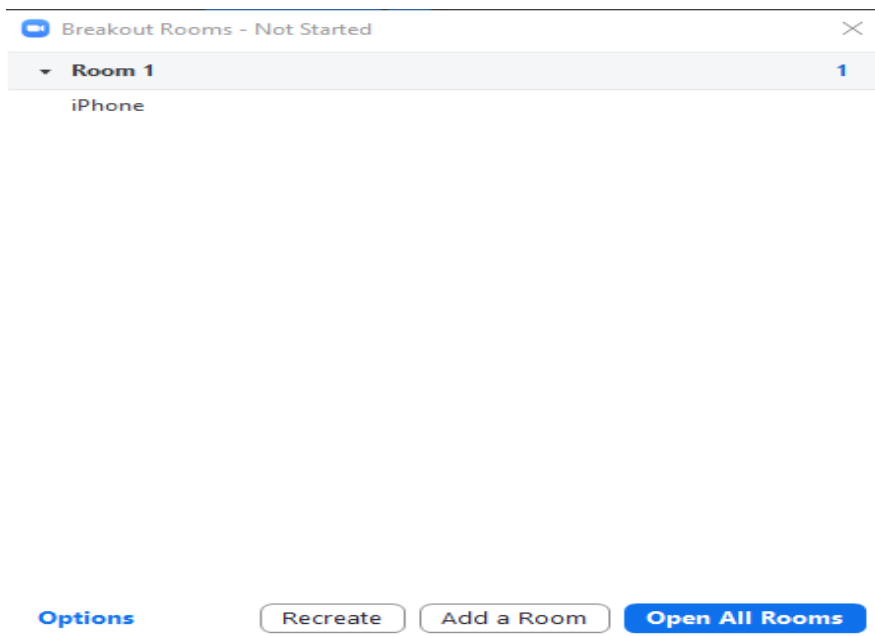


When the box comes up to the side, check the name of the person who will be put in Room 1



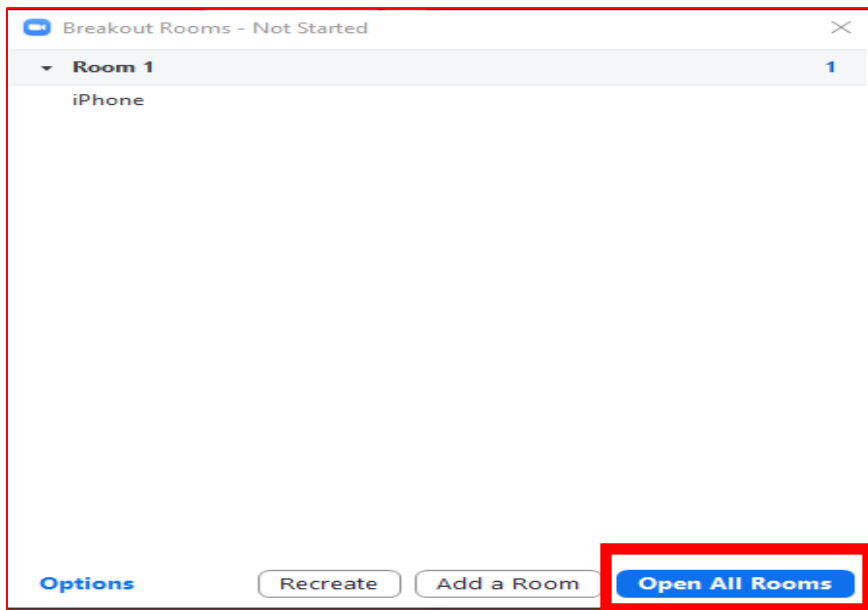
Click outside the box to close it

Make sure that only the name(s) you checked show in Room 1 and that there's the correct number of people assigned to the room to the far right of the Room



Repeat for any additional rooms/names

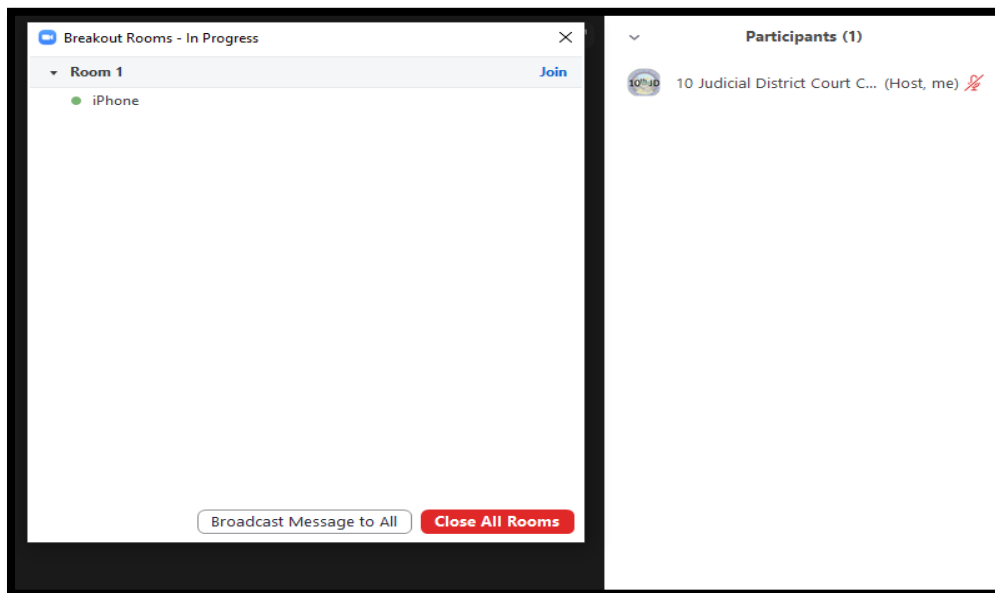
When the Judge is ready, open the Breakout Rooms: blue “Open All Rooms” button



The parties will automatically be moved to their Breakout Rooms

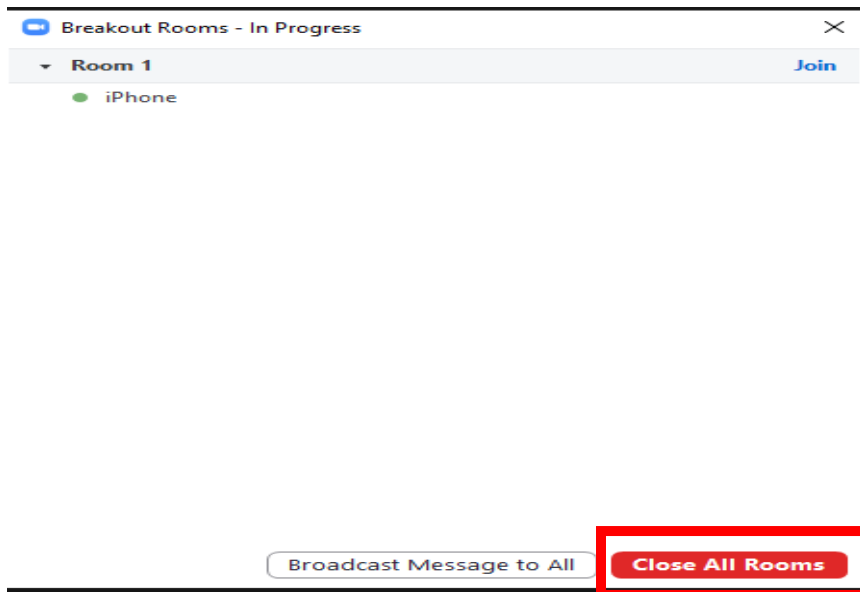
To check that they are in their rooms, check the Participants list, their name should not be there

Click on the Breakout Rooms box, if the circle next to their name is green, they are in their room



When the Judge wants everybody back in the main session of Zoom, click the Breakout Rooms box

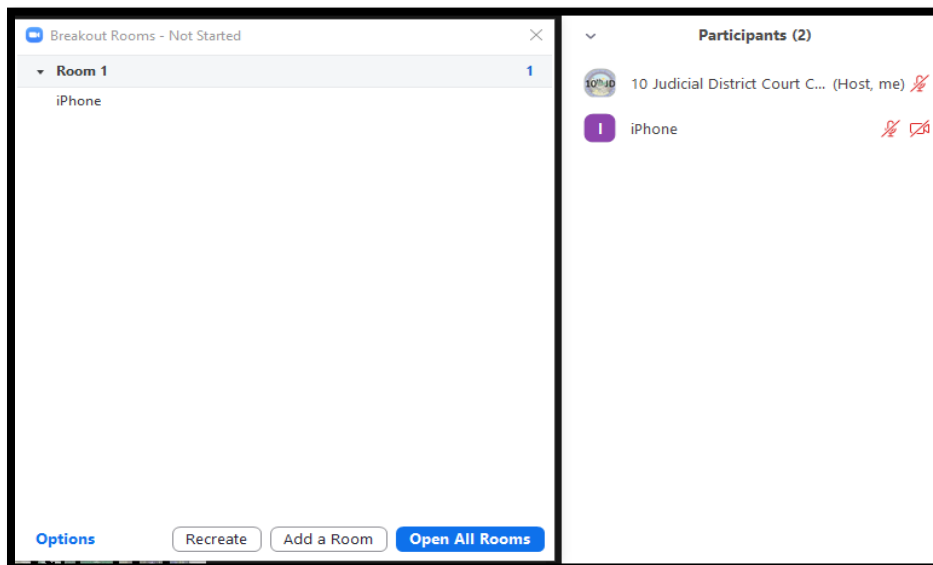
Click the red Close All Rooms button



The parties will be brought back to the main session automatically after 10 seconds

To check that they are back, check the Participants list, their name should be there

Click on the Breakout Rooms box, the top should say Breakout Rooms – Not Started



Settlement Conferences – by Zoom (Judge Stockard in Courtroom)

If they start straight with Settlement – Not on the record

Print out the Zoom email from case Filing Cabinet so have Zoom Meeting information on hand

Bring up JAVS like normal, make sure Web Conf is **OFF** (Icon on the tool bar – top page)

On Clerk's computer, bring up Zoom

Turn Clerk's Zoom video and microphone **OFF**

On Judge's monitor, join Zoom

Turn Judge's Zoom video and microphone **ON**

Make sure Judge's monitor itself **IS NOT** muted – Bottom right-hand corner, like on a computer screen

On Clerk's Computer, make Judge the Host

On Judge's monitor, make Clerk the Co-Host

Judge must be the Host so he can move between Breakout Rooms

Bring up Participant List

Can start Settlement Conference

If they reach an agreement and want to put it on the record

Turn Judge's Zoom video and microphone **OFF**

Mute Judge's monitor – Bottom right-hand corner, like on a computer screen

Turn Clerk's Zoom video and microphone **ON**

Bring up JAVS like normal, turn Web Conf **ON**

Can start hearing in JAVS

When the Settlement Conference is over

On Judge's monitor, end the meeting

Settlement Conferences – by Zoom (Judge Stockard in Courtroom)

If they start on the record

Print out the Zoom email from case Filing Cabinet so have Zoom Meeting information on hand

Bring up JAVS like normal, turn Web Conf **ON**

On Clerk's computer, bring up Zoom

Turn Clerk's Zoom video and microphone **ON**

On Judge's monitor, join Zoom

Turn Judge's Zoom video and microphone **OFF**

Make sure Judge's monitor itself **IS MUTED** – Bottom right-hand corner, like on a computer screen

On Clerk's computer, make Judge the Host

On Judge's monitor, make Clerk the Co-Host

Judge must be the Host so he can move between Breakout Rooms

Bring up Participant List

Can start hearing in JAVS

When they are ready for the Settlement Conference

In JAVS, turn Web Conf **OFF**

Turn Clerk's Zoom video and microphone **OFF**

Turn Judge's Zoom video and microphone **ON**

Unmute Judge's monitor – Bottom right-hand corner, like on a computer screen

Can start Settlement Conference

If they reach an agreement and want to put it on the record

Turn Judge's Zoom video and microphone **OFF**

Mute Judge's monitor – Bottom right-hand corner, like on a computer screen

Turn Clerk's Zoom video and microphone **ON**

Bring up JAVS like normal, turn Web Conf **ON**

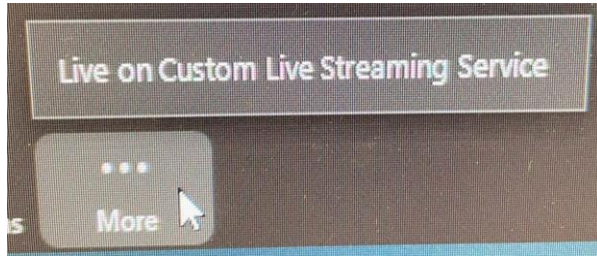
Can start hearing in JAVS

Settlement Conferences – by Zoom (Judge Stockard in Courtroom)

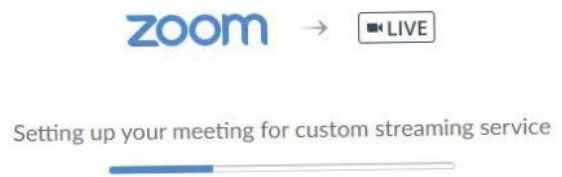
When the Settlement Conference is over

On Judge's monitor, end the meeting

Start Live Stream



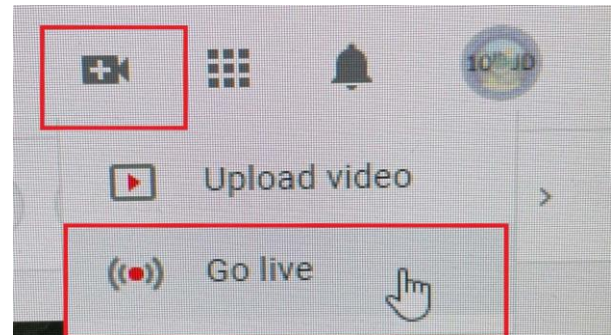
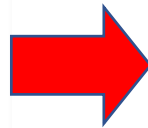
1. Go Live in Zoom
Click on "Live on Custom..."



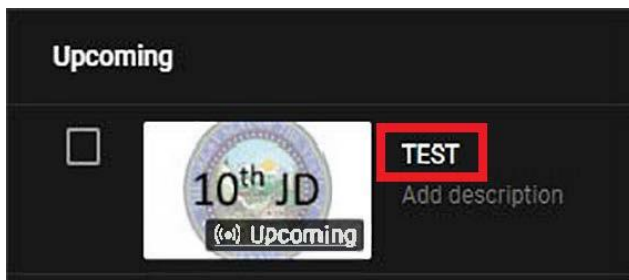
2. Zoom to YouTube



3. LiveStream Preview



4. Top Right Corner
Click "Go Live"

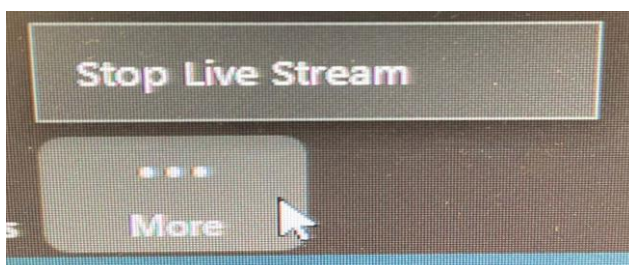


5. Click on Hearing Name

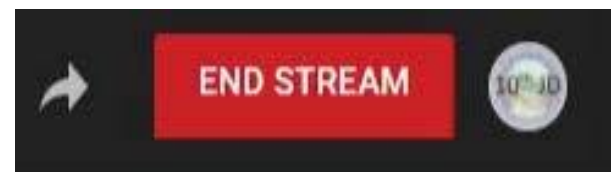


6. Click "Go Live" when Blue

End Live Stream



1. Zoom: Click "Stop Live Stream"



2. YouTube: Click "End Stream"

JURY TRIAL PROTOCOL – COURTROOM

LiveStream WITH NO Video

Bring up on Clerk's Computer:

AutoLog (JAVS) (Right Screen) – Turn Web Conf and Presentation ON

Zoom (Left Screen) – Make sure signed out (not the Host)
“Join a Meeting” – Turn off (mute) Microphone and Video

***If having witness come on remotely*

GoToMeeting (leave on right screen until time for witness to testify) – Log in
Click “One Time” > select correct hearing > wait until time to start

Other To Do's:

Turn Courtroom TVs ON
Turn CART ON

When Trial Starts:

Zoom – Turn microphone ON, **ALWAYS** have video OFF
Zoom – Start Recording
AutoLog (JAVS) – Start Hearing

***If Judge requests Counsel approach the bench*

Zoom – Turn microphone OFF
Zoom – Pause Recording
AutoLog (JAVS) – Turn Bench Conference ON

***If Counsel needs a quiet/muted moment*

Zoom – Turn microphone OFF

When ready for “GoToMeeting” Witness:

GoToMeeting – Start the hearing, microphone ON, Video ON, LOCK the hearing
When they are ready for examination, UNLOCK the hearing and the witness will
be allowed into the hearing
Move GoToMeeting to left screen, maximize GoToMeeting
AutoLog (JAVS) – Turn Presentation OFF

When “GoToMeeting” Witness is done:

GoToMeeting – End hearing, move GoToMeeting to right screen, minimize
AutoLog – Turn Presentation ON

JURY TRIAL PROTOCOL – COURTROOM

LiveStream WITH Video

Bring up on Clerk's Computer:

AutoLog (JAVS) (Right Screen) – Turn Web Conf and Presentation ON

Zoom (Left Screen) – Make sure signed out (not the Host)
“Join a Meeting” – Turn off (mute) Microphone and Video

***If having witness come on remotely (MAY CHANGE TO ZOOM)*

GoToMeeting (leave on right screen until time for witness to testify) – Log in
Click “One Time” > select correct hearing > wait until time to start

Other To Do's:

Turn Courtroom TVs ON
Turn CART ON

When Trial Starts:

Zoom – Turn microphone ON, Turn video ON
Zoom – Start Recording
AutoLog (JAVS) – Start Hearing

***If Judge requests Counsel approach the bench*

Zoom – Turn microphone OFF
Zoom – Pause Recording
AutoLog (JAVS) – Turn Bench Conference ON

***If Counsel needs a quiet/muted moment*

Zoom – Turn microphone OFF

When ready for “GoToMeeting” Witness:

GoToMeeting – Start the hearing, microphone ON, Video ON, LOCK the hearing
When they are ready for examination, UNLOCK the hearing and the witness will
be allowed into the hearing
Move GoToMeeting to left screen, maximize GoToMeeting
AutoLog (JAVS) – Turn Presentation OFF

When “GoToMeeting” Witness is done:

GoToMeeting – End hearing, move GoToMeeting to right screen, minimize
AutoLog – Turn Presentation ON



Tenth Judicial District Court

Jury Selection in Progress
at Convention Center.
Estimated time for Trial
at 12:00 p.m.



Tenth Judicial District Court

**Trial will begin
at 8:30 a.m.**



Tenth Judicial District Court

Jury Trial in Progress



Tenth Judicial District Court

Court is in recess for lunch.

**Trial will resume
at 1:30 p.m.**



Tenth Judicial District Court

**Court is in recess.
Trial should resume
in 10-15 minutes.**



Tenth Judicial District Court

Court is in recess.



Tenth Judicial District Court

Closed Court

Confidential Testimony & Exhibits

No Public Access



Tenth Judicial District Court

Settling Jury Instructions



Tenth Judicial District Court

Finalizing Jury Instructions



Tenth Judicial District Court

Jury Deliberation in Progress

TAB 6

From: [REDACTED]
To: [REDACTED]
Subject: RE: Commission to Study Best Practices for Virtual Advocacy
Date: Monday, January 10, 2022 1:55:05 PM
Attachments: [EDCR 5 Working Draft post Phase One \(Phase 2\) -- reorganized renumbered with 5.216 change \(00503148x7A582\).pdf](#)
[00540777.PDF](#)

Hi [REDACTED]:

You bet! Thank you for your inquiry.

Much of the materials I accumulated were referenced and summarized in my original letter to the commission (copy attached here). Much of the remainder consists of the EDCR 5 rule text (copy attached; please see proposed EDCR 5.609; now pending before the NVSCT for review, hearing, and adoption).

As noted in the first letter, I polled the family law bench and bar of Clark County as part of our last rule-making revision, so I think I have a pretty good idea of the concerns on all sides, but I do not wish to bury anyone in minutia (I did retain the email exchanges on all sides), and am not sure what sort of materials, resources, or documentation you are looking for beyond what was set out in the letter.

I can verify that in the months since that letter was sent, the family courts have indeed adopted an “open courtroom” model as predicted and widely publicized static links to give public access to anyone who wants it, with closed hearings and sealed cases being moved to breakout rooms – a virtual analog to shooing the gallery out into the hallway during a closed hearing. There are still some variations between courtrooms and clerks, but the procedures are coalescing. Despite some original resistance, most folks have even become better at preparing for trial by having exhibit books (virtual or physical) distributed adequately in advance to allow even document-heavy evidentiary trials to run smoothly.

If I am not perceiving some specific request, just let me know and I will get right to it; I’m just a bit uncertain of what, specifically, you wish to have on hand. In any event, I will gladly assist the Commission in any way that I can.

And please take care and stay safe yourself!

[REDACTED]



Willick Law Group
A Domestic Relations & Family Law Firm

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Fellow, International Academy of Family Lawyers

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ATTORNEYS



* ALSO ADMITTED IN CALIFORNIA (INACTIVE)
† FELLOW, AMERICAN ACADEMY OF MATRIMONIAL LAWYERS
‡ FELLOW, INTERNATIONAL ACADEMY OF FAMILY LAWYERS
◆ NEVADA BOARD CERTIFIED FAMILY LAW SPECIALIST
Ⓜ BOARD CERTIFIED FAMILY LAW TRIAL ADVOCATE
BY THE NATIONAL BOARD OF TRIAL ADVOCACY



LEGAL ASSISTANTS



FIRM ADMINISTRATOR



E-MAIL ADDRESSES:

[FIRST NAME OF INTENDED RECIPIENT]@WILLICKLAWGROUP.COM

June 11, 2021

[REDACTED] Clerk of the Court
SUPREME COURT OF NEVADA
201 S. Carson Street
Carson City, NV 89701

Re: ADKT No. 581
To: [REDACTED] only

Dear [REDACTED]:

This letter is being sent pursuant to the invitation for comments by members of the Bar contained in the order filed May 20, 2021, in ADKT 0581.

I served as Reporter to the 2016 and 2020 EDCR 5 Revisions Committees and at the direction of the latter Committee drafted proposed EDCR 5.609 and its ancillary procedural provisions. The rule set has been approved by the family court, is in mid-review by the entire Eighth Judicial District, and should be submitted to the Nevada Supreme Court in the near future.

The proposed rule, drafted after lengthy discussion, significant public input, and inquiries to all known stake-holders, is:

Rule 5.609. In-person and virtual hearings.

(a) Unless otherwise directed by the court, all hearings except for evidentiary hearings, trials, and proceedings to show cause why sanctions should not be imposed shall be conducted utilizing simultaneous audiovisual or telephonic transmission equipment.

(b) A party filing a motion, opposition, or reply requesting an in-person hearing shall set forth the reasons for the request.

(c) Upon a minimum of seven days notice, the court may schedule or reschedule any hearing as an in-person hearing for good cause.

For the reasons discussed below, the creation of a Commission to study best practices is a good idea, and I would happy to assist that Commission in any way that I can.

I. BASIC ECONOMICS OF VIRTUAL AND PHYSICAL APPEARANCES

The pandemic forced circumstances allowing a reconsideration of the economics of every court participant in the “normal” operations of family court. Typically, on motion days, each department would have some 5-8 hearings, each hour, on the law and motion calendar, usually for four to six settings per day.

Each case would have at minimum two parties, and at least half the time, two attorneys. Settings were in one-hour increments. That means that at least 20 departments would have between two and four people sitting in the hallway waiting for at *least* most of an hour for each hearing, all day; normal hearing dockets were in one-hour increments. It is extremely common for things to run long, so the realistic wait times in the hallway were 2-4 hours (with or without travel time), from arrival to departure, for every litigant and attorney, for each case.

As to attorney fees, that means some 20 x 4 x 6 (480) hours of “waiting” time” were incurred – every hearing day, and on top of the time spent actually attending to cases. Attorneys typically bill from \$200-\$750 per hour. Assuming half of the cases had counsel on at least one side, that means that some \$114,000 to \$228,000 *per day* of billable time was consumed each and every day just in waiting for ten to fifteen minute hearings by requiring people to attend in-person hearings at family court.

And even for the cases *without* counsel, every in-person hearing for each litigant normally required taking a day off of work, at the loss of an entire day’s wages, the effects of which were most severe at the lower part of the economic spectrum. This reality is critical to any access to justice analysis.

Virtual appearances typically permit litigants to take breaks to attend them while at work as opposed to taking a day off, and permit counsel to be at their desks attending to other matters until called; if they only bill when the matter in question is being called (as they should), that is a reduction in

incurred fees per case of some 75% to 80% as opposed to attending an in-person hearing. The total savings to litigants is in the many millions per year.¹

That is why the EDCR 5 Committee Summary (attached) recites:

Having noted the enormous savings in time and money for litigants and counsel alike, the default was altered so that motion practice would continue to default to “virtual” even after the pandemic restrictions are lifted, with a provision to have an in-person hearing if desired; the court is sensitive to the public-access issue (for non-sealed, non-closed hearings) and working to provide a mechanism to provide it virtually as if it was in person.

As part of the discussion leading up to adoption of the proposed rule, members of the Committee ran an informal survey for several months (both in private communications and through the Nevada Bar family law list serv), collecting all comments, suggestions, complaints, and criticisms, and examining each at length. The responses were overwhelmingly positive, despite the fact that, because the proposal was to change to virtual hearings as a default, the motivation to comment at all would be greatest for those objecting to the proposal.

The primary objections received were of the “I want my day ‘in court’” variety. Closer examination indicated that most of these comments were really about the same economics described above – there are lawyers whose business model *depends* on the inefficiencies and waste of travel time and waiting time to make their practices more profitable. The Committee did not see this as a legitimate basis for objection.

We also heard rumors that there were judicial officers who did not feel sufficiently “respected” without the trappings of having people physically rise when they entered the room, etc. The Committee did not see this as a legitimate basis for a different rule, either.

II. DEFAULTS AND JUDICIAL DISCRETION

The reason the default is for virtual hearings is economic. The reality of the adversarial process is that some wealthier litigants will wish to schedule in-person hearings just to increase the cost and inconvenience to the other party. The experienced judges and lawyers on the EDCR 5 Committee, knowing this, made the default virtual, but permitted any party at any time to request an in-person hearing; the ultimate decision on the matter belongs to the judge, who presumably can weigh the

¹ Even if any of the specifics above were quibbled over, the numbers involved are so massive that a variance of 50% would not change the recommendations reached.

proffered rationale for requesting an in-person hearing against the indisputable increase in expense and inconvenience to everyone resulting from granting such a request.

Any mechanical process *other* than making virtual appearances the default would unnecessarily require additional expense, delay, and inefficiency to almost every party in almost every case. For example, requiring people to file notices of A/V appearances would mandate such requests by both sides and both counsel for almost every hearing. There is no known legitimate justification for requiring that level of wasteful bureaucracy and paperwork, given that the overwhelming majority of litigants and attorneys prefer all motion hearings to be virtual.

The ultimate decision remains vested in the trial court judge, who might know of some legitimate reason to have people incur the additional expenditure of time and money for an in-person hearing. This is true whether anyone requests an in-person hearing or not. As a practical matter during the last year, most judges have required personal appearances only by people who have demonstrated an inability to control themselves outside of the formal court setting.

Part of the charge of the proposed Commission should include how to address those judges who state that they simply “want” everyone to appear in person, regardless of the economic and other effects on those litigants and counsel.

III. COURTROOMS AND INFRASTRUCTURE

The 2019 Report of the National Center for Juvenile Justice (NCJJ) on Nevada’s family courts identified infrastructure as the single largest challenge facing those courts. One of the positive results of the pandemic pivot to virtual hearings has been to illustrate how an embrace of technology can enormously extend the usable lifespan of the existing physical plant.

It has been made clear that the existing family courtrooms in Clark County should be adequate not just for the current family court, extended to 26 departments, but potentially for twice that number. Courtroom are simply unnecessary for the great majority of hearings and decisions. Between submission on the papers (slightly expanded in the 2016 rule revisions, and set to be further expanded in the 2021 proposed revisions) and virtual motion hearings, which simply require electronic connections between a judge (in chambers or at any other location), a court clerk, and the litigants, actual courtroom use is enormously reduced.

There are more mixed and nuanced reactions and evaluations of *trial* proceedings by virtual means. Virtual trials certainly are possible, and have been routinely and successfully done for many months, but some lawyers and judges prefer the immediate availability of moving physical paper around a

courtroom, and some people have suggested that credibility determinations are easier in person (others dispute this).

The Commission should explicitly investigate and report on the impact of a transition to virtual motion hearings on the need for courtrooms, chambers, and other traditional structures used for court operations; it is anticipated that budgets can be enormously lowered, the usable lifespan of physical plants can be greatly extended, and otherwise-necessary dispersal of judicial officers to multiple locations can be reduced, avoided, or even reversed.

IV. ACCESS TO JUSTICE; REFLECTION OF PHYSICAL COURTROOMS

One legitimate concern about virtual proceedings during the pandemic has been how to ensure equal access to those individuals who lack the means or ability to utilize video for virtual appearances. This was raised as an equal protection concern by the Self-help Center, and from other quarters.

To some degree the concern is overblown. Preliminary reports from the most recent census statistics, still being compiled and published, indicate that 85 percent of adults owned a smartphone, as of February 2021. As far back as 2016, 89% of households had some kind of computer with video capability, including 81% of the population with smartphones,² which indicates that the 2021 percentage of the population with access to some kind of video-capable computer should now be well over 90%. That is all that is needed for full virtual participation in a court proceeding.

In any event, once pandemic restrictions on access to the courthouse and other public buildings is lifted, access to justice issues should be not only as good as it was before virtual hearings, but should be easily made to be greatly *superior*.

