

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 0385

FILED

NOV 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
[Signature]
CHIEF DEPUTY CLERK

**ORDER SCHEDULING PUBLIC HEARING BY
AND REQUESTING PUBLIC COMMENT**

On June 10, 2005, this court established a pilot program for civil proper person appeals. This court has determined that the program is beneficial to the administration of justice and the processing of civil appeals, and should be made permanent.

Accordingly, the Nevada Supreme Court will conduct a public hearing on the proposed rules governing the permanent program, which are attached as Exhibit A. The hearing will be held on Thursday, December 5, 2013, at 1:30 p.m. in the Nevada Supreme Court Courtroom, 200 Lewis Avenue, 17th Floor (Regional Justice Center), Las Vegas, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada.

Further, this court invites written comment from the bench, bar and public regarding the proposed amendments. An original and 8 copies of written comments are to be submitted to: Tracie K. Lindeman, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5:00 p.m., November 27, 2013. Comments must be submitted in hard-copy format. Comments submitted electronically will

not be docketed. Persons interested in participating in the hearing must notify the Clerk no later than November 27, 2013.

Hearing date: December 5, 2013, at 1:30 p.m.
Supreme Court Courtroom
200 Lewis Avenue, 17th Floor
Regional Justice Center
Las Vegas, Nevada

Comment deadline: November 27, 2013, at 5:00 p.m.
Supreme Court Clerk's Office
201 South Carson Street
Carson City, Nevada 89701

DATED this 14th day of November, 2013.

Pickering

C.J.

cc: Alan Lefebvre, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
Administrative Office of the Courts

ADKT 0385

NEW RULE 3F OF THE NEVADA RULES OF APPELLATE
PROCEDURE

RULE 3F. CIVIL APPEALS INVOLVING PROPER PERSON
LITIGANTS

(a) **Appeals Subject to this Rule.** In the Supreme Court's discretion, it may determine that any civil appeal in which one or more of the litigants is proceeding on appeal in proper person is subject to the procedures and requirements outlined in this Rule. Upon the docketing in this court of a civil appeal involving any proper person litigants or when counsel for any litigant involved in a civil appeal withdraws and the court determines that the litigant will be proceeding in proper person, the court shall determine whether a civil appeal is suitable to proceed under this Rule.

(b) **Appeals Excluded from this Rule.** This Rule does not apply to appeals arising from criminal convictions, including but not limited to, appeals involving a challenge to the validity of a criminal conviction or sentence or to the computation of time served.

(c) **Limited Authorization to File Documents for Proper Person Parties Involved in Appeals Subject to this Rule.** Proper person litigants involved in appeals that this court deems subject to this Rule are expressly authorized, under Rule 46(b), to file papers in accordance with the procedures and guidelines set forth in this Rule.

(d) **Responses to Documents Filed by Proper Person Litigants.** Litigants involved in appeals subject to this Rule shall not file a response to any document filed by a proper person litigant unless ordered to do so by the court, with the exception that litigants may

respond to motions filed by proper person litigants within the time provided in Rule 27. Except for motions described in Rule 27(b), the court will generally not grant relief without providing an opportunity to file a response.

(e) Provision of Forms. In appeals subject to this Rule, the clerk shall provide each proper person appellant with a copy of the NRAP 3F documents. These documents shall consist of a set of instructions, a blank civil proper person appeal statement, and a blank proper person transcript request form. The clerk shall provide all respondents in appeals subject to this Rule with a copy of the instructions. The clerk shall also make these documents available on the court's website.

(f) Time for Filing Civil Proper Person Appeal Statements. Each proper person appellant shall have 40 days from the date the NRAP 3F documents are mailed to him or her to file and serve a completed proper person appeal statement. Failure to timely file the completed appeal statement within that period may result in the dismissal of the appeal.

(g) Request for Transcripts or Rough Draft Transcripts. When a transcript is necessary for an appeal, proper person appellant shall be responsible for identifying and requesting all transcripts. Proper person appellant may request a standard transcript or a rough draft transcript.

