

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
AMENDMENT, REPEAL, AND
ENACTMENT OF CERTAIN RULES
FOR THE LAS VEGAS JUSTICE
COURT.

ADKT 0583

FILED

JUL 22 2021

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

*ORDER AMENDING AND REPEALING CERTAIN RULES FOR THE
LAS VEGAS JUSTICE COURT AND ENACTING NEW LOCAL RULES
OF PRACTICE FOR THE LAS VEGAS JUSTICE COURT*

WHEREAS, on May 28, 2021, the Honorable Melissa Saragosa, Chief Judge, Las Vegas Justice Court, filed a petition in this court seeking to amend and repeal certain Justice Court Rules of Las Vegas Township and enact new rules for the Las Vegas Justice Court Local Rules of Practice; accordingly,

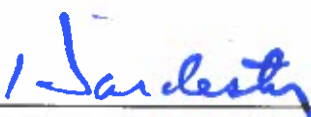
IT IS HEREBY ORDERED that the Justice Court Rules of Las Vegas Township are amended and shall read as set forth in Exhibit A.

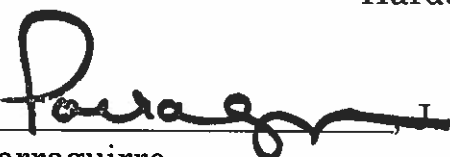
IT IS FURTHER ORDERED that proposed new Las Vegas Justice Court Local Rules of Practice are adopted and shall read as set forth in Exhibit B.

IT IS FURTHER ORDERED that the amendments to the proposed Justice Court Rules of Las Vegas Township shall be effective 60 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and

to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.

Dated this 22ND day of July, 2021.

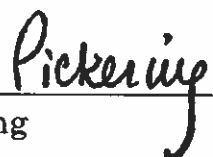
, C.J.
Hardesty

, J.
Parraguirre

, J.
Stiglich

, J.
Cadish

, J.
Silver

, J.
Pickering

, J.
Herndon

cc: All District Court Judges
All Justices of the Peace
Hon. Melissa Saragosa, Chief Judge, Justice Court, Las Vegas Township
Ann Morgan, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Elko County Bar Association
Douglas County Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO RULES 2, 46, AND 50 AND REPEAL OF RULES 37, 48, AND 48.5 OF THE LOCAL RULES OF PRACTICE FOR THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

Rule 2. Application of rules. [~~Except as otherwise provided by specific statute, and unless specifically provided otherwise in these rules, the~~]

(a) The Justice Court Rules of Las Vegas Township apply to all proceedings filed in the Las Vegas [Township] Justice Court [except the following:

~~(a) Cases submitted on agreed statements of fact.~~

~~(b) Small claims cases as defined by NRS Chapter 73, summary eviction cases, criminal cases, actions for the issuance of Orders for Protection under NRS Chapter 33 and NRS Chapter 200, and traffic cases (unless any of these case types are specifically addressed in these rules).]~~ unless specifically provided otherwise in the Nevada Revised Statutes (NRS) or the Justice Court Rules of Civil Procedure (JCRCPP).

(b) Rules relating to summary evictions as defined by NRS Chapter 40 and rules relating to small claims cases as defined by NRS Chapter 73 are governed by the Las Vegas Justice Court Local Rules of Practice (LVJCLRP).

~~[Rule 37. Service of documents upon the court.~~

~~(a) Except as provided in subsection (b), documents must be filed with the court in person or by regular mail. Documents will not be deemed "filed" if they are faxed or e-mailed to the court.~~

~~(b) The following documents may be faxed to the court:~~

~~(1) A motion or request to take a case off calendar;~~

~~(2) An acknowledgment of satisfaction of judgment; or
(3) Any document for which the court has issued a written order granting permission to file by fax.~~

~~(c) This rule applies to the following:
(1) Civil cases;
(2) Small claims cases;
(3) Summary eviction cases; and
(4) Actions for the issuance of Orders for Protection under NRS Chapter 33 or NRS Chapter 200.]~~

Rule 46. Appeals.

