

## JUSTICE COURT RULES OF RENO TOWNSHIP

**Rule 1. Title.** These rules may be known and cited as the Justice Court Rules of Reno Township, or may be abbreviated J.C.R.R.T.

**Rule 2. Application of Rules.** Except as otherwise provided by statute, these rules apply to all civil proceedings filed in Reno Township except small claims and landlord tenant matters.

**Rule 3. Definitions of words and terms.** In these rules, unless the context or subject matter otherwise requires:

A. "Case" shall include and apply to any and all actions, proceedings and other court matters, however designated.

B. "Clerk" means the clerk of the justice court.

C. "Court" means the justice court.

D. "Party," "petitioner," "applicant," "claimant," "plaintiff," "defendant," or any other designation of a party to any action or proceeding, case or other court matter shall include and apply to such party's attorney of record.

E. "Person" shall include and apply to corporations, firms, associates and all other entities, as well as natural persons.

F. "Shall" is mandatory and "may" is permissive.

G. The past, present and future tenses shall each include the others; the masculine, feminine and neuter genders shall each include the others; and the singular and plural numbers shall each include the other.

**Rule 4. Effect of rule and subdivision headings.** Rule and subdivision headings set forth in these rules shall not in any manner affect the scope, meaning or intent of any of the provisions of these rules.

**Rule 5. Nonjudicial days.** If any day on which an act required to be done by any one of these rules falls on a Saturday, Sunday, or declared state holiday the act may be performed on the next succeeding judicial day.

**Rule 6. Scope, construction, and application of rules.**

A. These rules do not apply to the following matters:

(1) Cases submitted on agreed statements of fact.

(2) Applications for judgments by default, except as provided in Rule 33 hereof.

B. Whenever the judge who will try the case, upon motion of a party, or upon the judge's own motion, determines that a case should not follow regular procedures according to these rules, the judge may make such orders as deemed advisable for all subsequent proceedings.

C. Small claims actions as defined in J.C.R.C.P. 88.

D. These rules shall be liberally construed to secure the proper and efficient administration of the business and affairs of the court and to promote and facilitate the administration of justice by the court.

**Rule 7. Reports of clerk to judge.** The chief justice of the peace shall require the clerk to keep a record of all matters filed and periodically provide the judges with a full report of all matters filed in the court.

**Rule 8. Duties of bailiff, sheriff.** During the time the court remains in session the bailiff, if there is one, or the sheriff or his deputy in attendance pursuant to law if there is no bailiff, shall:

- A. Prevent all persons from coming within the bar except officers of the court, attorneys and parties to, or jurors or witnesses in, the cause or matter being tried or heard.
- B. Keep the passageway to the bar clear for ingress or egress.
- C. Preserve order in the court and within the hearing of the court.
- D. Attend the needs of the jury.
- E. Open and close court.
- F. Perform such other duties as are required by the justice of the peace.
- G. Facilitate reassignment of cases pursuant to Rule 22.

**Rule 9. Custody and withdrawal of papers, records and exhibits.**

A. The clerk or the judge shall have custody of the records and papers of the court. They shall not permit any original record, paper or exhibit to be taken from the courtroom, judge's chambers or from the clerk's office, except at the direction of the court or as provided by statute or these rules.

B. Papers, records or exhibits belonging to the files of the court may be temporarily withdrawn from the office and custody of the clerk for a limited time upon the special order of the judge in writing, specifying the record, paper or exhibit, and limiting the time the same may be retained. A receipt shall be given for any paper, record or exhibit withdrawn from the files.

C. Models, diagrams and exhibits of material forming part of the evidence taken in a case may be withdrawn by order of the court in the following manner:

- (1) By stipulation of the parties.
- (2) By motion made after notice to the adverse party.
- (3) After a judgment is final and the time to appeal has expired, by the party introducing the same in evidence, unless the model, diagram or exhibit is obtained from the adverse party. If any model, diagram or exhibit is withdrawn under this paragraph (c) the party or attorney who withdraws the same shall file an affidavit with the clerk to the effect that the person who withdraws it is the owner of or lawfully entitled to the possession of the model, diagram or exhibit.

Withdrawal of any model, diagram or exhibit shall be on court order on such terms and conditions as the court may impose, and a receipt therefor shall be filed with the clerk.