(1) Transcript Requests.

(A) Filing, Service, and Costs.

Proper person appellants shall have 15 days from the date the NRAP 3F documents are mailed to him or her to file and serve the proper person transcript request forms. Litigants who have not been granted in forma

pauperis status must serve a copy of the transcript request form on all parties to the appeal and the court reporter from whom the transcripts are sought and must pay the court reporter for the requested transcripts. The court reporter shall comply with Rule 9(b) upon receipt of the transcript request form. Upon receiving the transcript, the litigant(s) requesting that transcript shall file a copy of the transcript with the court. When a litigant is proceeding in forma pauperis, the Supreme Court will review any completed transcript request forms and determine which transcripts, if any, shall be prepared and will issue an order directing the preparation of necessary transcripts.

(B) Respondent's Request for Transcripts.

If respondent has been directed to file a response to the proper person appeal statement, respondent may request any additional transcripts respondent deems necessary to support arguments. Proper person respondent shall use the proper person transcript request form to request transcripts. Represented respondent shall use the transcript request form provided in Form 3 of the Appendix of Forms to request transcripts. The time in which respondents may request transcripts shall be set forth in the order directing respondents to file a response. If respondent requests a transcript, respondent shall furnish each party appearing separately with a copy of the transcript. Any costs associated with the preparation and delivery of a transcript requested by respondent shall be paid by the respondents, unless otherwise ordered.

(2) Rough Draft Transcripts. For the purposes of this Rule, a rough draft transcript is a computer-generated transcript that can be expeditiously prepared in a condensed fashion, but is not proofread,

corrected or certified to be an accurate transcript. A rough draft transcript shall:

(A) Be printed on paper 8½ by 11 inches in size, double-sided, with the words "Rough Draft Transcript" printed on the bottom of each page;

(B) Be produced with a yellow cover sheet in a condensed format that produces at least four conventional transcript pages on one condensed page;

(C) Include a concordance, indexing key words contained in the transcript; and

(D) Include an acknowledgment by the court reporter or recorder that the document submitted pursuant to this Rule is a true original or copy of the rough draft transcript.

(3) Court Reporter or Recorder Protection and Compensation. When preparing and submitting rough draft transcripts under this Rule,

(A) Court reporters or recorders shall not be subject to civil, criminal, or administrative causes of action for inaccuracies in a rough draft transcript unless the court reporter or recorder willfully

(i) Fails to take full and accurate stenographic notes of the proceeding for which the rough draft transcript is submitted, or willfully and improperly alters stenographic notes from the proceeding, or willfully transcribes audio- or videotapes inaccurately; and

(ii) Such willful conduct proximately causes injury or damage to a party asserting the action, and that party demonstrates that appellate relief was granted or denied based upon the court reporter's or recorder's inaccuracies.

(B) Court reporters shall be compensated as follows:

(i) For the preparation of a transcript or rough draft transcript, the court reporter shall receive 100 percent of the rate established by NRS 3.370 for each transcript page and for costs. A party ordering transcripts or copies must pay the court reporter's fee. No reporter may be required to perform any service in a civil case until the fees have been paid to him or her, or deposited with the court clerk.

(ii) In the event that a certified transcript is ordered after the rough draft transcript is prepared, the court reporter shall receive an additional fee as established by NRS 3.370.

(h) Transmission of District Court Record. When appropriate, the Supreme Court may direct that the complete record from the lower court be transmitted to this court under Rule 11(2).

(i) Responses to Civil Proper Person Appeal Statements. Once the civil proper person appeal statement has been filed, if the court determines that a response to the appeal statement is warranted, the court shall direct the respondent(s) to file and serve a response to the appeal statement. The clerk shall provide each proper person respondent who is directed to file a response with a blank copy of the civil proper person response statement form. The clerk shall also make the response statement form available on the court's website. The court will not ordinarily grant the relief requested on appeal without providing an opportunity for the respondent to file a response. Respondents represented by counsel shall file a response in conformance with subsection (l) of this Rule.