(a) Neither filing fees nor bonds may be paid by personal check on an appeal from a civil [~~case, a small claims case,~~] case or a case involving an order for protection pursuant to NRS Chapter 33 or NRS Chapter 200.

(b) The filing of a notice of appeal divests the Justice Court of jurisdiction except when a party files one of the following motions:

- (1) A Motion for Costs and Attorney's Fees;
- (2) A Motion to Reconsider;
- (3) A Motion to Contest the Amount or Sufficiency of a Bond;
- (4) A Motion to Set the Amount of a Bond;
- (5) A Motion to Stay; or
- (6) A Motion to Release a Tenant's Property.

(c) Motions to dismiss an appeal must be ruled upon by the district court as part of the appeal process.

~~[Rule 48. Small claims cases.~~

~~(a) Prior to filing a Small Claims Affidavit of Complaint, the plaintiff must do the following:~~

~~(1) Send a demand letter, return receipt requested, to the defendant. The demand letter must instruct the defendant to pay the amount due within 10 days of the date that the letter is sent, or else the plaintiff will file a small claims case against the defendant.~~

~~(2) Wait at least 10 days from the date the demand letter is sent before filing a small claims case against the defendant.~~

~~(3) File a copy of the demand letter along with the return receipt at the time the small claims case is filed against the defendant.~~

~~(b) Failure of the plaintiff to:~~

~~(1) File a copy of the demand letter;~~

~~(2) File a copy of the proof of mailing; or~~

~~(3) Comply with subsection (a) in any other respects, is cause for the referee or judge to dismiss the small claims case or to impose any other sanctions deemed appropriate.~~

~~(c) The Small Claims Affidavit of Complaint must substantially comply with Rule 89 of the Justice Court Rules of Civil Procedure.~~

~~(d) Only one writ of execution may be in effect at one time in small claims cases.~~

~~(e) Documents sent by mail will not be returned to the sending party if:~~

~~(1) The documents do not include an original and at least 1 copy; or~~

~~(2) The documents do not include a self-addressed, stamped envelope.~~

~~(f) A referee appointed pursuant to NRS 4.355:~~

~~(1) May issue an immediate default judgment when a defendant fails to appear for trial, and such a default judgment is not subject to the formal objection process;~~

~~(2) May enter an order of dismissal when a plaintiff fails to appear for trial, and such an order is not subject to the formal objection process;~~

~~(3) May, except as provided in paragraph (4) of this subsection, rule upon the following motions:~~

~~(A) A motion for relief from an order entered pursuant to paragraphs (1) or (2) of this subsection;~~

~~(B) A motion to transfer the small claims case to district court;~~

~~(C) A motion to reconsider;~~

~~(D) A motion for a continuance;~~

~~(E) A motion for disqualification;~~

~~(F) A motion to extend time for service;~~

~~(G) A motion relating to the manner of service;~~

~~(H) A motion to set aside a dismissal due to lack of service under Rule 93 of the Justice Court Rules of Civil Procedure;~~

~~(I) A motion to participate in a hearing by telephonic or audiovisual means;~~

~~(J) A motion to appoint a court interpreter;~~

~~(K) A motion to hold a person in contempt with no accompanying penalty of jail time;~~

~~(L) A motion to “transfer” the case to justice court for processing as a civil case, which motion must be stipulated to by all parties; and~~

~~(M) Any other motion, unless the referee determines that the particular motion should be ruled upon by the assigned justice of the peace or chief judge, as appropriate, in which case the referee must issue a written order to explain the basis for that determination.~~

~~(4) May not rule upon the following motions:~~

~~(A) A motion to hold a person in contempt with an accompanying penalty of jail time, which motion must be ruled upon by any available justice of the peace;~~

~~(B) A motion for an examination of judgment debtor, which motion must be ruled upon by the assigned justice of the peace, or the chief judge, if the assigned justice of the peace is not available;~~

