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SUPREME COURT RULES



ADOPTED BY THE SUPREME COURT OF NEVADA

Effective October 15, 1965
and Including
Amendments Through January 3, 2024

HISTORICAL NOTE CONCERNING THE SUPPLEMENTAL RULES OF THE SUPREME COURT OF NEVADA

Inherent Rulemaking Power of the Supreme Court and Legislative Recognition Thereof

One of the inherent powers of the supreme court, existing independently of statute, is the right to control its order of business and to prescribe rules, not inconsistent with law, for its own government and the government of its officers.

Notwithstanding this inherent power of the supreme court, the rulemaking power has been, and now is, expressly conferred or recognized by statutory enactment.

In 1861 the territorial legislature enacted ch. 103, Laws of the Territory of Nevada 1861, entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of the Territory of Nevada," providing therein in section 574 that the territorial supreme court could make rules not inconsistent with the constitution and laws of the territory for its own government. The 1861 act was repealed by ch. 112, Statutes of Nevada 1869.

After Nevada became a state, the legislature in 1869 and again in 1913 authorized the supreme court to make rules for its own government and the government of its officers. See ch. 112, Statutes of Nevada 1869, and ch. 198, Statutes of Nevada 1913. Today, similar authorization is contained in [NRS 2.120](#).

the assignment. The expenses shall be paid upon presentation of an itemized statement of expenses, certified by the judge pro tempore to be correct.

7. **Oath.** Upon accepting an assignment, a judge pro tempore must take, subscribe and file with the clerk of the supreme court the following oath or affirmation:

“I,, do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States, and the Constitution and Government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State notwithstanding, and that I will well and faithfully perform all the duties of the office of a judge pro tempore of the Nevada court system on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.”

8. **Discipline and removal.** By subscribing and filing such oath, a judge pro tempore is subject to discipline and loss of status as such for violation of the Nevada Code of Judicial Conduct as applicable to judges pro tempore. Notwithstanding Canon 4C(3) of the Nevada Code of Judicial Conduct, service as an officer, director, manager, or employee of a business shall not preclude recall as a judge pro tempore, but full disclosure of such activity shall in all cases be made a matter of record, and the participation of the justice or judge may in all cases be precluded by any party through a timely objection made before consideration of any contested matter.

[Added; effective October 12, 1977; amended effective January 18, 2005.]

Rule 12. Senior justices of the peace and municipal judges; designation; assignment; duties and powers; compensation and expenses; oath; discipline and removal.

1. **Eligibility for recall.** The supreme court may recall a former justice of the peace or municipal judge to active service as a senior justice of the peace or senior municipal judge of the Nevada court system, provided that:

(a) He or she has served as a justice of the peace or municipal judge for at least two consecutive years; and

(b) He or she is eligible to retire or has retired under the provisions of the Nevada Revised Statutes; and

(c) He or she was not removed or retired for cause from that judicial office or defeated for retention in an election for that office.

2. **Application.** A former justice of the peace or municipal judge who meets the requirements of subsection 1 of this rule may apply to be commissioned as a senior justice of the peace or senior municipal judge by filing with the clerk of the supreme court a written application on a form approved by the supreme court. The approved application forms shall be available at the supreme court clerk's office.

3. **Investigation and approval.** The supreme court may refer an applicant to the administrative office of the courts or the commission on judicial selection for investigation into the background and qualifications of the applicant and for a recommendation as to whether the applicant should receive a commission as a senior justice of the peace or senior municipal judge. If the supreme court determines that the applicant remains physically and mentally capable of performing valuable judicial service on a continuing basis, and that the applicant's recall to active service will promote the effective administration of justice, a commission, duly executed and authenticated by the chief justice and clerk, shall thereupon issue under the seal of the supreme court.

4. **Extra-judicial employment.** A senior justice of the peace or senior municipal judge shall be treated for all purposes as if he or she is a part-time continuing judge pursuant to Section III of the Application portion of the Code of Judicial Conduct. However, such a senior justice of the peace or senior municipal court judge may not appear as counsel in a court in which that senior justice of the peace or senior municipal court judge regularly presides.

5. **Eligibility for assignment.** A senior justice of the peace is eligible for temporary assignment to any justice court in the State of Nevada and a senior municipal judge is eligible for temporary assignment to any municipal court in the State of Nevada, provided that the justice or judge previously served at least two years as a judge in that office and possesses the necessary experience for the case type over which he or she will preside.

6. **Temporary assignment.** The assignment of a senior justice of the peace or senior municipal judge shall become effective upon the invitation of a justice of the peace or municipal judge, or by the city council or county commission, of the jurisdiction to which the senior justice of the peace or senior municipal judge is to be assigned and acceptance by the senior justice of the peace or senior municipal judge.