**Rule 10. Form of pleadings.**

A. All pleadings and papers presented for filing must be flat, unfolded, firmly bound together at the top, on white paper of standard quality, not less than 16-lb. weight and 8 1/2 by 11 inches in size. All papers shall be typewritten or prepared by some other process that will produce clear and permanent copies equally legible to printing. The print size shall not be more than 10 characters per inch, *e.g.*, pica. Carbon or photocopies may not be filed. Only one side of the paper may be used.

All papers presented for filing, receiving or lodging with the clerk shall be pre-punched with 2 holes, centered 2 3/4" apart 1/2" to 5/8" from the top edge of the paper. All original papers shall be stamped ORIGINAL between the punched holes in red ink.

The lines on each page must be double spaced, except that descriptions of real property may be single spaced. Pages must be numbered consecutively at the bottom. Lines of pages must be numbered in the left margin.

B. No original pleading or paper may be amended by making erasures or interlineations thereon, or by attaching slips thereto, except by leave of court.

C. The following information shall appear upon the first page of every paper presented for filing:

(1) The name, Nevada State Bar identification number, address and telephone number of the attorney and of any associated attorney appearing for the party filing the paper; whether such attorney appears for the plaintiff, defendant, or other party; or the name, address and telephone number of a party appearing in proper person, shall be set forth to the left of center of the page beginning at line 1 and shall be single spaced. The space to the right of center shall be reserved for the filing marks of the clerk.

NAME  
BAR NUMBER  
ADDRESS  
CITY, STATE, ZIP CODE  
TELEPHONE NUMBER  
ATTORNEY FOR:

(2) The title of the court shall appear at the center of the page, line 6, below the information required by paragraph one as follows:

IN THE JUSTICE COURT OF RENO TOWNSHIP  
COUNTY OF WASHOE, STATE OF NEVADA

(3) The name of the action or proceeding shall appear below the title of the court in the space to the left of center at line 9, *e.g.*,

JOHN DOE,  
Plaintiff,

vs.  
RICHARD ROE,  
Defendant.

(4) In the space to the right of center at lines 11 and 12, shall appear the case number and the department number as follows:

RJC 2000-00000  
Dept. No. 1

(5) The title of the pleading, motion or other document must be typed or printed on the page directly below the name of the parties to the action or proceeding. The title must be sufficient in description to apprise the respondent and clerk of the nature of the document filed, or the relief sought, *e.g.*, Defendant's Motion for Summary Judgment against Plaintiff John Doe; Plaintiff's Motion to Compel Answers to Interrogatories.

(Example)

ATTORNEY NAME  
BAR NUMBER  
ADDRESS  
CITY, STATE, ZIP CODE  
PHONE NUMBER  
ATTORNEY FOR:

IN THE JUSTICE COURT OF RENO TOWNSHIP  
COUNTY OF WASHOE, STATE OF NEVADA

JOHN DOE,  
Plaintiff,

vs.

Case No. RJC 2000-00000  
Dept. No. \_\_\_\_\_

RICHARD ROE,  
Defendant.

\_\_\_\_\_/

MOTION, ORDER, REPLY  
JUDGMENT, ETC.

D. All exhibits attached to pleadings or papers must be 8 1/2 x 11 inches in size. Exhibits which are smaller must be affixed to a blank sheet of paper of the appropriate size. Exhibits which are larger than 8 1/2 x 11 inches must be reduced to 8 1/2 x 11 inches or must be folded so as to appear 8 1/2 x 11 inches in size. All exhibits attached to pleadings or papers must clearly show the exhibit number at the bottom or on the right side. Copies of exhibits must be clearly legible and not unnecessarily voluminous. Original documents must be retained by counsel for introduction as exhibits at the time of a hearing or at the time of trial rather than attached to pleadings.

E. When a decision of the Supreme Court of the State of Nevada is cited, the citation to Nevada Reports must be given together with the citation to West's Pacific Reporter and the year of the decision. When a decision of an appellate court of any other state is cited, the citation to West's Regional Reporter System must be given together with the state and year of the decision. When a decision of the United States Supreme Court is cited, the United States Reports citation and year of decision must be given. When a decision of the court of appeals or of a district court or other court of the United States has been reported in the Federal Reporter System, that citation, court and year of decision must be given.

