

MAR 24 2023

By 
DEPUTY CLERK

1
2 IN THE JUSTICE COURT OF SPARKS TOWNSHIP
3 COUNTY OF WASHOE, STATE OF NEVADA

4
5 IN THE ADMINISTRATIVE MATTER OF
6 PUBLIC DEFENDER AND ALTERNATE
7 PUBLIC DEFENDER "CONFLICT NOTICES"

ADMINISTRATIVE ORDER 2023-01

8 WHEREAS, the Sparks Justice Court has changed its practices regarding "Conflict
9 Notices" as requests to withdraw from a case or as a notice of withdrawal of counsel; and

10 WHEREAS, the Chief Judge of the Sparks Justice Court has the authority pursuant to
11 NRS 4.157(c) to make administrative decisions pertaining to the business of the Court, and
12 good cause appearing,

13 The Sparks Justice Court will no longer accept a "Conflict Notice" as a request to
14 withdraw from a case, or as a notice of withdrawal of counsel. In the absence of a notice of
15 substitution of counsel signed by former and substituting counsel and served on all parties;
16 defense counsel will be required to file a motion to withdraw, properly serve all parties, and a
17 hearing will be set by the Court as is required by the Rural Justice Court Rules, the Washoe
18 District Court Rules, the Criminal Rules of Practice for the Second Judicial District Court, the
19 Nevada Rules of Criminal Practice, the Nevada Supreme Court Rules, and the Nevada Rules of
20 Professional Conduct, more specifically set forth below:

21 Rural Justice Court Rule 12 provides, in pertinent part, that:

- 22 1. . . .
23 2. Counsel of record, when intending to withdraw, shall serve
24 notice of such intention upon the prosecution and file proof of the
25 same with the clerk. No withdrawal within 20 days of the date set
26 for trial will be recognized by the court, which may, if necessary to
27 prevent a continuance, require such attorney to proceed with the
28 trial. The attorney intending to withdraw shall give the client at
least 10 days actual notice of such intention and file proof of the
same with the clerk. In addition, there must be strict compliance
with SCR 46 relative to any such withdrawal. The request to
withdraw must generally relate to counsel's inability to adequately

1 defend his client, with reasons given in relation thereto, rather than
2 to matters relating to the financial arrangements between the
attorney and client.

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

7 4. Except for good cause shown, no application for withdrawal or
8 substitution shall be granted if a delay of the trial or hearing of any
9 other matter in the case would result. Discharge of an attorney may
10 not be grounds to delay a trial or other hearing. *See* RJCR 12(2)-
11 (4).

12 Washoe District Court Rule 3(6) requires:

13 . . . When desiring to withdraw from a case, attorneys shall serve a
14 motion upon the district attorney and their client, file the same with
15 the filing office, and set the motion for hearing.”

16 The Criminal Rules of Practice for the Second Judicial District Court (“Local Criminal
17 Rules”) require:

18 . . .
19 (b) Any withdrawal of counsel shall be in writing, approved by the
20 court and served on opposing counsel and notice to the party
21 affected.

22 (c) Substitutions of counsel shall be in writing and served on
23 opposing counsel. Substituted counsel shall transfer all files and
24 discovery to the defendant’s new counsel within 5 days of the date
25 of substitution.

26 (d) Transfer of primary responsibility for cases between attorneys
27 within the same office requires the filing of a Notice of Appearance.
28 This applies but is not limited to government agencies of the
Washoe County District Attorney’s Office, the Washoe County
Public Defender’s Office, and the Washoe County Alternate Public
Defender’s Office. *See* L.C.R. 11(a)-(d).

The Nevada Rules of Criminal Practice provide, in pertinent part, that:

An attorney in any case may be changed:

(A) When a new attorney substitutes in place of the attorney
withdrawing. In this circumstance, consent of the incoming
attorney and the client and acknowledgment of the outgoing
attorney shall be filed with the court and served upon all parties or
their attorneys; or