Specifically, the judges of the Eighth Judicial District are working on attempting to create uniform procedures whereby virtual hearings mirror, as closely as possible, the functionality of physical courtrooms. That means ensuring public access to all non-sealed, non-closed proceedings by way of publicly-available links. This actually *increases* public access to court proceedings, as an individual at home could “observe” proceedings in a dozen courtrooms, located in different buildings, in the same hour. Any study of “Best Practices” should create a template for all courts on how to provide such access as simply and openly as possibly.

As for hearing participation for those people without the necessary equipment or the ability to operate it, it would be both inexpensive and simple to arrange for laptop kiosks at the family court

² See Ryan, Camille, “Computer and Internet Use in the United States: 2016,” American Community Survey Reports, ACS-39, U.S. Census Bureau, Washington, DC, 2017.

building, making participation in a virtual hearing no more difficult for those persons than a personal appearance would have been. And by extending those kiosks to public facilities at remote locations – Laughlin, Mesquite, elsewhere – equal access to justice can be *enormously* improved for everyone, including the small percentage of the population who do not have or cannot operate their own devices.

This not to say there have not been some complaints and hiccups. The most common complaint in surveying family court attorneys in Clark County was about the small number of judges who have taken advantage of the remote appearances to not appear visually at all during such hearings. Criticized by lawyers as the “Wizard of Oz” problem, it should be directly addressed by a Best Practices Commission, again with an eye to duplicating as nearly as possible what litigants and lawyers have in a physical courtroom – including the ability to see the judicial officer’s mannerisms and expressions.

V. RURAL COURTS

The reluctance, or outright refusal, of rural courts to permit audio-video appearances, electronic filing, and other 21st century practices have been noted as an access to justice impediment for the citizens of those locations for years.³ Several such courts continue practices such as demanding not just in-person appearances at hearings, but original “wet” signatures on all documents and the personal delivery of *all* papers to their court clerks irrespective of any rational concern for authenticity.

While equipment and forms permitting remote access have been made available to several of those courts for a decade, some of them refuse to allow use of any of it, effectively denying equal access to justice to citizens of those locations who are then economically prohibited from employing counsel of their choice in any of the population centers where lawyers best suited to their cases are located.⁴

³ See, e.g., Marshal Willick Legal Note Vol. 23 — What’s up with Hooterville? (Aug. 18, 2010), posted at <https://www.willicklawgroup.com/vol-23-whats-up-with-hooterville/>.

⁴ This problem was repeatedly brought up in the Rural Sub-Committee of the Access to Justice Committee, where I was asked to participate and assist by Justices Douglas and Gibbons; no substantive action to improve the situation was ever taken.

[REDACTED], Clerk of the Court
June 11, 2021
Page 7

Such courts have ignored the Nevada Supreme Court initiatives where A/V equipment was distributed around the state, as well as both the Supreme Court Rules regarding audio-video appearances that the holdings in cases such as *Campfield*.⁵

Certainly part of the work of a Best Practices Commission should be how to ensure equal access to justice by Nevada citizens in rural counties, including getting the courts of those counties, no matter how reluctant, to begin employing both virtual hearings and electronic filing as part of their standard operations.

VI. CONCLUSIONS

There is an opportunity here to make the entire court bureaucracy more accessible, affordable, and efficient, and therefore inherently more “equal” than it has been. That opportunity should be embraced by appointment of an appropriate Best Practices Commission staffed by persons knowledgeable in both technological and court operations matters, and the recommendations of that Commission should be promptly evaluated and implemented state-wide as expeditiously as possible.

Sincerely yours,
WILLICK LAW GROUP

[REDACTED]

P:\wp19\SBN\EDCR\503948A.wpd

⁵ See *Campfield v. Campfield*, No. 69373, Order of Reversal and Remand (Unpublished Disposition) Dec. 21, 2016). The Court’s A/V rules should also be revised at the conclusion of the work of this Commission to see if the distinction of the kinds of hearings at which virtual appearances may be made continues to make sense.

PART V. FAMILY DIVISION MATTERS

5.100 Organization of the family court and these rules

Rule 5.101. Scope of rules.

(a) The family division, with the approval of the Supreme Court, has the inherent power to prescribe rules and policies for the conduct of proceedings in the family division.

(b) Unless otherwise ordered, the rules in Part V govern the practice and procedure in all matters heard in the family division, including claims normally heard in another division of the district court. Except as otherwise provided in Part V, the rules set out in Parts II, III, IV, and VII are inapplicable to matters heard in the family division, and the rules set out in Part VIII are superseded where in conflict with Part V.

(c) Juvenile cases, reciprocal support act cases, support cases prosecuted by a public agency, and other cases may be governed by procedures required by the Nevada Revised Statutes, federal law, or other rules or statutes. Any objection to a report and recommendation of a hearing master shall be heard under these rules and in accordance with the departmental assignment procedure.

Rule 5.102. General terms and definitions.

(a) Affidavit. Unless the context indicates otherwise, “affidavit” includes an affidavit, a sworn declaration, and an unsworn declaration under penalty of perjury.

(b) Child custody proceeding. A “child custody proceeding” is any proceeding in which legal custody, physical custody, or visitation with respect to a minor child is an issue.

(c) Close of discovery. Unless otherwise ordered by the court, or otherwise required by another rule or statute, the expression “close of discovery” or references to a date by which discovery is due refers to the date

by which discovery is to be completed, not the date on which it is to be requested.

(d) Day. A “day” is a 24-hour period from 12:00 a.m. to 11:59 p.m., regardless of the day of the week it falls or whether the courts are open on that day.

(e) Domestic violence orders. A “domestic violence order” is a temporary protective order (TPO) or extended order of protection (EOP) issued by either a hearing master subject to the approval of a district court judge or directly by a district court judge.

(f) Family division matters. A “family division matter” is any matter heard in the family division.

(g) Judge or court. Unless the context indicates otherwise, the term “judge” or “court” means the presiding judicial officer, whether a district court judge, hearing master, commissioner, or similar presiding officer, and references in other statutes or rules to the title of any judicial officer will be construed as referring to the judicial officer performing that function in the family division.

(h) NRCP. Unless the context indicates otherwise, references to “the NRCP” are to the current version of the Nevada Rules of Civil Procedure.

(i) Order. Unless the context indicates otherwise, “order” includes any disposition, decree, judgment, injunction, etc., issued by a court and filed by the clerk.

(j) Party. Unless the context indicates otherwise, “a party” means a party personally, if unrepresented, or that party’s counsel of record, if represented.

(k) Disobedient Party. Unless the context indicates otherwise, a “disobedient party” means any party that has been directed in an order or judgment to execute a conveyance of land, deliver deeds or other documents, or perform any other specified act, and has failed to comply within the time specified.

(l) Pleadings, papers, and filings. “Pleadings” and “papers” are the documents listed in the NRCP. Unless the context indicates otherwise, “filings” and “documents” are papers filed in an action.

(m) Sanctions. Unless the context indicates otherwise, “sanctions” include:

(1) Sums payable as the court directs;

(2) An award of attorney fees and costs to the opposing party; and

(3) Procedural or substantive orders, such as dismissal, default, or other order.

(n) Service. Unless the context indicates otherwise, “service” means the providing of documents to a party in accordance with the statutes, rules, and court orders relevant to them. “Service” has the meaning described in the NRCP. Nothing in these rules permits service of a document by any means not provided for service of that document by other statute, rule, or court order. Unless the context indicates otherwise, “service” means the initiation of service by depositing papers into the mail, transmitting electronically, etc., not the receipt of the service.

5.200 Court practice and procedure generally

Rule 5.201. Filing of case required before application for judicial order. A complaint or other initial pleading must first be filed with the clerk and assigned to a department before application is made to the judge for the entry of an order therein. This rule does not apply to family division matters seeking issuance of a temporary protective order, an order to seal record, an order allowing an indigent to file a complaint or another initial pleading without payment of fees, or as otherwise provided herein or by other rule, statute, or court order.

Rule 5.202. Departmental assignment procedure.

(a) “Same Parties” shall be found when: (1) the same two persons are parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family division, regardless of their respective party designation (e.g., plaintiff or defendant; applicant or respondent; joint petitioner, etc.); or (2) a child involved in the case is also involved in any other pending case or was involved in any other previously decided case in the family division.

(b) Upon the filing of any action, the clerk’s office shall utilize the information provided on the Mandatory Family Court Cover Sheet to search the parties’ and child(ren)’s names to determine whether prior cases involving the same parties exist and assign cases pursuant to this rule.

(c) Pursuant to the mandates of NRS 3.025(3), any and all new cases involving the same parties shall be assigned to the same judicial department in the following manner:

(1) If no prior case involving the same parties exists, then the case will be randomly assigned.

(2) If one or more prior cases involving the same parties has previously been filed, the new case shall be assigned to the judicial department assigned to the earlier-filed case.

(3) The following exceptions shall apply:

(A) Cases filed pursuant to NRS Chapter 62 shall be directly assigned to the juvenile delinquency judicial department(s).

(B) Cases filed pursuant to NRS Chapter 432B shall be directly assigned to the juvenile dependency judicial department(s) since these cases do not involve the “same parties” (the state having filed a complaint against one or both of the parties on behalf of the children).

(C) Cases filed pursuant to NRS Chapter 159 and 159A relating to adult and minor guardianship actions shall be

directly assigned to the guardianship judicial department(s).

(d) Cases filed pursuant to NRS Chapter 130 and/or Chapter 425 shall be randomly assigned unless a case involving the same parties has already been assigned to a specific judicial department pursuant to this rule. The hearings shall be scheduled before the family support masters. Any objections to report and recommendations or other hearings required to be held before a district court will be heard by the assigned judicial department.

(e) Applications for temporary protective orders will be randomly assigned unless a case involving the same parties has already been assigned to a specific judicial department pursuant to this rule. Any objections or hearings required to be held before a district court judge will be heard by the assigned judicial department.

(f) Notwithstanding the provisions of this rule, if any judicial department takes an action on a case, including, but not limited to, signing an order or holding a hearing (except uncontested family division matters), then that case (and any existing cases involving the same parties) shall be assigned to the judicial department that took such action.

(g) A timely peremptory challenge filed in any department not regularly presided over by a single judicial officer shall be construed as a disqualification of the department and cause for reassignment to another department of the family division.

(h) Conflicts regarding judicial department assignments pursuant to this rule shall be resolved by way of minute order by the presiding judge or the chief judge consistent with the mandates of NRS 3.025(3).

Rule 5.203. Simultaneous proceedings.

(a) If simultaneous proceedings are filed by the same parties, the Court shall issue a Notice of Simultaneous Proceedings to inform the parties of the two pending actions. Unless otherwise ordered by the court, the court shall proceed in the case in which service is first effectuated (“first case”).

(b) The pleadings filed by the Defendant in the other-filed case (“second case”) shall be deemed an appearance in the first case.

(c) Nevertheless, an answer or other responsive pleading in the first case must be filed within 21 days of service of the Notice of Simultaneous Proceedings, along with any counterclaim or additional claims for relief; however, no additional filing fee will be required for such an answer or other filing, if already paid or waived by the Court in the simultaneous proceeding. Any papers filed in the second case may also be filed by either party into the record of the first case.

(d) If an answer or other responsive pleading is not timely filed by Defendant in the first case, default may be sought and entered, after which Plaintiff may proceed to obtain a default judgment as provided in these rules and the NRCF.

(e) If the first case proceeds as set forth herein, the Court shall dismiss the second case when the court deems appropriate.

Rule 5.204. Submissions to and actions of judge other than assigned judge.

(a) Except as otherwise provided by another rule or statute, or in an emergency, only the judge assigned to a case should issue orders in that case. In the absence of the judge assigned to a case, submissions in that case should be made to the first judge available in the following order:

- (1) The senior, visiting, or designated judge assigned temporarily to the case, if any;
- (2) The presiding judge of the family division;
- (3) The chief judge of the Eighth Judicial District Court.

(b) Any order of an absent judge which is signed by another judge must conform to the record and will be deemed to be the order of the absent judge. Any non-conformity in such an order may be corrected by the absent judge after return.

(c) An order entered by a judge other than the judge assigned to the case may be enforced, reconsidered, or modified by the judge assigned to the case or by a subsequent senior, visiting, designated, presiding, or chief judge subsequently temporarily assigned to the case.

(d) When a case has been administratively reassigned, or a judge has been replaced by the retirement or other departure of the judge previously assigned to the case, the new judge assigned to the case shall be treated as the assigned judge with authority to take any action that the judge previously assigned to the case might have taken.

Rule 5.205. Filing and service of papers.

(a) Except as otherwise provided by these rules as to ex parte motions and orders, the clerk shall accept upon receipt electronically filed papers calling for the assignment of hearing dates or other administrative actions and perform those tasks, subject to cancellation if the document is subsequently rejected for filing. The presiding judge must approve in advance any basis or grounds used by the clerk for rejection of filings.

(b) A copy of any papers filed must be served on all other parties to an action, in accordance with the NRCPP, the Nevada Electronic Filing and Conversion Rules, the Eighth Judicial District Electronic Filing and Service Rules, and these rules, within 3 days of submission for filing.

(c) If, after serving copies as provided in section (b), the filing party receives a hearing time not contained in the original service, and notice of that hearing time has not been provided by the clerk, the filing party must serve a notice of hearing on all other parties to the action in accordance with the NRCPP and these rules, within 3 days of receiving the hearing time.

(d) If another rule, statute, or court order directs a pleading, paper, or filing to be served by some other method or on some other schedule, or permits a filing ex parte, then section (b) of this rule does not apply.

Rule 5.206. Amended pleadings.

(a) An amended pleading must be refiled, complete in itself, including exhibits, without cross-reference to a superseded pleading. No pleading will be deemed to be amended until there has been compliance with this rule.

(b) A motion to amend a pleading must specify the changes between the original and proposed amended pleading and include a copy of the proposed amended pleading.

(c) If the referenced exhibits to a pleading have been separately filed as provided by these rules, the amended pleading may refer to the same separately filed collective exhibits.

(d) The title of any amended pleading shall denote whether it is the first, second, third, etc., amended pleading.

Rule 5.207. Complaints for Custody. Unless otherwise ordered, a case involving a complaint for custody or similar pleading addressing child custody or support between unmarried parties shall be construed as proceeding pursuant to chapter 126 of the Nevada Revised Statutes (Parentage) and the issue of parentage shall be addressed at the first hearing and in a written order in the case.

Rule 5.208. Family division hearing masters.

(a) Except as provided otherwise by rule, statute, or court order, this rule governs matters heard by a family division hearing master.

(b) A duly appointed hearing master shall conduct proceedings as permitted by NRCP 53.

(c) A hearing master shall prepare a master's report and recommendation which shall be furnished to each party at the conclusion of the proceedings in court; if not served in court, the report and recommendation shall be served upon a party pursuant to the NRCP.

(d) Within 14 days of service of the report and recommendations, either party may file a written objection. If a written objection is filed pursuant to

this rule, the objection must be properly noticed with a hearing date set with the district court judge, and served upon all interested parties, as prescribed in EDCR 5 for motions. The court shall affirm the master's findings of fact unless clearly erroneous.

(d) In the absence of a timely objection, the findings and recommendation of the master shall be affirmed and become an order of the court.

Rule 5.209. Court interpreters.

(a) A party must notify the Court Interpreter's Office of a request for an interpreter in advance of a hearing or trial. Failure to do so may result in postponement of the proceeding.

(b) In exceptional cases, the interpreter's fee may be waived, increased, or decreased at the discretion of the court.

(c) A party requesting an interpreter from outside Clark County is responsible for all expenses for that interpreter.

Rule 5.210. Court appointed special advocate (CASA) services and protocols.

(a) The court in a juvenile matter may appoint a court appointed special advocate (CASA) for any minor child, may specify the services to be provided, and may continue or reschedule proceedings as necessary to accommodate CASA services. When an advocate is appointed, the CASA office shall supervise the advocate's activities.

(b) A referral for CASA services of any case involving allegations of domestic violence must include an order that the CASA office implement its domestic violence protocol.

(c) Subject to available resources, the CASA office shall address juvenile services and family services.

(1) Juvenile services shall focus on the permanency planning needs of minor children who have been declared to be wards of the State of Nevada and adults involved with those children, ascertaining the children's concerns, desires, and needs with regard to issues before the court.

(2) Family services shall focus on the best interest of minor children who are the subject of a custody dispute and adults involved with those children and on ascertaining the children's concerns, desires, and needs with regard to the issues before the court.

(d) The CASA office may formulate guidelines, procedures, and policies relevant to the scope of services offered by CASA, subject to approval by the family division.

Rule 5.211. Communications with court.

Except as provided otherwise by rule, statute, or court order or direction:

(a) Any written communication with the court shall be contemporaneously copied to all other parties;

(b) *Ex parte* communications with the court for scheduling, administrative, or emergency purposes, shall be permitted so long as they are not designed to improperly gain a procedural or tactical advantage in a case, and notice of the date and substance of the communication is provided to all other parties;

(c) In the event that any communication is made with the court in violation of this rule, the court may impose sanctions upon a finding that the communication was made to improperly gain a procedural or tactical advantage in a case;

(d) No person shall engage in *ex parte* contact with the court or court staff that is intended or reasonably would be perceived as intended to alter the outcome of pending judicial proceedings, or with the intent or likely result of causing a judicial recusal or disqualification.

Rule 5.212. Trial and hearings may be private.

(a) Except as otherwise provided by another rule or statute, the court shall, upon demand of either party, direct that the hearing or trial be private.

(b) Except as otherwise provided in subsections (c) or (d), upon such demand of either party, all persons must be excluded from the court or chambers wherein the action is tried, except:

- (1) The officers of the court;
- (2) The parties;
- (3) The counsel for the parties and their staff;
- (4) The witnesses (including experts);
- (5) The parents or guardians of the parties; and
- (6) The siblings of the parties.

(c) The court may, upon oral or written motion of either party or on its own motion, for good cause shown exclude the parents, guardians or siblings of either party, or witnesses for either party, from the court or chambers wherein the hearing or trial is conducted.

(d) If the court determines that the interests of justice or the best interest of a child would be served, the court may permit a person to remain, observe, and hear relevant portions of proceedings notwithstanding the demand of a party that the proceeding be private.

(e) The court shall retain supervisory power over its own records and files, including the electronic and video records of proceedings. Unless otherwise ordered, the record of a private hearing, or record of a hearing in a sealed case, shall be treated as confidential and not open to public inspection. Parties, their attorneys, and such staff and experts as those attorneys deem necessary are permitted to retain, view, and copy the record of a private hearing for their own use in the representation. Except as otherwise provided

by rule, statute, or court order, no party or agent shall distribute, copy, or facilitate the distribution or copying of the record of a private hearing or hearing in a sealed case (including electronic and video records of such a hearing). Any person or entity that distributes or copies the record of a private hearing shall cease doing so and remove it from public access upon being put on notice that it is the record of a private hearing.

Rule 5.213. Access to sealed files. An attorney, or an agent of an attorney, shall be entitled to access, review, and order copies of portions of sealed files by court order or upon presentation of a signed statement of permission for such access by a party. The permission of access shall be maintained as part of the confidential case file.

Rule 5.214. Redactions to be made in unsealed cases and hearings open to the public.

(a) Except as otherwise provided by another rule or statute, or direction by the court, unless the case has been sealed, parties must refrain from including—or must partially redact, where inclusion is necessary—the following personal-data identifiers from all documents filed with the court, including exhibits:

(1) Social Security Numbers. If a Social Security number must be included, only the last four digits of that number should be used;

(2) Financial Account Numbers. If financial account numbers must be included, only the last four digits of these numbers should be used;

(3) Tax Identification Number. If a tax identification number must be used, only the last four digits of that number should be used.

(b) The same directions apply to oral presentations in open court during any hearing not made private under these rules.

Rule 5.215. Subpoena for foreign deposition. A party seeking the issuance from the clerk of a subpoena for the purpose of taking a foreign deposition in this judicial district must submit to the clerk all papers required by the relevant statutes or NRCP provisions, any required filing fees, and a cover sheet in the form required by these rules with the title of the court as “Eighth Judicial District Court,” describing the filing as “Request for Foreign Deposition Subpoena.”

Rule 5.216. Procedure for appointment of another person to execute documents pursuant to Nevada Rule of Civil Procedure 70.

(a) A party seeking a court order for the appointment of a person to execute a conveyance of land, deliver deeds or other documents, or perform any other specific act, must:

1. Submit a motion for an order, supported by affidavit;
2. Submit a proposed order to the court; and
3. Submit the documents, if any, to be executed by another person in place of the disobedient party.

(b) The motion or supporting affidavit must:

1. Identify by title, date, page, and line number the judgment upon which the request is based;
2. State that the judgment has not been modified by subsequent court order;
3. State that the judgment has not been satisfied or what portion remains outstanding;
4. State the facts establishing why it is necessary for another person to execute or deliver the documents at issue or perform the specific act required, including why each document submitted is necessary;

5. Describe the efforts made to have the disobedient party execute or deliver the documents at issue or perform the specific act required, or what provision, futility, or impracticability prevented an attempt at doing so in advance of filing the request; and

6. List each document to be executed or delivered or each specific act to be done by another person in place of the disobedient party.

(c) The proposed order must:

1. Name the disobedient party who has failed to comply with an order to convey land, to deliver a deed or other document, or to perform any other specific act within the time specified;

2. Appoint another person to execute the documents in place of the disobedient party pursuant to Nevada Rule of Civil Procedure 70;

3. Name or describe each document to be executed or delivered, or what specific acts are to be done;

4. Include a copy of each document to be executed or delivered, which may be redacted if necessary to prevent disclosure of private information;

5. Include a signature line for the disobedient party on any documents to be executed;

6. If possible, state that the other person named is signing on behalf of the disobedient party; and

7. If ordered, impose the expense of the proceedings on the disobedient party.

(d) The court may grant the motion for order ex parte or may require that the disobedient party be served with the request and given an opportunity to respond. The court may also set a hearing on the motion.

(e) If the court grants the motion for order and directs the clerk of the court to execute, deliver, or perform, the moving party must submit the original documents to the clerk of court for execution and inform the clerk of the court of: the case number in which the order was entered; contact information for the moving party; and instructions on how the document should be returned.

Rule 5.217. Conduct and attire. Proceedings in court should be conducted with dignity and decorum. All persons appearing in court proceedings must be properly attired as befits the dignity of the court.

Rule 5.218. Civility.

(a) Actions and presentations shall be tailored to serve the interests of candor, courtesy, and cooperation, by demonstrating respect for the court and all opposing litigants and attorneys.

(b) Parties shall be adequately prepared for each court appearance and maintain control over their emotions.

(c) Arguments and comments are to be addressed to the court and not to anyone else.

(d) The only interruptions permitted are proper legal objections, concisely stating the basis for the objection.

(e) Personal attacks and excessive repetition of arguments are prohibited.

Rule 5.219. Sanctionable conduct.

Sanctions may be imposed against a party, counsel, or other person, after notice and an opportunity to be heard, for unexcused intentional or negligent conduct including but not limited to:

(a) Presenting a position that is obviously frivolous, unnecessary, or unwarranted;

(b) Multiplying the proceedings in a case so as to increase costs unreasonably and vexatiously;

(c) Failing to prepare for a proceeding;

(d) Failing to appear for a proceeding;

(e) Failing or refusing to comply with these rules; or

(f) Failing or refusing to comply with any order or directive of the court.

Rule 5.220. Dismissal and closing of cases; reactivation procedure.

(a) A family case that has been pending for more than 6 months and in which no action has been taken for more than 3 months may be dismissed on the court's own initiative without prejudice.

(b) A case shall be designated closed by the clerk of the court if:

(1) There has been no substantial activity in the case within 31 days of the notice of entry of decree or judgment;

(2) There has been no substantial activity in a post-dispositional case within 31 days of notice of entry of a final order;

(3) There has been an involuntary dismissal without prejudice as set forth in these rules or the NRCP; or

(4) Upon order of the court.

(c) Written notice of entry of a dismissal or order of the court pursuant to this rule must be given to each party who has appeared in the action.

(d) A family division case that has been dismissed pursuant to this rule will be reactivated at the written request of a party if the request is filed within 30 days of service of written notice of entry of the dismissal.

Rule 5.221. Filing fee to reopen cases. A completed fee information sheet shall be filed and the current statutory fee payable to the county clerk shall be paid upon the filing of any motion or other paper that seeks to: reopen a case; modify or adjust a final order that was issued pursuant to NRS Chapters 125, 125B, or 125C; or file an answer or response to such a motion or other paper. No such fee or information sheet is required for motions for reconsideration or for a new trial or motions filed solely to adjust the amount of child support in a final order.

5.300 Attorneys, parties, children, and parents

Rule 5.301. Appearances.

(a) An unrepresented party making an appearance or filing any pleading or paper must provide that party's address, email address, and telephone number, if any.

(b) A corporation or other entity may not appear in proper person.

(c) Only an attorney currently admitted to practice law in Nevada may represent a party. An attorney who has appeared for any party must represent that party in the case and shall be recognized by the court and by all parties as having control of the case.

(d) Unless otherwise allowed by the court, an attorney who is not currently admitted to practice law in Nevada may only make a court appearance for a party if accompanied by an associated Nevada attorney. All pleadings and papers submitted by an attorney not currently admitted to practice in Nevada must be signed by Nevada counsel. Nevada counsel shall be responsible for all written and oral submissions by an associated attorney not currently admitted to practice law in Nevada.

(e) A represented party may not appear unrepresented or personally file any pleading or paper without the consent of the court. The court in its discretion may hear a party in open court although the party is represented by counsel.

Rule 5.302. Substitutions or withdrawal of attorney.

(a) Substituting a new attorney for a withdrawing attorney requires the written consent of both attorneys and the party, which must be filed with the court and served upon all parties.

(b) An attorney who seeks to withdraw from representing a client without substituting a new attorney in the case may only do so by order of the court if proceedings remain pending in the case.

(c) If no proceedings remain pending in the case, an attorney may withdraw by filing a notice of withdrawal.

(d) Every notice of withdrawal, motion to withdraw, and order granting withdrawal shall include the represented party's last known address, email address, and telephone number, if any, and must be served upon all parties.

(e) Any substitution or motion for withdrawal of counsel that would result in a delay of a hearing or trial is disfavored.

(f) All attorneys withdrawing from a case shall remove their contact information from the service list for that case in the court's electronic filing system. Should an attorney fail to do so, the court clerk's office shall remove the contact information of the withdrawn attorney upon request by a party or the court.

Rule 5.303. Attorney in limited services ("unbundled services") contract.

(a) An attorney who contracts with a client to limit the scope of representation shall:

(1) State the specific limitation of representation in the first paragraph of each paper or pleading filed on behalf of that client; and

(2) Notify the court of the specific limitation of representation at the beginning of each hearing in which the attorney appears for that client.

(b) Failure to provide the specific limitation of representation shall constitute a general appearance by counsel.

(c) Unless otherwise ordered by the court, to withdraw from representation of a client in limited services, an attorney shall:

(1) Complete all services required by the court before filing a notice of withdrawal.

(2) File a notice of withdrawal specifying the limited services that were completed.

(3) Specify, in the withdrawal, at what point in time or proceeding the opposing party may directly contact the party represented by the withdrawing attorney.

(d) Any notice of withdrawal that is filed without compliance with this rule shall be ineffective for any purpose.

Rule 5.304. Minor children; exposure to court proceedings. All lawyers and litigants possessing knowledge of matters being heard by the family division are prohibited from:

(a) Discussing issues, proceedings, pleadings, or papers on file with the court with any minor child;

(b) Allowing any minor child to review any such proceedings, pleadings, or papers or the record of the proceedings before the court, whether in the form of transcripts, audio or video recordings, or otherwise;

(c) Leaving such materials in a place where it is likely or foreseeable that any minor child will access those materials; or

(d) Knowingly permitting any other person to do any of the things enumerated in this rule, without the written consent of the parties or the permission of the court.

Rule 5.305. Seminar for separating parents.

(a) A court may require the parties to a child custody proceeding to complete a seminar for separating parents during any proceedings involving custody of a child.

(b) The seminar must:

(1) Educate parents about inter-parental conflict, including its effects on children;

(2) Educate parents about cooperative co-parenting, including the importance of not undermining one another or putting children in the middle of conflicts;

(3) Educate parents about the importance of both parents spending quality time with the children in order to develop meaningful relationships;

(4) Provide information on child development;

(5) Provide an interactive presentation;

(6) Provide information on alternative dispute resolution;

(7) Offer the seminar in multiple languages;

(8) Provide each participant with written material that supports the seminar curriculum; and

(9) Provide relevant community resource information.

(c) The seminar shall be completed and a certificate of completion shall be filed within 45 days of the court order directing completion of the seminar.

(d) Noncompliance by a parent shall not delay the final hearing or order. The court may take appropriate action to compel compliance with this rule.

Rule 5.306. Mandatory mediation program.

(a) Generally, pursuant to NRS 3.475, except as otherwise ordered, all parties to a contested child custody proceeding must attend mediation through the Family Mediation Center (FMC) or through a private mediator before the disposition of the custody matter.

(b) Provisions applicable to all mediations.

(1) The court may refer the parties to mediation at any time, at the request of one or both parties or on its own motion.

(2) If a child custody proceeding is pending, the party moving for or requesting custody shall initiate mediation or seek exemption from mediation.

(3) The court may waive mediation in individual cases if there are issues of child abuse or domestic violence involved, if a party lives out of state, or for other good cause shown.

(4) A party may seek exemption from mediation at the case management conference or by motion as early in the case as practicable, asserting a basis for why the case is inappropriate for referral to mediation.

(5) Mediation shall be held in private, and except as otherwise required by other rule, statute, or court order, shall be confidential. Every mediator shall report in writing that the parties successfully mediated a full or partial parenting agreement (providing that agreement to the court), that they reached an impasse, or identify any party who failed to appear or refused to participate.

(6) Counsel of record may attend mediation sessions with their clients unless otherwise ordered.

(7) At the request of a mediating party or that party's counsel of record, any agreement produced by the mediator shall be provided to that counsel.