(j) Motions. Motion practice in all proper person appeals subject to this Rule is governed by Rule 27. Requests for relief outside of that

available through the forms and documents provided, including requests for additional statement pages and extensions of time, shall be made using the procedures outlined in Rule 27. Proper person litigants requesting a stay are encouraged to do so using either the motion for stay form for proper person litigants or the motion for stay form (child custody) for proper person litigants. The clerk shall make these forms available on the court's website. These forms may also be requested from the clerk.

(k) Formatting of Civil Proper Person Appeal Statements and Civil Proper Person Response Statements. All appeal statements and response statements submitted by proper person litigants shall comply with the following requirements.

(1) Proper person litigants completing appeal statements or response statements are limited to the space provided in the statement forms and must be typewritten or neatly handwritten only on the lined portion of the provided forms, with one line of text per printed line, and no text in the margins. All typed statements must comply with the font guidelines of Rule 32(a).

(2) Proper person litigants who wish to type their appeal statements or response statements may substitute ten pages of their own paper for the provided forms. All such substituted pages must provide all information requested in the appeal statement form and must comply with the guidelines for font, spacing, paper type, and paper size in Rule 32(a).

(3) Proper person litigants shall not attach any documents, exhibits, or other materials to their appeal statements or response statements.

(4) Any appeal statements or response statements that fail to adhere to the requirements of this Rule may be stricken or returned

unfiled, unless the litigant filing the statement has obtained the court's prior permission to file a nonconforming statement.

(A) Upon the striking or return of a nonconforming statement, the litigant filing the offending statement shall have 10 days to file and serve a statement that complies with this Rule.

(B) Failure to timely file a corrected appeal statement may result in the dismissal of the appeal.

(C) Failure to timely file a corrected response statement may waive respondent's right to file a response to the appeal statement.

(I) Format of Responses to Civil Proper Person Appeal Statements Submitted by Respondents Represented by Counsel.

All responses to civil proper person appeal statements submitted by respondents represented by counsel shall conform with the requirements of Rules 28.2 and 32(a). Responses submitted by represented respondents shall not include the table of contents and table of cases, statutes and authorities required by Rule 28(b). The length of all counsel responses shall not exceed 10 pages plus an attorney's certificate.

(m) Submission of Single Appeal Statement, Response Statement, or Motion on Behalf of Multiple Proper Person Litigants. Proper person litigants may not represent other litigants. Therefore, a proper person litigant may not complete an appeal statement, response statement, transcript request form, or motion on behalf of other litigants. Proper person litigants may collaborate on their statements, transcript request forms and motions, provided that if one statement, transcript request form, or motion is submitted on behalf of multiple proper person litigants, each proper person litigant signs and dates the statement, transcript request form, or motion to indicate that he or she

participated in the document's preparation and that he or she joins in the arguments, representations, and requests contained therein.

(n) Procedures When Counsel Retained. If any proper person litigant involved in an appeal subject to this Rule retains counsel, that litigant shall immediately notify the court that counsel has been retained and shall cause counsel to enter an appearance. Once counsel has made an appearance, the court may, on motion or sua sponte, remove the appeal from being subject to this Rule.

(o) Abusive Practices by Proper Person Litigants. Proper person litigants who abuse their filing privileges shall be subject to restrictions on the number and type of documents they may submit to the court, including, but not limited to, a prohibition on filing any documents without first obtaining leave from the court.

(p) Removal from Civil Proper Person Program. Parties wishing to request that an appeal be fully briefed in lieu of utilizing the procedures and forms outlined in this Rule shall file a motion requesting that the appeal be removed from being subject to this Rule and that the parties be allowed to file briefs.

(q) Appeals Over Which Court Lacks Jurisdiction. Civil proper person appeals over which the Supreme Court lacks jurisdiction may be dismissed at any time during the appellate process.