F. The clerk must not accept for filing any pleading or documents which do not comply with this rule, but for good cause shown, the court may permit the filing of noncomplying pleadings and documents. Paragraph 1, except as to size of paper, and paragraph 3 of this rule do not apply to printed forms furnished by the clerk, district attorney or public defender.

G. All transcripts of evidence and proceedings prepared and filed by official court reporters shall be prepared on a page of paper 8 1/2 by 11 inches. The left margin must not be more than 1 1/2 inches from the left edge of the paper. The right margin must not be more than three-fourths of an inch from the right edge of the paper. Each sheet must be numbered on the left margin and must contain at least 24

lines of type. The first line of each question and of each answer may be indented not more than five spaces from the left margin. The first line of any paragraph or other material may be indented not more than 10 spaces from the left margin. There must not be more than one space between words or more than two spaces between sentences. The type size must not be larger than 10 characters per inch. The lines of type may be double spaced or one and one-half spaced.

**Rule 11. Motions: Procedure for making motions; affidavits; renewal, rehearing of motions.**

A. All motions shall contain proof of the service of the same.

B. A party filing a motion shall also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious and cause for its denial or as a waiver of all grounds not so supported.

C. Within 10 days after the service of the motion, the opposing party shall serve and file a written opposition thereto, together with a memorandum of points and authorities and supporting affidavits, if any, stating facts showing why the motion should be denied. Failure of the opposing party to serve and file a written opposition may be construed as an admission that the motion is meritorious and a consent to granting the same.

D. The moving party may serve and file reply points and authorities within 5 days after service of the answering points and authorities. Upon the expiration of the 5-day period, either party may notify the calendar clerk to submit the matter for decision by filing and serving all parties with a written request for submission of the motion. Proof of service shall be filed in the action.

E. The affidavits to be used by either party shall identify the affiant, the party on whose behalf it is submitted, and the motion or application to which it pertains and shall be served and filed with the motion, or opposition to which it relates.

Affidavits shall contain only factual, evidentiary matter, shall conform with the requirements of NRC 56(e), and shall avoid mere general conclusions or argument. Affidavits substantially defective in these respects may be stricken, wholly or in part.

F. Factual contentions involved in any pre-trial or post-trial motion shall be initially presented and heard upon affidavits. Oral testimony may be received at a hearing with the approval of the court, or the court may set the matter for a hearing at a time in the future and allow oral examination of the affiants to resolve factual issues shown by the affidavits to be in dispute.

G. No motion once heard and disposed of shall be renewed in the same cause, nor shall the same matters therein embraced be reheard, unless by leave of the court.

H. Decision shall be rendered without oral argument unless oral argument is ordered by the court, in which event the individual court department shall set a date and time for hearing.

I. All discovery motions shall include the certificate of moving counsel certifying that after consultation with opposing counsel, they have been unable to resolve the matter.

J. Except by leave of the court, all motions for summary judgment must be submitted to the court at least 30 days prior to the date the case is set for trial.

K. If a motion for rehearing is granted, the court may make a final disposition of the cause without argument, or may restore it to the calendar for argument or resubmission, or may make such other orders as are deemed appropriate under the circumstances of the particular case.

**Rule 12. Motions for Continuance: Contents, service of affidavits; counter-affidavits; argument.**

A. No continuance of a trial in a case shall be granted except for good cause. A motion or stipulation for continuance shall state the reason therefor and whether or not any previous request for continuance had been either sought or granted. The motion or stipulation must certify that the party or parties have been advised that a motion or stipulation for continuance is to be submitted in their behalf and must state any objection the parties may have thereto.

B. If a continuance of any trial is granted, the parties must appear before the clerk of the court within 5 business days and reset the case, unless the court waives this requirement. Failure to follow this rule may result in the court setting the trial date.

C. All contested motions for the continuance of cases shall be made on affidavit except where it shall appear to the court that the moving party need only be sworn and orally testify to the same factual matters as hereinafter required for an affidavit.

D. When a motion for the continuance of a cause is made on the ground of absence of witnesses, the affidavit shall state:

(1) The names of the absent witnesses and their present residences, if known.

(2) What diligence has been used to procure their attendance or their depositions, and the causes of a failure to procure the same.

(3) What the affiant has been informed and believes will be the testimony of each of such absent witnesses, and whether or not the same facts can be proven by other witnesses than parties to the suit whose attendance or depositions might have been obtained.