(8) No mediator shall conduct an evaluation of the parties after mediation or as part of the mediation process. No mediator shall provide recommendations as part of the mediation process.

(c) Provisions applicable to mediations at FMC.

(1) Any outstanding fees to FMC must be paid in full before further FMC services are initiated. Parties meeting minimum income requirements shall receive a fee waiver for mediation services upon verification of benefits. Fees for FMC mediation may be assessed to parties based upon a sliding fee scale.

(2) FMC shall establish procedures to assure that cases which are inappropriate for mediation or which may require special protocols for the protection of parties are screened prior to any contact between the parties in the mediation process.

(3) Except as otherwise ordered in an order for mediation, mediation at FMC shall not address or include in any agreement terms for child support, spousal support, fees and allowances, exclusive possession of a residence, or any matter involving money to be paid by a party.

5.400 Discovery, case management conference (CMC) and early case evaluation (ECE), experts, and reports

Rule 5.401. Discovery documents; Bates stamps.

(a) Every document produced in discovery should be identified with a unique identifier, signifying the party that produced it and its sequential order of production (e.g., "Plaintiff 0123," or for party John Smith, "JS0123"). Every party using that document in that case should continue to use the identifier given to it upon production.

(b) Unique identifying numbers should normally be printed at the lower right corner of the document, unless that is not practicable, in which case it can be printed elsewhere on the document.

Rule 5.402. Discovery disputes, conferences, motions, stays.

(a) Unless otherwise ordered, all discovery disputes (except disputes presented at a pretrial conference or at trial) must first be heard by the discovery hearing master.

(b) Upon reasonable notice, the discovery hearing master may direct the parties to appear for a conference with the hearing master concerning any discovery dispute. Unless otherwise directed, points and authorities need not be filed prior to a conference noticed by the hearing master. Counsel may not stipulate to vacate or continue a conference without the hearing master's consent.

(c) The hearing master may shorten or extend any of the times for any discovery motion.

(d) A discovery motion must set forth that after a discovery dispute conference or a good-faith effort to confer, the parties were unable to resolve the matter satisfactorily, detailing what attempts to resolve the dispute were made, what was resolved and what was not resolved, and why. A conference requires a personal, telephonic, videoconference, or email conference between or among the parties; if such a conference was not possible, the motion shall set forth the reasons. Such a motion must be supported by affidavit.

(e) If the responding party failed to answer discovery, the motion shall set forth what good faith attempts were made to obtain compliance. If, after request, the responding party fails to participate in good faith in the conference or to answer the discovery, the court may require such party to pay to any other party the reasonable expenses, including attorney fees, caused by the failure.

(f) The hearing master may stay any disputed discovery proceeding pending resolution by the court.

(g) Following the hearing of any discovery motion, or other contested matter heard by or submitted to a discovery hearing master, the discovery hearing master must prepare a report with the discovery hearing master's recommendations for a resolution of each unresolved dispute.

(1) The discovery hearing master may direct counsel to prepare the report.

(2) The discovery hearing master must file the report with the court and serve a copy of it on each party.

(3) If the discovery hearing master determines that the exigencies of the case do not permit application of the time frames set out in NRCp 16.3, the following time frames will apply instead. Within 7 calendar days after being served with the report, any party may file and serve written objections to the recommendations. Written authorities may be filed with an objection but are not mandatory. If written authorities are filed, any other party may file and serve responding authorities within 7 days after being served with the objections.

(4) Upon receipt of a discovery hearing master's report, any objections, and any response, the court may:

(A) affirm, reverse, or modify the discovery hearing master's ruling without a hearing;

(B) set the matter for a hearing; or

(C) remand the matter to the discovery hearing master for reconsideration or further action.

(h) Papers or other materials submitted for the discovery hearing master's *in camera* inspection must be accompanied by a captioned cover sheet that indicates it is being submitted *in camera*. All *in camera* submissions must also contain an index of the specific items submitted. A copy of the index must be furnished to all other parties. The party submitting the materials *in camera* must provide one copy of the materials without redactions and one set of materials with proposed redactions.

Rule 5.403. Pre-CMC/ECE filings and procedure.

Within 14 days after each case conference, but not later than 7 days before a scheduled case management conference, the parties must file a joint early case conference report or, if the parties are unable to agree upon the contents of a joint report, each party must serve and file an individual early case conference report, any of which must contain:

- (a) A statement of jurisdiction;
- (b) A brief description of the nature of the action and each claim for relief or defense;
- (c) If custody is at issue in the case, a proposed custodial timeshare and a proposed holiday, special day, and vacation schedule;
- (d) A list of all documents provided at or as a result of the case conference, together with any objection that the document is not authentic or genuine. The failure to state an objection to the authenticity or genuineness of a document constitutes a waiver of such objection at a subsequent hearing or trial. For good cause, the court may permit the withdrawal of a waiver and the assertion of an objection;
- (e) A list of all documents not provided under the applicable NRCP, together with the explanation as to why each document was not provided;
- (f) For each issue in the case, a statement of what information and/or documents are needed, along with a proposed plan and schedule of any additional discovery;
- (g) A list of the property (including pets, vehicles, real estate, retirement accounts, pensions, etc.) the litigant seeks to be awarded in the action;
- (h) The list of witnesses exchanged in accordance with the applicable NRCP;

(i) Identification of each specific issue preventing immediate global resolution of the case along with a description of what action is necessary to resolve each issue identified;

(j) A litigation budget; and

(k) Proposed trial dates.

Rule 5.404. CMC/ECE proceedings.

(a) At the case management conference, the court, counsel, and the parties must:

(1) Confer and consider the nature and basis of the claims and defenses, the possibilities for a prompt settlement or resolution of the case, and whether orders should be entered setting the case for settlement conference and/or for trial;

(2) Make or arrange for the disclosures required and to develop a discovery plan, which may include limitations on discovery or changes in the timing of discovery requirements otherwise required; and

(3) Recite stipulated terms on the record under local rules.

(b) The court should also:

(1) Enter interim orders sufficient to keep the peace and allow the case to progress;

(2) For matters that are claimed to be in contest, give direction as to which party will have which burden of proof;

(3) Discuss the litigation budget and its funding; and

(4) Enter a scheduling order.

(c) The court may also address, and if possible resolve, the following, if relevant:

- (1) Whether there are any issues as to grounds or jurisdiction;
- (2) Custody and visitation relating to any minor child, including any anticipated testimony of a minor child;
- (3) Support of any minor child;
- (4) Temporary possession and control of property, including residences and vehicles;
- (5) Allocation of responsibility for payment of debts;
- (6) Payment of temporary spousal support or maintenance;
- (7) Any procedural issues present in the action; and
- (8) Whether any or all issues in the case can be immediately settled, resolved, and removed from the field of litigation.

Rule 5.405. Child interview, outsource evaluation, and court appointed special advocate (CASA) reports.

(a) A written child interview report or outsource evaluation report (including exhibits), prepared by the Family Mediation Center, an outsource evaluator, or a CASA shall be delivered to the judge in chambers. Only the parties, their attorneys, and such staff and experts as those attorneys deem necessary are entitled to read or have copies of the written reports, which are confidential except as provided by rule, statute, or court order. Statements of a child to a CASA may not be viewed without an order of the court.

(b) No copy of a written report, or any part thereof, may be made an exhibit to, or a part of, the open court file except by court order. A written report may be received as evidence of the facts contained therein that are within the personal knowledge of the person who prepared the report.

(c) Every such report shall include on its first page, a prominent notice in substantially the following form:

DO NOT COPY OR RELEASE THIS REPORT TO ANYONE, INCLUDING ALL PARTIES TO THE ACTION. NEVER DISCLOSE TO OR DISCUSS THE CONTENTS OF THIS REPORT WITH ANY MINOR CHILD.

Rule 5.406. Expert testimony and reports.

(a) No party to an action pending before the court may cause a child who is subject to the jurisdiction of the court to be examined by a physician, therapist, counselor, psychologist, or similar professional for the purpose of obtaining an expert opinion for trial or hearing except upon court order, upon written stipulation of the parties, or pursuant to the procedure prescribed by the NRCP.

(b) When it appears that an expert medical, psychiatric, or psychological evaluation is necessary for any party or minor child, the parties shall attempt to agree to retention of one expert. Upon request of either party, or on its own initiative, the court may appoint a neutral expert if the parties cannot agree on one expert and make provisions for payment of that expert.

Rule 5.407. Pick up of reports, tests, etc.

(a) An agent of an attorney shall be entitled to pick up lab tests, evaluations, and other documents that the attorney is entitled to pick up, upon presentation of a signed authorization to pick up papers on the attorney's behalf. Such an authorization shall provide in substantially the following form:

Please allow my agent, _____, to pick up documents, records, or other papers being held for me by the court. I understand that I have the same responsibility for the items picked up as if I did so personally.

/ss/, _____
[Name of authorizing counsel and bar number]

(b) Unless otherwise ordered, no party may personally pick up lab tests, evaluations, or other documents that are not to be copied or disseminated. Parties in proper person are entitled to read such documents in the courtroom or chambers or at such other place designated by the court.

5.500 Motion practice

Rule 5.501. Requirement to attempt resolution.

(a) Except for motions served with the initial pleading in a case or as otherwise provided herein or by other rule, statute, or court order, before any family division matter motion is filed, the movant must attempt to resolve the issues in dispute with the other party.

(b) A party filing a motion in which no attempt was made to resolve the issues in dispute with the other party shall include a statement within the motion of what provision, futility, or impracticability prevented an attempt at resolution in advance of filing.

(c) Failure to comply with this rule may result in imposition of sanctions if the court concludes that one or more of the issues would have been resolved if an attempt at resolution had been made before filing.

Rule 5.502. Motion, opposition, countermotion, and reply submission and setting.

(a) Except as otherwise provided by other rule, statute, or court order, all motions must contain the following notice on the first page directly below the case caption:

NOTICE: YOU MAY FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE

COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

(b) All motions must be set on a day when the judge to whom the case is assigned is hearing civil domestic motions and not less than 35 days from the date the motion is filed.

(c) Within 14 days after service of the motion, the opposing party may file and serve a written opposition, with or without a countermotion, together with a memorandum of points and authorities and supporting affidavits, if any, addressing the subject matter of the motion.

(d) A timely countermotion will be heard and decided at the same time set for the hearing of the original motion and no separate notice of motion is required.

(e) Request for Submission.

(1) If no opposition to a motion is filed within 14 days of service, the movant may file and contemporaneously serve a request for submission.

(2) A request for submission must be accompanied by a proposed order.

(3) If the non-movant does not file an opposition to the motion within 3 days of service of the request for submission (or 7 days if the request for submission was served by mail), the court may grant all or any part of the motion without a hearing.

(f) The party filing the initial motion may file a reply memorandum of points and authorities not later than 7 days after service of the opposition. Absent leave or direction of the court, no reply to an opposition to a countermotion shall be filed.

(g) If all the civil domestic judges in this district are disqualified from hearing a case, a notice of motion must state: "Please take notice that the undersigned will bring the above motion for hearing before a visiting or senior judge at such time as shall be prescribed by the court administrator."

(h) The first page of each motion, opposition (whether or not the opposition includes a countermotion), or reply shall include an option for the submitting party to request an oral argument hearing and, if desired, an option for requesting that the court schedule an in-person hearing. If the motion, opposition, and/or reply did not request an oral argument hearing, the clerk shall set the matter on the court's chamber calendar; if one or more of those submissions requested an oral argument hearing, the clerk shall set the matter on the court's hearing calendar.

Rule 5.503. Motion, opposition, countermotion, and reply content.

(a) Every motion, opposition, countermotion, and reply shall include points and authorities supporting each position asserted and an affidavit supporting all factual averments. Points and authorities lacking citation to relevant authority, or consisting of bare citations to statutes, rules, or case authority, do not comply with this rule. The absence or deficiency of points and authorities may be construed as an admission that the filing is not meritorious, or as cause for denial of all positions not supported.

(b) Failure of an opposing party to serve and file a written opposition may be construed as an admission that the motion is meritorious and a consent that it be granted.

(c) An opposition to a motion that contains a motion related to the same subject matter will be considered as a countermotion.

(d) Citations to decisions of the Supreme Court or Court of Appeals of the State of Nevada shall include the citation to Nevada Reports and to West's Pacific Reporter and the year of the decision. Whenever a decision of an appellate court of any other state is cited, the citation to West's Regional Reporter System shall be given together with the state and the year of decision. When a decision of the Supreme Court of the United States is cited, at least one parallel citation and year of decision shall be given. When a decision of a court of appeals or of a district court or other court of the United States has been reported in the Federal Reporter System, that citation, court, and year of decision shall be given.

Rule 5.504. Motion, opposition, countermotion, and reply format.

Filings submitted in hard copy shall comply with these specifics. Filings submitted electronically shall comply with these specifics to the degree relevant to electronic documents. Filings furnished by the clerk, the district attorney, the public defender, or a self-help center established by the court must only comply with these specifics as directed by the presiding judge.

(a) Paper size, line spacing, margins, and page numbers.

(1) Paper filings should be on 8.5 × 11 inch white paper. All filings should be prepared by a process sufficient to be printed, copied, or scanned. Only one side of the paper may be used.

(2) All or part of a filing may be legibly handwritten at the discretion of the court. No original filing may be amended by making erasures or interlineations on a document, or by attaching slips to it, except by leave of court.

(3) Pages should be numbered consecutively at the bottom. Lines of pages should be numbered in the left margin, which shall measure one inch in width.

(4) The lines on each page should be double spaced, except that descriptions of real property or other reference and citation material may be single spaced. All quotations of more than 50 words should be indented and single spaced.

(b) Identification of filer, court, parties, and filing.

(1) At the upper left corner of the first page of every filing, single spaced, starting on line one, the filer shall list the document code (available from the clerk's office); the name (and if applicable, Nevada State Bar identification number) and address of the filer; the telephone number and email address of the filer and of any associated attorney appearing for the filer, or that there are no such numbers for the filer; and whether the filer is or represents the plaintiff, defendant, or other party.

(2) Centered, below the identifying information specified above, the filing shall recite:

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

(3) Below the title of the court, to the left of center, the filing shall recite the name of the action or proceeding, e.g., JOHN DOE, Plaintiff, vs. RICHARD ROE, Defendant.

(4) Below the title of the court, to the right of center, the filing shall recite the case number, the department number or letter, and if known the date and time of the proceeding to which the filing relates.

(5) Centered, below the other information detailed above, the filing shall recite the title of the filing, sufficient in description to apprise the court and opposing party of the nature of the document filed, or the relief sought, e.g., Plaintiff's Motion to Compel Answers to Interrogatories; Defendant's Motion for Summary Judgment against Plaintiff John Doe; Order Granting Plaintiff Doe's Motion for Summary Judgment against Defendant Roe.

(c) Typeface. Either a proportionally spaced or a monospaced typeface may be used.

(1) A proportionally spaced typeface (e.g., Century Schoolbook, CG Times, Times New Roman, and New Century) should be 14 points or larger. Footnotes should be 12 points or larger.

(2) A monospaced typeface (e.g., Courier and Pica) may not contain more than 10.5 characters per inch (e.g., 12 point Courier). Footnotes should be 12 points or larger.

(3) Unrepresented litigants may use elite type, 12 characters per inch, if they lack access to a device producing larger characters. Footnotes should be 12 points or larger.

(d) Type styles. A brief should be set in a plain, roman style, although underlining, italics, or boldface may be used for emphasis. Case names should be italicized or underlined.

(e) Length.

(1) Page limitation. Unless permission of the court is obtained, a motion, opposition, or reply shall not exceed 30 pages.

(2) Type volume limitation. A motion, opposition, or reply is acceptable if it contains no more than 14,000 words, or if it uses a monospaced typeface and contains no more than 1,300 lines of text.

(3) Computing page and type volume limitation. Any table of contents, table of authorities, notice of motion, certificate of service, affidavit, and any exhibits do not count toward a filing's page or type volume limitation. The page or type volume limitation applies to all other portions of a filing beginning with the statement of facts, including headings, footnotes, and quotations. Pages in a filing preceding the statement of facts should be numbered in lowercase Roman numerals, and pages in the brief beginning with the statement of facts should be numbered in Arabic numerals.

(4) A request to exceed page limit or type volume limitation is disfavored but may be requested within a filing or in a separate filing for that purpose on or before the filing's due date and shall state the reasons for the request and the number of additional pages, words, or lines of text requested. It is the responsibility of the submitting party to conform to the formatting rules.

Rule 5.505. Affidavits relating to motions. Unless otherwise required by another rule, statute, or court order, affidavits relating to motions, oppositions, countermotions, replies, or other papers may incorporate all factual averments by reference in substantially the following form:

I have read the foregoing _____, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.

Rule 5.506. Exhibits to motions and other filings.

(a) Unless otherwise required by another rule, statute, or court order, this rule applies to exhibits filed in support of a motion or other paper, which shall be filed contemporaneously with the filing to which they relate.

(b) To be admissible at trial or in an evidentiary proceeding, all papers filed as exhibits shall be produced in discovery and Bates-stamped or otherwise identified by page number at the bottom right corner.

(c) Exhibits must be preceded by a sheet with the identification “Exhibit ____.”

(d) Collective exhibits to a filing must be filed as a separate appendix, including a table of contents identifying each exhibit.

(e) Oversized exhibits that cannot be reduced to 8.5 inches by 11 inches without destroying legibility, and any other exhibits that cannot be e-filed and are filed and served conventionally, must be identified in the exhibit list or table of contents, noting that they have been separately filed and served.

(f) Unless otherwise required by another rule or statute, the following should not be made exhibits:

- (1) Documents of record in a Clark County family division matter;
- (2) Cases;
- (3) Statutes;

(4) Other legal authority; or

(5) Confidential court documents or other documents as to which there is any prohibition or restriction on copying or dissemination.

(g) Exhibits may be deemed offers of proof but shall not be considered substantive evidence until admitted.

Rule 5.507. Financial disclosure required for motions involving money. Unless otherwise ordered by the court, or otherwise required by another rule or statute:

(a) A General Financial Disclosure Form (GFDF) must be filed in support of any motion or countermotion that includes a request to establish or modify child support, spousal support, fees and allowances, exclusive possession of a residence, or any matter involving money to be paid by a party.

(b) A GFDF must be filed in support of any opposition to a motion or countermotion described in section (a).

(c) All financial disclosures must be filed on the form(s) specified by the NRCP.

(d) A financial disclosure must be filed within 3 days of the filing of the motion, countermotion, or opposition it supports, and may only be filed in open court with leave of the judge upon a showing of excusable delay.

(e) Every GFDF filing shall include copies of the filing party's 3 most recent paycheck stubs (or equivalent).

(f) An assertion within a motion, opposition, or countermotion that there has been no material change in a financial disclosure filed within the preceding 6 months satisfies this rule.

(g) The court may construe any motion, opposition, or countermotion not supported by a timely, complete, and accurate financial disclosure as admitting

that the positions asserted are not meritorious and cause for entry of orders adverse to those positions, and as a basis for imposing sanctions.

(h) In paternity matters, or postjudgment family division matters, only the case information, household, and income and expense sections of the GFDF need be completed. For good cause shown, the court may require a party to complete the remaining portions of the GFDF.

(i) For good cause shown, the court may require a party to file a Detailed Financial Disclosure Form (DFDF).

Rule 5.508. Schedule of arrearages required for motions seeking arrearages in periodic payments. A motion alleging the existence of arrears in payment of periodic child support, spousal support, or other periodic payment shall be accompanied by a separately filed schedule showing the date and amount of each payment due, and the date and amount of any payments received. The schedule may include a calculation of interest, any applicable penalties, and an explanation of how those sums were calculated, following a declaration in substantially the following form:

Under penalty of perjury, pursuant to the best information known and available to me, the following schedule accurately sets out the dates and amounts of periodic payments due pursuant to a lawful court order, the dates and amounts of all payments received, and the principal, interest, and penalties due.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.

EXECUTED this ____ day of _____, 20__.

[Name of party or attorney filing the schedule]

Rule 5.509. Motions and procedure for orders to show cause.

(a) A motion seeking an Order to Show Cause (OSC) for contempt must be accompanied by a detailed affidavit complying with NRS 22.030(2) that identifies the specific provisions, pages and lines of the existing order(s) alleged to have been violated, the acts or omissions constituting the alleged violation, any harm suffered or anticipated, and the need for a contempt ruling, which should be filed and served as any other motion.

(b) The party seeking the OSC shall submit an ex parte application for issuance of the OSC to the court, accompanied by a copy of the filed motion for OSC and a copy of the proposed OSC.

(c) Upon review of the motion and application, the court may:

- (1) Deny the motion and vacate the hearing;
- (2) Issue the requested OSC, to be heard at the motion hearing;
- (3) Reset the motion hearing to an earlier or later time; or
- (4) Leave the hearing on calendar without issuing the OSC so as to address issues raised in the motion at that time, either resolving them or issuing the OSC at the hearing.

(d) If an OSC is issued in advance of the first hearing, the moving party shall serve it and the application for OSC on the accused contemnor not less than 24 hours before the hearing on the order to show cause by one of the following means:

- (1) personal service;
- (2) electronic service through the Eighth Judicial District Court's electronic filing system; or
- (3) via facsimile or email pursuant to a duly executed consent for service by electronic means.

(e) At the first hearing after issuance of an OSC, the accused contemnor may be held in contempt, or not, or the court may continue the hearing with directions on the issue. At the first or any subsequent hearing after issuance of

an OSC, if the accused contemnor does not appear, a bench warrant may be issued to secure attendance at a future hearing, or other relief may be ordered.

Rule 5.510. Motions in limine.

(a) Except as otherwise provided herein or by court order, a motion in limine to exclude or admit evidence must ordinarily be in writing and must be heard not less than 7 days prior to trial.

(b) Where the facts that would support a motion in limine arise or become known after it is practicable to file a motion in the ordinary course as set forth above, the filing party may seek an order shortening time to hear the motion as provided by these rules, or bring an oral motion in limine at a hearing.

(c) A written motion in limine must be supported by affidavit and, if not filed in the ordinary course, must detail how and when the facts arose or became known. The motion shall also set forth that after a conference or a good-faith effort to confer, counsel were unable to resolve the matter satisfactorily, detailing what attempts to resolve the dispute were made, what was resolved and what was not resolved, and why. A conference requires a personal, telephonic, videoconference, or email conference between or among the parties. If a conference was not possible, the motion shall set forth the reasons.

Rule 5.511. Requirement to serve actual known address.

(a) When a party seeking relief from the court has actual knowledge that the personal information of a non-moving party on file with the court is not correct, then the moving party shall serve the known address and email address of the non-moving party in addition to the address on file with the court. All service made should be noted in the certificate of service.

(b) The failure of a moving party to attempt to provide actual notice to a non-moving party is grounds for setting aside a court order obtained in proceedings in which the non-moving party did not participate.

Rule 5.512. Supplements relating to motions.

(a) Supplements to motions, oppositions, countermotions, or replies must be filed at least 1 day prior to the hearing.

(b) A supplement must pertain to the subject matter of an existing filing, provide information that could not reasonably have been supplied in the earlier filings, and reference the subject matter and filing to which it relates.

(c) Upon the request of any party or for good cause shown, the filing of a supplement may be found by the court as grounds for any or all of:

(1) Continuance of a hearing, with or without issuance of temporary orders;

(2) An award of fees in favor of a party not filing the supplement;
or

(3) An order striking the supplement; and direction that the subject matter of the filing be addressed in a separate motion.

Rule 5.513. Extensions of time relating to motions.

(a) Immediately below the title of any motion or stipulation for extension of time to file any opposition or reply, there shall also be included a statement indicating whether it is the first, second, third, etc., requested extension.

(b) The parties may by agreement extend the time within which an opposition or reply must be filed, so long as: any scheduled hearing is unaffected, or is continued if it would be affected; notice is contemporaneously provided to the court; and all filings relating to the hearing are filed at least 7 days before the scheduled hearing. Compliance with these conditions shall be considered compliance with the requirements of NRCP 6(b).

(c) A party may file a motion for an extension of time to file an opposition or reply. Such a motion must explain why it could not be obtained by stipulation and be supported by affidavit.

(d) Except as otherwise provided by other rule, statute, or court order, an ex parte motion to extend the time for filing an opposition or reply will not ordinarily be granted. An order granting such a motion may extend the time for filing the subject opposition or reply, or may suspend the due date of that opposition or reply for such period as is required to enable the moving party to apply for a further extension by stipulation or by noticed motion, and may shorten the time until the hearing of such a noticed motion.

Rule 5.514. Courtesy copies. Unless otherwise directed by the court, any filings that are electronically filed which include documents that do not scan reliably (e.g., photographs) should be courtesy copied to the court in advance of the hearing.

Rule 5.515. Proposed orders. Parties may supply proposed orders to the court and opposing party at least 7 days prior to the hearing. Proposed orders may include such findings, conclusions, and orders as the submitting party believes relevant to each point in dispute in the proceedings. Unless otherwise directed by the court, a party may supply an editable electronic copy of a proposed order to the court's law clerk concurrently with the submission of the proposed order. The presiding judge shall direct what format is acceptable for such editable submissions, or make other administrative directions relating to proposed orders.

Rule 5.516. Reconsideration and/or rehearing of motions.

(a) A party seeking reconsideration and/or rehearing of a ruling (other than an order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59, or 60), must file a motion for such relief not later than 14 days after service of notice of entry of the order unless the time is shortened or enlarged by order. A motion for reconsideration does not toll the period for filing a notice of appeal.

(b) If a motion for reconsideration and/or rehearing is granted, the court may make a final disposition without hearing, may set it for hearing or resubmission, or may make such other orders as are deemed appropriate under the circumstances.

5.600 Stipulations, conferences, and hearings

Rule 5.601. Stipulations in family law proceedings.

(a) A stipulation must include the material terms of the subject matter addressed.

(b) A stipulation may be placed on the record in court.

(c) An out of court stipulation must be reduced to writing and subscribed by the party against whom the agreement is being enforced, or memorialized in a form providing clear and convincing evidence of the party's assent. Such a stipulation may provide that it is effective between the parties immediately.

(d) A stipulation adopted by the court shall be binding on the parties immediately, and shall be an enforceable order once written, signed by the court, and filed.

(e) A court-adopted stipulation concerning child custody shall be construed as including findings that it is in the best interest of the child and is not unconscionable, illegal, or in violation of public policy. Unless otherwise ordered, it shall be construed as a waiver of any additional detailed findings and shall be enforceable without additional specific best interest findings.

Rule 5.602. Settlement conferences.

(a) At the request of any party or on its own motion, the court may order the parties to participate in a settlement conference.

(b) Unless otherwise ordered, at least 7 days before any scheduled settlement conference, each party must submit to the settlement judge a confidential settlement conference brief that is no more than 10 pages in length and addresses: the relevant facts of the case; the issues remaining unresolved and their proposed resolution; any scheduled hearings and trial dates; the dates and amounts of any demands and offers and their expiration date(s); any unusual legal issues; and any other information useful to a settlement of the matter.

(c) The confidential settlement briefs are not to be made part of the regular or confidential court file or otherwise provided to the court hearing the matter, directly or indirectly.

(d) If settlement is reached, the memorialization of settled terms shall be promptly reduced to writing and signed, or by consent placed on the record and entered in the minutes in the form of an order.

(e) To the degree practicable, these provisions are to be utilized by district court judges, senior settlement judges, settlement masters, or other persons performing the function of facilitating mediation and settlement.

Rule 5.603. Resolution of parent-child issues before trial of other issues. Unless otherwise directed by the court, all contested child custody proceedings must be submitted to the court for resolution prior to trial of, or entry of an order resolving, the remaining issues in an action.

Rule 5.604. Meetings of counsel before calendar call or final pretrial conference; pretrial memorandum.

(a) Prior to or at any calendar call, or at least 7 days before trial or any evidentiary hearing if there is no calendar call, the designated trial attorneys for all parties shall meet to arrive at stipulations and agreements, for the purpose of simplifying the issues to be tried, and exchange final lists of exhibits and the names and addresses of all witnesses (including experts) to be actually called or used at trial. No new exhibits or witnesses are to be added, although previously disclosed witnesses or exhibits may be eliminated, unless otherwise ordered.

(b) Except as otherwise ordered, each party must prepare a pretrial memorandum that must be filed and served on all other parties not less than 7 days before the calendar call, or 14 days before the hearing if there is no calendar call. Unless otherwise ordered, the pretrial memorandum must concisely state:

(1) A brief statement of the facts of the case, including:

(A) The names and ages of the parties;

(B) The date of the marriage;

(C) Whether any issues have been resolved and the details of the resolution;

(D) The names, birth dates, and ages of any children.

(2) If child custody is unresolved, proposed provisions for custody and visitation;

(3) If child support is unresolved, the amount of support requested and the factors that the court should consider in awarding support;

(4) If spousal support is unresolved, the form, amount, and duration requested and the factors that the court should consider in awarding support;

(5) A brief statement of contested legal and factual issues regarding the distribution of property and debts;

(6) If a request is being made for attorney fees and costs, the amount of the fees and costs incurred to date;

(7) Any proposed amendments to the pleadings;

(8) A list of all exhibits, including exhibits that may be used for impeachment, and a specification of any objections each party may have to the admissibility of the exhibits of an opposing party;

(9) A list of the names and addresses of all witnesses (including experts), other than a resident witness, that each party intends to call. Failure to list a witness, including impeachment witnesses, may result in the court precluding the party from calling that witness;

(10) If any requests involving money are at issue, a financial disclosure in accordance with these rules;

(11) A list of substantial property, all secured and unsecured indebtedness, and the proposed disposition of assets and liabilities in a format substantially complying with court rules or any asset and debt schedule forms provided by the court;

(12) Any other matter that counsel desires to bring to the attention of the court at calendar call.

Rule 5.605. Pre-trial conferences and calendar call.

(a) At the request of the court or a party, the court may conduct one or more pre-trial conferences or a calendar call, or both.

(b) The court may resolve, or schedule a conference to resolve, any evidentiary, procedural, scheduling, or other matters for the trial, including prospects of settlement, potential alternate methods of dispute resolution, readiness for trial, the exhibits to be submitted, the witnesses (including experts) to be actually called, or any other matters.

