



**RENO JUSTICE COURT
WASHOE COUNTY
NEVADA**

POLICY AND PROCEDURE

Policy Area:	Criminal
Policy No.	4.0
Effective Date:	1/14/2021
Revised Date:	1/20/2023
Review Date:	N/A

1. **Title:**
Filing and Submitting Motions.
2. **Purpose:**
To provide parties and counsel with the appropriate manner to file motions in Reno Justice Court and to maintain consistent practices for submitting motions to the assigned judicial officer.
3. **Policy:**
It is the policy of the Reno Justice Court to ensure that all Motions are processed and submitted to a judge in a timely and consistent manner.
4. **Legal Authority/References:**
NRS 4.157(c) and JCRRT 11.
5. **Definitions:**
 - A) Motion: A written or oral request for an order or other decision from the court on a specific issue. This policy applies to written motions only.
 - B) Moving Party: The party who files the motion.
 - C) Opposition: A written statement presented by the party who is opposing a motion.
 - D) Reply: A written response from the Moving Party in response to the opposition.
 - E) Request for Submission: A written request by the party who filed the motion to inform the Court that the issue has been fully briefed and the motion is now ripe for a judicial determination.
6. **Scope and Applicability:**
This policy applies to all criminal and citation cases within the Reno Justice Court. This policy applies to written motions only, but the document does not need to be explicitly labeled as a “motion” to fall under this policy. Any request by a party for specific judicial action should be construed as a motion regardless of how the document is titled.
7. **Responsibility:**
It is the responsibility of all Deputy Clerks and Court Clerks to process motions in the manner set forth in this policy. Supervisors are responsible for providing guidance, direction and supervision for the policy.



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8. Procedures:

General Motion Practice:

All motions, oppositions, replies and requests to submit filed with the court by a party or his/her counsel will be appropriately file-stamped upon receipt. In all circumstances when a motion is filed courtstaff will submit a courtesy copy to the assigned judge immediately upon receiving the motion. Motions *will not* be submitted to the judge for decision until a request for submission has been filed. Court administration will draft a request-for-submission form, make the form available on the RJC Website, and provide it to any individual upon request. The request for submission should include:

- A) A proof of service upon the adverse party.
- B) A statement specifying the motion that is being submitted to the court for decision and the date that the motion was filed.
- C) A verification that the adverse party was served with a copy of the written motion and that a written opposition has been filed or the deadline for filing an opposition under JCRRT 11 has passed.

Once the request for submission is filed, court administration should transmit the motion, opposition (if any), reply (if any), the request for submission, and all other moving papers to the assigned judge by placing the documents in the applicable judge's correct, non-emergency folder.

Exceptions: The following motions do not fall within the scope of the above procedure and may be processed as specified below.

- **Motions to Address Alleged Violations of Conditions of Pre-Trial Release:**

If a party to a criminal case files a motion to revoke bail, a motion to revoke an own recognizance release, or any similar motion that is based upon an alleged violation of the conditions of pretrial release, court administration will set the matter for a hearing within 7 calendar days or as soon thereafter as calendar availability permits. All such hearings should be set on the calendar of the judge who last presided over an adversarial bail hearing in the case at issue.:



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- **Motions for Emergency or Expedited Relief:**

If any motion requests the following:

- A) Emergency or *ex parte* relief.
- B) An emergency hearing; or
- C) An abbreviated briefing schedule.

The motion should be transmitted to the presiding judge as soon as possible by placing it in the appropriate judge’s “red” folder. However, **no motion should be transmitted to the judge unless it includes a proof of service upon all other parties to the case.** If a party submits for filing an “emergency” motion that does not include a proof of service, court staff should still accept the motion for filing but advise the party (via a written notice) that the motion will not be submitted to the judge until the party files a certificate of service. Once submitted to the judge, the judge may rule on the request for expedited relief but may or may not rule on the merits of the motion depending upon the circumstances.

- **Motion to Attend Traffic School**

Please refer to Policy and Procedure 2.25 Traffic School for processing

9. Miscellaneous Other Provisions:

The following other provisions apply to motion practice within Reno Justice Court:

- (1) Court staff should attempt to advise parties of the policies surrounding motion practice when any party first files a motion.
- (2) Only a party to a case is permitted to file a motion into the case. Court administration should reject for filing any documents presented by a non-party unless specifically permitted by a separate court policy, statute, rule or court order. However, a victim in a criminal case may file an “Application to Modify a ‘No Contact’ Order” so long as the Application is filed prior to the defendant’s sentencing.
- (3) A party who is represented by counsel may not file a motion in proper person (pro se) unless their attorney of record first withdraws from representation.
- (4) The Moving Party may properly include a Reply and a Request for Submission in the same document, so long as the Request for Submission is distinctly labeled in the document’s title and the document includes all information required by Section 8, above.