(4) At what time the applicant first learned that the attendance or depositions of such absent witnesses could not be obtained.

(5) That the application is made in good faith and not merely for delay.

E. Copies of the affidavits upon which a motion for continuance is made shall be served upon the opposing party as soon as practicable after the cause for the continuance shall be known to the moving party.

F. Counter-affidavits may be used in opposition to the motion.

**Rule 13. Extension or shortening of time.**

A. All motions for extensions of time shall be made upon 5 days' notice to all counsel. Such motion shall be made to the judge who is to try the case.

B. Except as provided in this subsection, no ex parte application for extension of time will be granted. Upon presentation of a motion for extension, if a satisfactory showing is made to the judge that a good faith effort has been made to notify opposing counsel of the motion, and the judge finds good cause therefor, the judge may order ex parte a temporary extension pending a determination of the motion.

C. For good cause shown, the judge who is to try the case, or if the judge is not in the courthouse during regular judicial hours, the chief judge, may make an ex parte order shortening time upon a satisfactory showing to the judge that a good faith effort has been made to notify the opposing counsel of the motion.

**Rule 14. Trial, hearing of cause, proceeding, motion entered into by one judge prevents action by another judge unless requested; only judge having charge of cause may grant further time to plead, act, unless his inability shown by affidavit.**

A. When any justice of the peace shall have entered upon the trial or hearing of any cause, proceeding or motion, or made any ruling, order or decision therein, no other judge shall do any act or thing in or about such cause, proceeding or motion,

unless upon the request of the judge who shall have first entered upon the trial or hearing of such cause, proceeding or motion.

B. Subject to Rules 11 and 13 of these Rules, no judge except a judge of the township where the cause or proceeding is pending shall grant further time to plead, move or do any act or thing required to be done in any cause or proceeding unless:

- (1) The judge is absent from the state or from other cause is unavailable to act; or
- (2) Another judge has been requested to act by the judge having charge of the cause; or
- (3) Another judge is assigned to the court by the chief justice in which case that judge may hear any matter coming before the court during the period of assignment.

**Rule 15. Application for writ, order to another judge prohibited when same application pending before different judge or previously denied; exception.** When an application, petition, or motion for any writ or order shall have been made to a justice of the peace and is pending or has been denied by such judge, the same application or motion shall not again be made to the same or another justice of the peace, except upon the consent in writing of the judge to whom the application or motion was first made.

**Rule 16. Appearances in proper person: Entry of appearance, initial pleading to be acknowledged.** Unless appearing by an attorney regularly admitted to practice law in Nevada and in good standing, no entry of appearance or initial pleading purporting to be signed by any party to an action shall be recognized or given any force or effect unless the same shall be acknowledged by the party signing the same before a notary public or some other officer having a seal and authorized by law to administer oaths. Said acknowledgement shall be substantially in the form and manner set forth in NRS 240.166 et. seq. Corporations and limited liability corporations (LLC) shall be represented by an attorney.

**Rule 17. Preparation of findings, conclusions, and judgment.** In a civil case, where a judge directs an attorney to prepare findings of fact, conclusions of law, and judgment, the attorney shall serve a copy of the proposed document upon counsel for all parties who have appeared or upon the party if a party has appeared in proper person at the trial and are affected by the judgment. Five days after service counsel shall submit the same to the court for signature together with proof of such service.

**Rule 18. Interrogatories and admissions.**

A. Answers and objections to interrogatories pursuant to J.C.R.C.P. 33 shall identify and quote each interrogatory in full immediately preceding the statement of any answer or objection thereto.

B. Denials of, and objections to, requests for admissions pursuant to J.C.R.C.P. 36, requests for production of documents and applications for protection order shall identify and quote each request for admission, interrogatory question, or demand, in full immediately preceding the statement of any answer or objection thereto.

**Rule 19. Filing orders.** Any order, judgment or decree which has been signed by a judge must be filed with the clerk of the court promptly. No attorney shall withhold or delay the filing of any such order, judgment or decree for any reason, including the nonpayment of attorney's fees.

**Rule 20. Effective date.** These rules shall become effective on January 1, 2002, but this shall not affect any proper action taken under the rules in effect prior to these rules.