(c) Unless otherwise directed by the court, each party must provide to the court and any opposing party by the time of calendar call:

(1) All proposed exhibits, marked for identification.

(2) A typed exhibit list, identifying all stipulated exhibits.

(d) Failure to attend a pre-trial conference or calendar call or to provide the required materials may result in imposition of sanctions.

Rule 5.606. Orders shortening time for a hearing.

(a) Unless prohibited by other rule, statute, or court order, a party may seek an order shortening time for a hearing.

(b) An ex parte motion to shorten time must explain the need to shorten the time. Such a motion must be supported by affidavit.

(c) Absent exigent circumstances, an order shortening time will not be granted until after service of the underlying motion on the nonmoving parties. Any motion for order shortening time filed before service of the underlying motion must provide a satisfactory explanation why it is necessary to do so.

(d) Unless otherwise ordered by the court, an order shortening time must be served on all parties upon issuance and at least 1 day before the hearing. An order that shortens the notice of a hearing to less than 14 days may not be served by mail.

(e) If the time for a hearing is shortened to a date before the due date of an opposition, the opposing party may orally oppose the motion at the hearing. In its discretion, the court may order a written opposition to be filed after the hearing.

(f) Should the court shorten the time for the hearing of a motion, the court may direct that the subject matter of any countermotion be addressed at the shortened time, at the original hearing time, or at some other time.

Rule 5.607. Stipulations and motions to continue or vacate a hearing.

(a) Generally.

(1) Hearings may not be removed from the calendar by calling the clerk's office or the judge's chambers.

(2) An unfiled written stipulation and order to continue a hearing signed by both parties may be submitted to chambers prior to the time of hearing by hand delivery, facsimile, or email. The court may remove the hearing from the calendar or require the parties to appear and put the stipulation on the record. If the hearing is removed from the calendar, the court will set a new hearing upon receipt of the original stipulation and order.

(3) Immediately below the title of any motion or stipulation to continue a hearing there shall also be included a statement indicating whether it is the first, second, third, etc., requested continuance of a hearing.

(b) The parties may file a stipulation to continue or vacate the hearing of a motion, which the clerk will remove from the calendar. The parties may not stipulate to remove a trial or evidentiary hearing without also obtaining court approval by order.

(c) A party may file an ex parte motion to continue or vacate a hearing, explaining why it could not be obtained by stipulation. Such a motion must be supported by affidavit. The court may:

(1) Grant or deny the motion; or

(2) Require that notice be given to all other parties if it had not already been given, and entertain a summary written response to the request or conduct a personal, telephonic, videoconference, or email conference within a time to be specified by the court.

Rule 5.608. Attendance at hearings.

(a) As provided by rule, statute, or court order, an unrepresented party and counsel for a represented party must appear at the time set for the hearing of any family division matter, personally, or by telephonic or audiovisual equipment.

(b) Even if represented by counsel, a party must attend a hearing if required by rule, statute, or court order, and unless otherwise directed by the court, at: case management conferences; contempt hearings directed against that party; returns from mediation; and hearings on custody, child or spousal support, temporary possession of a residence, or protective orders.

Rule 5.609. In-person and virtual hearings.

(a) Unless otherwise directed by the court, all hearings except for evidentiary hearings, trials, and proceedings to show cause why sanctions should not be imposed shall be conducted utilizing simultaneous audiovisual or telephonic transmission equipment.

(b) A party filing a motion, opposition, or reply requesting an in-person hearing shall set forth the reasons for the request.

(c) Upon a minimum of seven days notice, the court may schedule or reschedule any hearing as an in-person hearing for good cause.

5.700 Orders and judgments

Rule 5.701. Summary disposition and uncontested matters.

(a) Unless a hearing is required by statute or by the court, any uncontested, stipulated, or resolved matter may be submitted to the court for consideration without a hearing.

(b) Any child custody proceeding not referencing a written custody and visitation agreement shall require an affidavit by the moving party reciting:

(1) The date the parties separated.

(2) With whom the child has lived during the preceding 6 months.

(3) The contact the child has had with both parents in the past 6 months.

(4) The proposed custody and visitation schedule for the other party and the child, including specific reasons, if any, why visitation should be denied, restricted, or supervised, with all necessary specifics of whatever contact is requested.

(c) An affidavit to corroborate residency shall state the address of the affiant and how long the affiant has been a resident of this state, how the affiant is acquainted with the party whose residency is being corroborated, the total length of time the affiant knows that the party has resided in this state,

that the affiant can verify of the affiant's personal knowledge that the party is a resident of this state, and the basis of the affiant's personal knowledge.

(d) An uncontested family division matter may be heard on any day and time that the assigned judge is hearing uncontested matters. Unless otherwise ordered, a request that the court hear an uncontested case must be made to the clerk not later than 7 days before the day on which the case is to be heard, and all relevant papers must be filed with the clerk at or before the time the request for the uncontested setting is made. If the judge who was to hear an uncontested case is absent at the time set for that hearing, the case may be heard by any other judge.

Rule 5.702 Unopposed Motions and Summary Orders.

(a) The court may deny a motion at any time.

(b) The court may grant all or any part of a motion after an opposition has been filed or 21 days after service of the motion if no opposition was filed.

(c) Unless otherwise ordered, an order granting an unopposed motion should be construed as having adopted the factual allegations in the motion as findings.

(d) If an order granting an unopposed motion concerns child custody, it shall be construed as including findings that it is in the best interest of the child and is not unconscionable, illegal, or in violation of public policy without requiring additional specific best interest findings.

(e) The court may issue other written orders relating to motion filings as it deems appropriate.

Rule 5.703. Joint preliminary injunctions (JPI).

(a) Upon the request of any party at any time prior to the entry of a decree of divorce or final judgment, a preliminary injunction will be issued by the clerk against the parties to the action enjoining them and their officers,

agents, servants, employees, or a person in active concert or participation with them from:

(1) Transferring, encumbering, concealing, selling, or otherwise disposing of any of the joint, common, or community property of the parties or any property that is the subject of a claim of community interest, except in the usual course of conduct or for the necessities of life or for retention of counsel for the case in which the JPI is obtained; or cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of:

(A) Any retirement benefits or pension plan held for the benefit (or election for benefit) of the parties or any minor child; or

(B) Any insurance coverage, including life, health, automobile, and disability coverage;

without the written consent of the parties or the permission of the court.

(2) Molesting, harassing, stalking, disturbing the peace of or committing an assault or battery on the person of the other party, or any child, stepchild, other relative, or family pet of the parties.

(3) Relocating any child of the parties under the jurisdiction of the State of Nevada from the state without the prior written consent of all parties with custodial rights or the permission of the court.

(b) Unless otherwise ordered, the clerk will affix the electronic signature of the presiding judge upon issuance of a JPI on the court's form JPI and enter it as an order of the court; any alternative language must be approved by the assigned judge.

(c) The JPI is automatically effective against the party requesting it at the time it is issued and effective upon all other parties upon service. Service of the JPI will be construed as satisfying all requirements for notice of entry of

the JPI. The JPI shall be treated as a court order and is enforceable by all remedies provided by law, including contempt.

(d) Once issued, the JPI will remain in effect until a decree of divorce or final judgment is entered or until modified or dissolved by the court.

Rule 5.704. Issuance of decisions.

(a) Once a trial, motion, or other proceeding is completed, the court may request additional information or documentation, draft a dispositional order, or render a decision and designate a party to prepare the necessary documents for the court's review and signature. In the absence of any specific direction, the moving party (or plaintiff, for final dispositions) should draft the documents.

(b) Parties must provide such orders, provisions, and documents as are necessary to achieve distribution or finalization of all interests at issue in the proceedings or specify on the record when, how, and by whom that distribution or finalization is to be achieved.

(c) The court may issue an order to show cause for failure of a party to prepare and submit the necessary documents as directed within the time allotted by the court. Upon submission, the court may sign the proposed documents, return them to the preparer with instructions for revision, or take such other actions as are necessary to obtain a complete written disposition of the matter.

(d) The court may elect to provide written notice of entry. A party may waive notice of entry, in which case the date of entry of the written order or decree shall be treated as the date of service of notice of entry for all time limits normally calculated from service of notice of entry.

Rule 5.705. Default judgments.

(a) Unless the court requests the presentation of oral testimony, an application for a judgment by default must be made upon the personal affidavit of the party seeking default, on personal knowledge, setting forth facts that

would be admissible in evidence, showing that the affiant is competent to testify to those matters, and avoiding general conclusions or argument. A deficient affidavit may be stricken, wholly or in part, and the court may decline to consider the application for the default judgment. An affidavit may be accompanied by documentary evidence in support of the judgment sought.

(b) Unless otherwise provided by other rule, statute, or court order or direction, a request for entry of judgment by default, with any supporting affidavits and documentation, shall be placed on the court's chamber calendar for resolution.

Rule 5.706. Countersignatures and direct submission of orders.

(a) Unless otherwise ordered:

(1) The party obtaining an order, judgment, or decree shall have 7 days to prepare it and request the countersignature of the opposing party as to its form and content.

(2) The opposing party shall then have 7 days to countersign or otherwise respond.

(b) Unless otherwise ordered, if unable to obtain the countersignature of the opposing party within 7 days, the drafting party may directly submit the proposed order to the court, copied to the opposing party, accompanied by an explanation of the attempts made to obtain countersignature in substantially the following form:

(1) Enclosed please find our proposed Order from the _____, hearing. Despite attempts to prepare a countersigned Order, we were unable to obtain a countersignature.

On [date], we sent our proposed order to the opposing party for review; we received no response. Despite a reminder letter on [date], the opposing party has not responded. We have attached the relevant correspondence.

Having reviewed the court minutes and the hearing recording, we believe the attached proposed Order complies with this court's orders and so submit it without the signature of the opposing party.

Or:

(2) Enclosed please find our proposed Order from the _____, hearing. Despite attempts to prepare a countersigned Order, we were unable to reach agreement with the opposing party. We have attached the relevant correspondence. Having reviewed the court minutes and the hearing recording, we believe the attached proposed Order complies with this court's orders and so submit it without the signature of the opposing party and have included the time indexes for the court's convenience.

(c) If the parties are unable to agree on the form and content of a proposed order, and the drafting party directly submits a proposed order, the opposing party may submit a proposed alternative form of order, copied to the drafting party, within 7 days of submission of the first proposed order, accompanied by a brief explanation of the reason for the disagreement and the distinction between the proposed orders in substantially the following form:

The opposing party has submitted a proposed Order from the _____, hearing. Having reviewed the court minutes and the hearing recording, we believe our attached proposed Order is more accurate than that of the opposing party and have included the time indexes for the court's convenience.

Rule 5.707. Notices.

(a) Unless otherwise directed by the court, all orders addressing child custody or child support shall include such notices as prescribed in a list maintained and publicized by the presiding judge.

(b) Unless otherwise directed by the court, all final orders shall include notice of the affirmative duty to update changes in personal information in a form prescribed and publicized by the presiding judge.

Rule 5.708. Filing orders. Any order, judgment or decree which has been signed by a judge must be filed with the clerk of the court promptly. No attorney may withhold or delay the filing of any such order, judgment, or decree for any reason.

Rule 5.709. Construction of orders requiring payment of money. Unless otherwise specified, any order calling for the payment of a sum from a party to any other person or entity shall be construed as having been reduced to judgment and made collectible by all lawful means.

Rule 5.710. Domestic violence protection orders (TPO and EOP).

(a) Generally.

(1) The statutory evidentiary standard of “to the satisfaction of the court” shall be construed as equivalent to a reasonable cause or probable cause standard by a court considering an application for issuance of a temporary protection order (TPO) or extended order of protection (EOP).

(2) An application requesting a protection order must be based upon an affidavit setting forth specific facts within the affiant’s personal knowledge establishing good cause for the order.

(3) The court may take steps to verify the written information provided by the applicant, including whether a Child Protective Services case involving any party is or has been opened, and whether any party has been or is a party to any other proceeding involving domestic violence.

(4) The court may direct representatives of Child Protective Services or other agencies to attend a protection order hearing by subpoena or court order.

(5) The court may permit any person deemed appropriate to be present during a protective order proceeding in the interests of justice notwithstanding the demand by a party that the proceeding be private.

(6) The applicant may be ordered to pay all costs and fees incurred by the adverse party if by clear and convincing evidence it is proven that the applicant knowingly filed a false or intentionally misleading affidavit.

(b) Extended orders.

(1) An adverse party must be served with the TPO and application for the extension of a TPO at least 1 day prior to the scheduled hearing.

(2) If the application for an EOP contains a request for financial relief, the applicant must submit financial information on such a form as the court deems necessary.

(3) No EOP may be renewed beyond the statutory maximum period nor may a new EOP be granted based upon the filing of a new application that does not contain a new and distinct factual basis for the issuance of a protective order.

(4) Orders on related matters made in conjunction with extension of a TPO remain in effect for the life of the EOP unless modified by the hearing master or a district court judge hearing the TPO case or another family division case relating to the same parties.

(c) Proceedings in relation with other family division matters.

(1) If both a TPO case and another family division case relating to the same parties have been filed, the hearing master must bring all TPO cases to the attention of the district court judge before

taking any action. Unless the district court judge orders otherwise:

(A) If a motion is filed in the other family division case before the TPO was granted and an extension hearing is set in the TPO court, the extension hearing will be set before the district court judge.

(B) If a motion is filed in the other family division case after the TPO was granted and an extension or dissolution hearing is set in the TPO court, the extension hearing will proceed and the hearing master may make such interim orders on extension of the TPO and any related issues at the extension hearing.

(2) Unless otherwise ordered by the district court judge, once a motion in another family division case relating to the same parties has been filed, all subsequent protection order filings and related issues will be heard by the district court judge both before and after final determination of the other family division case, so long as that other case remains open, and will be heard in the TPO court once the other case is closed.

(d) Objections to recommendations of hearing master.

(1) Interim orders, modifications or dissolutions, and recommendations pursuant to decision by a hearing master remain in full force and effect unless altered by order of the assigned district court judge irrespective of the filing of any post-decision motion or objection.

(2) A party may object to a hearing master's recommendation, in whole or in part, by filing a written objection within 14 days after the decision in the matter; if the objecting party was not present at the hearing, the objection period begins upon service of the order on that party.

(3) A copy of the objection must be served on the other party. If the other party's address is confidential, service may be made on the protection order office for service on the other party.

(e) A district court judge may accept, reject, or modify any recommendation of a hearing master.

Rule 5.711. Other ex parte orders and preliminary injunctions.

(a) Generally.

(1) This rule governs all requests for temporary restraining orders, other ex parte orders, and preliminary injunctions, except for those relating to domestic violence or joint preliminary injunctions, and supersedes the submission and notice rules applicable to regular motions.

(2) A party may file an ex parte motion, a noticed motion for a preliminary injunction, or both.

(3) Ex parte motions filed under this rule shall be filed in a special case number provided by the court for such motions on which no parties shall be maintained for automatic service in the Eighth Judicial District Court's electronic filing system, but otherwise with the same caption as all other documents in the case.

(4) Notice of filing an ex parte motion need not be provided where providing notice would frustrate the purpose of the order sought or cause a party or child to suffer irreparable injury.

(5) Every temporary restraining order and preliminary injunction shall state with specificity the reasons for its issuance and the act or acts sought to be restrained, without reference to other documents.

(6) Every temporary restraining order and preliminary injunction is binding on the parties to the action, their officers, agents, servants, employees, and attorneys, and on those persons in active

concert or participation with them who receive actual notice of the order or injunction.

(7) If not served by automatic service in the Eighth Judicial District Court's electronic filing system, every ex parte order and preliminary injunction shall specify when it and all filings in support of its issuance must be served on the adverse party and specify the time for filing of the adverse party's opposition and supporting filings.

(b) Proceedings relating to ex parte motions.

(1) A motion for ex parte relief not more specifically governed by another rule must identify the circumstances claimed to require ex parte relief, any harm suffered or anticipated if it is not granted, and must detail the efforts, if any, made to give notice to the adverse party or the reasons, if any, that such notice should not be required. The motion will be granted only in cases of emergency.

(2) A motion for ex parte relief must be accompanied by a proposed order. Every order entered upon ex parte motion shall state with specificity the reasons for its issuance ex parte and the specific relief ordered.

(3) Every ex parte temporary restraining order shall state the date and time it will expire, not to exceed 30 days after its issuance, unless extended by either further court order or by a filed, written consent by the party against whom the order is directed. The reasons for any extension shall be recited in such order or consent.

(4) Every ex parte order shall contain an order setting a hearing on the subject matter as soon as is practicable.

(5) If the ex parte order concerns the taking of samples or drug testing, the results shall not be revealed to anyone pending a noticed hearing, unless the order specifies otherwise.

(6) If the ex parte order concerns the seizure of assets or information in any form, the subject matter shall be held without inspection, modification, or deletion pending a noticed hearing, unless the order specifies otherwise.

(c) Upon review of a motion for ex parte relief, the court may:

(1) Deny the motion;

(2) Direct the party requesting relief to file the motion in regular course;

(3) Set a hearing on the subject matter, with or without providing notice of the subject matter in the ex parte motion, direct whether the ex parte motion and all filings in support of its issuance must be served on the adverse party, and specify the time, if any, for filing of the adverse party's opposition and supporting filings; or

(4) Grant the ex parte motion in whole or part, or otherwise issue an order addressing the subject matter of the motion.

(d) If a motion for ex parte relief is denied, unless the court directs otherwise, the court shall file the order denying the motion in the regular case number and direct that the motion be re-filed in the regular case number.

(e) Proceedings relating to preliminary injunctions.

(1) If, at the preliminary injunction hearing set by a temporary restraining order, the party who obtained the temporary restraining order does not proceed with the application for the injunction, the court shall dissolve the temporary restraining order.

(2) A party affected by a temporary restraining order may file a noticed motion to dissolve or modify it.

(f) Any evidence received upon an application for a preliminary injunction that would be admissible becomes part of the record and need not be repeated at a later hearing.

Rule 5.712. Termination of Temporary Orders and Marital Community.

(a) Parties may stipulate to:

- (1) a valuation date for community and other joint property;
- (2) a date on which the marital community terminates.

(b) Unless otherwise ordered or stipulated, a written order granting a divorce, or rendering final judgment, or entering permanent orders, is to be treated as entered nunc pro tunc on the date that submission of evidence was closed. For divorces, the marital community terminates as of that date.

(c) If the court determines that information or events before entry of the written decree of divorce, final judgment, or permanent orders indicate that the interests of justice would be served by valuing community and other joint property using a valuation date other than the date that submission of evidence was closed, the court can use any date between the close of evidence and entry of the written decree, final judgment, or permanent orders.

(d) Behavioral orders made during an action are automatically incorporated in any final orders unless expressly terminated.

(e) Except as otherwise provided by other rule, statute, or court order, temporary orders made during an action terminate upon the court's oral or written pronouncement of permanent orders.

(f) Unless otherwise ordered, any arrearages accrued under temporary orders remaining unsatisfied at the time of termination of those temporary orders remain due and owing.

Rule 5.713. Nunc pro tunc orders.

(a) Nunc pro tunc orders may be issued to correct clerical omissions and errors if:

(1) There was a failure to file an order that was adjudicated, such that an order was rendered or could or should have been entered thereon immediately but for some reason was not entered as such on the judgment record; or

(2) There was a clerical error in the order or judgment, supported by the record, that is being corrected.

(b) A nunc pro tunc order must bear the caption “Amended Order of” The body of the amended order must be identical to the order being changed, except for the change itself, and conclude with language substantially as follows: “This is a nunc pro tunc order correcting the prior order of . . . dated” and identifying the correction made.

Commission to Study Best Practices for Virtual Advocacy
Membership Research Assignment
From 2/18/22 Meeting

District	Virtual Adv. Pros	Virtual Adv. Cons	IT Challenges	Virtual Cases	In-Person Cases
TAB 1 - Second District					
<i>Incline Village Justice Court</i>	<ul style="list-style-type: none"> > Overall convenience for all parties involved > Save on travel time and expenses > Providing better access to Justice 	<ul style="list-style-type: none"> > Not all litigants have the appropriate technology > Potential violation of the 6th amendment > "reading" people is more challenging via video 	<ul style="list-style-type: none"> > Inconsistent procedures/technology between courts > Maintaining multiple meetings is a time burden for court staff > Need for staff training 	<ul style="list-style-type: none"> > Arraignments > Bail Hearings > Evictions > Small Claims Trials > Civil Trials > Traffic Trials > Criminal Trials (Simple) > Sentencing Hearings 	<ul style="list-style-type: none"> > Jury trials
<i>Washoe County District Attorney</i>	<ul style="list-style-type: none"> > Greater chance of victim participation > Convenient and removes the need for excessive travel especially for out-of-state witnesses 	<ul style="list-style-type: none"> > Loss of courtroom decorum > Court staff find it difficult to ascertain whether the participant is under the influence > Simultaneous interpretation is difficult and confusing > Inability to take defendants into custody > Exhibits and documents are difficult to organize 	<ul style="list-style-type: none"> > Out of custody defendants have difficulty with internet access, connection, or using virtual meeting platforms 	<ul style="list-style-type: none"> > Arraignments > Bail hearings > Sentencings (hybrid model—allow victims and persons speaking on behalf of a defendant to appear virtually) > Motion Hearings > Post-Conviction Evidentiary Hearings > Preliminary Hearings > Specialty Court Hearings (sanction hearings, violations of P&P directives, first appearances, orders to show cause) 	

District	Pros	Cons	IT Challenges	Virtual Cases	In-Person Cases
TAB 1 - Second District					
Washoe County Public Defender (In collaboration with Clark County Public Defender)	<ul style="list-style-type: none"> > Convenient and efficient > Saves resources > Easier for clients to work around with family and jobs 	<ul style="list-style-type: none"> > Loss of valuable person to person contact > Loss of appropriate court decorum > In-custody children suffer from further isolation and dehumanization by appearing virtually > The need to train clients on virtual applications takes up valuable time 	<ul style="list-style-type: none"> > Low internet speed > Inadequate equipment > No access to internet or computers 	<ul style="list-style-type: none"> > Status Conferences > Motions for OR release/bail adjustment > Specialty court hearings > First appearances > 72s > Arraignments > Motions to confirm > Hospital and AOT > Felony arraignments > Some misdemeanor criminal matters > Hearings when clients are still in custody > DUI grads > Probation discharges 	<ul style="list-style-type: none"> > Bail revocation > All trials > OSC's > All substantive hearings > Evidentiary > Contested with evidence/witnesses > Juvenile dependency permanency, especially if there is a change in proposed plans > Family court review > Permanency > TPR related including settlement and trial > Sentencing
TAB 2 - Third District					
Canal Township Justice Court	<ul style="list-style-type: none"> > Allows out-of-town defendants to appear without traveling > Allows victims to appear without fear > Less inmate transports > Greater attorney safety > Eliminates travel fees > Provides a greater attorney pool for rural courts 	<ul style="list-style-type: none"> > Significantly slows down court calendars > Distracting > Large portions of the population do not have access to internet or cell phones > Lack of courtroom decorum > Incorporating exhibits and evidence is difficult 	<ul style="list-style-type: none"> > Wi-Fi connection in most Lyon County buildings are unreliable > Signal loss 	<ul style="list-style-type: none"> > Bail hearings > Arraignments > Some pretrials > Traffic > Evictions > Some protection orders > All non-contested hearings > Post conviction > Status Conference 	<ul style="list-style-type: none"> > Any preliminary hearing > Motions hearing > Trials > Civil > Small claims > All misdemeanor trials except traffic > Evictions

District	Pros	Cons	IT Challenges	Virtual Cases	In-Person Cases
TAB 3 - Fourth District					
District Court Department 1	<ul style="list-style-type: none"> > Increases accessibility to Justice and convenience. 	<ul style="list-style-type: none"> > Virtual meetings are more informal, encouraging inappropriate conduct. > Difficult to ensure confidentiality. 	<ul style="list-style-type: none"> > Outdated equipment > Low internet speed > Lack of IT support > Inconsistent platforms 	<ul style="list-style-type: none"> > Status hearings > Case management conferences > minor hearings 	<ul style="list-style-type: none"> > Gross misdemeanor > Felony > Evidentiary hearings > Trials and settlement conferences > Attorneys who wish to appear in-person should be allowed.
TAB 4 - Eighth District					
District Court Civil Criminal Division	<ul style="list-style-type: none"> > Saves time and money > Convenient for tourists who cannot travel > Beneficial for defendants who's schedules are not flexible > Reduces nonappearances > Reduces victim stress > Attorneys have access to more resources reporting virtually from their office 	<ul style="list-style-type: none"> > Poor court decorum > More continuances to obtain signatures and complete negotiations 	<ul style="list-style-type: none"> > Posting video tutorials to assist attorneys and parties/witnesses in using BlueJeans 	<p>Civil:</p> <ul style="list-style-type: none"> > Rule 16 conferences > Status Checks > Calendar calls > law and motion <p>Criminal:</p> <ul style="list-style-type: none"> > Status checks > Trial settings 	<p>Civil:</p> <ul style="list-style-type: none"> > Evidentiary hearings and trials (witnesses via virtual is ok) <p>Criminal:</p> <ul style="list-style-type: none"> > Sentencing > Evidentiary hearings and trials
District Court Family Division	<ul style="list-style-type: none"> > Eliminates the need for time off from work and childcare expenses. > Reduces occurrences of emotional outbursts. > Reduces stress on court staff and litigants. > Provides a more comfortable atmosphere for children who are testifying. 	<ul style="list-style-type: none"> > Evidentiary issues are challenging. > Credibility and perceived authority of the judge is diminished. > Virtual settings lack formality. > It is difficult to ensure outside parties are not listening in. 	<ul style="list-style-type: none"> > Poor connection on litigant's or attorney's side causes disruptions. > The court should have the ability to fully mute and unmute a microphone. > Not everyone has access to internet, computer, cell phone, etc. > Poor video and audio quality for JAVS playback. 	<ul style="list-style-type: none"> > Civil Domestic > Juvenile Dependency > Juvenile Delinquency > Specialty Courts > TPO > Child Support > In-Custody Hearings 	<ul style="list-style-type: none"> > DAAY Court > Family Mediation > Interpreters have a hard time with virtual cases.

District	Pros	Cons	IT Challenges	Virtual Cases	In-Person Cases
TAB 4 - Eighth District					
Las Vegas Justice Court	<ul style="list-style-type: none"> > More access to justice for pro se litigants > Cost savings to litigants > More flexibility for emergency hearings > Ease of access for tourists > Ease of access for defendants who are ill or have a physical disability > Provides a glimpse into living situations 	<ul style="list-style-type: none"> > Limited ability to submit exhibits > Poor courtroom decorum > Cannot immediately serve orders > Slows the productivity of the court > Translations take more time and often create confusion > Creates a heavier workload for clerks > No way to monitor if someone is observing, photographing, or recording without permission > Harder for judges to form connections with treatment participants 	<ul style="list-style-type: none"> > Connectivity issues > Dropped calls > Poor video call etiquette 		<ul style="list-style-type: none"> > Trials > Evidentiary hearings > Preliminary hearings > Treatment court participant
North Las Vegas Justice Court	<ul style="list-style-type: none"> > Accessibility > Allows clients with illnesses to attend court without transmitting the illness 	<ul style="list-style-type: none"> > Difficulty of determining demeanor and credibility of a defendant or party > Technology is unreliable 	<ul style="list-style-type: none"> > Currently using BlueJeans via their JAVS system which meets their IT needs at this time > Connectivity issues and technology glitches 	<ul style="list-style-type: none"> > Short appearances > Criminal: Arraignments, Status checks, waivers, plea negotiations > Civil: status checks, motion, evictions, small claims 	<ul style="list-style-type: none"> > Misdemeanor trials > Felony/gross misdemeanor preliminary hearings > Formal bench trials

District	Pros	Cons	IT Challenges	Virtual Cases	In-Person Cases
TAB 4 - Eighth District					
Las Vegas Municipal Court	<ul style="list-style-type: none"> > Time Saving > Lawyers can multi-task during down time > Environmental impact - carbon/energy footprint Reduce work loss for defendant 	<ul style="list-style-type: none"> > Finder of fact - difficulty assessing credibility of witnesses > IT issues during hearing/trial > Lawyers do not take it seriously at times > Less personal connection > Documentation/exhibits can be awkward > Inability to see if witness is being coached > Harder to control witness (contempt) 	<ul style="list-style-type: none"> > Good connection/bandwidth > Compatible equipment for witnesses, defendants, attorneys > Ensuring BlueJeans works > Training for court personnel > Training for lawyers 	<ul style="list-style-type: none"> > All status checks > Arraignments > Initial appearance > Summons > Pretrial > Calendar call > All traffic matters > AB 424 custody status hearings (48-hour hearings) > Hearing on motions 	<ul style="list-style-type: none"> > All jury trials > Bench trial > Revocation hearings > Sentencing > Evidentiary hearings with significant documents/testimony > Bail hearing
Clark County District Attorney	<ul style="list-style-type: none"> > Multitasking and efficiency > Ease of accessing multiple courts in one day > Increased availability to all parties involved 	<ul style="list-style-type: none"> > Sentencings are not legitimate if the offender won't be remanded on BlueJeans > Can be challenging to contact the P&P officer on a revo hearing > Challenging to have substantial and meaningful attorney-client communications > Lack of courtroom decorum > Issues with testifying witnesses, See "Remote Testimony Guide" 	<ul style="list-style-type: none"> > Poor sound and video connection 	<ul style="list-style-type: none"> > Status checks > Motion/litigation work > Arraignments > Motions by P&P to discharge when probation has expired 	<ul style="list-style-type: none"> > Sentencings except stipulated probation > Calendar calls > Sentencings > Revos > Entry of plea

District	Pros	Cons	IT Challenges	Virtual Cases	In-Person Cases
TAB 4 - Eighth District					
<p>Clark County Public Defender (In collaboration with Washoe County Public Defender)</p>	<p>> Convenient and efficient for staff allowing multitasking while waiting for cases to be heard.</p>	<p>> Court staff have a harder time reading body language and identifying possible coaching. > Technical problems occur often. > Lacking in attorney/client trust or confidence.</p>	<p>> Issues with poor connectivity from jail and parties outside of the court.</p>	<p>> Preliminary Hearings > Misdemeanor trials > DCt jury trials > Evidentiary hearings > Sentencings > Victim impact statements made during sentencing > Probation revocation hearings > Order to Show Cause hearings > All other critical stages of the criminal proceedings unless requested/consented to by the defendant. > Juvenile delinquency > Contested hearings > Certification hearings > Formal Report & Dispositions > Family court TPR hearings.</p>	<p>> Hallmark hearings, if consented to by all parties > Valdez-Jimenez hearings > Sentencings as requested by defense attorney with consent of defendant > Honorable discharges from probation that result in a drop-down > Parole revocation hearings > Family court proceedings and statuses</p>

District	Pros	Cons	IT Challenges	Virtual Cases	In-Person Cases
TAB 5 - Other Departments					
<p>Attorney General</p>	<ul style="list-style-type: none"> > Ease of attending > Reduced travel and expenses > Convenient > Better interpreter access > Less paper > Better time management > Places inmates on same footing as attorneys in civil cases 	<ul style="list-style-type: none"> > Issues for those without internet or skills to use > Unreliable sound & video quality > Witness coaching > Low visibility: body language > Logistical issues with evidence > Loss of in-person discussions 	<ul style="list-style-type: none"> > Uniform standing orders or warnings re: muting, media, exhibits, confidentiality, and witness sequestration > Centralized posting of virtual hearing links > Additional IT staff > Additional training or resources for litigants 	<ul style="list-style-type: none"> > Status checks > Settlement conferences > Non-dispositive motions > Discover hearings 	<ul style="list-style-type: none"> > Jury trials > Bench trials > Evidentiary hearings > Dispositive motions

TAB 1

**Second
Judicial
District**

COMMISSION TO STUDY BEST PRACTICES FOR VIRTUAL ADVOCACY IN NEVADA'S COURTS

Incline Village Justice Court

The following information is provided by Incline Justice Court from the perspective of a limited jurisdiction court with a part-time Judge presiding over a smaller community with many out of the area defendants. This Court held virtual-only proceedings from March 2020 through June 2021 and has been holding hybrid proceedings since.

1. Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court (please provide specific input regarding case management and case types).
 - a. Pros:
 - a. Overall convenience for litigants, counsel and the Court. Out of the area parties do not have to be burdened by having to attend court in person.
 - b. No travel required. Many of our Court's defendants are from out of the area and compelling their appearance in a Court several hours away can create significant costs and hardship.
 - c. Limited time away from work as compared to in-person proceedings. Frequently, defendants excuse themselves from work for the minutes required for Court proceedings as compared to the hours in-person proceedings may require. Many of the Court's litigants cannot afford the time away from work and the financial burden created thereby.
 - d. Ability of the Court to handle its calendars remotely as well. This is particularly valuable for the smaller courts who may lack convenient access to qualified Pro Tem or available Senior Judges. Also, part-time Judges can still preside over matters even if she or he is not available in person. If a Judge has video capacity and access to the case files, she or he can effectively and efficiently adjudicate matters even when she or he is remote.
 - e. Access to Justice. Allowing participants to interact with the Court virtually can enhance their access to the Courts and minimize failures to appear.
 - f. Transparency of Court Proceedings. Allowing the public to view court proceedings more conveniently
 - b. Cons:
 - a. Technology Implementation. Different Courts have different standards for necessary technology required for virtual proceedings. These varying standards can cause challenges in compatibility in the technologies and training for usage.
 - i. In its simplest form, a Court can simply subscribe to Zoom (or another video platform) and publish the link on its website. The Court would need to have cameras and microphones throughout the courtroom, but this equipment can be inexpensive. Zoom can be used to record the proceedings.

- ii. In a more complex scenario, a Court can establish a hybrid virtual court system utilizing Zoom (or another video platform) along with JAVS or a similar recording platform.
 - iii. In order to maintain control of the Courtroom, some Courts may require participants to receive an “invitation” to attend the proceedings. With a number of potential invitees, this process can be time consuming and require significant staff time.
 - iv. The publishing of court proceedings via YouTube or a comparable broadcasting platform may allow members of the public to capture the images and post inappropriate comments relating to the proceedings.
 - v. In any scenario, the Judge and/or a courtroom clerk would need to coordinate the court sessions and be appropriately trained to handle these duties.
- b. Technology Accessibility for the Court. Not all Courts have sufficient bandwidth available to conduct virtual court without glitches. Additionally, not all Courts have knowledgeable IT personnel available to establish the virtual technology, set up the system on court days and ensure that the system remains operational and free of problems during court sessions.
 - c. Technology Accessibility for the Public. All litigants and court participants may not have the technology readily available to them to attend court virtually. This could be a deficit in equipment, internet access or skill and experience. Courts may not be able to provide the technical assistance such persons may require. Alternatively, a hybrid hearing system could be used to mitigate against these issues.
 - d. 6th Amendment Right to Confrontation. It has been argued that the 6th Amendment right to confrontation may be violated by the compulsory use of video technology.
 - e. Judging Witness Credibility. Many judges may also feel that “reading” people is more challenging via video when compared to in-person.
 - f. Potential Fairness. Some litigants may feel disadvantaged by appearing via video as compared to in-person participants
2. Please canvas your colleagues and, if applicable, court administration, to compile a list of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.
 - a. Please see item “a.” under “Cons”, above.
 3. Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.
 - a. While certainly acknowledging that not every situation is the same and not every type of hearing lends itself to a virtual proceeding in every instance (depending on the complexity and nuances of the matter, the party’s (Judge, litigants, counsel and witnesses) respective technical expertise, The following have been successfully held using Virtual / Hybrid Sessions:
 - i. Arraignments
 - ii. Bail Hearings

- iii. Evictions
- iv. Small Claims Trials
- v. Civil Trials
- vi. Traffic Trials
- vii. Criminal Trials (Simple)
- viii. Sentencing Hearings
- b. In-Person Only:
 - i. See comments above regarding the times when virtual proceedings may not be suitable.
 - ii. Jury Trials



Date: March 19, 2022
To: [REDACTED]
From: [REDACTED]
Chief Deputy District Attorney
Washoe County District Attorney

Re: Virtual Hearings

Dear [REDACTED]:

Pursuant to the Commission's request, I have surveyed the attorneys in my office regarding the subject of virtual hearings. Below is a summary of their feedback.

Pros of Virtual Hearings

Victim Participation: The ability to attend hearings virtually facilitates victim's understanding of the judicial process, and facilitates participation where authorized by statute and the Nevada Constitution. Victims can observe hearings without having to sort out transportation, or taking time from work or school obligations, thereby reducing further disruption to their lives.

Specialty Court: Participants in specialty court programs can attend court while minimizing time away from work and school, and without having to arrange for transportation to court. Virtual hearings also currently allow two DDAs to cover eight specialty courts in multiple locations. Without virtual hearings, specialty court coverage would be very difficult.

Witness Testimony: Virtual hearings also facilitate participation in court hearings for out-of-state witnesses, and reduce transportation costs incurred by the county or state.

Cons of Virtual Hearings

Technical Challenges: Out of custody defendants sometimes have difficulty with internet access, connection, or using virtual meeting platforms.

Loss of Courtroom Decorum: Out of custody defendants sometimes have difficulty appreciating the gravity of court proceedings. They sometimes attend in extremely improper attire (pajamas) or from problematic locations (in bed, in a moving vehicle).

Specialty Court Participants: Virtual hearings make it difficult for the judge and attorneys to ascertain whether or not a participant is under the influence of alcohol or substances.

Interpreter Difficulties: For defendants or witnesses that require an interpreter, simultaneous interpretation is difficult and confusing on virtual platforms.

Inability to take defendants into custody: When the judge decides a defendant should be taken into custody, there is no means to do so immediately.

Exhibits and Documents: There often difficulties with exhibit authentication, and refreshing a witness's memory with documents.

Categories of Hearings That Can Be Held Virtually

Arraignments

Bail hearings

Sentencings (hybrid model—allow victims and persons speaking on behalf of a defendant to appear virtually)

Motion Hearings

Post-Conviction Evidentiary Hearings

Preliminary Hearings

Specialty Court Hearings (sanction hearings, violations of P&P directives, first appearances, orders to show cause)

From: [REDACTED]
To: [REDACTED]
Subject: Virtual Hearing excel spreadsheet Washoe County Public Defender's office
Date: Friday, March 25, 2022 9:23:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Virtual Advocacy Feedback \(Responses\).xlsx](#)

[NOTICE: This message originated outside of the Supreme Court of Nevada -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

[REDACTED], I conducted a google poll of attorneys in our office regarding the three proposed questions by [REDACTED]. The poll was sent to all attorneys in our office. Their practice areas are reflected in the spreadsheet. There was almost 50% participation from our attorneys who are in court daily. I am providing this excel spreadsheet in addition to and in support of the letter jointly provided by [REDACTED] [REDACTED] addressing the questions.

The attorney responses reflect or add to the comments provided in the letter.

Thank you for providing our attorneys the opportunity to share their views and insights.

[REDACTED]



[REDACTED]
Public Defender

[REDACTED] | Office: [REDACTED]

350 S. Center Street, 5th Floor

Reno, NV 89501



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Virtual Advocacy Commission
Research Assignment - February 18, 2022

Practice Type	Pros and Cons	IT Challenges	Virtual vs. In-Person
Criminal	<p>Pros: Saves time spent commuting, seems more efficient.</p> <p>Cons: Can't be next to your client.</p>	<p>The internet throughout the office needs to be fully connected.</p>	<p>Virtual: Status Conferences, Motions for OR Release/Adjustment in bail</p> <p>In Person: Bail revocation hearings, all trials, OSC's</p>
Criminal	<p>Pros: convenience for both litigators and participants, makes balancing work and life easier.</p> <p>Cons: frustrating tech issues, inability to monitor and control client, lack of gravitas.</p>	<p>Reliable audio/visual equipment would have to be a priority. Specifically, it is almost never sufficient to rely on a laptop mic to deliver appropriate sound quality.</p>	<p>Virtual: status conferences, specialty court hearings for participants that earn it, maybe misdemeanor pleas.</p> <p>In-person: basically everything else.</p>
Criminal	<p>Virtual hearings dehumanize criminal defendants. https://law.stanford.edu/press/stanford-criminal-justice-center-publishes-report-examining-consequences-of-virtual-criminal-courts/</p> <p>The impact of such dehumanizing is less marked in Status Conferences and Motions to Confirm where the process involves less judicial/client engagement. But the net positives are so minimal in the actual and perceived procedural fairness to criminal defendants as to be not worth mentioning.</p>	<p>I don't think it is possible to address the client-focused issues through the IT process.</p>	<p>As noted - Status Conferences and Motions to Confirm are not as problematic as other hearings.</p> <p>All substantive hearings should occur in person</p>
Family	<p>Pros - reduces barriers for clients in terms of work schedule, child care, transportation, parking, etc. to allow participation; the different between a virtual hearing and in person can be 1/2 to full day of missed work time</p> <p>Cons - the lack of personal connections and the ability for client to talk to lawyer, social worker, judge, and anyone else in the court house to be sure questions are answered and feedback heard</p>	<p>For clients - the biggest barrier is high speed internet connections and ideally computers. It's possible to join a hearing by smart phone but it's much harder to participate in a meaningful way and see the other participants. From time to time staff/stakeholders also have internet or power outages that interfere.</p>	<p>Trials/evidentiary/contested hearings - in person; status or review could be virtual; in juvenile dependency permanency hearings - especially if there is a change in plan proposed also would benefit from being in person.</p>

Virtual Advocacy Commission
Research Assignment - February 18, 2022

Practice Type	Pros and Cons	IT Challenges	Virtual vs. In-Person
Criminal	<p>Better for clients; better for attorneys; better for judges. My clients can appear from anywhere. Clients who reside out of state (or in state but far away) don't have to travel hundreds of miles for, at most, a one hour hearing. Clients who have jobs can attend court hearings without risking their jobs by taking a break/meal and appearing virtually. Appearing virtually makes them feel more comfortable which may undermine the gravitas of judicial proceedings. Indigent clients may not have the means to appear virtually.</p> <p>I can appear in multiple jurisdictions each day or appear for only one case without having to consider travel time. In addition to preparing for everything else for a case, I also have to worry about technical difficulties and preparing my clients for appearing remotely (i.e. appropriate email addresses, backgrounds, clothing, etc.)</p> <p>There's greater judicial efficiency as I do not bulk up the calendar with multiple cases to consolidate trips and I have more information readily available to prevent unnecessary continuances. It can be difficult to empathize or humanize a series of faces in a box.</p>	<p>No means by indigent clients to appear virtually. No way to determine whether nonappearance is due to technical issues or unreliability of client. Language barrier that prevents simple technical assistance.</p>	<p>First appearances, 72s, Arraignments, and Bail Hearings should be exclusively virtual. Status conferences and Entries of Plea should be held virtually by default with the option for in person. Orders to Show Cause and Bail Revocation Hearings should be in person exclusively. Motion hearings and all other hearings should be at the option of the Court and parties.</p>
Criminal	<p>Pros: saves time for travel between locations; allows for single counsel to cover more hearings in a day, which means less need for coverage by others; saves clients who live far from court from having to travel/secure transportation/miss work</p> <p>Cons: Limits ability for defense counsel to communicate with clients real time, or to meet prior to hearings to prepare or answer last-minute questions; often seems to be less formal; does not allow for parties to quickly confer and address issues; inconsistent requirements re: who has to appear for Zoom hearings leads to confusion and anger from clients when they are told to appear in person; having to train clients on use of Zoom (or other technology such as DocuSign) takes up a significant amount of effort in some cases, particularly for client's without the resources to have a reliable computer; clients who don't have reliable access to internet/technology are treated poorly by Judges who perceive that they aren't taking the process seriously</p>	None	<p>Virtual: SCs (if they exist at all, which is a different issue), Motions to Confirm In-person: Everything else</p>

Virtual Advocacy Commission
 Research Assignment - February 18, 2022

Practice Type	Pros and Cons	IT Challenges	Virtual vs. In-Person
Juvenile	<p>Second Judicial District Court, Family - Juvenile Division. Pros are that it's easier for parents and children to navigate virtual court hearings with school, scheduling, and transportation; there are fewer courtroom safety incidents; it is less traumatizing for very young kids or low-level offenders to appear at court over zoom than in person.</p> <p>Cons are 1) children who are out of custody miss out on the gravitas and accountability that comes from showing up to a court hearing and appearing in front of a judge, technological issues often impede their ability to hear or participate effectively, and it is often unclear whether they or their parents are giving the hearing the full attention it deserves; 2) in custody children suffer from further isolation and are further dehumanized by appearing over a screen, away from counsel, rather than in court, next to counsel, where they can see and be seen by those making big decisions about their lives; further, these decisions should be made while the children have their guardians in the same room as them, not appearing on a different video screen; 3) there is a natural dehumanization and compartmentalization that occurs and likely impacts decision making when judges, attorneys, court staff, etc., look at a child over a Zoom screen and make decisions about him/her when distanced by a computer; 4) probation department lacks the ability to threaten kids with a remand as an effective accountability tool or to make them show up to court for a review hearing to explain their noncompliance in the presence of the judge; 5) virtual hearings create an unfair situation where the in-custody kids (a higher percentage of whom are lower-income minorities) are participating in court hearings from a detention cell, away from their counsel, away from their parents, while the out of custody kids are sitting on a couch in their living room with their mom and dad next to them.</p>	N/A there should not be virtual hearings.	All hearings should be in person.

Virtual Advocacy Commission
Research Assignment - February 18, 2022

Practice Type	Pros and Cons	IT Challenges	Virtual vs. In-Person
Family	<p>Pros (family law specific): clients don't have to take off an entire day or half day from work; they don't have the hassle of travelling, especially those that have to rely on public transportation; parking around the courthouse is scarce; they don't have to find childcare; if they are sick or have a sick child, they can still attend the hearing; we have had more participation in mediation, since it is easier for clients to attend; participants that have traditionally not appeared are attending now because it is easier. If a client forgets we have a hearing, it is much easier to call or text and have them jump on zoom or call in instead of them miss the hearing entirely.</p> <p>Cons: it is sometimes difficult to form a bond with a client you have never met in person; client control gets a little difficult when you're not sitting next to them. Thankfully that issue doesn't come up often; clients are sometimes too casual when they appear over Zoom; sometimes clients have internet connection, adequate data issues.</p>	<p>Sometimes clients struggle with not having enough data on their phone; sometimes they don't have a good internet connection; sometimes they are not tech savvy, so we have to walk them through how Zoom works.</p>	<p>I think we have been successful in holding almost all hearings virtually, including trials. That being said, trials likely should be in person. Longer contested matters could also be in person. Otherwise, it seems like family law has been able to seamlessly conduct all other hearings virtually.</p>
Criminal	<p>Pros: Convenience for our out of town client's, For 48 hour hearings it is greater control regarding addressing one client at a time, and to be able to relay information to investigators or lawyers. I believe a calendar may go faster but have no data to support it.</p> <p>Cons: when clients are admitted, they tend to not know court decorum so a reminder as they log on or wait in a waiting room would be good, connectivity, audio, and visual.</p>	<p>The best WiFi and recording equipment is necessary.</p>	<p>48 hour hearings, please, stipulated sentences/dispositions, motions to confirm, non-"contested" hearings.</p>
Criminal	<p>I much prefer to be in the presence of my client. Although perhaps more convenient not to go court, it comes at the expense of the personal touch that being next to the client gives as well as being able to address the client's questions easily.</p>	<p>It is not so much a question of IT challenges. It is a question of being right there next to the client - no amount of IT improvement can change that.</p>	<p>I am not sure there are any types of cases or hearings that should be virtual when COVID is not a consideration. The importance of standing next to the client and being present to answer any questions or issues directly cannot be overstated.</p>

Virtual Advocacy Commission
Research Assignment - February 18, 2022

Practice Type	Pros and Cons	IT Challenges	Virtual vs. In-Person
Family	<p>Pros: Increased client attendance at hearings. Does not require client to leave work/children, travel, park, and find court room. Most clients do have at minimum smart phones to participate.</p> <p>Cons: It requires significant "wrangling" from the attorney to get the zoom link to the client, coordinate them being on the hearing, prompt them to log in. Also, the court is often trying to connect the client to the hearing. Con-zoom court does not portray the solemnity of the court process and is often not taken as seriously by clients.</p>	Met these two pandemic years.	Hospital hearings and AOT could remain video. Family court review hearings. Permanency hearings, evidentiary hearings, and any TPR related matters including settlement and trial should likely be held in person given the serious nature of the rights at stake.
Appellate	As an appellate lawyer the ability to present oral argument via zoom or bluejeans is appreciated and convenient though live oral arguments are preferred where there is not a countervailing health or safety reason that precludes live arguments. Unlike trial, appellate argument is based on a closed record.	In my world existing systems work well. Technology will improve.	Trials, sentencings, probation revocation hearings (where revocation is not stipulated) and evidentiary hearings requiring witness testimony should be live unless "historic circumstances" require "unusual, temporary accommodations." Chaparro v. State, 137 Nev. Adv. Op. 68.
Criminal	<p>Virtual hearings could be useful in some circumstances for clients who live remotely. However, in my experience, criminal defendants are usually required to appear in person at the district court level. The only clients who appear in person are at the jail, so the benefits of virtual hearings at a district court level are extremely limited.</p> <p>The drawbacks of appearing, by zoom, from the jail are apparent. It is much easier to sentence a picture of a person, rather than a person themselves, to prison. The "courtrooms" at the jail are loud and distracting. They do not carry the dignity of full court proceedings. An attorney must choose between appearing from a distance, at a podium at the jail, next to their client where they have client communication, or to appear on their own computer, where they can be better seen and heard, but cannot speak to their client.</p>	For substantive criminal matters, I don't believe there is any reasonable substitute for in-person court. While the Nevada Supreme Court did allow for virtual criminal proceedings in Chaparro v. State, this opinion was clearly limited to the "extraordinary circumstances" of the Covid-19 pandemic	I believe that, if the parties stipulate to allow it, in the criminal sphere, virtual hearings would be appropriate for felony arraignments, status hearings, and some misdemeanor criminal matters. However, virtual proceedings should be the exception, not the norm.

Virtual Advocacy Commission
Research Assignment - February 18, 2022

Practice Type	Pros and Cons	IT Challenges	Virtual vs. In-Person
Criminal	<p>The pros are that they are more accessible for our clients. Showing up in person to every hearing can cause great financial hardship and causes issues with daycare, time off, etc. Zoom hearings can be scheduled around peoples work breaks/lunches, etc. For me personally, virtual hearings offer me more flexibility to take care of my kids/family while also being more cost and time effective. Traveling to court is at least 20 mins both ways which costs not only gas and wear and tear on the car, but also work efficiency as that is time taken away from working on other cases/issues. This holds true for the clients as well as their time is already tight with testing and other requirements that in person court hearings just adds to that time crunch.</p>	<p>I think most issues are addressed, but keeping up with the latest technology, i.e. the laptops and cell phones would be a must. Slow or outdated hardware would kill any ability to work remotely.</p>	<p>I believe all status hearings, most hearings when the client is still in custody, and any non major district court hearing (arraignments, DUI grads, probation discharges, etc) should stay online. In person should be limited to contested hearings with evidence/witnesses, sentencing, trials.</p>
Criminal	<p>Pro: It allows me to handle my own cases personally, without relying on coverage. It also allows my clients to appear from wherever, which can be vital for clients who have mobility issues or are struggling with transportation.</p> <p>Con: There's definitely a less-personal touch. it's also uncomfortable when not all parties are online - if one party appears in person, it gets awkward. Also, there can be issues with the sound or video quality.</p>	<p>well certainly some clients are so indigent they don't even have smartphones or other technology that can permit them to appear remotely. The court discussed permitting kiosks in the waiting areas, but at that point, the client might as well just go into the courtroom itself.</p>	<p>I think that Trials and other Evidentiary Hearings MUST be in person. High-level sentencing, too. However, for most things (misdemeanor pleas, OSC's, etc) when the client is out of custody, if they want to appear remotely, I think they should be allowed without issue.</p>
Criminal	<p>Pro: It allows me to cover more of my own cases and work on other items while I am waiting for my case to be called. Clients do not have to give up an entire day or half day of work for a 5 min hearing.</p> <p>Cons: It is not used consistently. Would be great for out of state clients, but the court is not permitting that. Difficult to control clients. Have no ability to resolve last minute issues with clients or DA. Clients have less of an understanding and leads to more continuances. Unequal justice when the in custody clients are not permitted to have an in-person hearing while out-of-custody clients have to.</p>	<p>My clients do not know how to use Zoom. They do not all have access to the internet, a quiet place.</p>	<p>Status hearings, arraignments, and motions to confirm could be done virtually. But contested bail hearings with witnesses, evidentiary hearings, trial motions, and trials should remain in person</p>

TAB 2

Third

Judicial

District

COMMISSION OF STUDY BEST PRACTICES FOR VIRTUAL ADVOCACY IN NEVADA'S COURTS
SURVEY RESULTS
Canal Township Justice Court

What do you perceive to be the pros and cons for virtual court?

Response #1

Pros:

- Allows out of town attorneys and criminal defendants to appear in court without having to drive out. Particularly beneficial if it's a pretrial that is being continued.
- Allows victims to appear for hearings they have a right to be at who ordinarily would not show because they are still afraid of being anywhere near the Defendant.
- The jail does not have to transport inmates all over the county
- As long as all parties agree, experts may appear and testify from out of town. Not necessarily ideal, but can help save travel time, scheduling and costs.

- Cons:
I feel that certain defendants take advantage of virtual court by using it as an excuse to not have to appear in person. It also might be hard for defense attorneys to speak to clients who opt not to come in person.
- It slows down court calendars significantly. It can take a long time to check people in, connectivity issues, and technology issues can delay proceedings that would not be delayed otherwise.
- It's distracting.
- There is still a large portion of the population and particularly in the rurals who do not have reliable access to internet or cell phone data, meaning they are excluded from virtual court options.

Response #2

Lack of technological knowledge, internet connection and decorum

Response #3

Pros:

- Allows increased safety for the parties in the courtroom: The biggest benefit that I witnessed was attorney safety (and the Judge)
 - For the first time in 20 years, I literally did not have to watch my back in court
 - I felt safe while presenting my case
 - I felt the defendant was not able to follow me to my office, see what I drive, etc.
 - I did not put my coworkers in danger since they happened to be in a building if the defendant were to become violent
 - Worry about a group of individuals (together in a room) who combined were upset with the circumstances
- Allows access to individuals who have transportation issues (which appears to be a vast majority of defendants)
- Allows access to attorneys to attend hearings without charging their clients for travel
- Allows efficient management of time for attorneys who may only have one case and can appear quickly
- Allows efficiency by allowing attorneys to appear while not in the jurisdiction
- home sick (I literally appeared while positive for covid and very sick)
 - This limits exposure for illness to others
- being able to appear elsewhere/other meetings quickly by not having to travel

Cons:

- Technology difficulties
- Not appropriate for trials/prelims – see below

Response #4

Pro's –

- Saves so much time!!! Otherwise we have to drive there, wait our turn and then drive back. One hearing in the morning takes at least a ½ of a day when you calculate in drive time.
- Saves money on gas and wear and tear on vehicles.
- Convenient for our clients who live out of town or out of state.
- Convenient for even our local clients who are nervous about court. For some reason clients feel more comfortable when they aren't in the actual courtroom.

Con's -

- Can be difficult if there is a contested hearing because people are talking over each other.

Response #5

Pros:

- Enable cases to move through the court process for indigent defendants, witnesses, and victims who do not have reliable transportation. Enable out of town attorneys to provide assistance to rural areas. Prevent the spread of communicable diseases. If there is a COVID outbreak with court staff or parties of a case, the case can still move forward via zoom.

Cons:

- Many people we deal with do not have working phones or switch phone plans all the time. Many people do not have a reliable internet source. Many people abuse zoom capabilities by appearing via zoom without permission and appearing in a manner which does not allow defense counsel to discuss the case with them. Handling exhibits and video through zoom can prove to be difficult.

Response #6

Pros:

- People do not have to drive to court
- People can appear on their work breaks and not miss work
- People do not have to dress for court-appearing in pajamas or without a shirt is the normal
- People can smoke a cigarette, drink coffee or whatever during court

Cons:

- They do take longer than in person hearings
- You cannot get forms signed before court
 - Rights forms
 - Public Defender applications
 - 15 day waivers
 - 60 day waivers
 - Some individuals have connection/internet problems
- Staff issues with being a host and clerk in the courtroom
- Submitting proof of license, insurance, evaluations etc. electronically

Do you currently have any productivity, hardware, software, broadband and/or other IT challenges?

Response #1

Wifi connections in most Lyon County buildings are unreliable at best. Unless we're plugged in there's no guarantee we can get zoom to load in addition to our internet-based case management systems and email.

Response #2

No fiberoptics, inconsistent wifi

Response #3

I feel during covid we were able to successfully use technology and had little to no issues.

Response #4

No.

Response #5

Sometimes internet connectivity is an issue.

Response #6

We do not however, we lose signal with defendants all the time.

What type of hearings should courts hold virtually?

Response #1

Bail hearings, arraignments, and some pretrials.

Response #2

Traffic, evictions, some protection orders, pretrials

Response #3

Virtual hearings should be held for your standard pretrial and arraignment calendars

Response #4

All non-contested hearings that do not require testimony from witnesses.

Response #5

Pretrials, arraignments, bail hearings, traffic trials, any hearing with a joint stipulation to use zoom, post conviction, sentencing for an defendant who is already incarcerated, motion hearings that do not involve a large amount of exhibits

Response #6

Pretrial

Bail hearings

Status conference

Review hearings

Protective Order Hearings

What type of hearings should the courts hold in person?

Response #1

Any preliminary hearing, motions hearing, or trial should be held in person, as well as other proceedings which may affect the Defendant's constitutional rights. Realistically, any hearing that requires testimony or presentation of evidence should be done in person. It is extremely difficult to present evidence, examine witnesses, and argue without everyone being present in the same room. As for trials, whether bench or jury, and especially in criminal cases, there are numerous post-conviction issues that would arise out of trials being held virtually. Most of these issues relate to jury selection, the jury itself, and jury instructions. There are also potential confrontation issues, effective counsel issues, and evidentiary issues. The Constitutional ramifications of doing criminal jury trials virtually has been written about extensively.

Response #2

Bench Trial, Prelim, civil, small claims

Response #3

I do not believe they work well for preliminary hearings nor trials, because:

1. The Parties are unable to accurately read the witness
2. We use body language to read cues for whether someone is being truthful
3. The attorney is unable to hand the witness exhibits
4. The defendant has a constitutional right to confront their accusers

Response #4

All contested matters that require testimony from witnesses, i.e. motion hearings, trial

Response #5

All misdo trials except traffic trials. All preliminary hearings. All motion hearings with extensive testimony and exhibits. All jury trials. All felony bench trials.

Response #6

Jury trials

Bench trials

Civil trials Small Claims/Evictions/Civil Justice Actions

Preliminary hearings

Motion hearings

TAB 3

**Fourth
Judicial
District**

Fourth Judicial District Court
Virtual Advocacy Research Assignment
February 2022

1. Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court (please provide specific input regarding case management and case types).

The obvious pro to virtual hearings are accessibility and convenience, litigants that may not ordinarily make it to court are now appearing. People may only need to take a short time off work instead of an entire day, litigants from out of state are not required to travel for court. Often in Rural Nevada there is a shortage of available qualified attorneys; urban attorneys seem to be more willing to take rural case when they can appear virtually. Virtual hearings can be insightful in cases involving the custody of children, because the court is afforded a glimpse into the home of parents and/or guardians.