~~(C) A motion for judgment against a garnishee defendant, which must be ruled upon by the assigned justice of the peace; and~~

~~(D) A motion to enter satisfaction of judgment, which must be ruled upon by the assigned justice of the peace.~~

~~Rule 48.5. Mandatory Small Claims Mediation Program.~~

~~(a) Purpose. The court hereby establishes the Mandatory Small Claims Mediation Program:~~

~~(1) To increase access to justice;~~

~~(2) To increase parties' satisfaction with the outcome;~~

~~(3) To reduce future litigation by the same parties;~~

~~(4) To make the most efficient use of judicial resources; and~~

~~(5) To expand dispute resolution resources available to the parties.~~

~~(b) Definitions. For the purpose of this rule, the following definitions apply:~~

~~(1) Mediation. A process in which a mediator facilitates settlement discussions between parties.~~

~~(2) Mediator. An impartial person who facilitates discussions between the parties to a mediation. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, reducing obstacles to communication, and providing the parties an opportunity for each to be heard in a dignified and thoughtful manner.~~

~~(3) Party. Any person or entity whose name is designated on the record as plaintiff or defendant or any other person or entity that has filed an appearance.~~

~~(c) Mediation through the Neighborhood Justice Center. Pursuant to NRS 244.1607, the Las Vegas Justice Center utilizes the services of the court-connected Neighborhood Justice Center (NJC) in Clark County. Except as otherwise provided in this rule, all parties must attend mediation with the NJC prior to the trial of any small claims case filed under NRS Chapter 73, where the defendant has filed an answer to the complaint. Such an answer must be filed within twenty (20) calendar days of the date of service of the complaint. If the defendant files a counterclaim, any reply to the counterclaim must be filed within twenty (20) calendar days of the date of service of the counterclaim.~~

~~(d) Exemptions. Cases arising under NRS Chapter 97A and NRS Chapter 604A, and cases filed by an inmate against the Nevada Department of Corrections, are automatically exempt from the~~

~~mandatory mediation requirement in small claims cases. A party who believes another type of case is inappropriate for mandatory mediation may seek an exemption from mediation.~~

~~(1) The party seeking an exemption must file a motion with the court, along with proof of service of the motion.~~

~~(2) The motion should be filed and served with the initial pleading of the moving party. A motion made after the filing of the moving party's initial pleading must be filed and served no later than ten (10) judicial days before the scheduled mediation.~~

~~(3) Any opposition to the motion must be in writing and must be filed and served no later than five (5) judicial days before the scheduled mediation.~~

~~(4) The motion will be considered without hearing, and the parties will be notified of the ruling by telephone.~~

~~(c) Attendance.~~

~~(1) The following persons shall attend a small claims mediation:~~

~~(A) Parties and counsel. All individual parties must attend the mediation. Although parties may proceed without an attorney in small claims cases, if a party has retained an attorney, that attorney must attend the mediation unless the represented party desires to proceed without counsel at the mediation.~~

~~(B) Public entities. If a party is a public entity, it shall appear by the physical presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision-making body or officer of the entity.~~

~~(C) Other entities. If a party is an entity other than a public entity, it shall appear by the physical presence of a representative other than the party's counsel of record who has full authority to settle without further consultation.~~

~~(D) Insured parties. If any party is insured for the claim in dispute, that party shall also be required to have its insurer(s) present by the physical presence of a representative of the insurance carrier(s) who is not that carrier's outside counsel; this representative must have full settlement authority.~~

~~(E) Applicability to parties, counsel, and entities named above. The foregoing requirements of attendance may be varied only by written stipulation of the parties or by order of the mediator for good cause shown.~~

~~(2) Default and dismissal in mandatory mediation small claims cases:~~

~~(A) Default. If the case was scheduled for mandatory mediation in accordance with this rule and if the plaintiff or plaintiffs were in attendance and the defendant or defendants were not in attendance for the scheduled mediation, the matter shall be subject to default judgment.~~

