

## PART IX-B.

### (A) RULES GOVERNING APPEARANCE BY TELEPHONIC TRANSMISSION EQUIPMENT FOR CIVIL AND FAMILY COURT PROCEEDINGS

**Rule 1. Definitions.** In these rules, unless the context or subject matter otherwise requires:

1. "Telephonic transmission equipment" means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to one another, provided that all statements of all parties are audible to all persons present.
2. "Court" means a proceeding before a judicial officer, judge, master, or commissioner for all civil proceedings in the State of Nevada.
3. "Party" shall include the plaintiff, defendant, petitioner, respondent, applicant, adverse party, obligee, or obligor and also apply to each party's attorney of record.
4. "Witness" shall mean a party or other person testifying in the court proceeding.
5. "Shall" is mandatory and "may" is permissive.  
[Added; effective July 1, 2013.]

**Rule 2. Policy favoring telephonic transmission equipment appearances.** The intent of this rule is to promote uniformity in the practices and procedures relating to telephonic transmission equipment appearances. To improve access to the courts and reduce litigation costs, courts shall permit parties, to the extent feasible, to appear by telephonic transmission equipment at appropriate proceedings pursuant to these rules.

[Added; effective July 1, 2013.]

**Rule 3. Application.** These rules apply to all civil cases and family court proceedings pursuant to Chapters 122 through 130 of the Nevada Revised Statutes.

[Added; effective July 1, 2013.]

**Rule 4. Appearance by telephonic transmission equipment.**

1. Circumstances in which appearance by telephonic transmission equipment shall be allowed. Except as provided in Rule 4(3), parties shall be allowed to appear before a judicial officer or judge, master, commissioner, or special master using telephonic transmission equipment in the following matters:

- (a) Case management conferences, provided the party has made a good faith effort to meet and confer and has timely served and filed a case management statement before the conference date;
- (b) Trial setting conferences;
- (c) Hearings on law and motion, except motions in limine;
- (d) Hearings on discovery motions, except where the hearing master determines that it is necessary for parties or attorneys to meet personally regarding discovery disputes or scheduling matters;
- (e) Status conferences, including conferences to review the status of an arbitration or a mediation;
- (f) Hearings to review the dismissal of an action;
- (g) Any other hearing that is scheduled for not more than 15 minutes; and
- (h) Any matters stipulated to by the parties and approved by the court.

2. All other matters require personal appearances or appearances by use of simultaneous audiovisual transmission equipment.

3. Court discretion to modify rule.

(a) Applicable cases. In exercising its discretion under this provision, the court should consider the general policy favoring telephonic transmission equipment.

(b) Court may require personal appearances. Upon a showing of good cause either by motion of a party or upon its own motion, the court may require a party or witness to appear in person at a proceeding listed in Rule 4(1) if the court determines on a hearing-by-hearing basis that a personal appearance would materially assist in the resolution of the particular proceeding or that the quality of the telephonic transmission equipment is inadequate.

4. Need for personal appearance. If, at any time during a proceeding conducted by telephonic transmission equipment, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance by a party or witness.

5. Notice by party.

- (a) A party choosing to appear by telephonic transmission equipment at a proceeding under this rule must either:
  - (1) Place the phrase "Telephonic Transmission Equipment Appearance" below the title of the moving, opposing, or reply papers; or

(2) At least 5 court days before the appearance, notify the court and all other parties of the party's intent to appear by telephonic transmission equipment. If the notice is oral, it must be given either in person or by telephonic transmission equipment. If the notice is in writing, it must be given by filing a "Notice of Intent to Appear by Telephonic Transmission Equipment" with the court at least 5 court days before the appearance and by serving the notice at the same time on all other parties by personal delivery, fax transmission, express mail, by electronic service through the court's online docketing system (if available), or other means reasonably calculated to ensure delivery to the parties no later than the close of the next business day. Copies of any exhibits that a party participating telephonically intends to present at the hearing shall be delivered to the court and all parties by at least noon on the court day prior to any such proceeding.

(b) If after receiving notice from another party as provided under Rule 4(5)(a) a party that has not given notice also decides to appear by telephonic transmission equipment, the party may do so by notifying the court and all other parties that have appeared in the action, no later than noon on the court day before the appearance, of its intent to appear by telephonic transmission equipment. Copies of any exhibits that the party intends to present at the hearing shall be delivered to the court and all parties by at least noon on the court day prior to the scheduled hearing.

(c) If a party that has given notice that it intends to appear by telephonic transmission equipment under Rule 4(5)(a) subsequently chooses to appear in person, the party must so notify the court and all other parties that have appeared in the action by telephonic transmission equipment at least 2 court days before the appearance.

(d) The court, on a showing of good cause, may permit a party to appear by telephonic transmission equipment at a proceeding even if a party has not given the notice required under Rule 4(5)(a) or (b) and may permit a party to appear in person even if the party has previously given the notice required in Rule 4(5)(c), provided that the party agrees to pay the applicable cancellation fee to the court or third-party provider of the telephonic transmission equipment.

6. Notice by court. After a party has requested a telephonic transmission equipment appearance under Rule 4(5), if the court requires the personal appearance of the party, the court must give reasonable notice to all parties before the hearing and may continue the hearing if necessary to accommodate the personal appearance. The court may direct the court clerk, a court-appointed vendor, a party, or an attorney to provide the notification.

7. Private vendor; charges for service. A court may provide telephonic transmission equipment for court appearances by entering into a contract with a private vendor. The contract may provide that the vendor may charge the party appearing by telephonic transmission equipment a reasonable fee, specified in the contract, for its services. The court or the vendor may impose a cancellation fee to a party that orders services and thereafter cancels them on less than 48 hours' notice. A court, by local rule, may designate a particular conference call provider that must be used for telephonic transmission equipment appearances.

8. Audibility and procedure.

(a) The court must ensure that the statements of participants are audible to all other participants and the court staff and that the statements made by a participant are identified as being made by that participant.

(b) Upon convening a telephonic proceeding, the judge shall:

(1) Recite the date, time, case name, case number, names and locations of parties and counsel, and the type of hearing;

(2) Ascertain that all statements of all parties are audible to all participants; and

(3) Give instructions on how the hearing is to be conducted, including notice that in order to preserve the record, speakers must identify themselves each time they speak.

9. Reporting. All proceedings involving telephonic transmission equipment appearances must be reported to the same extent and in the same manner as if the participants had appeared in person.

10. Information on telephonic transmission equipment appearances. The court must publish a notice providing parties with the particular information necessary for them to appear by telephonic transmission equipment at proceedings in that court under this rule.

11. Public access. The right of public access to court proceedings must be preserved in accordance with law. [Added; effective July 1, 2013.]