With respect to the cons of virtual hearings, virtual hearings are far more informal; litigants and attorneys are less concerned with proper decorum and their behavior is often appalling. When witnesses are testifying it's difficult to tell if someone else is in the room with them, potentially coaching them or if they're referring to other documents. In certain cases, it's important to actually see and engage with the litigants. On that same note, in person hearings allow the parties to engage with each other. Additionally, not everyone has the means or ability to appear virtually.

2. Please canvas your colleagues and, if applicable, court administration, to compile a list of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

Outdated equipment

Internet speed

IT Support when issues arise

Different agencies using different platforms i.e. our court uses Zoom and the prison uses Blue Jeans

3. Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

I am wholly against a mandate which would require any hearing to be held virtually, District Court Judges should be given the discretion. Most gross misdemeanor and felony hearings should be in person. Evidentiary hearings, trials and settlement conferences should be in person. Status hearings, case management conferences, minor hearings could be heard virtually. Attorneys and litigants that want to appear personally in court should be allowed to absent extraordinary circumstances.

TAB 4

**Eighth
Judicial
District**

From: [REDACTED]
To: [REDACTED]
Subject: FW: Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts
Date: Friday, April 1, 2022 11:31:03 AM

From: [REDACTED]
Date: March 29, 2022 at 9:32:12 AM PDT
To: [REDACTED]
Subject: Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts

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Ms. Gradick:

Please find below my responses on behalf of the Eighth Judicial District Court:

1. Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court (please provide specific input regarding case management and case types).

PROS:

Expedient for status checks, trial scheduling and most law and motion work for civil cases, criminal cases and family court cases. Significant cost savings for private practitioners and therefore parties. Access to justice is increased as many parties, especially pro per, were able to attend without missing a significant amount of time from work and/or without having to incur expense to travel to and from the courthouse. Many practitioners are able to appear in multiple courtrooms simultaneously awaiting cases to be heard, much more efficiently than traversing the floors in the courthouse. For working parents, allowed flexibility for childcare issues (virtual school and/or children being out of school ill) appearing remotely from home. For criminal cases, we often have defendants that live out of state since Las Vegas is a tourism capitol, and virtual appearance allows out of state Defendants to appear without incurring travel costs or what often occurs is a resulting bench warrant for failing to appear. Many of those cases would result in the Defendant being placed on probation and transferred to their state of residency, so having a virtual appearance option reduces nonappearance and increases the likelihood of the Defendant being supervised in the community in which they live.

CONS:

Defendants (especially out of custody) forgetting that they are appearing in court and to conduct themselves with proper decorum. Virtual hearings can make criminal matters difficult and time consuming when a discussion between defense counsel and defendant is needed, and creates more continuances to get negotiations done and Guilty Plea Agreements signed by not having Defendants in the courtroom with their counsel. In criminal cases, often there are victim speakers in the courtroom without the DA or victim advocate with them, but rather online which was potentially more stressful for them, but some have reported that it was actually less upsetting to appear remotely because they did not have to be in the same room as the defendant. Also, for defendants receiving a sentence without their attorney standing next to them was problematic at times. Only other con, are technology problems that arise during hearings with cameras/microphones and internet connection, although as time went on those issues became less and less and generally could be overcome/resolved in the same calendar without the need for a continuance. Untimely though, most judges feel that the technical difficulties do not outweigh the benefits of having virtual hearings. For civil cases, sometimes practitioners lose their polish when appearing virtually and would be more effective in some instances in person, however, for complex cases, having the use of a computer during the argument allows for counsel to reference discovery and/or exhibits to their briefs in a more convenient way and thus enhancing the effectiveness of their argument.

2. Please canvas your colleagues and, if applicable, court administration, to compile a list of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

The IT department in the 8th has done a tremendous job getting the court prepared for and adapting to virtual hearings and BlueJeans works incredibly well. Best improvement is automated orders and electronic signatures for orders. Having the OIC program expedites getting orders done, allows for orders to be tracked (no more missing orders) and permits judges to sign orders remotely.

-Only improvement would be to post video tutorials on the court website to assist attorneys and parties/witnesses in how to log-in to BlueJeans and to troubleshoot issues like low bandwidth, calling in via landline or cell if poor internet connection, and some other user friendly guides to appearing remotely (i.e. background, lighting and dress code)

3. Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

Virtual Hearings:

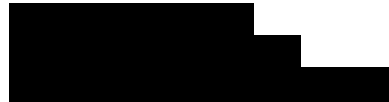
CIVIL: Rule 16 conferences, status checks and calendar calls, law and motion, and witness testimony in trials or evidentiary hearings with some exceptions. Most judges would leave it up to counsel whether they prefer to attend in person or remotely.

CRIMINAL: status checks and trial settings. The preference should always be for defense counsel to appear in person when their defendant is appearing in person or is in custody and the state to appear in person when there are victims that will be present in the courtroom.

In Person Hearings:

CIVIL: Evidentiary hearings and trials (the counsel and parties preferably in person, witnesses via virtual is usually not a problem)

CRIMINAL: Sentencing, evidentiary hearings and trials. If Defendant is in person, the attorney for that defendant should be as well no matter what type of proceeding it is.



Eighth Judicial District Court
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155



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

Report from the Eighth Judicial District Court Family Division
Judge Rebecca L. Burton

(1) Please list the pros and cons of virtual hearings including specific information regarding case management as it affects your case types, including all specialty courts and assignments.

Pros: (observations apply to all Family Division case types)

Access to justice is improved and participation by litigants is enhanced, because the need for litigants to take time off from work or find alternate child care is reduced, and it is easier for litigants to appear who may have transportation or mobility issues.

Delays are diminished due to unavailability of an out-of-state litigant or witness.

The emotion and emotional outbursts often accompanying family law matters is mitigated, post-hearing conflict outside the courtroom is eliminated, and there is immediate privacy for a litigant who becomes upset as the result of a hearing.

It is less stressful for victims of domestic violence when they do not have to face their abuser in person or be afraid of confrontation and further domestic violence outside of the courtroom or in the parking lot reducing fear and encouraging greater participation.

It is less stressful for the court when delays occur, because attorneys and litigants are waiting more comfortably in their own space than they would be at the courthouse.

It is less expensive for litigants who do not have to pay for counsel to travel to the courthouse, wait at the courthouse, or pay for transportation, or pay for parking, or pay for extended child care, or take time off work.

Attorneys are better able to accommodate multiple hearings scheduled simultaneously without causing either court to wait for their appearance.

Efficiency is enhanced, because everyone is present in the main room and can be quickly moved by the court clerk into a breakout room which saves a few minutes between hearings and keeps the calendar moving.

Courthouse staff is reduced, because fewer marshals are required.

Traffic is reduced in the courthouse which lessens the cost of maintenance, improves security, and may facilitate courtroom sharing.

Calling in a last minute interpreter or a participant who forgot to calendar a hearing is much easier and faster by sending them a video link to appear rather than waiting for them to show up at the courthouse.

Virtual hearings are an excellent method of allowing children to testify in an environment that is less stressful and intimidating. It is possible to mute the video and sound on their parents and attorneys (if the judge is asking the questions) so that the children do not have to face their parents in the courtroom while allowing their parents and their attorneys to hear child testimony in real time.

Cons: (observations apply to all Family Division case types)

Professionalism and respect is diminished. More bickering and interrupting occurs. There is a formality in a courtroom setting lacking in a video setting including more appropriate dress and standing up to address the court that causes the participants to act more civilly and respectfully to each other and to the court.

The credibility of a virtual judge is diminished as well as their perceived authority to rule on the issues.

Settlement and resolution of issues is decreased, because there are no in-person meetings at the courthouse.

Evidentiary issues are challenging. It is possible but more difficult to ascertain credibility when the witness appears virtually. It is more difficult to read body language and non-verbal cues virtually.

Shaky WiFi connections make for horrible hearings and cause delay. While technology on the court's end is generally good to great, often litigants and sometimes attorneys have subpar connections that break up making statements inaudible and requiring them to be repeated. When someone becomes disconnected, the court must wait for them to reconnect before continuing the proceeding. Audio issues can take several minutes to resolve. Court staff has become more adept at eliminating the "echo" or "feedback" during appearances, but it still happens occasionally.

Interpreters translating consecutively (rather than simultaneously) result in extremely long hearings causing a calendar backlog.

It is difficult to ensure that children and other witnesses are not listening in.

Some litigants fail to obtain child care for very young children who cannot be placed in another room.

Stubbornly obstreperous litigants need to be in person where a marshal is able to control their behavior.

Some locations chosen by the participant offers distractions such as children, other people, pets, music, television sets, driving, smoking and even alcohol or drug use that prevent full attention to the court.

Some angles chosen by the participant or conference rooms chosen by counsel result in people too far away or too close or off to the side.

Sometimes people walk around which is distracting and dizzying to the court.

It is annoying when people choose not to have their videos on.

Skilled attorneys are capable of having their exhibits pre submitted and admitted into evidence virtually. As a practical matter, however, self-represented litigants are usually unable to introduce exhibits in a virtual setting.

Participants logging in with phone numbers or other people's names require the court clerks to take the time to ask the identity of the person and the hearing for which they are appearing.

(2) Please provide a list of IT challenges and needs that would have to be overcome/met in order to successfully implement virtual hearings as to your case type.

(Observations apply to all Family Division case types.)

Connection on the court side is great, but poor connections on the litigants' side or on occasion the attorney's side causes conversation to break up, echo or feedback.

To better control hearings and avoid interruption, it would be helpful if the court had the ability to fully “mute” a microphone and prevent the litigant or attorney the ability to “unmute” it.

Sending detailed virtual hearing instructions to everyone appearing virtually helps minimize technological issues.

The Blue Jeans application itself could have more regular updates and run faster.

Not everyone has the capabilities or the computer intelligence to make virtual hearings work, not everyone has a computer or a smartphone or even a telephone, and not everyone has an email address to allow them to participate in virtual hearings.

Some of the courtroom monitors need improvement because they are blurry making it difficult to see the participants.

Courtroom tables and perhaps anti-rooms should have universal pad-style cellphone chargers.

It would be helpful to have an IT staff member dedicated onsite at court hearings for outages and technical issues. It is difficult to keep litigants and counsel waiting while an issue is being fixed.

Litigants complain about getting “kicked-off” when waiting too long; perhaps that feature could be improved.

The courtroom clerks need adequate training on using the virtual platform and the judges should be fairly uniform in how they use it.

It would be beneficial to develop a mechanism for on-the-spot submissions of text messages and recordings brought in usually by self-represented litigants to be made available for viewing by both the court and the opposing party in real-time while a hearing is taking place.

It would be helpful to the Family Division to develop a program which allows the court clerk to electronically mark exhibits and submit them to the vault. The current practice of printing exhibits offered and admitted is time consuming for court staff and costly to the court.

The quality of video and audio is often poor for JAVS playback. It is also difficult at times to determine who is talking.

The Bluejeans platform sometimes creates multiple breakout rooms which the court clerks have to take time to delete.

Virtual hearings are less accessible to the public. We have attempted to resolve that issue by establishing a static link for each department, but that resolution creates internet security issues (easier to hack) which necessitates moving individual cases to breakout rooms which are more difficult for the public to follow. Live web feed access for cases that are not closed has potential to resolve that issue.

(3) Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

Civil Domestic

The pros of virtual hearings outweigh the cons for law and motion hearings, case management conferences, return hearings, status checks, and the prove-up of uncontested matters. Adoptions could be done either way. Adoptions and annulments often involve out-of-state parties for which virtual hearings are helpful. Evidentiary hearings/trials, contempt matters, and hearings involving interpretation that cannot be accomplished simultaneously by video should be in-person.

Juvenile Dependency

Arguably, virtual hearings are contrary to best practices in dependency because they limit the ability of parents to have in-person discussion with case workers and their attorney during court proceedings and hinders the court's ability to assess and interact with the parents and the children – especially if they are only appearing by phone and do not have video capacity. In-person hearings allow for more engagement by the judge and observations of the individuals including interaction (or absence of interaction) between parent and child that is lacking in a virtual platform. Dependency hearings often include several people. Too many people in one hearing can create a lag in the system where some of the conversation is missed. Many NRS 432B hearings must be confidential and virtual hearings lack the security of in-person hearings as it is not always clear that someone is listening in to the hearing and not clear that the person is who they say they are when appearing by phone. Adjudicatory or Termination of Parental Rights trials and panel reviews for Other Planned Permanent Living Arrangement cases should be held in person.

Nevertheless, most of the judges in dependency prefer virtual hearings or a hybrid method to increase access to justice for the population served who often either lack transportation or lack phone or internet access and to facilitate the appearance of caseworkers out in the field. Virtual hearings allow the judge to get a glimpse inside the parents' home. Matters particularly suited for video hearings include status checks, unopposed motions (e.g. a motion to establish paternity based upon paternity test results), and cases with no pressing issues that are post-Termination of Parental Rights and on track for adoption.

The litigant and their attorney should be expected to appear by the same platform (in-person or virtually) to facilitate attorney/client communications during the proceedings.

Some CASA volunteers appreciate a virtual option because they can participate, even if they are out of town or can't take off their jobs, while other CASA volunteers prefer in-person because they are not as tech savvy and they don't always get pulled into the courtroom, especially if they have to call in.

Juvenile Delinquency

Virtual appearances by detained youth eliminate the need to shackle them for court or to walk them across campus for appearances. All hearings should allow in-person or virtual options to those involved based on their preference and reliability of their internet connection to ensure a clear record. DFS and DJJS need to beef up their internet infrastructure and make sure the workers have reliable means of virtual appearance.

DAAY Court (Detention Alternative for Autistic Youth)

DAAY Court prefers nearly all hearings in-person. Virtual hearings delay services to autistic youth because parents have a difficult time completing the proper paperwork on their own instead of in-person where they could be assisted. The families often have no way of printing or emailing paperwork. Families of youth are often low income with minimal to no Wi-Fi and/or technologically challenged with no email and minimal ways to communicate. Virtual hearings prevent the court from assessing the youth in-person. When parents join with their child on a small cellphone, the court is unable to fully engage. The court is unable to use reinforcers for good behavior. The court has not been able to train guardians and parents on small ABA lessons when there is a demonstrated behavioral issue which was something the court was frequently and

effectively able to do prior to the pandemic. The hearings that could remain virtual involve those cases that have moved out of state or those cases where the youth is at a Residential Treatment Center.

Specialty Courts

Virtual hearings allow participants flexibility which helps them maintain employment, attend treatment, and get their UAs done. Yet, it is easier to obtain information and connect with participants when they are in-person and the litigants take the alternative proceedings more seriously. In-person attendance is a good tool to utilize as a sanction in specialty court cases when someone is not complying (not paying fees, bad attitude, etc.), and allowing virtual attendance is a good incentive for doing well.

Temporary Protective Orders

Virtual hearings can save time in TPO court because they reduce the delay associated with escorting litigants in and out of the courtroom and printing out (as opposed to emailing) copies of orders; the hearing master has the flexibility to type orders and recommendations at the conclusion of the entire calendar, as opposed to after each hearing while the litigant waits for the document to be handed to him or her in the courtroom; and virtual hearings accommodate litigants who face challenges confronting an opposing party in the courtroom. Virtual hearings work best for ex parte TPO hearings; initial applications which are based largely on the applicant's testimony and the contents of the application which is generally unrefuted at this stage; and uncontested motion hearings such as requests for alternate service, motions to extend orders, and motions for an order to show cause which are often single-party hearings where having the movant present in the courtroom presents no significant benefit.

But virtual hearings deprive the court of the opportunity to have an adverse party served with extended orders on the record; litigants occasionally refile applications and motions when the court is unable to contact them by telephone resulting in redundant filings and re-calendarings of hearings on an already crowded calendar; self-represented litigants make up the majority of cases and often have a previously undisclosed audio or video recording or text message screenshot on his or her phone that the litigant would like to present but remote appearances by video and telephone make it more difficult, if not impossible, for the court to consider these submissions without continuing the hearing and directing the litigant to file the recording or screenshot into the docket. In-person hearings work best for extension hearings and evidentiary hearings where the

court benefits from being able to observe witness demeanor and physically examine and view proposed exhibits in contested hearings. Observing witnesses and parties non-verbal conduct in contested hearings is a critical component to rendering a quality decision, especially in case types like TPOs where the evidence presented is often just one party's word over another's.

Child Support

Virtual hearings provides better access to justice for the numerous child support cases enforced across state lines which otherwise would make it difficult, if not impossible, for recipients of child support to appear in person. Virtual hearings are more convenient which facilitates the high volume of child support calendars that may frequently back up allowing an individual participating from their home or office to make use of the wait time in a way they cannot when they are sitting in court. Hearings that work well virtually are initial child support hearings, modification hearings, and motion hearings. Petitioners can appear virtually for Order to Show Cause hearings, but Respondents should be in person. Evidentiary hearings and trials should be in-person.

Blue Jeans, the virtual platform used by the court, crashes on a regular basis in child support court. It frequently drops litigants. It is routinely unable to move litigants from the virtual waiting area into the court hearing. Technical difficulties add as much as an hour a day to the Court's calendar. The courtrooms at the Greystone Building have at least one broken speaker which should be repaired or replaced. Further, the courtrooms at the Greystone Building cannot update operating systems due to the need to continue to use certain, highly specialized software. The child support courtrooms cannot be transitioned off of Polycom because of the daily in-custody hearings held with Clark County Detention Center. Unfortunately, the vast majority of the technical issues are beyond the Court's ability to address as they are the technical issues caused by failure on the litigant's end of the connection. Courts, like child support, that are overwhelmingly self-represented litigants, face some level of technical problem on most cases. Many litigants have poor equipment, whether phone or a laptop, and many litigants have poor internet connections. The result is that, in a significant percentage of cases each day, litigants cannot be heard or understood. At least one out of five cases has to be moved out of Blue Jeans and handled by telephone. A significant number of cases have to be continued based on technical problems that cannot be resolved. Even small interruptions to a calendar are especially more problematic in high volume child support hearings. Adding two minutes to each case does not seem like much, but adds 100 minutes to a typical docket of 50 cases.

Virtual hearings are hard on interpreters. Except in the small percentage of cases where the sound and connection are good, it becomes difficult to get an accurate interpretation. When the case is in English, the Court can usually get by when 80% of what is being said can be understood. It puts interpreters in an ethical dilemma when they have to try to summarize their understanding of the testimony when they cannot understand all of the words.

In-Custody Hearings

Competition for limited video time for inmates has become an issue, but virtual hearings could be a win/win in the long run financially. Computer and video equipment to run a video hearing are less expensive than transport vehicles to deliver the inmate to the courtroom; and one clerk to run the computer and video equipment is less expensive than three marshals to accomplish a transport.

Family Mediation

Virtual mediations, which allow parties to negotiate from anywhere, has increased attendance. But, child interviews and parent/child observations still need to be held in-person so that staff is able to control the environment for the children and ensure they have privacy and are comfortable enough to speak to the specialist and/or engage with the parent with whom they are to be observed. Observations by video would be impractical and limited.

Settlement Conferences

Some judges prefer to conduct settlement conferences in person while other judges prefer to conduct settlement conferences by video. Those who prefer to conduct settlement conferences virtually find cases easier to settle, because the participants get down to business more quickly; there is less focus on the “bad” stuff; there is less wasted time arguing; lawyers tend to work harder; and breakouts are shorter and more productive.

Guardianship

The guardianship judges have declined to provide input to the EJDC Family Division and reported they will provide their own separate report to the Commission, circumventing review and consolidation of guardianship observation into this report.



JUSTICE COURT, LAS VEGAS TOWNSHIP CLARK COUNTY, NEVADA

Virtual Advocacy in Nevada's Courts

CIVIL HEARINGS

Virtual hearings are a useful tool that give greater access to justice and cost savings to litigant for everything but evidentiary hearings and trials, but can be an aid to save costs for expert witnesses or allow out of state trial witnesses more flexibility to appear for the trial without traveling to Nevada

PRO

More access to justice for pro se litigants

- Less time away from work
- No need to find child care

Cost savings to litigants

- Attorneys are billing less time for court appearances (they are not including travel time or parking fees)
- Out of state witnesses/litigants can appear remotely without having to arrange travel

More flexibility for emergency hearings

- Litigants can appear remotely instead of trying to schedule to come to the courthouse
- Can be scheduled rather quickly

CON

Connectivity Issues

- Strong IT Division needed
- May need to reschedule

Not as functional for trials or evidentiary hearings

- Litigants are limited in offering documentary evidence to support position in hearings and/or trials

SMALL CLAIMS

PRO

More access to justice for pro se litigants

- Less time away from work
- No need to find daycare

Cost savings to litigants

- Out of state witnesses/litigants can appear remotely without having to arrange travel

CON

Connectivity Issues

- Technical difficulties for one reason or another, and have limited ability to interact with the court.
- Call drops before the case has concluded.
- Parties will sign in to BlueJeans while another case is being heard, which can cause some disruption of that case.
- Difficulty hearing or otherwise understanding a litigant who is not physically present in court. The distortion caused by the virtual hearing, while minimal, can sometimes be significant enough to understand or be understood by the litigant.

Crowded calendars, with multiple parties using the BlueJeans software at the same time. Although our clerks do the best job they can, very often litigants will fail to mute themselves or cause other distractions while waiting for their particular case.

Difficult to manage disruptive litigants/ litigants who refuse to follow court direction.

- Sometimes litigants will “hang up” if the case is not going as expected.
- Disruptive litigants have to be muted by court clerks. Muting doesn’t always work, however, so sometimes the clerks have to drop whatever else they are doing and constantly mute a litigant who has un-muted himself.

SMALL CLAIMS (cont'd)

PRO

CON

Limited ability to submit exhibits.

- A litigant who is physically present in the courtroom can supplement his or her testimony with exhibits that I can review. Virtual litigants would have to submit documents ahead of time, and often fail to do so. Rather than improving access to justice, virtual hearings actually makes things worse in this regard, because the record of the proceeding is actually more sparse than it would be if the litigants were required to be physically present in court (and hence able to submit documents to the court in real time).

PROTECTION ORDERS

PRO

Saves time/money in traveling to court, such as taking time off of work, childcare, etc.

CON

Connectivity Issues

- More often than not there are technical difficulties either on the court's end or on the user's end (poor wifi reception, etc.) and as a consequence, many times the hearings need to be rescheduled.

Parties often represent themselves

- By the sheer nature of the proceeding type, tend to interrupt the court and each other.
- Parties also bring with them to court documents, videos, etc. as exhibits. For these reasons, virtual hearings for these case types are very difficult.

Service of Orders

- If a protection order is granted by the court at a hearing, the actual protection order is served upon the adverse party in open court, thereby completing the necessary service requirement. This cannot be done if the adverse party appears virtually.

EVICITION COURT

The overall experience with virtual summary evictions has been very negative and frustrating for parties and court personnel. The summary eviction proceeding is quite unique. Tenants appear on their own behalf, and the majority of landlords appear through their designated agents. The appearance of counsel is common, but a rather small percentage. These proceedings are very often highly emotionally charged. Individual tenants face the terrifying prospect of being displaced from a home. Many mom and pop landlords are struggling to pay their bills, or corporate landlords may be dealing with a toxic and hostile tenant. Much is at stake for both sides. Virtual appearances for summary eviction cases is not recommended (with the possible exception of legal counsel who have adequate equipment and connection...which is not always the case).

PRO

CON

Connectivity Issues

- Due to connectivity and sound quality issues, actually understanding many online parties can be very difficult. This causes hearings to run substantially longer; approximately one-third to one-half times longer.
- A session that might normally last three hours would often last four to four and one-half hours. This burdens the court inasmuch it increases courtroom time for court clerks who would otherwise be able to turn to other processing tasks (minute preparation, processing of motions, etc.)
- The effects of slowed process are serious for many parties. Many (usually tenants) sign onto BlueJeans on their telephone and wait for their case to be called. While the court staggers hearings every 30 minutes, the wait may still be quite long. Many tenants' cell phone batteries have died while waiting.

EVICTION COURT (cont'd)

PRO

CON

- Parties are dropped from BlueJeans and are unable to participate in the hearing. Many of these people do not “check in” despite clerks’ efforts to solicit check-in and so the court has no way of knowing who missed because of technological issues. Evictions have been ordered in many cases.
- Tenants file motions to set aside based upon having signed into BlueJeans but losing connection due to the dead battery. This creates additional work for court clerks to process court filings and reset hearings. It wastes time for both the parties and the court. This is not an infrequent occurrence.
- It is not infrequent for the court to have a party (again, usually a tenant on a cell phone) with limited video connectivity on BlueJeans. Where the poor connection results in freezing video images or impossible sound quality, the court is required to disconnect with the party and simply call them via the telephone using audio only. While this may provide a clear signal and cure the sound problem, there is no visual. The loss of visual may or may not limit the party from conveying themselves and their message most effectively, and may reduce the court’s ability to fully assess some issues such as credibility. In person provides such ability.

EVICTION COURT (cont'd)

PRO

CON

Virtual appearance does not permit the parties, and more so the tenants, to present their cases optimally.

- There are often distractions (dogs, children, driving (the court requests all parties driving in cars to pull over and stop)).
- Most tenants will have cell phones, and many of them produce poor connections. The court so often just cannot understand what parties are saying. This is why proceedings can take so much longer.
- Parties inadvertently talk over one another or the court—recall, these are charged proceedings and parties do not always follow subdued courtroom decorum. This can make managing the hearing very difficult.
- It is not uncommon for a party to rant for a prolonged period of time while the court is trying to get them to stop in order to manage the hearing. Frequently, the court has to order the clerk to mute a party's microphone. These types of exchanges and the difficulty of managing the remote parties frustrates both the parties and the hearing officer, and sometimes makes impossible the clerk's ability to take effective minutes.

Proceedings with court interpreters are even more difficult, and when both parties need a court interpreter, may consume extraordinary amounts of time....all the while, parties are waiting on cell phones whose batteries are losing charge. It can be quite a mess.

EVICTION COURT (cont'd)

PRO

CON

Virtual appearances effectively constitutes an “access to justice” hurdle for persons with heavy accents, speech impediments, poor speaking style, and foreign language speakers. It is very common to simply not understand significant portions of testimony. The court constantly asks parties to repeat, slow down, and try to articulate more clearly.

Oftentimes, the court has had to continue matters with the requirement that the parties appear in court so that they can be understood. This delays justice, increases costs and inconvenience to parties and contributes to waste of courthouse resources. On one occasion, it took five full minutes for the court to simply get the names of the parties and their witnesses to include in the record, a total of eight people, before having them sworn in. This was a result of connectivity problems and heavy accents. This, while many other litigants sat in the courtroom with the parking meter running, having taken time off during work, staying much longer than they anticipated.

EVICTION COURT (cont'd)

PRO

CON

Due to the inexperience in legal proceedings, many parties mention at the time of hearing that they have documents, photos or videos that they could show the court. Sharing the BlueJeans screen to display videographic evidence is rarely successful. Video evidence is often taken in court from parties' telephones. It is often the most powerful and persuasive evidence. Parties do not know how or even attempt to file supplemental documents. Parties would otherwise bring this type of evidence to court. The court is then required to determine whether to decide the case without the evidence or to continue the case for parties to present it in court. Any continuance essentially doubles the court clerk's case preparation time and burdens further a future hearing date, compounding the workload of all evictions court personnel.

CRIMINAL HEARINGS

Overall, virtual hearings for most criminal hearings, other than preliminary hearings, trials, and evidentiary hearings) save defendants money and time in traveling to court, whether they are local or out of state. Even if they are local, one court appearance could require unpaid time off of work, necessity of child care, travel/parking expenses, etc.

PRO

Ease of Access

- Tourists who received citations or have otherwise been charged with lower level crimes who cannot afford to travel back to Las Vegas for court can often times handle their cases virtually from beginning to end. This is especially true for cases that are negotiated and resolved.
- Convenient for defendants and counsel in matters in which the cases are still in DA screening and thus no charges have yet been filed, as well has hearings in which formal charges are denied by the DA's office.
- For other hearings such as status checks on requirements, it is convenient for a defendant and/or counsel to appear virtually if they are in compliance with the sentencing requirements.
- Defendants are able to make appearances when ill or have a physical disability.

Cost Savings

- Defendants do not have to miss as much work
- No need for child care

CON

Connectivity Issues

- More often than not there are technical difficulties either on the court's end or on the user's end (poor wifi reception, etc.) and as a consequence, many times the hearings need to be rescheduled.
- Difficult to understand defendants due to delay in system or poor connection.

A defendant appearing virtually for evidentiary hearings, preliminary hearings, and trials is really not appropriate. Many of these hearings involve the need for a witness to identify the defendant as the perpetrator of the crime, and if the defendant is appearing virtually with the camera off, not pointed at his/her face, or moving around, this is a problem.

Virtual appearances tend to minimize the importance of a court hearing. Many defendants and lawyers seem to not take the hearings seriously; they are often times distracted by whatever or whoever is in the background and are not focused on the hearing; often times they are poorly dressed, rude to the court, and/or basically exhibit behaviors that they might not otherwise exhibit in open court.

As for lawyers, there seems to be more continuances when they make virtual appearances, possibly because they too are not taking the hearing very seriously, or they are not in the courtroom to discuss final details with their client or the opposing counsel.

CRIMINAL HEARINGS (cont'd)

PRO

CON

Certain documents that would be given to a defendant in open court cannot be provided to them virtually, without extra work by staff. These include but are not limited to sentencing forms, community service referrals, etc.

For defendants, witnesses, and general observers who want to participate virtually, it is impossible to monitor conduct that would be disallowed in the courtroom – particularly, there is no way to monitor if someone who is observing virtually is taking pictures, recording by sound, video, or both, which is not allowed in open court without permission of the judge. It is also impossible to monitor coaching of a witness or defendant.

Unable to interact/ use all functions when a defendant enters thru the telephonic portal

Appearances via video are preferred because they can check into the chat. When the Defendant appears via telephone only, we don't know who is on the line if they call in after court has begun. Unable to identify the defendant to check-in for court when mislabeled check-in.

When entering the portal the check-in does not require a first, last name and case number as required entries, causing late check-in and subsequently causing recall of cases and non-appearances on proceedings.