~~(B) Dismissal. If the case was scheduled for mandatory mediation in accordance with this rule and if the plaintiff or plaintiffs did not attend the mediation, the matter shall be subject to dismissal without prejudice.~~

~~(3) Any settlement reached at mediation shall be binding on the parties and entered by the clerk as a judgment of dismissal, as appropriate. If mediation is unsuccessful because no settlement~~

~~agreement was reached, the case will proceed to trial before a referee. This rule does not prevent a party from filing a motion for further proceedings based upon noncompliance with a settlement agreement.~~

~~(f) Confidentiality. A mediator shall preserve and maintain the confidentiality of all mediation proceedings. Any communication made during the mediation that relates to the controversy mediated, whether made to the mediator or a party, or to any other person present at the mediation, is confidential.~~

~~(g) Inadmissibility of mediation proceeding.~~

~~(1) All mediation proceedings are deemed settlement conferences as prescribed by court rule and the Rules of Evidence. In addition, the parties shall not introduce into evidence, in any subsequent hearing in the related small claims case, the fact that there has been a mediation proceeding.~~

~~(2) The admission of any party at the mediation proceeding shall not be disclosed or used in any subsequent hearing in the related small claims case.~~

~~(3) A mediator shall not be called as a witness in any subsequent proceeding relating to the parties' negotiation and participation except as set forth in subsection (h) of this rule.~~

~~(h) Outcome of the mediation. The outcome of the mediation shall be submitted to the Justice Court Civil Clerk's Office within three (3) judicial days after the conclusion of the mediation, as follows:~~

~~(1) If the mediation is successful in resolving the issues between the parties, the mediator shall so indicate on the Report of Small Claims Mediator form.~~

~~(A) The mediator will file the original copy of the Mediator Agreement form.~~

~~(B) The Civil Clerk's Office will enter the Mediation Agreement form as a consent judgment or order for dismissal, as appropriate.~~

~~(2) If an agreement is not reached, the mediator shall so indicate on the Report of Small Claims Mediator form. The Civil Clerk's Office will schedule the case before a small claims referee for trial, and the parties will be notified, by mail, of the next scheduled date for the trial.~~

~~(3) If a settlement is reached as to fewer than all defendants, the mediator shall so indicate and list the remaining defendants on the Report of Small Claims Mediator form. The Civil Clerk's Office will schedule the dispute between the remaining parties before a small claims referee for trial, and the parties will be notified, by mail, of the next scheduled date for the trial.~~

~~(4) If one or both parties fail to appear at any mediation, the mediator shall list each party that failed to appear on the Report of Small Claims Mediator form. The Civil Clerk's Office will thereafter route the Report of Small Claims Mediator form to a small claims referee for signing any appropriate order for dismissal or default judgment.~~

~~(i) Interpreters. If a court-appointed interpreter is needed at a mediation for a party who does not speak English, or for a party with a communications disability, that party must file a written motion to request an interpreter, and the compensation for that interpreter~~

~~shall be paid as provided by law. The interpreter's role shall be strictly limited to that of interpreting, not offering opinions or suggestions.~~

~~(j) Phone/video appearances. A party living outside Clark County or incarcerated in a prison or jail may participate in a mediation by telephone conference or video conference. The party must contact the Neighborhood Justice Center in advance of the mediation to make necessary arrangements.]~~

Rule 50. Filings that may be rejected. The court may reject filings that:

- (a) Do not include the appropriate filing fee;
- (b) Do not contain original signatures where required;
- (c) Are writs or other documents that include incorrect calculations; and
- (d) Are obviously filed in the wrong ~~jurisdiction; and~~
- ~~(e) Are submitted by a landlord who has alleged the existence of a written lease but who has not included a copy of that lease as an exhibit] jurisdiction.~~

EXHIBIT B

ADOPTION OF NEW RULE 1.2 UNDER PART 1 AND RULES 5.1 THROUGH 5.15 UNDER PART 5 OF THE LAS VEGAS JUSTICE COURT LOCAL RULES OF PRACTICE

PART 1. USE AND CONSTRUCTION OF RULES

* * *

Rule 1.2. Definitions. As used in these rules, unless the context otherwise requires, the words and terms below have the following meanings:

(a) “Cash” means U.S. currency, approved credit or debit cards, money orders, cashier’s checks, and checks drawn on a business account, trust account, or legal aid account.

