

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
PROCESSING OF CIVIL APPEALS
INVOLVING LITIGANTS APPEARING
IN PROPER PERSON.

ADKT No. 385

FILED

JUN 10 2005

BY *A. B. Smith*
ANETTE M. BILSON
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER ESTABLISHING PILOT PROGRAM IN CIVIL APPEALS

WHEREAS, this court's rules do not permit litigants without counsel to file briefs or other documents unless permission to do so has been granted by this court; and

WHEREAS, it appears that participation by proper person litigants in civil appeals may assist this court in the processing of their appeals, as well as provide these litigants with an opportunity to be heard;

IT IS HEREBY ORDERED that a one-year pilot program shall be established, commencing June 13, 2005. NRAP 46(b) is suspended for cases processed through the pilot program. All documents submitted by a proper person litigant in a case in the program shall be filed during the program's term. No response to any document filed by a proper person litigant is required unless ordered by the court; this court will not ordinarily grant relief without an opportunity for respondent to file a response. For purposes of the pilot program, the court adopts the forms attached hereto as Exhibits A through F. The pilot program will be conducted as follows:

Upon the docketing of a civil proper person appeal, the clerk of this court will provide all parties with a copy of the Instructions for Civil Litigants Without Attorneys (Exhibit A) and this order. Additionally, the

clerk will provide the proper person appellant with a Civil Proper Person Appeal Statement form (Exhibit B), and a Proper Person Transcript Request Form (Exhibit C). Appellant shall have 40 days from the docketing of the appeal within which to file and serve a completed Civil Proper Person Appeal Statement form. Appellant's failure to timely file the completed appeal statement form may result in dismissal of the appeal as abandoned.

The appellant is responsible for identifying and requesting the transcripts necessary for this court's review on appeal. Appellant shall have 15 days from the docketing of the appeal to file a Civil Proper Person Transcript Request Form (Exhibit C) in this court. Except for an appellant proceeding in forma pauperis, the appellant must serve a copy of the transcript request form on all parties to the appeal and the court reporter and must pay the court reporter for the transcripts. When an appellant is proceeding in forma pauperis, this court will determine which transcripts, if any, shall be prepared and will issue an order directing the preparation of the necessary transcripts.

This court, in appropriate cases, will order the district court to transmit the trial court record and shall submit the appeal for decision after the record, necessary transcripts and Civil Proper Person Appeal Statement are filed. If the record and the Civil Proper Person Appeal Statement reveal a possible basis for reversal, then this court will direct a response. A represented respondent will be directed to file an answering brief. A proper person respondent will be provided with a Civil Response Statement (Exhibit D), and will have 30 days to file and serve a completed statement.

Exhibit E is a form for requesting a stay in child custody cases, and Exhibit F is a form for requesting a stay in non-custody cases. These forms are available upon request from the clerk's office. A proper person appellant seeking to stay a district court's decision pending appeal is encouraged to utilize these forms.

Proper person appeals shall not be routinely referred to this court's settlement program at this time. In this court's discretion, certain proper person appeals may be referred to the settlement program for a settlement conference.

In its discretion, this court may also direct an unrepresented respondent to file a Civil Response Statement for Parties Without Attorneys (Exhibit D) in answer to an opening brief filed by an appellant represented by counsel. The respondent will have 30 days to file the response statement.

The provisions of this order shall become effective June 13, 2005, and shall govern all civil appeals involving proper person litigants docketed after that date and all further proceedings in such actions pending in the Supreme Court of Nevada on that date, unless, in the opinion of this court, its application in a particular pending action is not warranted or feasible, in which event the former procedure applies.

Proper person litigants who abuse their filing privileges shall be subject to restrictions on the number and type of documents they may submit to this court, including but not limited to a prohibition on filing any documents.

This pilot program does not apply to appeals involving challenges to the validity of a criminal conviction or sentence or to the computation of time served.

IT IS FURTHER ORDERED that this court shall assess and evaluate the pilot program established by this order on an ongoing basis, and it may be discontinued without prior notice.

DATED this 10th day of June, 2005.

