

1 **NRCP 39 – Proposed**
2 **(Adopt Federal rule with retained NV edits)**

3 **Rule 39. Trial by Jury or by the Court**

4 (a) **By Jury.** When a jury trial has been demanded under Rule 38, the action
5 must be designated ~~on the docket~~ as a jury action. The trial on all issues so demanded
6 must be by jury unless:

7 (1) the parties or their attorneys file a stipulation to a nonjury trial or so
8 stipulate on the record; or

9 (2) the court, on motion or on its own, finds that on some or all of those
10 issues there is no ~~federal~~-right to a jury trial.

11 (b) **By the Court.** Issues on which a jury trial is not properly demanded are
12 to be tried by the court. But the court may, on motion, order a jury trial on any or all
13 issues for [RT1] which a jury might have been demanded.

14 (c) **Advisory Jury; ~~and Jury~~ Trial by Consent.** In an action not triable of
15 right by a jury, the court, on motion or on its own; [RT2]

16 (1) may try any issue with an advisory jury; or,

17 (2) may, with the parties' consent, try any issue by a jury whose verdict
18 has the same effect as if a jury trial had been a matter of right, ~~unless the action is~~
19 ~~against the United States and a federal statute provides for a nonjury trial.~~

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21 **Advisory Committee Note—2017 Amendment**

22 NRCP 39 is conformed to the federal rule, but the rule retains the Nevada
23 distinctions in Rule 39(c).