(b) “Clerk” means the clerk of the Las Vegas Justice Court.

(c) “Court” means the Las Vegas Justice Court.

(d) “Day(s)” means calendar days.

(e) “Electronic service” or “electronically served” means the electronic transmission of a document to a party at the email address on file with the court via the court’s electronic filing system or by mail if no email address exists.

(f) “Inmate” means anyone who is currently being held in any detention facility, jail, or prison.

(g) “Party,” “petitioner,” “applicant,” “claimant,” “plaintiff,” “defendant,” or any other designation of a party to any action or proceeding, case, or other court matter must include and apply to such party’s attorney of record.

(h) “Person” must include and apply to corporations, firms, associates and all other entities, as well as natural persons.

(i) “Shall” and “must” are mandatory, and “may” is permissive.

(j) The past, present, and future tenses must each include the others; the masculine, feminine, and neuter genders will include the others; and the singular and plural numbers will each include the other.

PART 5. SMALL CLAIMS

[RESERVED]

Rule 5.1. Scope and application of rules. These rules are intended to simplify procedures for small claims litigants, as small claims cases are intended to be litigated by individuals appearing pro se without specialized training.

Rule 5.2. Small claims complaint.

(a) The small claims complaint must be electronically filed unless the exception in subsection (d) below applies. Plaintiffs who electronically file a small claims complaint should maintain a current email address with the court through the electronic filing system. All litigants who electronically file documents automatically consent to receive all notices and documents from the court through electronic service.

(b) The small claims complaint must include a statement detailed enough to provide notice to the defendant of the basis for the cause of action and debt claimed. Formal adherence to rules applicable to general civil actions is not required.

(c) A small claims complaint that alleges a cause of action not authorized for small claims cases pursuant to Rule 5.3 must be dismissed by the court with prejudice to refile as a small claims case, but without prejudice to refile as a civil action in the appropriate court.

(d) Inmates are exempt from the electronic filing requirement and may mail the small claims complaint to the court for filing. All inmates must exhaust the administrative process set forth in NRS 41.0322 and 209.243, where applicable, prior to filing a small claims complaint. Proof of the exhaustion of administrative remedies available under NRS 209.243 must be attached to the small claims complaint.

Rule 5.3. Types of actions not authorized in small claims court.

(a) The following actions are not authorized for small claims court and are subject to dismissal with prejudice to refile as a small claims case, but without prejudice to refile as a civil action in the appropriate court:

(1) Actions arising under NRS Chapter 40 alleging constructional defect;

(2) Actions for professional negligence arising under NRS Chapter 41A;

(3) Actions arising under NRS 41.635-.670;

(4) Actions arising under NRS Chapter 97A;

(5) Actions arising under NRS Chapter 604A;

(6) Actions for defamation, whether libel or slander;

(7) Actions against a homeowners' association;

(8) Actions contingent upon the resolution of a probate or estate action; and

(9) Actions seeking exemplary and punitive damages.

(b) In order to promote the policy set forth in Rule 5.1, causes of action needing evidentiary support by an expert witness or expert witness report are not authorized in a small claims action.

(c) Parties may not stipulate to the admissibility of documents or witnesses not authorized under subsection (b) of this rule, but parties may stipulate to agreed-upon facts.

Rule 5.4. Small claims trial setting.

(a) Upon filing of the small claims complaint, the deputy clerk will endorse the small claims complaint with the date, time, and place of trial. This endorsed small claims complaint will be returned to the plaintiff via electronic service.