CRIMINAL HEARINGS (cont'd)

PRO

CON

Defendants are not dressed appropriately for the courtroom (shirtless/in line at amusement parks/outside the building/lying in bed)

Defendants talk among each other causing disruption and interference in the courtroom while proceedings.

INITIAL APPEARANCE COURT

PRO

Counsel occasionally appears by video resulting in time and cost savings.

CON

No cons, it is rare that BlueJeans is used in this court

TREATMENT COURTS

Virtual hearings were good when trying to diminish the spread of COVID in treatment court, but aside from being a possible incentive to participants that achieve certain milestones in the program or for participants in an inpatient/PHP facility, in person appearances are more beneficial to treatment court participants.

PRO

Ease of Access

- Participants in compliance may appear remotely saving significant time
- Less time away from work
- No need for daycare
- Allows treatment providers more flexibility to appear for staffing sessions and court as they can remain on site at their treatment facility/office to handle issues instead of being unavailable for the entire staffing session and court as well as their travel time

An effective incentive for participants to work towards if virtual hearings are something that require a particular compliance level to achieve

Allows participants in inpatient and/or partial hospitalization treatment the ability to appear without significantly interrupting their treatment protocol (or risking exposure to relapse)

Can get an idea of living situations or if participant is in prohibited locations, based upon what is seen on camera

CON

Connectivity Issues

- Many participants lack a camera to appear via video, and being unable to see the participant may result in the treatment team/judge failing to catch key non-compliance alerts such as drug/alcohol promoting clothing, posters, being in prohibited locations such as bars, etc.

Harder to make sure participants are paying attention when appearing virtually

Harder to get participants to communicate

Hard to gauge if a participant is having problems, which could delay intervention.

Harder for the judge to form connections with participants to motivate them while in the program

Judge cannot give participants incentive themselves

- Percentage of success and compliance is greater when judge gives the participant the incentive compared to other team members giving the incentive

Participants do not form as much support from others in the same program who are doing well. In person hearings allow participants to provide support/motivation for others while in court and encourage a sense of community to help maintain recovery/sobriety.

TREATMENT COURTS (cont'd)

PRO

CON

Participants reported more instances of relapse due to trying to do things on their own/alone as opposed to forming a recovery support structure consisting of multiple contacts to help them prior to relapse while treatment court remained virtual.

Tendency to spend less time on average with each participant compared to in person

From: [REDACTED]
To: [REDACTED]
Subject: FW: Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts
Date: Thursday, March 31, 2022 2:21:55 PM
Attachments: [FW Virtual Hearing Needs.msg](#)

From: [REDACTED]
Sent: Tuesday, March 22, 2022 2:06 PM
To: [REDACTED]
Subject: RE: Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts

Hi Jamie-

1. I met with our judges regarding virtual hearings. We all believe that the pros include accessibility. It allows attorneys who have multiple hearings to make an appearance from another location. It allows defendants in criminal cases or parties in civil cases to appear who reside outside of the jurisdiction. Another pro is it allows someone with an illness to appear virtually and avoid the transmission of that sickness to others. We believe the cons include the difficulty of determining demeanor and credibility of a defendant or party. Another con is when the technology doesn't work as intended. It can cause the screen to freeze or cut out completely.
2. See attachment. Terri March, our court administrator, provided this response upon request.
3. Our judges support allowing virtual hearings for short appearances. In criminal cases we are currently allowing virtual appearances for arraignments, status checks, waivers, and plea negotiations (proof of requirements and admonishments are required prior to the hearing). In civil cases we are currently allowing virtual appearances for status checks, motions, evictions, and small claims (any documents must be provided in advance of the hearing).
We do not support the use of virtual hearings for misdemeanor trials (including BDV jury trials) or felony/gross misdemeanor preliminary hearings. Defendants have constitutional rights which would be compromised such as the right to confront their accuser.
We do not support virtual hearings for formal civil bench trials. Usually there is a voluminous amount of documentation introduced and witnesses are called by both sides.

[REDACTED]
North Las Vegas Justice Court

[REDACTED]
**2428 N. Martin Luther King Blvd.
North Las Vegas, NV 89032**

[REDACTED] **office**
[REDACTED] **fax**

From: [REDACTED]
To: [REDACTED]
Subject: FW: Virtual Hearing Needs
Date: Wednesday, March 2, 2022 12:35:21 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image002.png](#)

Below are the tentative responses that I've compiled based on our meeting. Please let me know of any changes before I send our response.

Thank you,

[REDACTED]
[REDACTED]
Court Administrator/Clerk of Court
North Las Vegas Justice Court
2428 N. Martin L. King Blvd, Building A
North Las Vegas, NV 89032
Phone: [REDACTED]
FAX: [REDACTED]
Cell: [REDACTED]

From: [REDACTED]

Sent: Tuesday, February 22, 2022 8:47 AM

To: [REDACTED]

Subject: Virtual Hearing Needs

Good morning. Last Friday, the Supreme Court's Commission to Study Best Practices for Virtual Advocacy had its first meeting. Through this Commission, the Supreme Court will be looking at how virtual advocacy should be incorporated long-term into Nevada's state court system. As one of the representatives from court administration, Justice Hardesty has asked that I gather input from court administrators on two issues:

- (1) If virtual hearings are to continue, what internet connectivity and IT needs does your court have?

The North Las Vegas Justice Court currently utilizes BlueJeans software via our JAVS system. Clark County IT manages our internet connectivity. We have no additional needs at this time.

- (2) What are the administrative pros and cons to virtual hearings within your court? Judges from all levels of Nevada courts are included on the Commission and have been tasked with looking at the pros and cons of virtual advocacy for specific case and hearing types. For the purposes of court administration, the goal is to compile pros and cons from an administrative perspective (i.e. administrative cost savings realized by not having to pay interpreter travel costs, challenges associated with facilitating remote appearances for litigants who may not have technology available).

North Las Vegas Justice Court held a Judges' meeting to discuss these issues. We have not experienced administrative pros and cons, other than technology glitches and connectivity issues. The major pros and cons are confined to the courtroom. At this time, we do not mandate virtual hearings; they are offered as an alternative. Litigants who do not have available technology have been allowed to appear by phone for civil, eviction, and small claims cases. For civil cases, exhibits

must be provided prior to the court date.

Virtual hearings are more problematic for criminal cases. They work well for short proceedings, such as status checks, waivers, and negotiations, but not for trials or preliminary hearings. Criminal defendants have a right to confront their accuser, and judges find it difficult to gauge a witnesses demeanor by video.

I would appreciate it if you could send responses to these two questions to me and [REDACTED]

[REDACTED] no later than March 11th. We will compile the answers to provide back to the Commission.

Thank you,

[REDACTED]

[REDACTED]

Second Judicial District Court
75 Court Street
Reno, NV 89501

[REDACTED]



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**COMMISSION TO STUDY BEST PRACTICES FOR
ADVOCACY IN NEVADA COURTS**

VIRTUAL

SUBMITTED BY: [REDACTED] LAS VEGAS MUNICIPAL COURT

DATA COLLECTION:

SURVEY SENT:	275	RETURN	5%
POPULATION:	DEFENSE ATTORNEYS	8	
	CITY PROSECUTORS	1	
	COURT ADMINISTRATION	1	
	MUNICIPAL JUDGES	4	
		14	

OVERVIEW - SURVEY RESULTS/COMMENTS

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS

TIME SAVING	11
LAWYERS CAN MULTI-TASK DURING DOWN TIME	6
AFFORDABLE ACCESS LOWER COST REPRESENTATION FOR DEFENDANT/CLIENT (NO TRAVEL OR WAIT TIME BILLING)	4
REDUCED BACKGROUND NOISE	1
ENVIRONMENTAL IMPACT- CARBON/ENERGY PRINT	5
REDUCE TRAFFIC CONGESTION DOWNTOWN/COURTHOUSE	4
ACCOMMODATE LAWYERS AND DEFENDANTS PHYSICAL CHALLENGES	4
ASSIST THOSE WITH TRANSPORTATION CHALLENGES	4
REDUCE WORK LOSS FOR DEFENDANT	5
ASSIST THOSE WITH CHILD CARE CHALLENGES	4
REDUCE INMATE TRANSPORTATION ISSUES	1
JUDICIAL TRANSPARENCY IF GENERAL PUBLIC CAN OBSERVE COURT	1
ALLOW SUPPORT FROM FAMILY/FRIENDS OUT OF STATE TO OBSERVE	2
OUT-OF-STATE DEFENDANTS CAN MAKE COURT APPEARANCE -NO TRAVEL COSTS	4
OUT-OF-STATE LESSER WITNESSES CAN MAKE COURT APPEARANCE- NO TRAVEL COSTS	4
REDUCTION OF DISEASE EXPOSURE (FLU; COVID; COLD)	4
EASIER FOR VICTIMS TO APPEAR	3
EFFICIENCY/CAN APPEAR FROM ANYWHERE	4
FEWER SCHEDULING CONFLICTS	4
COST SAVINGS FOR WITNESSES AND GOVERNMENT; LESS STAFF	4
PROTECTS WITNESS (CHILDREN/BATTERED VICTIMS)	1
INCREASE WITNESS WILLINGNESS TO APPEAR	1
COST SAVINGS FOR DEFENDANT	1
BETTER MANAGE LARGE CALENDARS	1
REDUCE FURTHER DELAYS IN SCHEDULING	1
MOVE WITH THE TIMES	1
GUARANTEE A HIGHER RATE OF APPEARANCE FOR INTERPRETERS	1
EASE OF USE - SETUP, EDITING IN A VIRTUAL ENVIRONMENT	1
INCLUSIVITY	1

CONS

NONE	1
DEFENDANTS DO NOT TAKE IT SERIOUSLY	3
LAWYERS DO NOT TAKE IT SERIOUSLY AT TIMES	4
LACK OF ACCESS TO AND/OR KNOWLEDGE OF TECHNOLOGY	2
LIMITS ABILITY FOR LAWYER/CLIENT COMMUNICATION DURING APPEARANCE	3
LESS PERSONAL CONNECTION	4
ABILITY TO CONFRONT FACE-TO-FACE WITNESS- CONFRONTATION CLAUSE IS PILLAR	3
DOCUMENTATION/EXHIBITS CAN BE AWKWARD	4
COURT OR OTHER PARTY DIFFICULT TO MANAGE	3
CONFLICT OF MULTIPLE APPEARANCE AT OR NEAR THE SAME TIME	1
VISIBILITY OF JUDGE; IMPERSONAL	2
FINDER OF FACT- DIFFICULTY ASSESSING CREDIBILITY OF WITNESSES	5
IT ISSUES DURING HEARING/TRIAL	5
INABILITY TO SEE IF WITNESS IS BEING COACHED	4
INABILITY TO SEE IF WITNESS IS USING NOTES	3
COST OF IT EQUIPMENT IN SMALLER COURTROOMS	2
HARDER TO CONTROL WITNESS (CONTEMPT)	4
BACKGROUND NOISE/HARDER TO HEAR	3
INTERRUPTION IN SERVICES (LACK OF TOLERANCE/DISTRACTING)	3
CONFIRMATION OF RECORD BEING PROPERLY RECORDED	1
CAN NOT IMPOSES JAIL AND/OR REMAND	2
DISRUPTS THE FLOW OF TRADITIONAL COURT	1
TIME CONSUMING - HOLDING TIME TO BE CALLED ON	1
KLUNKY - NOT SMOOTH	1
PROBLEMS WITH PARTICIPANTS UN-MUTING	1
INABILITY TO DRUG TEST	1
EXPENSE	1
MENTAL FATIGUE	1

Please list your comments of IT challenges and needs that would need to be overcome/met in order to

ZOOM IS EASIER THAN BLUE JEANS	1
STATIC BLUE JEANS ID PER DEPARTMENT (CONSISTENT IN ALL DEPARTMENTS)	1
PRIVATE LINK FOR SPEICAL AND/OR CLOSED HEARING	1
DESIGNATED BLUE JEANS HELP LINE MANNED DURING BUSINESS HOURS.	1
BLUE JEANS WORKS	2
GOOD CONNECTION/BANDWIDTH	7
TRAINING FOR COURT PERSONNEL	2
TRAINING FOR LAWYERS	2
PREFER TO SEE EVERYONE	1
DIFFICULTY HEARING TELEPHONE CONNECTION	1
INITIAL COST OF EQUIPMENT IN COURTROOM THAT DO NOT ALREADY HAVE IT	1
NEED TO HAVE IT PERSONNEL STANDING BY	1
COMPATIBLE EQUIPMENT FOR WITNESSES, DEFENDANTS, ATTORNEYS	3
CANCEL BACKGROUND NOISE	1
EQUIPMENT TO PUBLISH/DISPLAY EVIDENCE VIRTUALLY	1
EASIER SIGN IN FOR COURT AND PARTICIPANTS	1
AUDIO/VISUAL PERFORMANCE & QUALITY	1
CHOOSE PLATAFORM - BLUE JEANS, ZOOM, ETC.	1
ICONS PEOPLE DON'T HAVE TO READ	1
LAWYERS SHOULD BE RESPONSIBLE FOR THEIR CLIENTS TECH ISSUES/LOG ON	1
HAVE A BACK-UP PLAN	1

Please comment on which types of cases/hearings you believe should be virtual and which types should be held

TYPES OF CASES - VIRTUAL APPEARANCE	
EVERY TYPE OF CASE	2
ALL STATUS CHECKS	7
CALENDAR CALL	2
MOTION HEARING WITHOUT SIGNIFICANT EVIDENTIARY COMPONENT	1
ALL TRAFFIC MATTERS	2
BENCH TRIAL WITH OUT-OF-STATE DEFENDANT	1
ARRAIGNMENTS/SUMMONS/INITIAL APPEARANCE	6
MOTIONS	1
PRETRIAL	4
ALL MATTERS WITHOUR LIVE TESTIMONY	1
BENCH TRIAL WITH LIMITED EXHIBITS AND/OR WITNESSES	1
AB 424 CUSTODY STATUS HEARINGS (48-HOUR HEARINGS)	2
MISDEMEANOR CASES	1
SMALL CLAIMS CASES	1
SPECIALTY COURTS	1
CIVIL CASES	1
HEARING ON MOTIONS	2
PRELIMINARY HEARING	1
SENTENCING FOR TRAFFIC; NON-VIOLENT MISDEMEANORS	1
ANY HEARING WHERE THE CLIENT IS NOT PRESENT	1
CALENDAR CALL - IF CASE IS NEGOTIATED	1

TYPES OF CASES - IN-PERSON	
JURY TRIALS - ALL SHOULD BE IN-PERSON	10
EVIDENTIARY HEARINGS WITH SIGNIFICANT DOCUMENTS/TESTIMONY	4
SETTLEMENT CONFERENCES	1
BENCH TRIAL	9
REVOCAION HEARINGS	6
SENTENCING	5
PRELIMINARY HEARING	1
BAIL HEARING	4
QUASH/RECALL ARREST OR BENCH WARRANT	1
NONE	1
MOTIONS	2
PLEA NEGOTIATIONS	2
CONTESTED HEARINGS	2
FELONY	1
COMPETENCY HEARINGS	1
GRAND JURY	1
ORDER TO APPEAR BY JUDGE	1
IMPACT STATEMENTS	1
STATUS CHECK WITH SOOT ISSUES	1
CALENDAR CALL IF CASE HAS MOTIONS OR GOING TO TRIAL	1

Virtual Advocacy Research Assignment
 Provided by Las Vegas Municipal Court

NAME: [REDACTED]	TITLE: ATTORNEY
JURISDICTION: LAS VEGAS	

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
Huge time saver	None
Lower costs to client	
Easier to hear without the background noise of the courtroom.	

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

Zoom is easier to use than Blue Jeans.

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY
Every type of case.	Jury trials - all should be in person.

NAME: [REDACTED]	TITLE: ATTORNEY
JURISDICTION: LAS VEGAS/CLARK COUNTY	

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
Save gas	I don't feel defendants take it as serious
Save time	As they should
	I don't feel lawyers (at times) take it as serious
	As they should

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY

NAME: [REDACTED]	TITLE: Criminal Defense Attorney
JURISDICTION:	Clark County

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
There is less downtime. Lawyers can do other things while waiting for their cases to be called or can be logged into two hearings at once.	Some people struggle with using the computer. Especially those who are older, have certain disabilities, or who don't have access to or can't afford a computer or internet access.
It's better for people who suffer from disabilities. My boss and several of my clients have physical disabilities that make it hard to get to and from the courthouse.	It can make it harder for an attorney to communicate with their client because they can't whisper in their ear.
It's better for low income people who may not have a car to get to the courthouse, who may not be able to take the whole day off work, or who may not be able to afford child care.	
It's better for the environment. Case studies are already coming out showing that Zoom and similar apps have done more to reduce carbon emissions in the last two years than electric cars have done in the last decade.	
Fewer inmate transportation issues.	
More judicial transparency, the general public can log into Blue Jeans far easier than they can come down to the courthouse.	
Allows parties to have the support of family and friends who live out of state or otherwise would not have been available because those people can appear via BlueJeans	
Out of state clients and non-important witnesses can make court appearances without having to pay for travel and lodging.	
Clients aren't billed for travel time and time spent waiting in court, therefore making access to attorneys and justice more affordable for everyone.	

Please IT challenges/needs that need to be overcome in order to implement virtual hearings.

<p>I think each department would need a specific Blue Jeans ID that didn't change and that could be posted on the website. For special settings and closed hearings, another BlueJeans link that is private could be created but 99% of the time it should be a consistent link for each department.</p>
<p>I think there would have to be a designated BlueJeans help phone number that was manned during business hours. People who were having trouble logging in could call it.</p>

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE – VIRTUAL	TYPES OF CASE – IN-PERSON ONLY
Any and all status checks and calendar calls.	Criminal Jury Trials
Most motion hearings as long as there isn't a significant evidentiary component.	Some evidentiary hearings where there will be significant documents or where testimony via Blue Jeans raises confrontation clause concerns.
Any and all traffic matters	Settlement Conferences

NAME: [REDACTED]	TITLE: ATTORNEY
JURISDICTION: LAS VEGAS/CLARK COUNTY	

Thank you for seeking input on this issue. I believe most matters should be held virtual (especially with our horrible Government allowing gas prices to get out of control) with the exception of the following:

- Bench Trials (Unless the Defendant Resides Out of State and Verification of out-of-State residency is provided to the court)
- Revocations

The Las Vegas Municipal Court is leading all courts by example. The Las Vegas Justice Court is a hot mess. Every Las Vegas Municipal Court Judge is without question the most compassionate and understanding on the Bench and the staff at the Traffic Division is without a doubt AWESOME!

NAME: [REDACTED]	TITLE: LAWYER
JURISDICTION: Clark County	

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
Cost savings on travel.	Connection.
Less energy spent on travel.	Ability to confront witnesses. Face to face confrontation is a pillar of confrontation clause.
Lower volume of traffic downtown.	
Lower volume on traffic at the court house.	
Lower chances of spreading the flu, cold, or other virus to others, thus helping productivity.	
Easier for people who cant afford transportation.	
Easier for victims to be at hearings.	

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

Bluejeans works.
Good connection.

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY
Arrest/Summons	Sentencing
Status Checks	Trial
Motions	Preliminary hearing
Cal. Call	Revos
Pretrial	Bail hearing/Recall arrest warrant/quash bench warrant

NAME:	TITLE:
JURISDICTION: 8th Judicial	Attorney [Redacted]

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
Cost	document admission can be an issue.
convenience	

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

More Bandwidth.
Training for court personnel
Training for lawyers

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY
ALL	None

Your assistance is appreciated.

NAME: ██████████	TITLE: Attorney
JURISDICTION: Eighth Judicial District Court	

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
Convenient, can multi task while waiting for	Less personal, sometimes difficult to hear the
Case to be called, less driving, saves time, can	Court or the other Party, difficult to manage
Appear from anywhere, don't have to be in office.	Multiple appearances at or near the same time.
	Some Judges are not even visible on the screen, feels very impersonal at times.

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

I prefer being able to see everyone, when the Court or opposing party appears only telephonically it is sometimes difficult to hear and it seems very impersonal. Obviously everyone needs to be able to hear each other, which has been an issue at times.

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY
Initial Appearances, Status Checks	Plea Negotiations, hearings on motions, trials.

NAME [REDACTED]	TITLE: attorney
JURISDICTION: Nevada	

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
<ul style="list-style-type: none"> • Fewer commutes • Fewer schedule conflicts • Increased efficiency while waiting for case to be called • Assists the elderly and impoverished observe attend court. 	<ul style="list-style-type: none"> • difficult to conduct contested hearings with physical evidence.

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

<ul style="list-style-type: none"> • Perhaps the program should first confirm that a user has sufficient bandwidth before logging in to prevent choppy transmissions.

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY
all matters w/o live testimony	contested hearings

<https://mail.google.com/mail/u/0/?ik=b5a6d916de&view=pt&search=all&permthid=thread>

NAME: [REDACTED]	TITLE: Assistant City Attorney
JURISDICTION: Las Vegas City Attorney	Las Vegas Municipal Court

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
Ability for out of state witnesses or witnesses with travel issues to appear for trial	Use of virtual hearing might be construed by some as minimizing the seriousness of the proceedings
Cost savings for witnesses and government	Difficulty in ensuring that testifying witnesses or defendants will be able to fully review evidence
	More difficult for finders of fact to gauge credibility of witnesses

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

Will need to ensure consistent connection. A lossy or intermittent connection will make keeping a Court record extremely difficult. It will also slow the proceedings and affect their efficacy.

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY
Arraignment (assuming custody status has already been addressed)	Jury trials
Pre-trial conference	Revocation hearings
AB424 custody status hearings	Bail hearings requesting remands
Some types of bench trials (trials with few or no exhibits, one or two witness misdemeanor trials)	Bench trials with multiple exhibits

NAME: [REDACTED]	TITLE: ALTERNATE JUDGE
JURISDICTION: LAS VEGAS	LAS VEGAS MUNICIPAL COURT

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
Easier for witnesses	IT issues during the trial
Save on witness fees (mileage)	Inability to personally observe witness
Protects witness (children/battered women)	Inability to see if witness is being coached
Increase witness's willingness to appear	Can't see if witness is using notes.
	Cost of IT equipment in smaller courtrooms
	Harder to control witness (contempt)

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

Initial cost of equipment in courtrooms that don't already have it.
Need to have IT person on standby in smaller courts.
Witness will need compatible equipment

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY
Traffic	Felony
Misdemeanor	Competency hearing
Small claims	Revocations
Specialty courts	Grand Jury
Civil cases.	
Hearing on motions.	
Preliminary hearing.	

NAME: ██████████	TITLE: Judge
JURISDICTION: Las Vegas Municipal Court	

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
Convenience (for litigants)	Muni court defendants are often indigent & don't have access to a device that would allow them to appear virtually. IF they have a phone, they likely don't have wifi.
Time efficiency (for counsel and litigants)	Regular audio/visual issues (interruptions in service; disconnecting; spotty wifi) will be time consuming External factors- may be difficult to hear(record) witness (ie. dogs barking/kids crying/traffic)
Saves money (gas, bus fare, Uber, flights). Less litigants= less staff (ie. marshals)	Uncertainty that hearing is being recorded (can't undo it later)
Covid (keeps contagious litigants out of courtroom)	Questioning witnesses/handling of evidence difficult- can't control witness, or external factors while witness is testifying
	Demeanor of witnesses hard to judge when appearing virtually instead of in person- can't look witness in eyes; difficult to see facial expressions.
	Can't remand or impose jail without defendant present
	Connection issues depending on defendant/counsel device used and signal strength
	Disrupts the flow of traditional court
	Time Consuming Virtual appearance times vary from court to court making it difficult for defense counsel to complete multiple appearances succinctly. Instead they are in a holding period (virtually) for hours on end waiting for

	each dept. to call their cases. Since each dept. is on its own time frame, this causes defense counsel to sit idle for hours while waiting in a que- when they could have jumped from one courtroom to the next in person- completing all their appearances within a couple of hours.

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

Equal access for indigent litigants- don't know how that can be accomplished.
Ensuring Court's wifi and signal strength works efficiently on a daily basis
Acoustics in courtroom- cancel background noise
Obtain Elmo or other equipment necessary to publish/display evidence virtually

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY
Arraignments, status check	Trials, revocation hearings, sentencing (Battery DV, Battery, DUI, Vehicular Manslaughter)
Some sentencings (traffic; non-violent misd.)	

NAME: [REDACTED]	TITLE: Chief Judge
JURISDICTION:	Las Vegas Municipal Court

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
Convenience for Attorneys and Parties	Klunky – not smooth setting use
	Problem with participants un-muting themselves
	Practical problems with Defendant not being present: (1) remand impossible, if needed (2) no drug testing (3) don't know if someone else is with the defendant (or witness) (4) potential for coaching

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

Reliable connections
Easier sign in for court and participants

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY
Everything EXCEPT →	Trials
	Revocation Hearings
	Order to Appear from Judge to resolve above concerns

From:

Sent:

Thursday, March 17, 2022 5:29 PM

To:

Cc:

Subject:

VIRTUAL HEARING SURVEY - SUPREME COURT COMMISSION TO STUDY BEST PRACTICES FOR VIRTUAL ADVOCACY

As a member of the Supreme Court Commission to Study Best Practices for Virtual Advocacy in Nevada's Court, I would like to seek your input and comments in the following areas. I would greatly appreciate your responses by **Wednesday, March 23, 2022**, so that I may compile the data and share with the Commission.

NAME:	TITLE: Judge
JURISDICTION: Las Vegas Municipal Court -	

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
• Convenient for Attorneys with multiple court appearances	• If technology is good very few drawbacks
• Convenient for out of state defendants	• For trials, cases with witnesses, or where defendants and attorney need to consult as hearing is going on, is more challenging
• Convenient for sick defendants - people who can't be around a lot of people	

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY
Arraignments Pro trials Status checks	trials

NAME: [REDACTED]	TITLE: Court Administrator
JURISDICTION: Las Vegas City Attorney	Las Vegas Municipal Court

Please list the pros and cons of virtual hearings, as it pertains to your jurisdiction or court. If possible, please provide input regarding case management and case types.

PROS OF VIRTUAL HEARINGS	CONS OF VIRTUAL HEARINGS
1. Better manage large calendars	1. Technical issues
2. Reduce further delays in scheduling	2. Nonverbal cues are lost (body language/facial expressions)
3. Attorney's don't have to rush/run around to get to their next appearance	3. Trials and Hearings should not be virtual.
4. Defendants may not need to miss work to appear in court	4. Background noise if parties appearing from home/work
5. Less inconvenient if a case is rescheduled, especially for those who are out of state	5. Judge's may have a harder time controlling a virtual courtroom
6. No worrying about parking, security, lines etc.	6. Expense
7. Move with the times	7. Mental fatigue
8. Guarantees a higher rate of appearance for Interpreters	8. Easy set up and attendance to virtual hearings
9. Ease of Use - set up and editing (change, add or remove) in a virtual environment	9. Lack of human connection
10. Cost effectiveness - less staff	10. Lack of tolerance for technical issues (incredibly distracting)
11. Inclusivity - people in various locations can be easily included	11. Distraction and/or disengagement - please repeat that
12. Convenience - easy access from anywhere	12. Negative impact on Attorney - Client Comm. & Relations

Please list your comments of IT challenges and needs that would need to be overcome/met in order to successfully implement virtual hearings.

1. Audio/Video - Performance & Quality - Make sure all equipment is functioning (sound, audio, etc.)
2. Establish a platform (bluejeans)
3. Provide additional training for court staff if needed
4. Provide clear instructions for parties/public to follow in order to connect
5. Have ICONS for people that don't read
6. Have backup plan

Please comment on which types of cases/hearings you believe should be virtual and which types should be held in-person.

TYPES OF CASE - VIRTUAL	TYPES OF CASE - IN-PERSON ONLY
1. 48 hr. bail hearings	1. Trials
2. Arraignments	2. Hearings
3. Pretrials	3. Impact statements
4. Status checks with no SOOT issues	4. Jury Trials
5. Calendar Call if case is negotiated	5. Status checks with SOOT issues
	6. Calendar Call if case has motions or moving forward with Jury Trial

Commission of Virtual Advocacy
Responses from the Clark County District Attorney's Office

The most important issue from my perspective is that Prelims should always be held in person. Most other court appearances can be done virtually.

What are the pros of virtual hearings?

- **Being able to do other work at our desk while the judge's calendar takes forever**

What are the cons of virtual hearings?

- **Sentencings aren't really sentencings when you know that there is zero % chance the person will be remanded on bluejeans**

Are there IT challenges or needs? If so, what are they?

What types of hearings or proceedings should always be held in person?

- **Sentencings except stipulated probation**

What types of proceedings are appropriate for virtual appearance?

- **Most everything else**

PROS OF VIRTUAL HEARINGS

- 1- Can usually multi-task (check/send emails, subpoena another file, continue drafting motions, etc.) while you await your case to be called
- 2- Can jump into other courts much quicker than running the stairs or awaiting elevators

CONS OF VIRTUAL HEARINGS

- 1- Can be difficult to hear sometimes whether an issue with the connection or just over-speaking on one another
- 2- Can be difficult to communicate with the parties before the calendar starts. For example, it can be a challenge to contact the P&P officer on a revo hearing, whereas in person you can take 3 minutes and get in front of most of the pertinent information. Same thing for calendar calls or negotiations.
- 3- Never really know where the Defendant is located or whether he is even in NV.

IT CHALLENGES/NEEDS

- 1- I never felt like our IT was poor. Occasionally the picture would be grainy but not sure we can prevent that too much.
- 2- Sound seemed a little poor at times. Seemed more like an issue of people not speaking into the mic or not muting themselves.

IN PERSON HEARINGS

- 1- Calendar Calls
- 2- Sentencings
- 3- Revos
- 4- Entry of plea

VIRTUAL HEARINGS

- 1- Status checks (trial readiness, discovery production, confirmation of counsel)
- 2- Motion/Litigation work
- 3- Arraignments
- 4- Motions by P&P to honorably or dishonorably discharge when probation has expired.

What are the pros of virtual hearings?