**Rule 21. Organization of the court.**

A. All civil and criminal cases shall be randomly assigned.

B. The justices of the peace shall select one judge as the chief justice of the peace for a term of 1 year as referred to in J.C.R.C.P. 84. The chief justice of the peace shall supervise the court clerk, including all related court officers, and resolve any calendar assignments and procedural/policy disputes between the court departments.

**Rule 22. Setting of cases.**

A. All matters shall be set in the office of the clerk of the court where the case is filed. The office shall be open for that purpose from 8:00 a.m. to 5:00 p.m., Monday through Friday.

B. If any case may not be heard because of another case or the unavailability of the judge, it shall be the primary responsibility of that judge or the bailiff to arrange a transfer to another department with the agreement of the new department. In the event that the department cannot successfully transfer the case the matter shall be referred to the chief justice of the peace for resolution or reassignment.

C. All cases shall be set for trial within 12 months of the date that the setting occurs, unless otherwise ordered by the trial court.

D. Contested matters shall be set by the court clerk on dates agreeable to counsel. Subject to Paragraph I below, a 10-day notice to appear and set a time for trial shall be given by any party upon certification that the case is at issue. At the time fixed in the notice, with showing of service upon all parties, the clerk shall set the case for trial at a time certain. If fewer than all parties appear before a court department on an application for setting, and file with the court department a conformed, properly served copy of written notice to appear for setting at that hour and day, a court department shall set the matter to be heard on a date satisfactory to the counsel present. Time shall be computed as provided in Nevada Justice Court Rule 6. An individual court may dispense with these procedures if necessary. Cases can be set via telephone conference or any other convenient method.

E. If the parties cannot agree on a trial date, the judge shall set the case for trial at a time convenient to the court.

F. All disputes concerning calendar settings shall be resolved by each court department or the chief justice of the peace if the court cannot resolve the dispute.

G. Matters set in each department shall be heard in the order set unless otherwise ordered by the trial judge.

H. If each party is represented by counsel, applications for setting shall be made on a form provided by applicant designated "Notice of Hearing." It shall be the responsibility of the applicant to produce an original and the necessary copies of the "Notice of Hearing" form on which the court department shall endorse the date and time of such setting. The applicant shall file the original and serve a copy upon counsel for each other party.

I. If the defendant is not represented by counsel, plaintiff's counsel shall call the court and obtain a court date. Plaintiff's counsel shall then prepare a Notice of Hearing, file it with the court and have it issued and then serve it upon the defendant and provide proof of service to the court.



J. If there are multiple settings, each court department shall endorse on the application the priority of the case in numerical order.

K. Once set, a case may be removed from the calendar only with the consent of the trial judge or the chief judge, if the trial judge is unavailable.

L. When a trial judge or the chief judge signs an order in chambers setting forth a calendar date, a copy of said order shall be delivered by counsel to the individual responsible for calendaring cases in each court department, together with any "Application for Setting" form.

M. Each justice of the peace shall be willing and prepared to take overflow work from another department as each judge's calendar permits.

**Rule 23. Trial statements.**

A. Any party may file a trial statement in any case to assist the court.

B. A trial statement shall be filed in a case to be tried before a jury.

C. If a trial statement is filed, it shall be filed prior to 3:00 p.m. five calendar days before the trial, each party shall personally serve and file a trial statement which shall set forth the following matters in the following order:

(1) A concise statement of the claimed facts supporting the party's claims or defenses. Such facts shall be organized by listing each essential element of the claim or defense and separately stating the facts in support of each such element.

(2) A statement of admitted or undisputed facts.

(3) A statement of issues of law supported by a memorandum of authorities.

(4) In non-jury cases, a list of summaries of schedules referring to attached, itemized exhibits concerning any subject matter which involves accounting, computation, chronology, or similar data reasonably calling for orderly itemization, e.g., wages, income, expenses, inventories, business operations, tax computations, disability periods, property losses, itemizations of claimed losses or injuries, and the data and reasons upon which an expert bases his opinion (not the opinion itself), which clearly reflect the claims, defenses, or evidence of the party, together with references to the records or other sources upon which such summaries or schedules are based.

(5) The names and addresses of all witnesses, except impeaching witnesses.

(6) Any other appropriate comment, suggestion, or information for the assistance of the court in the trial of the case.

