IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE AMENDMENT OF THE NEVADA JUSTICE COURT RULES OF CIVIL PROCEDURE.

ADKT 0566

FILED

OCT 06 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER ADOPTING JUSTICE COURT RULE OF CIVIL PROCEDURE

WHEREAS, on August 31, 2020, on behalf of the Nevada Judges of Limited Jurisdiction, Justice of the Peace Diana L. Sullivan filed a petition requesting the Nevada Supreme Court to adopt proposed Justice Court Rule of Civil Procedure 111 governing the processing of applications for in forma pauperis status in summary eviction cases.

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on September 22, 2020; and

WHEREAS, the adoption of proposed Rule 111 of the Justice Court Rules of Civil Procedure is appropriate; accordingly,

IT IS HEREBY ORDERED that Rule 111 of the Justice Court Rules of Civil Procedure shall be adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the adoption of Rule 111 of the Justice Court Rules of Civil Procedure shall be effective on October 15, 2020. On August 31, 2020, Governor Sisolak entered Declaration of Emergency Directive 31 ordering that the Supreme Court may exercise its inherent authority as a separate branch of government to waive the provisions of NRS 2.120 requiring 60 days between the notice of entry of new rules and its implementation for the purpose of adopting new rules to implement SB1. The clerk of this court shall cause a notice of entry of this

order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule adoption.

Dated this 6TH day of October, 2020.

Pickering, C.J.

Pickering

Gibbons, J.

Gibbons

Hardesty, J.

Hardesty

Parraguirre, J.

Parraguirre

Stiglich, J.

Stiglich

Cadish, J.

Cadish

Silver, J.

Silver

cc: All District Court Judges
All Justices of the Peace
Hon. Diana L. Sullivan, Justice of the Peace, Las Vegas Township and President, Nevada Judges of Limited Jurisdiction
Barbara Buckley, Executive Director, Legal Aid Center of Southern Nevada
Jim Berchtold, Directing Attorney, Consumer Rights Project
Eric Dobberstein, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Elko County Bar Association
Douglas County Bar Association
Administrative Office of the Courts

EXHIBIT A

ADOPTION OF RULE 111 OF THE JUSTICE COURT RULES OF CIVIL PROCEDURE

RULE 111. APPLICATIONS FOR IN FORMA PAUPERIS STATUS IN SUMMARY EVICTION CASES ONLY

(a) Any party to a summary eviction action brought pursuant to NRS 40.253 or 40.254 may file an Application to Proceed in Forma Pauperis on a form provided by the court that has jurisdiction over the summary eviction action.

(1) The application must include:

(A) An affidavit or unsworn declaration pursuant to NRS 53.045 setting forth with particularity facts concerning the person's income and other factors which establish that the person is unable to pay the filing fees or costs of the proceeding; or

(B) A statement or other indication to the court that the person is a client of a program for legal aid.

(2) The application must be filed contemporaneously with the document being submitted to the court for filing.

(b) The court must establish financial qualification guidelines for the review of an application filed pursuant to subsection (a)(1) to ensure clear and consistent application by the clerk or justice of the peace.

(c) Applications must be reviewed forthwith by the clerk or justice for qualification of in forma pauperis status.

(d) If the clerk or justice is satisfied that a person who files an application pursuant to subsection (a)(1) is unable to pay the filing fees or costs of the proceeding or if the clerk or justice finds that a person is a client of a program

for legal aid, the party must be authorized to file documents with the court without the payment of filing fees otherwise required pursuant to NRS 4.060.

(e) Where the application is approved, the running of the time within which the tenant's answering affidavit is required is tolled during the period between the filing of the application and the ruling of the court thereon, provided the documents are submitted to the court at the same time.

(f) Where the applicant fails to qualify for in forma pauperis status, the party's proposed document must be rejected by the court for failure to include the filing fee. The clerk must notify the party of the reason for the rejection in an expeditious manner in order to afford the party an opportunity to timely resubmit the document along with the required filing fee. A party who fails to qualify for in forma pauperis status is responsible for meeting all statutory filing deadlines.

(g) As used in this section, "client of a program for legal aid" means a person:

(1) Who is represented by an attorney who is employed by or volunteering for a program for legal aid organized under the auspices of the State Bar of Nevada, a county or local bar association, a county or municipal program for legal services or other program funded by this State or the United States to provide legal assistance to indigent persons; and

(2) Whose eligibility for such representation is based upon indigency.