

ORIGINAL

IN THE SUPREME COURT OF NEVADA

FILED

SEP 08 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

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3 IN THE MATTER OF THE)
4 AMENDMENT OF THE NEVADA)
5 JUSTICE COURT RULES)
6 OF CIVIL PROCEDURE)
7)

ADKT NO.: 566

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9 WHEREAS, the Nevada Supreme Court has previously approved a body of rules known
10 as the Justice Court Rules of Civil Procedure; and

11 WHEREAS, the Nevada Judges of Limited Jurisdiction have determined, in consultation
12 with the Access to Justice Commission, that an increase in summary eviction filings following
13 the termination of a statewide moratorium on evictions due to the COVID-19 pandemic is
14 anticipated necessitating the establishment of certain rules relating to the processing of
15 applications for *in forma pauperis* status in summary eviction actions; and

16
17 WHEREAS, existing rules governing summary evictions commence with Rule 101; and

18 WHEREAS, Rule 83 of the Justice Court Rules of Civil Procedure provides that copies
19 of any proposed rule changes "shall upon their promulgation be furnished to the Supreme Court,
20 but shall not become effective until after approval by the Supreme Court and publication,"

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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

1 **THEREFORE**, the Nevada Judges of Limited Jurisdiction do hereby formally petition
2 the Nevada Supreme Court for the addition of a new rule, proposed as Rule 111, governing the
3 processing of applications for *in forma pauperis* status as shown in the Exhibit to this petition
4 attached hereto.

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6 Dated this 27 day of August, 2020.

7
8 Diana L. Sullivan

9 **JUDGE DIANA SULLIVAN**
10 **President, Nevada Judges of Limited Jurisdiction**

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EXHIBIT

JCRCP 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.