(7) A list of special questions requested to be propounded to prospective jurors.

(8) Certification by counsel that discovery has been completed, unless late discovery has been allowed by order of the court.

(9) Certification by counsel that, prior to the filing of the trial statement, they have personally met and conferred in good faith to resolve the case by settlement.

(10) All motions in limine to exclude or admit evidence must be in writing and attached to the trial statement. The court may refuse to consider any oral motion in limine and any motion in limine which is not filed with the trial statement.

(11) Proposed jury instructions shall be attached to each party's trial statement.

**Rule 24. Pretrial conferences.**

A. The trial judge may require a pretrial conference upon the judge's own motion or upon motion made by either party prior to trial.

B. Pretrial conferences may include settlement negotiations. A settlement conference shall be set before a judge other than the trial judge. If the parties agree, a

settlement conference in a matter set for jury trial may be heard by the presiding judge.

C. The judge may, for good cause, continue the pretrial conference for a limited period of time to a time certain.

D. Both parties are required to participate in good faith in any settlement conference and to send an authorized representative to the conference who has authority to negotiate and settle the case.

**Rule 25. Jury instructions.**

A. All proposed jury instructions shall be in clear, legible type on clean, white, heavy paper, 8 1/2 by 11 inches in size, and not lighter than 16-lb. weight with a black border line and no less than 24 numbered lines.

B. The signature line with the words "Justice of the Peace" typed thereunder, shall be placed on the right half of the page, a few lines below the last line of type on the last instruction. (See NRS 16.110)

C. The designation "Instruction No. ...." shall be near the lower left hand corner of the page.

D. The original instructions shall not bear any markings identifying the attorney submitting the same, and shall not contain any citations of authority, except that such instructions may bear the numerical reference to Nevada Pattern Civil Jury Instructions. No portion thereof shall be in capital letters, underlined or otherwise emphasized.

E. Authorities for any instruction must be attached to the original instructions by removable adhesive paper.

F. Any rejected instructions (i.e., submitted to the judge, but not delivered to the jury) shall be made a part of the case file as having been proposed.

G. Proposed jury instructions shall be submitted to the court by delivering the original to the judge's chambers no later than 3:00 p.m. five days before trial and attached to the trial statement, if any. Proposed jury instructions shall be personally served upon the opposing party, if the party maintains an office in Washoe County, on the same day that they are submitted to the court, otherwise, the opposing party shall be served at the first day of trial. A judge may order jury instructions to be submitted to the court at any other time. Non-stock instructions may be submitted at the close of evidence if the evidence so warrants.

H. Plaintiff's attorney shall prepare the stock instructions.

**Rule 26. Copies of all pleadings to all parties.** Copies of all papers are to be served upon all parties.

**Rule 27. Claim of exempt property.** A claim that property is exempt from execution or attachment shall be presented to the court by affidavit filed and served in the action out of which the writ of execution or attachment issued. The affidavit shall be accompanied by all documents relied upon by the party claiming the exemption. Such affidavits shall be handled as are motions under these rules, except that, on good cause shown, the time for submission or argument regarding the affidavit may be shortened.

**Rule 28. Ex parte orders.** No proposed ex parte order, except an order to allow an indigent to file a complaint without payment of fees, shall be presented to a judge for signing before the case has been filed with the filing office, given a case number, and assigned to a department.

**Rule 29. Sanctions for noncompliance.** If a party or an attorney fails or refuses to comply with these rules, the court may make such orders and impose such sanctions as are just, including, but not limited to the following:

- A. Hold the disobedient party or attorney in contempt of court.
- B. Continue any hearing until the disobedient party or attorney has complied with the requirements imposed.
- C. Require the disobedient party to pay the other party's expenses, including a reasonable attorney's fee, incurred in preparing for and attending such hearing.
- D. Enter an order authorized by J.C.R.C.P. 37.

**Rule 30. Appearances; substitutions; withdrawal or change of attorneys.**

A. When a party has appeared by counsel, that individual cannot thereafter appear on his/her own behalf in the case without the consent of the court. Counsel who has appeared for any party shall represent that party in the case and shall be recognized by the court and by all parties as having control of the client's case, until counsel properly withdraws upon motion to withdraw properly granted pursuant to Paragraph B below, another attorney is substituted, or until counsel is discharged by the client in writing, filed with the filing office, in accordance with SCR 46 and this rule. The court in its discretion may hear a party in open court although the party is represented by counsel.