(b) An endorsed small claims complaint filed by an inmate will be returned by mail.

Rule 5.5. Service of small claims complaint and notice of trial date.

(a) A plaintiff must serve the defendant with a copy of the small claims complaint with the endorsed notice of trial date at least 10 days prior to the trial date.

(b) Personal service in accordance with JCRCP 4 or service under NRS Chapter 14 is required unless an alternate method of service is requested by written motion and authorized by the court.

(c) Service by certified mail may be authorized if, in the court's discretion, all available means of personal service have been exhausted and the plaintiff can establish that a valid address exists where the defendant can receive mail.

(d) If the small claims complaint with endorsed notice of trial date is not served within the time frame set forth in JCRCP 91, a plaintiff may file a motion to continue the trial date in order to effectuate service.

(e) Proof of service must be filed with the court as soon as possible after service is completed.

Rule 5.6. Counterclaim.

(a) Although no answer is required, any small claims counterclaim must be filed at least 5 days prior to the date set for trial.

(b) A defendant filing a small claims counterclaim must pay the filing fee in the amount set forth in NRS Chapter 4 for the answer or appearance of any party.

(c) A small claims counterclaim must be electronically filed. Every counterclaimant who electronically files a small claims counterclaim must maintain a current email address with the court through the electronic filing system and automatically consents to receive all notices and documents from the court through electronic service.

(d) Upon filing of the small claims counterclaim, the deputy clerk will endorse the small claims counterclaim with the same date, time, and place of the trial as the original complaint. The endorsed small claims counterclaim will be returned to the defendant via electronic service.

(e) Service of the small claims counterclaim must be completed by electronic service prior to the date of trial.

(f) If service of the endorsed small claims counterclaim is not completed before trial, the court may allow service in open court or may continue the trial to afford time to effectuate service, if requested.

(g) Any small claims counterclaim that alleges a cause of action not authorized for small claims cases pursuant to Rule 5.3 may be dismissed by the court without prejudice, or the court may reclassify the action as a civil action in the Las Vegas Justice Court.

(h) A small claims counterclaim that prays for damages in an amount above the jurisdictional limit for a small claims case will be treated as follows:

(1) If the amount claimed exceeds the jurisdictional limit for a civil action in the Las Vegas Justice Court, JCRCP 13 governs.

(2) If the amount claimed exceeds the jurisdictional limit for a small claims case but does not exceed the jurisdictional limit for a civil action in the Las Vegas Justice Court, the court may separate the claims and adjudicate those over which the small claims court has jurisdiction and require the other claims to be transferred and reclassified as a civil action. The new civil action will be heard in the same judicial department as the original small claims action. The court may require the parties to file pleadings complying with JCRCP 7-12, or the court may transfer and reclassify the entire case as a civil action.

Rule 5.7. Discovery. The provisions of JCRCP 16.1 and JCRCP 25A-37 regarding discovery and exchange of documents or witness lists are not applicable in a small claims case pursuant to JCRCP 2.

Rule 5.8. Motions.

(a) Pursuant to JCRCP 2, motions based on JCRCP 3-87 may be summarily denied.

(b) All motions must be electronically filed. All motions must be served on the opposing party by regular mail or electronic service. A certificate of mailing must be filed with the court.

(c) The justice will review all motions in chambers and may issue a written order without a hearing. The order will be electronically served on all parties.

(d) Motions requiring additional argument or evidence will be scheduled for hearing. Notice of the hearing will be electronically served on all parties.

(e) Motions to continue a trial date should be filed at least 5 days prior to the date of trial. Continuance of the trial will only be granted upon a showing of good cause.

(f) Motions to appear by telephone or video must comply with Part IX-B of the Supreme Court Rules.

Rule 5.9. Small claims subpoenas.

(a) All subpoenas submitted to the court must comply with JCRCP 45.

(1) Every subpoena must be presented on a form provided by the court. This form is available at the Civil Law Self-Help Center.