Becker, C. J.
Becker

Rose, J.
Rose

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Maupin, J.
Maupin

Douglas, J.
Douglas

Parraguirre, J.
Parraguirre

Forms:

- Exhibit A - Instructions for Civil Litigants Without Attorneys
- Exhibit B - Civil Proper Person Appeal Statement Form
- Exhibit C - Civil Proper Person Transcript Request Form
- Exhibit D - Civil Response Statement Form
- Exhibit E - Motion for Stay Form (Child Custody)
- Exhibit F - Motion for Stay Form (Non-Custody)

SUPREME COURT OF NEVADA
CIVIL APPEALS PILOT PROGRAM

INSTRUCTIONS FOR
CIVIL LITIGANTS WITHOUT ATTORNEYS

You are a party to a civil appeal pending in the Nevada Supreme Court. This appeal is part of a one-year pilot program established by the Nevada Supreme Court.

INSTRUCTIONS TO APPELLANT

YOU ARE THE APPELLANT if you filed a notice of appeal from a judgment or order of the district court.

IF YOU ARE THE APPELLANT, two forms are included with these instructions:

- (1) Civil Proper Person Appeal Statement Form (Required)
- (2) Proper Person Transcript Request Form (Optional)

You must file the **Civil Proper Person Appeal Statement Form** within 40 days from the date that your appeal is filed in the Nevada Supreme Court. If you do not file your Civil Proper Person Appeal Statement Form by that date, the Nevada Supreme Court will dismiss your appeal.

You may file a **Proper Person Transcript Request Form** within 15 days from the date that your appeal is filed in the Nevada Supreme Court. If you do not file this form, the Nevada Supreme Court will decide your appeal without reviewing transcripts that are not part of the district court record.

HOW TO FILL OUT THE FORMS: Follow the instructions on the forms. All forms must be typed or clearly handwritten. Copies of any form you file with the Nevada Supreme Court must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also fill out the certificate of service that is attached to any form. The Nevada Supreme Court may return any document that does not meet these requirements.

WHERE TO FILE THE FORMS: You may file your forms in person or by mail.

To file your forms in person: Bring them to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada. You can file your forms Monday through Friday, 8:00 a.m. to 4:00 p.m.

To file your forms by mail: Mail them to the Clerk of the Supreme Court of Nevada, 201 S. Carson St., Carson City, NV 89701. Your forms must be postmarked by the due date.

You must file the original form and 1 copy with the Clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your form, you must submit the original form and 2 copies and include a self-addressed, stamped envelope. Forms cannot be faxed or e-mailed to the Nevada Supreme Court Clerk's Office.

INSTRUCTIONS TO RESPONDENT

YOU ARE THE RESPONDENT if you were a party to a district court action and an opposing party has filed a notice of appeal.

IF YOU ARE THE RESPONDENT, do not respond to any document filed by a proper person appellant unless the Nevada Supreme Court orders you to file a response.

IN THE SUPREME COURT OF THE STATE OF NEVADA

Appellant,

vs.

Respondent.

Supreme Court No. _____

District Court No. _____

CIVIL PROPER PERSON APPEAL STATEMENT

INSTRUCTIONS: If you are an appellant, you must complete and file this Appeal Statement within 40 days from the date that your appeal is filed in the Nevada Supreme Court. If you do not file this Appeal Statement by that date, the Nevada Supreme Court will dismiss your appeal.

Write only in the space allowed on the form. **Additional pages and attachments are not allowed.** The Nevada Supreme Court prefers short and direct statements. You do not need to refer to legal authority or the district court record.

This completed form must be filed with the Clerk of the Nevada Supreme Court at the following address:

Clerk of the Court
Supreme Court of Nevada
201 South Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1600 or (702) 486-9300

You may file this completed form in person or by mail. You must file the original form and 1 copy with the Clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your form, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Forms cannot be faxed or e-mailed to the Supreme Court Clerk's Office.

Copies of this completed form must also be mailed or delivered to all other parties to this appeal or to the parties' attorneys, if they have attorneys.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order

Notice of Appeal. Give the date you filed your notice of appeal in the district court: _____

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court

Settlement Conference. Would you be interested in participating in a settlement discussion, in which you and the other party or parties discuss settling your dispute with the assistance of a trained mediator?