7. **Duties and powers.** Each senior justice of the peace or senior municipal judge assigned as provided in this rule has all the judicial powers and duties, while serving under the assignment, of a regularly elected and qualified judge of the court to which the senior justice of the peace or senior municipal judge is assigned. Without specific assignment, senior justices of the peace and senior municipal judges may perform routine ministerial acts, including the solemnization of marriages, subject to limitations in the jurisdiction in which they are performed, if any, and the administering of oaths, but shall not admit to bail any person accused of a crime.

8. **Compensation.** A senior justice of the peace or senior municipal judge assigned as provided in this rule shall receive as compensation for the time actually engaged in the performance of duties under the assignment an amount proportional to the gross monthly salary of the regularly elected and qualified judge of the court to which he or she is assigned, or a different amount if approved by the senior justice of the peace or senior municipal judge and provided by the court, the city council or county commission of the jurisdiction to which the senior justice of the peace or senior municipal judge is assigned. The compensation shall be paid by the jurisdiction in which service is performed upon the certificate of the senior justice of the peace or municipal judge that the services were performed for the number of days shown in the certificate. A senior justice of the peace or senior municipal judge assigned to a court located outside the county or city in which he or she regularly resides shall receive, in addition to daily compensation, traveling expenses and per diem as provided by law while attending court or transacting business under the assignment. The expenses shall be paid by the jurisdiction in which service is performed upon presentation of an itemized statement of the expenses, certified by the senior justice of the peace or senior municipal judge to be correct.

9. **Oath.** To accept a commission as a senior justice of the peace or senior municipal judge, a former justice of the peace or municipal judge must take, subscribe and file with the clerk of the supreme court, the following oath or affirmation:

“I,, do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States, and the Constitution and Government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State notwithstanding, and that I will well and faithfully perform all the duties of the office of a senior justice of the peace (or senior municipal judge) of the Nevada court system on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.”

10. Discipline and removal. The supreme court may for cause revoke the commission of any senior justice of the peace or senior municipal judge, either following notice and opportunity for hearing before the court, or after proceedings before the commission on judicial discipline.

[Added; effective January 26, 1997; amended effective March 14, 2022.]

Rule 13. Appointments to the Nevada Commission on Judicial Discipline.

1. Definitions. In this rule, unless the context requires otherwise:

(a) “Alternate” means any judge designated by the supreme court to act in place of a specific judicial member of the commission.

(b) “Commission” means the commission on judicial discipline.

(c) “Member” shall include such alternates who have been seated in any specific meeting, case, or proceeding.

2. Appointment of judicial members. Two judicial members shall be appointed by the court to serve four-year terms. The judicial members must be residents of different counties and may not be members of the commission on judicial selection.

3. Appointment of alternates.

(a) **General provisions.** A judicial member of the commission who cannot serve by reason of disqualification, resignation, inability to attend, or any other reason shall be replaced by his or her alternate. The court shall designate a permanent alternate for each judicial member of the commission. The alternate is appointed for the same term as the judicial member and shall be a resident of a different county than the other judicial member and alternate.

(b) **Proceedings against justices of the peace or municipal judges.** Consistent with [NRS 1.440\(2\)](#), the court shall designate two justices of the peace or municipal judges to sit on the commission for proceedings against a justice of the peace or municipal judge. Justices of the peace or municipal judges appointed under this rule shall be designated to sit for such proceedings in place of and to serve for the same terms as the regular members of the commission appointed by the court.

(c) **Additional substitutions.** In the event that a judicial member and his or her alternate cannot serve in a specific meeting, case or proceeding by reason of disqualification, resignation, inability to attend, or any other reason, the court shall designate a judge or justice to act and vote in the place of the absent member.

4. Vacancies. If a vacancy occurs, the court shall fill the vacancy for the remainder of the judicial member or alternate’s unexpired term.

[Added; effective February 21, 2003.]

Rule 14. Bench-Bar Committee.

1. Creation, purpose. The supreme court shall appoint a bench-bar committee to provide a forum for ongoing study of the court’s rules and internal operating procedures, including:

(a) Proposing rule changes and commenting on changes received or proposed by the court,

(b) Providing comment on court processes and internal operating procedures, and

(c) Assisting the court with outreach programs to educate the bar and public on the court and its work, practices, and procedures.

2. Composition. The bench-bar committee shall be composed of the chief justice and associate justices of the supreme court, twenty practitioners, and one ex-officio member each from the law faculty of the National Judicial College and the William S. Boyd School of Law of the University of Nevada, Las Vegas. The supreme court shall appoint the attorney and law faculty members. The attorney members shall be selected in a manner that seeks both