Nevada Civil Practice Manual, Fifth Edition

Publication 67233 Release 14 October 2010

HIGHLIGHTS

Legislative, Case, and Court Rule Changes

• The publication is updated throughout with 2010 Nevada legislation, state and federal court cases, and court rules.

Attorneys and Judges

• Ch. 2, Judges and Attorneys, is updated with many 2010 changes, including the Revised Nevada Code of Judicial Conduct.

Liens

• Ch. 32, Judges and Attorneys, is updated with new sections on stacking of liens and a timeline to perfect liens.

Nevada Supreme Court Cases

All Chapters. All affected chapters in the publication have been updated with Nevada Supreme Court cases through May 31, 2010.

Nevada Revised Statutes and Court Rules

All Chapters. All affected chapters in the publication have been updated with new and amended Nevada legislation from the 2010 legislative session, plus new and revised court rules including Nevada Foreclosure Mediation Rules (see Ch. 32).

Chapter Updates

Chapter 2 has been updated to reflect adoption of the Revised Nevada Code of Judicial Conduct, effective January 19, 2010. See §§ 2.06 (voluntary recusal), 2.08 (disqualification), 2.11 (judicial conduct in chambers). See § 2.14 which has been updated to include discussion of Agency Consolidated Mining Co. v. Jolley Urga Wirth Woodbury & Standish, 125 Nev. ___, 216 P.3d 779 (2009), and its affirmation of lawyers’ rights to retaining liens.

Chapter 8 has been updated to include discussion concerning the pleading of affirmative defenses not explicitly set forth in
NRCP 8(c) based on recent case law (see § 8.05).

Chapter 11 has been updated to reflect the Nevada Supreme Court’s adoption of Part 9 of the Supreme Court Rules, allowing parties and attorneys to appear in certain civil cases by conference call (see § 11.16).

Chapter 12 has been updated to include the recent Buzz Stew case on the standard applicable to a motion to dismiss (see § 12.07).

Chapter 15 has been updated to include the elements of an equitable indemnity claim (see § 15.04) and a discussion of the relevant statute of limitations for contribution and indemnity claims (see § 15.05).

Chapter 16 has been updated with a discussion concerning the supplementation of expert reports (see § 16.02), the withholding of surveillance video (see § 16.08), and of what is and what is not allowed concerning medical examinations (see § 16.13).

Chapter 21 has been updated to include the Nevada Supreme Court’s Zamora decision affirming the admission of arbitration awards into evidence in trials de novo (see § 21.28). The chapter also contains a new section on Nevada’s Foreclosure Mediation Program, effective June 30, 2009 (see § 21.33).

Chapter 23 has been revised in full to include recent citations to cases and statutory law governing jury trials in Nevada, including Allstate Ins. Co. v. Miller, 125 Nev. ___, 212 P.3d 319 (2009), concerning the need to approve or deny special interrogatories on the record to preserve appellate rights (see § 23.31).

Chapter 27 has an updated discussion concerning garnishment and orders requiring the application of non-exempt assets to the satisfaction of judgments (see § 27.16).

Chapter 32 has been updated to include a new section on stacking liens (see § 32.08), a discussion concerning the interplay of arbitration and issues relating to the lien statute (see § 32.09), and a section setting forth the timeframe and steps for perfecting a lien (see § 32.13).

Chapter 33 has been updated to include the rules relating to a ward’s ability to possess a firearm and an updated form regarding the admonishment of a proposed adult ward’s rights (see § 33.06). A new form of admonishment of rights for an adult ward has been added (see § 33.117).

Chapter 34B has been updated to include Fierle v. Perez, 126 Nev. ___, 219 P.3d 906, 914 (2010), prohibiting the use of amended complaints to cure void medical malpractice and professional negligence claims when the claimant failed to include the necessary expert affidavit in support of the claims (see § 34B.04).
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