Yes No

NOTE: If the court determines that your case may be suitable for a settlement conference, you will be contacted.

Transcripts. Does this court need transcripts of your trial or hearing held in the district court?

Yes No

If you answered **YES** to this question, complete the **Civil Proper Person Transcript Request Form** that was sent to you. You must pay in advance for any transcripts. For more information, read the instructions on the Transcript Request Form.

Issues on Appeal. Does your appeal concern any of the following issues?
Check all that apply:

- | | | |
|---|---|---|
| <input type="checkbox"/> divorce | <input type="checkbox"/> child custody/visitation | <input type="checkbox"/> child support |
| <input type="checkbox"/> relocation | <input type="checkbox"/> termination of parental rights | <input type="checkbox"/> attorney fees |
| <input type="checkbox"/> paternity | <input type="checkbox"/> marital settlement agreement | <input type="checkbox"/> division of property |
| <input type="checkbox"/> adoption | <input type="checkbox"/> prenuptial agreement | <input type="checkbox"/> spousal support |
| <input type="checkbox"/> other—briefly explain: _____ | | |

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

Lined writing area consisting of 20 horizontal lines.

Lined writing area with 25 horizontal lines.

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed appeal statement upon all parties to the appeal as follows:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served by mail):

DATED this _____ day of _____, 20__.

Signature of Appellant

Print Name of Appellant

Address

City/State/Zip

Telephone

IN THE SUPREME COURT OF THE STATE OF NEVADA

_____	Supreme Court No. _____
Appellant,	District Court No. _____
vs.	

Respondent.	

CIVIL PROPER PERSON
TRANSCRIPT REQUEST FORM

INSTRUCTIONS: If you are the appellant, you may request transcripts of your district court trial or hearing. The Nevada Supreme Court reviews transcripts of your case to learn what happened in the district court. Although you do not have to file this Transcript Request Form, if this form is not filed, the Nevada Supreme Court will decide your appeal without reviewing transcripts that are not in the district court record.

If you want to request transcripts and HAVE NOT BEEN GRANTED IN FORMA PAUPERIS STATUS, then you must:

- (1) List on this form the date of the district court trial or hearing that you want transcribed.
- (2) File this form with the Supreme Court Clerk's Office within 15 days from the date that your appeal is filed in the Supreme Court.
- (3) Mail or deliver copies of this form to the other parties to this appeal or to the parties' attorneys, if they have attorneys.
- (4) Mail or deliver a copy of this form to the court reporter(s) who reported the district court trial or hearing.
- (5) Pay the court reporter(s) for the transcripts in advance. Contact the court reporter(s) for the amount to pay.

If you want to request transcripts and HAVE BEEN GRANTED IN FORMA PAUPERIS STATUS, then you must:

- (1) List on this form the date of the district court trial or hearing that you believe should be transcribed.

- (2) File this form with the Supreme Court Clerk's Office within 15 days from the date that your appeal is filed in the Supreme Court.
- (3) Mail or deliver copies of this form to the other parties to this appeal or to the parties' attorneys, if they have attorneys.

The Nevada Supreme Court will review your Transcript Request Form and determine what transcripts, if any, the court reporter(s) must prepare. The Nevada Supreme Court will then direct the district court to have any transcripts prepared.

This completed form must be filed with the Clerk of the Nevada Supreme Court at the following address:

Clerk of the Court
Supreme Court of Nevada
201 South Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1600 or (702) 486-9300

You may file this completed form in person or by mail. You must file the original form and 1 copy with the Clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your form, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Forms cannot be faxed or e-mailed to the Supreme Court Clerk's Office.

If you file this form, copies of the completed form must also be mailed or delivered to all other parties to this appeal or to the parties' attorneys, if they have attorneys.

NOTE: A court reporter has 30 days to prepare the transcripts that you have requested and paid for. As the appellant, you must make sure that the court reporter files the transcripts with the Nevada Supreme Court on time. If the transcripts are not filed on time, and you have paid the required amount for the transcripts, you may request the Nevada Supreme Court to direct the court reporter to prepare the transcripts. If you request the Nevada Supreme Court to help you get the transcripts, then you must attach proof that you have paid for the transcripts.

