Nevada Civil Practice Manual, Fifth Edition

Publication 67233 Release 16 November 2012

HIGHLIGHTS

Legislative, Case, and Court Rule Changes

• The publication is updated throughout with 2012 Nevada legislation, state and federal court cases, and court rules.

Depositions

• Ch. 16, Depositions and Discovery, has many updates on deposition and subpoena procedures, including Nevada’s adoption of the UIDDA.

Trials

• Ch. 23, Trials, has been heavily updated and edited throughout.

Estate Practice

• Ch. 34, Estates of Deceased Persons, has been updated with discussion of the 2011 Independent Administration of Estates Act.

Nevada Supreme Court Cases

All Chapters. All affected chapters in the publication have been updated with Nevada Supreme Court cases through May 31, 2012.

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 2012 legislative session, plus new and revised court rules.

Chapter Updates

Ch. 2, Judges and Attorneys, has been updated to include a discussion of the manner in which courts should evaluate a firm’s screening procedures in order to avoid disqualifications for imputed conflicts of interest. See Ch. 2.

In Ch. 5, Venue, § 6.03 has a new discussion addressing NRS 533.450 and of the means of determining proper venue for a dispute regarding Nevada water law. Additionally, § 6.08[2] includes a discussion of post-voir dire change of venue motion based on jury partiality. See Ch. 6.

Ch. 8, Pleadings, Amendments to Pleadings, and Supplemental Pleadings, has
been updated to reflect recent authority concerning generally pleading standards (see § 8.03[1]), pleading special matters such as fraud (see § 8.07), and Doe pleading (see § 8.08[2]). See Ch. 8.

Ch. 15, Third-Party Practice, discusses new law regarding third-party claims for indemnification of damages resulting from an insured’s negligence. It also distinguishes between adding new parties to an action under NRCP 13 and 14. See Ch. 15.

Ch. 16, Depositions and Discovery, has been updated to reflect new requirements regarding Joint Case Conference Reports (see § 16.02[4]), general rules regarding the location of depositions (see § 16.06[8]), and a completely revised section concerning subpoenas for foreign depositions in light of Nevada’s adoption of the Uniform Interstate Depositions and Discovery Act (see § 16.08[11]). See Ch. 16.

Ch. 20, Dismissal of Actions, adds a new section regarding the time to commence trial after remand for a new trial. It also discusses waiver and oral stipulations regarding the five-year rule. See Ch. 20.

In Ch. 21, Alternative Dispute Resolution, § 21.03 includes an updated analysis of class-action waivers in arbitration agreements, while § 21.33 includes the Nevada Supreme Court’s recent interpretation of many of the Foreclosure Mediation Program rules, particularly, the preclusive effect of a denial of a certificate of completion from the program, the possibility of sanctions for the failure to satisfy NFMR 7, and the binding effect of a settlement agreement reached as a result of the program. See Ch. 21.

Ch. 22, Trials, has undergone substantial updating to include new discussion of motions for preferential trial dates, motions to compromise a minor’s case, the witness exclusion rule, offers of proof, objections to evidence, continuing objections, grounds for reversal, objections to argument, and consequences of attorney misconduct. See Ch. 22.

Ch. 24, Judgments, includes additional discussion of awards of attorneys’ fees and costs incurred following an offer of judgment, the calculation of interest after appeal, the Uniform Enforcement of Foreign Judgments Act, confessions of judgment, claim preclusion, and issue preclusion. See Ch. 24.

In Ch. 25, Post-Trial Motions, § 25.11 includes a discussion of the district courts’ inherent power to award attorney’s fees as a sanction for attorney misconduct. See Ch. 25.

Ch. 26, Pre-Judgment Remedies, now includes a discussion of a landlord’s procedural options when seeking repossession and damages. See Ch. 26.

Ch. 27, Enforcement of Judgments, has been updated to include, among other things, a discussion of spendthrift trusts (see § 27.08), changes to the law concerning garnishment interrogatories (see § 27.11), revisions to the law concerning execution on limited liability company membership interests (see § 27.20), and updated forms. See Ch. 27.

Ch. 28, Injunctive Relief, has been updated to include new grounds for obtaining injunctions, including business disparagement and trade secrets. See Ch. 28.

In Ch. 34, Estates of Deceased Persons, § 34.36 has been added on the 2011 Independent Administration of Estates Act, which allows a personal representative to administer a decedent’s estate without court supervision. See Ch. 34.
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☐ 3. Circulate the “Publication Update” among those individuals interested in the contents of this release.
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