- Increased witness availability (those who can't travel to court or have to be in several courtrooms that morning are able to appear virtually)
- More and easier access for victims. For example, some who would normally not be able to attend due to distance, work, child care, school, etc. gain access they would not have had. Victims are also more likely to feel comfortable speaking at sentencing because they do not have to face the defendant in person or subject themselves to the stress of coming to the courthouse.
- More and easier access for defendants – there is less disruption to their schedules for work, child care, school, etc. and they don't face barriers due to transportation challenges
- More and easier access for defendants' friends and family
- Efficiency and productivity for law enforcement officers who may appear virtually (specifically probation officers or other officers attending revocation hearings and hearings on petitions for discharge from probation).
- More likely to have law enforcement witnesses show up. I have only very rarely had a probation officer no-show to virtual revocation hearings, whereas they regularly FTA'd to in-person revocation proceedings.
- More likely to have timely appearances from defense attorneys (and also prosecutors for that matter) who have appearances in various courtrooms and courthouses. Many times, I have just had to text a defense attorney or prosecutor who may have been logged onto BlueJeans in another department, and they quickly log onto BlueJeans and appear. This wait used to be terrible when attorneys were in other courthouses and had to travel back to attend the hearing. Calendar DDAs would waste time waiting for defense attorneys regularly. This has been cut down substantially.
- Easier access for attorneys to their computer files and case-finder or databases such as Odyssey, Westlaw, SCOPE, etc. In my experience, this has led to efficiency for the court and both sides, as we are able to receive and send files via email during court instead of continuing the case to do so once we are finished with court.
- Similarly, probation officers have access to their records system and can consult it mid-revocation hearing, giving us information we wouldn't have had if the officer attends court in person.
- Attorneys and probation officers used to spend hours a day just wasting time waiting in court, without being able to be productive. Now, attorneys and others attending court can turn off their video and mute themselves and do other work while they wait to be called. As the

calendar DDA, I am able to respond to and send emails, print out items for the files, and even work on other substantive work, during the calendar in between the cases I am handling.

- More private communications between attorneys and clients who are at the same location appearing virtually. Many attorneys appear with their clients in their offices.
- It seems like it is easier for the jail to not have to transport to the RJC and only to a room within their facility. However, they need more phones in each room because defense attorneys constantly complain that the number is busy.

What are the cons of virtual hearings?

- Technical issues regularly arise with connectivity of those appearing. At times, we actually can't make out some of what they are saying and it is never repeated for the record.
- It appears to be more challenging to have substantial and meaningful attorney-client communications when attorneys and clients are not in the same location for the hearing.
- All the players in the courtrooms (prosecutors, defense attorneys, defendants, court staff, probation officers, advocates, etc.) have to prepare and communicate in advance or during breaks via the phone or the chat function. When all or some are appearing virtually, there is not as much of an opportunity for quick asides that would happen when all are together in the courtroom. However, it should also be noted that it is much easier for the prosecutor to communicate with probation officers, victim speakers, and others if either all are attending virtually or all are attending in person. For example, when I have handled the district court calendar in person, it was virtually impossible for me to communicate with probation officers, defense attorneys, or victim speakers who attended the same hearings virtually. I lacked access to the BlueJeans chat function and couldn't make a discreet phone call to them like I could if I were able to pause my video and mute my audio.
- Attorneys are more effectively able to advocate their points to a judge in person. It falls a little flat on a video screen compared to in person.
- At times, defendants and even attorneys don't have the same courtroom decorum as they would if they were in the courtroom. Sometimes it feels like defendants who appear virtually are not taking this as seriously as they have to take it if they are in court. The authority of the court and law seems lowered in their minds if they don't have to attend court in person.
- It has also been difficult for interpreters interpreting for people who are appearing virtually.
- Admitting evidence is more challenging virtually.
- We also identified potential issues related to our witnesses testifying virtually and tried to address many of them with the attached "Remote Testimony Guide" prepared by Ana from VWAC. We believe that we are able to adequately prepare witnesses to avoid pitfalls, but it does take additional preparation. Some concerns included that witnesses wouldn't be set up with appropriate WiFi or technology without preparation, they might not be as visible as when they would be in the courtroom (due to lighting or the quality of the camera), that they may have others present or communicate with others in violation of the exclusionary rule, or that they may have challenges hearing the questions posed.

Are there IT challenges or needs? If so, what are they?

- If inmates will continue to appear virtually, it would be better to have more phones per room, as noted above.
- Most of the IT challenges seem to be with the devices or WiFi used by private defense attorneys and defendants, not the court. Any court IT challenges have typically been user error and now that courtroom staff are trained and used to BlueJeans, it works well.

What types of hearings or proceedings should always be held in person? / What types of proceedings are appropriate for virtual appearance?

- This greatly depends on the severity of the hearing. Many status checks and motion arguments are appropriately conducted with all parties appearing virtually. Many sentencing arguments and arraignments where there are no major questions the client has before going forward are appropriately held with all parties attending virtually. However, there will be times when these same hearings have different circumstances making it more appropriate for all parties to attend in person.
- It also greatly depends on which participant we are talking about. The most vital concern regarding virtual hearings is a how it affects communication between a defendant and his or her attorney. Defendants and their attorneys should likely be present in court for most sentencings, Motions to Quash BW or Motions to Revoke Bail, and probation revocation hearings. The reason they should be present is that there may be a change in custody status and there are likely substantial discussions the attorney and client will need to have. There may be a back and forth that should occur during the hearing and even communicating ahead of time cannot prevent the questions that may arise that the attorney should be there to answer. Defendants also receive paperwork regarding checking in with P&P, etc., from the court at times when they are in person. Further, when a defendant appears in person, we can be assured that there were no technical difficulties impeding his or her ability to hear what the court asked or what was said. However, the prosecutor, probation officer, victim, and others, may still effectively appear virtually at some of these same hearings. The determination as to whether these parties should appear in person may appropriately be made on a case-by-case basis. Some factors may be how contested the hearing is and whether prosecutors believe that victims will be present in person.
- Trials or hearings requiring lay witness testimony should generally be held in person. As the defense has argued, it may be easier for the trier of fact to judge credibility in person. Similarly, being in the courtroom makes it easier to see witness hand motions or demonstrations and estimates of sizes and distances. Further, these hearings are just much easier to conduct in person. Although doable virtually, it can be rough. For example, I watched a PH in which witnesses appeared virtually and it was difficult and cumbersome to have the victim ID the Defendant when he was looking at a screen on a small device which portrayed the entire courtroom. Additionally, in-person testimony takes away any argument later that the witness had someone else in the room or used another device while they testified virtually. There are certainly pros to allowing witnesses to testify virtually if we are unable to secure their in-person appearance, but generally it is much easier for the witness to convey information effectively when testifying in person.

What are the pros of virtual hearings?

- **Virtual hearings are beneficial for us because we have more of a chance of getting a conviction since the victim can testify via bluejeans. Also a pro is that we aren't needing to wait around in DC for our cases, we can do other work from our offices while we wait for our case to be called so it allows for more efficiency.**

What are the cons of virtual hearings?

- **Cons are that the Defendant often time will appear on bluejeans sometimes after his attorney calls him and tells him that the victim did not show up for court, resulting in us having to dismiss the case. Other cons are sometimes there are connection problems or problems with the speaker so technical issues.**

Are there IT challenges or needs? If so, what are they?

- **See above. Sometimes we have connection issues in the afternoons from clark place.**

What types of hearings or proceedings should always be held in person?

- **I think preliminary hearings and bench and jury trials should be held in person. I would say sentencings but recently I've had several victims tell me that they like the option to speak via bluejeans for sentencings because that way they don't have to be in the same room as their abuser.**

What types of proceedings are appropriate for virtual appearance?

- **Revocation hearings, simple sentencings, status checks, simple motions like motions to withdraw counsel, calendar calls**

To me, the biggest pro to virtual meetings is the ability to continue getting work done in my office while I wait for cases to be called. When we did things in person, we wasted MANY hours sitting in Court waiting for cases to be called without the ability to get other work completed. Additional pros are that out of state victims and their families are able to appear at any hearing that they wish to attend, and in state victims are also able to attend without the hassle of coming down here to Court.

Obviously, the cons are: (1) people who don't know how to/won't mute their microphones; (2) lay people making appearances from bed, etc.; (3) people appearing dressed inappropriately; and, (4) slower courts running out of time before their calendars have been completed (but that doesn't seem to happen as often anymore). Another challenge is the rule of exclusion for purposes of trial. Often times, people on Blue Jeans don't have their cameras turned on, and you can type whatever name you'd like into the name line before logging on, so it makes it difficult to determine who is on and who should not be on.

IT challenges – just connectivity issues sometimes.

From my perspective, the only time hearings should be required to be in person is if it's a sentencing with victim speakers present, an evidentiary hearing of some sort or special setting where it's one of a few items on calendar, or extensive argument is to be taking place.

Pros are we can more easily jump b/n depts than in person. Also makes it easier to get work on other things while we're waiting for our cases to be handled. Also makes it easier to look things up if the Court needs additional info about something.

Cons/IT issues are some depts (esp JC) are still experiencing technical issues where different parties cut in/out intermittently. Need to easier way to have private conferences (similar to bench conference) and to show other parties pics/video.

Defs should be required to appear in person for sentencing on RTA. Lawyers should be present for anything involving witness testimony.

Blue jeans links should be made available to the public and updated by the court so victims/wits can easily find them w/o VWAC having to constantly update them.

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: virtualinperson supreme ct commission
Date: Thursday, March 24, 2022 5:36:28 PM
Attachments: [virtualinperson supreme ct commission.docx](#)

[NOTICE: This message originated outside of the Supreme Court of Nevada -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Attached is the information requested by Justice Hardesty and Justice Herndon on behalf of the Clark County Public Defender's Office, the Clark County Special Public Defender's Office, and the Washoe County Public Defender's Office. JoNell and John can e-mail you as well that they are in agreement with this information.

Thank you,

[REDACTED]

Clark County Public Defender

The following responses are submitted on behalf of, and in agreement with Darin F. Imlay - Clark County Public Defender, JoNell Thomas – Clark County Special Public Defender, and John Arrascada – Washoe County Public Defender.

1. Pros/cons of virtual court proceedings.

Pros-

Convenience for both attorneys and clients. Attorneys are able to multitask at their desks waiting for their cases to be called, rather than waiting hours in the courtroom unable to do other work. This is especially true when you have multiple attorneys sittings for hours in the courtroom. It allows clients the ability to take off less time from work, not risk employment to make court, or incur additional expenses for transportation/parking etc.

Virtual hearings are especially efficient for some of our specialty teams that may have multiple court appearances at the same time. Rather than running from one courtroom to the other, then waiting for prolonged periods until their case is called, they can pop in when the case is being heard, then quickly go to the next hearing.

Virtual hearings are especially efficient when the court proceeding is something simple as resetting hearing/trial dates, status check on progress etc. There is no reason for attorneys and clients to wait for hours in court, take the time to get to court, for a status check that takes 2-3 minutes to get a new date or update on progress.

The efficiency virtual proceeding provides, for attorneys to multi-task while in their office is one of the most positive results of virtual proceedings.

Cons-

The biggest con with virtual appearances is that it can potentially have a negative impact on the outcome of the hearing if used incorrectly. Preliminary hearings, trials, evidentiary hearings, and sentencing could have very different outcomes if the court, and/or juries were unable to see people live. Body language, language, possible coaching, possible reliance on inadmissible or unknown information can be missed if people are not live. Some courts may sentence a defendant differently if they are standing in front of the judge as opposed to being on a monitor. This factor was determined in a study performed regarding immigration courts and outcomes related to remote deportation hearings and live hearings.

Technology can create it's own issues. Technical problems, whether user error, or system error happen on a regular basis which cause disruptions and delays.

Not being together with your client in court can create issues of trust/confidence in their attorney, or a sense that their attorney is not there for them.

The ideal is always to have all the players in the same room, allows for better communication, quicker resolution, and fewer misunderstandings/delays etc, but there are situations that lend themselves to the efficiencies of virtual hearings without jeopardizing the legitimacy of the court process.

2. IT challenges-

Our offices have the ability to use technology to facilitate virtual hearings. Most of the obstacles that would have to be overcome are from the individual parties in the case, as well as the courtroom and jail capacities. The jails need to be able to allow not only for effective feeds to the courtroom, but also allow for timely private communications between attorneys and inmates.

3. Types of cases/hearings that should be held in-person or virtually.

In-person hearings:

All Preliminary Hearings;

All misdemeanor trials, both jury and bench;

All DCt jury trials;

All evidentiary hearings(except Hallmark hearings, if consented to by all parties);

All sentencings(unless virtual hearing is requested by the defense attorney with the consent of defendant)(if court is going to impose jail/prison time, the court can require defendant's presence);

All victim impact statements made during sentencing;

All probation revocation hearings;

All Order to Show Cause hearings in either Municipal Court, Justice Court or District Court;

All other critical stages of the criminal proceedings unless requested/consented to by the defendant.

Juvenile delinquency contested hearings, certification hearings, Formal Report & Dispositions.

Family court TPR Hearings.

Virtual hearings - if consented to by defendant:

Valdez-Jimenez hearings;

Sentencings as requested by defense attorney with consent of defendant;

Honorable discharges from probation that result in a drop-down;

Parole revocation hearings;

Hallmark hearings as noted above.

Virtual hearings can only occur if private communications between defense attorney and client are available.

Family Court proceedings and statuses.

TAB 5

Other

Departments

From: [REDACTED]
To: [REDACTED]
Subject: RE: Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts
Date: Tuesday, March 29, 2022 11:42:00 AM
Attachments: [image001.png](#)
[2022-03 OAG Atty Survey Results - Additional Advantages - Disadvantages FINAL.pdf](#)
[2022-03 OAG Atty Survey Results - Virtual Hrgs and Advocacy - FINAL.pdf](#)

From: Leslie M. Nino Piro <lninopiro@ag.nv.gov>
Sent: Friday, March 25, 2022 4:59 PM
To: Gradick, Jamie <jgradick@nvcourts.nv.gov>
Subject: RE: Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts

Hi Jamie,

Attached are the results of an internal survey providing input on the three areas requested by Justices Hardesty and Herndon. Seventy-five attorneys in our office participated. I've also included written responses from OAG attorneys commenting on additional advantages and disadvantages of virtual hearings. Please let me know if you have any questions. Have a great weekend!

Kind regards,

[REDACTED]
[REDACTED]
General Counsel

State of Nevada
Office of the Attorney General





OAG Attorney Survey - Virtual Hearings And Advocacy

75

Responses

06:10

Average time to complete

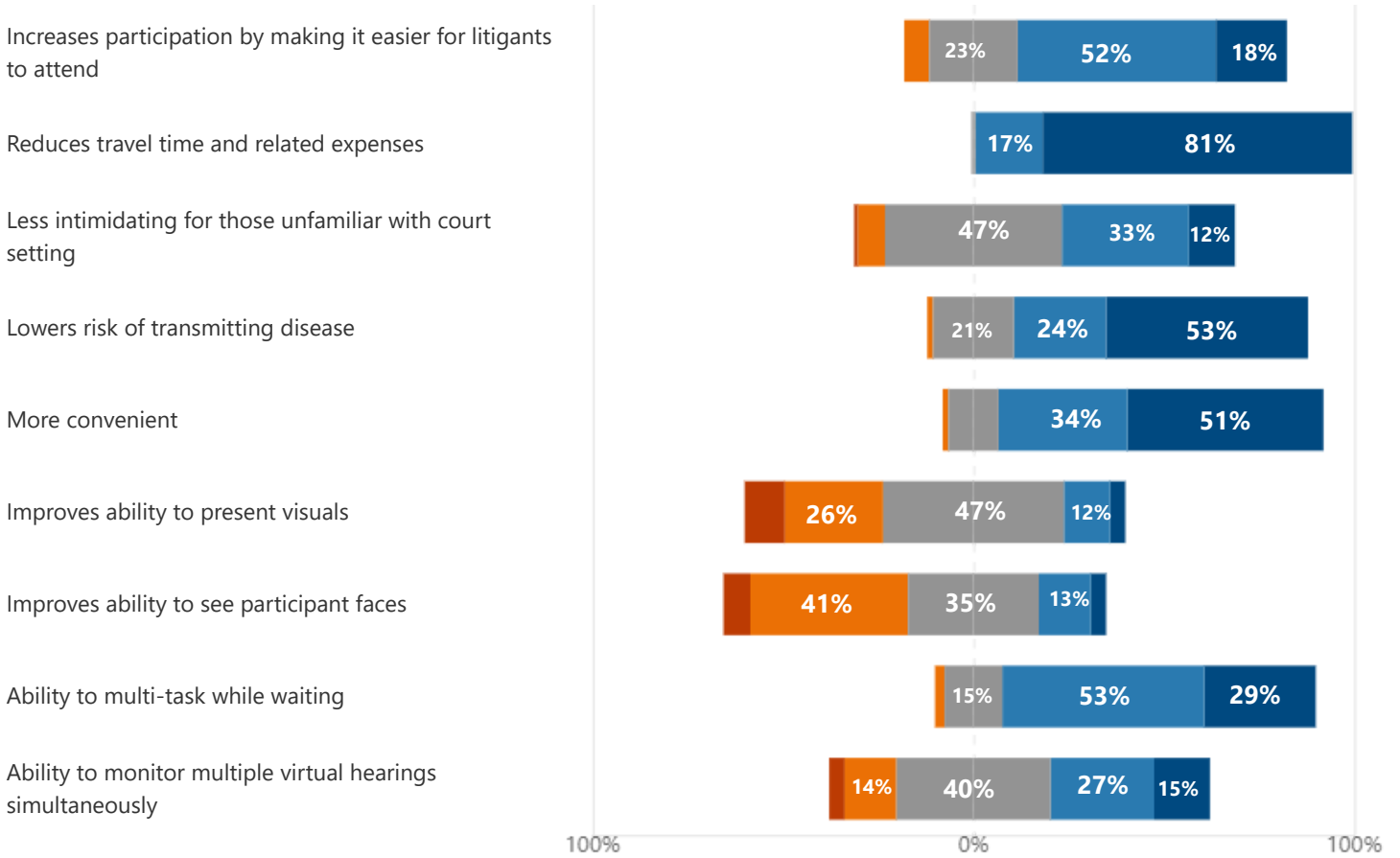
1. In which Nevada court jurisdictions do you appear as part of your regular job duties? Select all that apply.

- Administrative courts 31
- Justice courts 27
- District courts 73
- Appellate courts 32



2. To what extent do you agree that virtual hearings have the following **advantages** as compared with in-person hearings?

Strongly disagree Disagree Neutral Agree Strongly agree



*approximate percentages

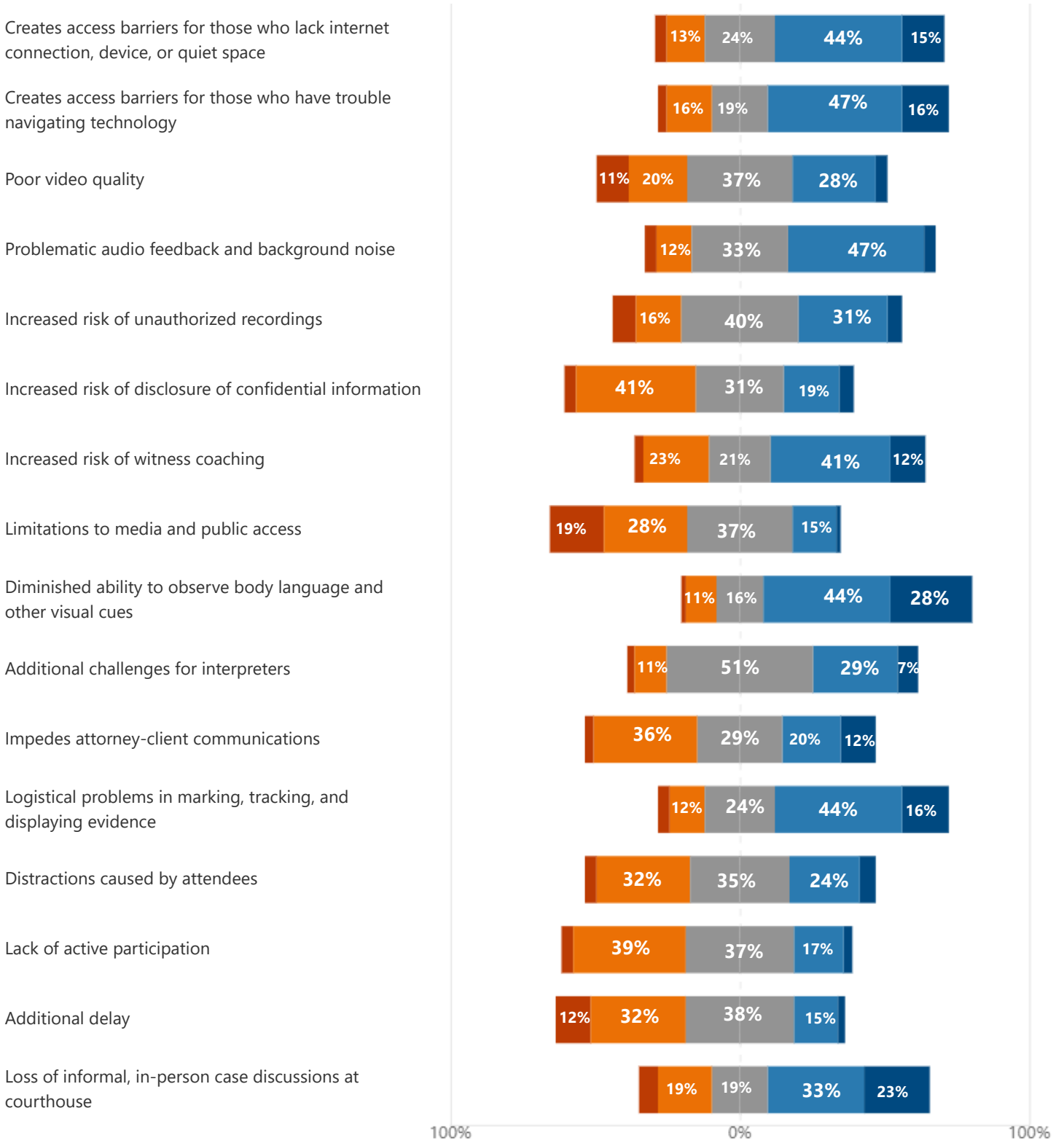
3. Please identify any additional advantages of virtual hearings not listed above.

25

Responses

4. To what extent do you agree that virtual hearings have the following **disadvantages** as compared with in-person hearings?

Strongly disagree Disagree Neutral Agree Strongly agree



*approximate percentages

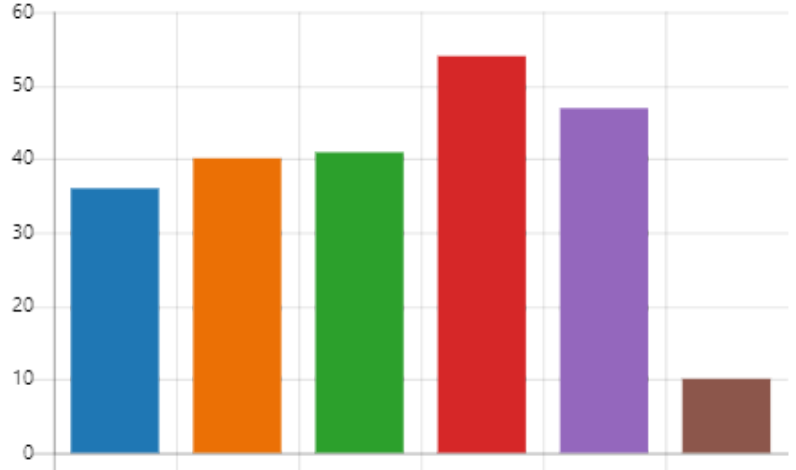
5. Please identify any additional disadvantages of virtual hearings not listed above.

13

Responses

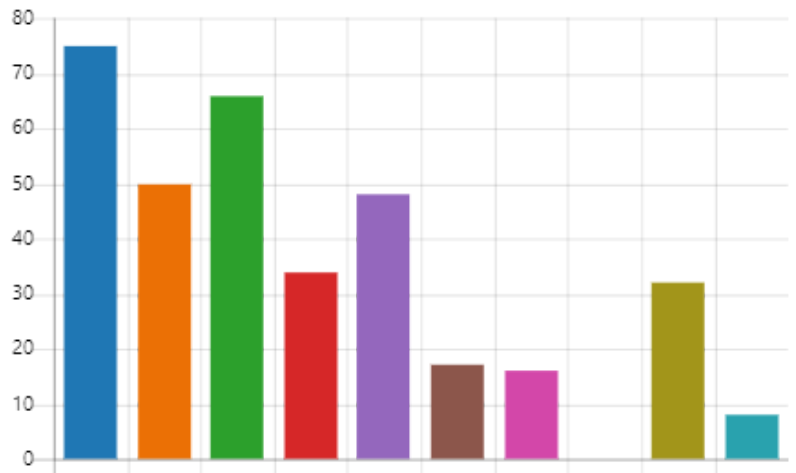
6. Which of the following technical challenges still need to be overcome to successfully implement virtual hearings in Nevada courts?

- Additional access to technology for litigants to participate in virtual hearings 36
- Additional training or resources for litigants who have trouble navigating videoconferencing technology 40
- Additional IT staff to address technical issues that arise during virtual hearings 41
- Uniform standing orders or warnings concerning issues like muting, witness sequestration, public and media attendees, use of exhibits, confidentiality of any non-public information, etc 54
- Centralized posting of virtual hearing links 47
- Other 10



7. Given the advantages and disadvantages of virtual hearings, which of the following hearing types are well-suited to the virtual hearing format?

- Status checks 75
- Discovery hearings 50
- Motion hearings (non-dispositive) 66
- Dispositive motion hearings 34
- Settlement conferences 48
- Evidentiary hearings 17
- Bench trials 16
- Jury trials 0
- Appellate oral arguments 32
- Other 8





STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

OAG ATTORNEY SURVEY - VIRTUAL HEARINGS AND ADVOCACY
SURVEY RESPONSES RE: ADDITIONAL ADVANTAGES AND
DISADVANTAGES

25 Attorney Responses to Survey Question #3 –“Please identify any additional advantages of virtual hearings not listed above”:

1. Saves time traveling to court for short hearings.
2. Accessibility for language and disabilities. Better interpreter access.
3. Ability to use computer instead of paper for outline, quick access to documents and calendar, should court inquire.
4. Considerate of those who have either physical impediments or practicing mothers/soon to be mothers during pregnancy.
5. Allows attorneys to cover multiple hearings in multiple locations/jurisdictions.
6. Gives the ability to appear at more hearings in a day that are in different jurisdictions (Las Vegas, North Las Vegas, Henderson...).
7. Makes it more possible to make appearances on short notice, especially for those who have to arrange child care.
8. Saves time and allows more productivity elsewhere.
9. Virtual hearings eliminate time and expense of travel to the courthouse.
10. Able to attend hearings in different parts of the state on the same day.
11. Can be much more productive with other work, don't have to wait in a busy hallway for a long time.
12. Easier for out-of-state witnesses to appear and testify. Can more easily access case law and other law during argument.
13. For guardianship hearings individuals that are medically fragile or unable to handle the stimulation of in person hearings can attend and participate without the possible negative consequences to their physical or emotional well being.
14. Puts the inmate in civil rights litigation on equal footing, as they usually appeared virtually pre pandemic.

15. When dealing with inmates, an in person hearing is a field trip. Having them attend virtually takes this away.
16. Travel time, parking at courthouse. Cost of travel and parking. Time getting through security, Waiting for elevators, etc. etc.
17. Access to work computer and drives, internet, etc.
18. Ability to monitor proceedings that otherwise wouldn't be able to spectate.
19. There is simply no need for every hearing to be in person. Even before the pandemic, telephonic hearings were common, at least in Second Judicial District Court and Federal District Court.
20. Saves a lot of time compared to in person from travel and needing to be early to the hearing.
21. Ability to have immediate access to documents and legal research.
22. No parking issues, not having mess with courthouse security screenings, no down time if hearing cancelled.
23. Substantially more efficient when dealing with Rural Courts.
24. For administrative hearings, much easier to schedule as adjudicative body is often a board requiring a quorum and a meeting room.
25. Court can schedule multiple hearings at the same time without concerns of social distancing.

13 Attorney Responses to Survey Question #5 – “Please identify any additional disadvantages of virtual hearings not listed above”:¹

1. Technology issues that disrupt hearings; inability to easily to communicate with court staff; changing links for hearings.
2. It's not the same as real interaction with the court.
3. The disadvantages are very minor compared to the benefit of virtual attendance. While some of the above may happen sometimes, it's quite rare and can usually be easily remedied.
4. 1.) Potential for abuse by vexatious litigants, but may be offset by saving time and resources for other parties. 2.) Learning curve for litigants because use of different platforms by different courts.
5. Juggling the use of multiple platforms can be annoying - teams, zoom, lifesize, bluejeans.
6. Not turning on camera when required to or forgetting the mute the microphone.

¹ Responses stating “N/A” or “None” were omitted.

7. Remote hearings in a criminal setting may create unanticipated violation of a defendant's constitutional rights and may create new issues which may lead such issues being litigated on appeal, and potentially convictions being overturned.
8. For administrative hearings, recordings must be permitted by law. Technical difficulties and internet connectivity do cause difficulty and delays. Note to quiet space--in the administrative sphere, while some parents have difficulty with noisy children (think licensee unable to work while applying for license or facing disciplinary hearing), they would not be able to attend at all if virtual were not an option due to lack of child care.
9. Inadvertent gaffes caused by microphone/webcam muting (or lack thereof).
10. Removes time to discuss case with opposing counsel before and after the hearing. This helps with drafting orders and potentially settlements. Also video quality makes some hearings last much longer as it is hard to understand someone people already and poor video quality adds to the chance for misunderstandings.
11. Difficulty for court reporters; unclear transcripts.
12. Technology limitations, connection and quality of video challenges.
13. Parties can claim difficulty connecting as an excuse for missing a hearing.