B. Counsel in any case may be withdrawn or changed:

(1) When a new attorney is to be substituted in place of the attorney withdrawing, by the written consent of both attorneys and the client, all of which shall be filed with the court and served upon all parties or their attorneys who have appeared in the action; or

(2) By order of the court, upon motion and notice as provided in these rules, when no attorney has been retained to replace the attorney withdrawing;

(a) If such motion is made by the attorney, counsel shall include in an affidavit the address, or last known address, at which the client may be served with notice of further proceedings taken in the case in the event the application for withdrawal is granted, and counsel shall serve a copy of such motion and supporting papers upon the client and all other parties to the action or their attorneys; or

(b) If such motion is made by the client, the client shall state therein the address at which the client may be served with notice of all further proceedings in the case in the event the application is granted, and shall serve a copy of the application upon the attorney and all other parties to the action or their attorneys.

C. Any form of order permitting withdrawal of an attorney submitted to the court for signature shall contain the address at which the party is to be served with notice of all further proceedings.

D. Except for good cause shown, no application for withdrawal or substitution shall be granted if a delay of the trial or of the hearing of any other matter in the case would result. Discharge of an attorney may not be grounds to delay a trial or other hearing.

E. Corporations and Limited Liability Corporations (LLC) may not appear in proper person.

**Rule 31. Masters.**

A. A justice of the peace may refer any matter to a master for determination unless prohibited by law. Such referral may be made by application of a party to the action or on the judge's own initiative.

B. Except as otherwise provided herein, proceedings before the master shall be in accordance with the provisions of J.C.R.C.P. 53 and any applicable statutes.

C. The master may request a justice of the peace to make an immediate determination of appropriate sanctions for contemptuous behavior, issue a bench warrant, quash a warrant, or release persons arrested thereon.

D. Within 20 days after the evidence presented in a matter is closed, the master shall file with the justice of the peace written findings of fact and recommendations, which shall also be served upon each party. Service as provided in this section shall be by personal delivery to each party or the party's attorney or by mail to the last known address of such person or to the address designated by such person appearing at the hearing before the master, or to the party's attorney, if any has appeared as an attorney of record.

E. A party shall have 20 days from service of written findings of fact and recommendations within which to file an objection. When an objection has been filed, the justice of the peace shall have discretion to determine the manner in which the master's recommendation will be reviewed.

F. Upon the request of a party or upon the initiative of the justice of the peace, the judge may enforce the provisions of the master's recommendation pending determination on appeal.

G. The master may direct counsel for a party to prepare the master's report, including findings and recommendations. If counsel is so directed, the report must be delivered to the master no later than 10 judicial days after the hearing or notice of decision unless the master extends this time.

H. Any duly appointed master may perform the duties of any other duly appointed master as the administration of justice may require.

I. All proceedings before a master shall be conducted with appropriate decorum and procedure to insure respect and obedience to the court and its rules.

**Rule 32. Special masters.**

A. A judge may order the appointment of a special master for the purpose of settlement of cases or for any other proper purpose determined by the judge to whom a particular case has been assigned.

B. The parties to a civil action may stipulate in writing to, or the judge to whom the case has been assigned may order, the appointment of a special master to report upon particular issues in the case, including the holding of settlement conferences pursuant to Rule 24 of these rules. The stipulation may suggest the special master, in which case the judge may appoint the person named. A special master shall not be appointed to any particular case unless the special master consents to such appointment.

C. The compensation of members of the panel of special masters may be fixed by the court in its discretion, including any necessary disbursements, unless all interested parties consent to a rate of compensation or the special master consents to serve without compensation. Such compensation and disbursements shall be shared equally by the parties and taxed as costs, unless the court directs otherwise.

**Rule 33. Default judgment.** An application for a judgment by default irrespective of the amount of the proposed judgment must be made upon affidavit unless the court specifically requests the presentation of oral testimony. Supporting affidavits must be made on personal knowledge and shall set forth such facts as would be admissible in evidence, show affirmatively that the affiant is competent to testify to the matters stated therein, and avoid mere general conclusions or argument. An affidavit substantially defective in these respects may be stricken, wholly or in part, and the court may decline to consider the application for the default judgment.

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