(2) Every subpoena must command each person to whom it is directed to attend and give testimony, or to produce documents or tangible things in the possession, custody, or control of that person, at the time of trial.

(b) The clerk will issue a subpoena, signed but otherwise in blank, to a party requesting it, who must complete it before service.

(c) A subpoena may be served by any person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person named therein must be made by delivering a copy thereof to such person and, if the person's attendance is commanded, by tendering to that person the fees for one day's

attendance and the mileage allowed by law as required by NRS 50.225. When the subpoena is issued on behalf of the State or an officer or agency thereof, fees and mileage need not be tendered.

(d) Any person who fails to obey a subpoena properly served upon that person, without adequate excuse, may be held in contempt.

Rule 5.10. Trial.

(a) A complaint or a counterclaim may be dismissed for failure to prosecute if the plaintiff or counterclaimant fails to appear for trial.

(b) A judgment may be entered against a defendant or counterdefendant who fails to appear for trial.

(c) Prior to the entry of a judgment, the plaintiff(s) or counterclaimant(s) are required to present evidence proving the basis for the cause of action and the damages sought. This may be done by way of written affidavit or sworn testimony of the plaintiff, counterclaimant, or witness.

(d) Parties intending to introduce exhibits at the small claims trial must bring the original and two copies of each exhibit to the trial.

(e) Attorneys are not prohibited from representing small claims litigants; however, appearance of counsel must not interfere with the informal nature and simplified procedures of a small claims trial.

(f) Each party to the small claims trial may present sworn testimony or documentary evidence supporting or defending against the cause(s) of action. Attorneys representing litigants may make legal arguments on their client's behalf but are not authorized to conduct formal direct and cross-examination of witnesses unless the court deems it appropriate. The court may pose questions to any party or witness in order to clarify facts or legal issues.

(g) Evidence must be marked and a ruling on admissibility must be made by the court at the time of trial.

Rule 5.11. Mediation.

(a) Mediation of small claims cases is encouraged and is available to all parties who are interested in resolving their disputes without the need for a trial. Mediation services are available through the Neighborhood Justice Center at 702-455-3898 or mediation.works@clarkcountynv.gov. Parties should provide a case number, if available, and contact information when contacting the Neighborhood Justice Center.

(b) All mediation proceedings are settlement conferences. Evidence that any mediation effort or offer of settlement has occurred is inadmissible at the trial. Admissions of any party during a mediation proceeding are also inadmissible at the trial.

(c) Unless otherwise ordered by the court, all cases in which a settlement is reached must have a written settlement or mediation agreement signed by both parties and filed with the court, or the terms of the agreement must be placed on the record. In the event that one party fails to comply with the agreement, the aggrieved party may file a motion to enforce settlement or mediation agreement. Such motion must be accompanied by an affidavit from the aggrieved party outlining the failure to comply.

Rule 5.12. Stipulated judgments. Settlements that result in an agreed-upon money judgment must be submitted to the court in writing as a stipulated judgment signed by both parties for approval by the court.

Rule 5.13. Record of the court. All proceedings and trials are recorded using sound recording equipment and the recording is the record of the court. Minute entries are not the record of the Court.

Rule 5.14. Costs. The prevailing party is entitled to an award of the costs actually incurred in the action. The court record may be used to support the award of filing fees and/or service of process costs. The court may require additional costs sought to be itemized in a memorandum of costs verified by the oath of the party.

Rule 5.15. Appeals.

(a) A party seeking to appeal the judgment of the court must file a notice of appeal accompanied by an appropriate bond and filing fees.

(b) Unless an appellant is exempted by law, a bond to cover the costs of the appeal must be in the form of cash or surety in the amount of \$250, unless the court fixes a different amount.

(c) An appellant seeking a stay of execution of the judgment pending the decision of the district court on appeal must post a bond to cover the full amount of the judgment plus the amount for costs in subsection (b).

(d) Pursuant to JCRCP 74(a), the court approves the record on appeal to be transmitted to the district court without a transcript of the proceedings.