**REQUEST FOR TRANSCRIPT OF
DISTRICT COURT HEARING OR TRIAL**

TO: _____
 Court Reporter Name

Appellant requests preparation of a transcript of the proceedings before the district court, as follows:

Judge or officer hearing the trial or hearing: _____

Date(s) of trial or hearing: _____

Portions of the transcript requested: _____

Number of copies required: _____

Name of person requesting transcripts

Address

Telephone number

CERTIFICATION

I certify that on this date I ordered these transcripts from the court reporter(s) named above by mailing or delivering this form to the court reporter(s) and I paid the required deposit.

Signature

Date

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed transcript request form upon the court reporter(s) and all parties to the appeal:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served by mail):

DATED this _____ day of _____, 20__.

Signature

Print Name

Address

City/State/Zip

Telephone

IN THE SUPREME COURT OF THE STATE OF NEVADA

Appellant,

vs.

Respondent.

Supreme Court No. _____

District Court No. _____

**CIVIL RESPONSE STATEMENT FOR
PARTIES WITHOUT ATTORNEYS**

INSTRUCTIONS: If you are a respondent, do not complete and file this Response Statement unless you are ordered to do so by the Nevada Supreme Court. If you have been ordered to complete this Response Statement, then you must complete and file it within 30 days from the date on the Nevada Supreme Court's order.

Write only in the space allowed on the form. **Additional pages and attachments are not allowed.** The Nevada Supreme Court prefers short and direct statements. You do not need to refer to legal authority or the district court record.

If the Nevada Supreme Court has ordered you to fill out this form, then your completed form must be filed with the Clerk of the Nevada Supreme Court at the following address:

Clerk of the Court
Supreme Court of Nevada
201 South Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1600 or (702) 486-9300

You may file this completed form in person or by mail. You must file the original form and 1 copy with the Clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your form, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Forms cannot be faxed or e-mailed to the Supreme Court Clerk's Office.

Copies of this completed form must also be mailed or delivered to all other parties to this appeal or to the parties' attorneys, if they have attorneys.

Transcripts. Does the Nevada Supreme Court need transcripts of any trial or hearing held in the district court?

Yes No

If you answered **YES** to this question, complete a **Civil Proper Person Transcript Request Form**. You must pay in advance for any transcripts. For more information, read the instructions on the Transcript Request Form.

Settlement Conference. Would you be interested in participating in a settlement discussion, in which you and the other party or parties discuss settling your dispute with the assistance of a trained mediator?

Yes No

NOTE: If the court determines that this case may be suitable for a settlement conference, you will be contacted.

Statement of Facts. Is the statement of facts in appellant’s statement or brief correct? If not, please explain. (Your answer must be provided in the space allowed.)

Lined writing area consisting of 25 horizontal lines.

District Court Decision. Explain why the district court's decision was correct. (Your answer must be provided in the space allowed).

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed response statement upon all parties to the appeal as follows:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served by mail):

DATED this _____ day of _____, 20__.

Signature of Respondent

Print Name of Respondent

Address

City/State/Zip

Telephone

IN THE SUPREME COURT OF THE STATE OF NEVADA

Appellant,

vs.

Respondent.

Supreme Court No. _____

District Court No. _____

MOTION FOR STAY FORM (CHILD CUSTODY)
FOR PARTIES WITHOUT ATTORNEYS

INSTRUCTIONS: Write only in the space provided on the form. **Additional pages and attachments are not allowed.** The Nevada Supreme Court prefers short and direct statements. You do not need to refer to legal authority or the district court record.

This form must be filed with the Clerk of the Nevada Supreme Court at the following address:

Clerk of the Court
Supreme Court of Nevada
201 South Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1600 or (702) 486-9300

You may file this completed form in person or by mail. You must file the original form and 1 copy with the Clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your form, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Forms cannot be faxed or e-mailed to the Supreme Court Clerk's Office.

Copies of this completed form must also be mailed or delivered to all other parties to this appeal or to the parties' attorneys, if they have attorneys.

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed appeal statement upon all parties to the appeal as follows:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served by mail):

DATED this _____ day of _____, 20__.

Signature

Print Name

Address

City/State/Zip

Telephone