

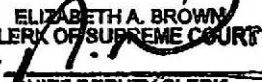
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: AMENDMENT OF SUPREME
COURT RULE 44 REGARDING THE
APPEARANCE OF PERSONS IN THEIR
OWN BEHALF

ADKT 0596

FILED

JUN 22 2022

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

ORDER AMENDING SUPREME COURT RULE 44

WHEREAS, on April 15, 2022, Katherine Stocks, Director and State Court Administrator for the Administrative Office of the Courts, filed a petition seeking to amend Supreme Court Rule (SCR) 44 governing the appearance of persons in their own behalf; and

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on June 7, 2022; and


WHEREAS, this court concludes that the proposed amendments to SCR 44 are warranted; accordingly,

IT IS HEREBY ORDERED that SCR 44 shall be amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that these amendments shall be effective 30 days from the date of this order. 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 amendments.

Dated this 22nd day of June, 2022.

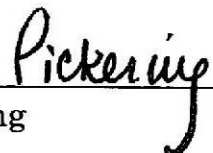

Parraguirre



Hardesty, J.


Stiglich, J.


Cadish, J.


Silver, J.


Pickering, J.


Herndon, J.

cc: Katherine Stocks, Director and State Court Administrator,
Administrative Office of the Courts
Ann Morgan, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Douglas County Bar Association
Elko County Bar Association
Nevada Supreme Court Law Library
Administrative Office of the Courts

EXHIBIT A
AMENDMENT TO SUPREME COURT RULE 44

Rule 44. Person may appear ~~[in his own behalf]~~ without counsel.

1. Definitions

(a) Court support staff refers to any trial court employee, county clerks and their deputies, law librarians and their assistants that are employed by a governmental entity, other than the Nevada appellate courts, and are not supervised by a licensed Nevada attorney.

(b) Appellate court staff refers to any employee of the State of Nevada employed by the appellate courts.

(c) A court volunteer is a person who volunteers to assist the court by providing information to the public. Before participating as a court volunteer, the individual must receive appropriate training and be approved to volunteer as required by the director of the administrative office of the courts.

(d) A member of the public includes a self-represented litigant who seeks information to file, pursue, or respond to a case, without the assistance of a licensed attorney.

[1.] 2. ~~[Nothing in these rules shall be so construed as to prevent any person from appearing in his own behalf in any court in this state except the supreme court]~~ Except as otherwise provided by law, or court rule, nothing in this rule can be construed to prevent a person from appearing on their own behalf.

[2.] 3. ~~[Court employees, county clerks and their deputies, law librarians and their assistants, employed by a governmental entity and working within a governmental environment who are not supervised by a licensed Nevada attorney are authorized to do the~~

following:] In all circumstances court support staff, appellate court staff, and court volunteers must treat the public with respect and provide information in a fair and impartial manner. Court support staff, appellate court staff, and court volunteers must provide consistent information to all members of the public, including parties to an action. Court support staff, appellate court staff, and court volunteers must, to the extent reasonably appropriate and practicable:

(a) Encourage persons to obtain legal advice from a licensed **[Nevada]** attorney **[outside of the qualifying public entity];**

(b) Provide information about available pro bono, free or low-cost civil legal services, legal aid programs and lawyer referral services;

(c) Provide information about available forms, pleadings and instructions without providing advice or recommendations as to any specific course of action;

(d) Engage in oral communications to assist persons in the completion of blanks on forms;

(e) Provide orally or in writing definitions of legal terminology from widely accepted legal dictionaries or other dictionaries without advising whether a particular definition is applicable to the requesting person's situation;

(f) Provide orally or in writing citations, constitutions, statutes, administrative or court rules and case law without providing legal research as defined in subsection 3 of this rule or advising whether a particular provision is applicable to the requesting person's situation;

(g) Provide information on docketed cases;

(h) Provide general information about court process, procedure and practice;

(i) Provide information about mediation, parenting courses and courses for children of divorcing parents, as well as information regarding existing child support guidelines and presumptive support amounts;

(j) Provide orally or in writing information on local court rules and administrative orders; and

(k) Provide general information about community resources.

4. Court support staff, appellate court staff, and court volunteers may:

(a) Check forms for completeness when offered for filing and explain instructions or define terms appearing in the forms;

(b) Assist a self-represented litigant by recording, verbatim, information provided by the litigant on approved forms if the litigant is unable to complete the form due to a disability or a language or literacy barrier;

(c) Provide information, as directed by the court, regarding local resources, services, and programs; and

(d) Assist a member of the public in obtaining publicly available records that are subject to the control of court.

[3.] 5. [No] Any person or entity described in subsection [2] 1(a), (b), or (c) of this rule [and] that is not licensed to practice law [in Nevada] or supervised by a [Nevada] licensed attorney [may do any of the following] may not:

(a) Provide orally or in writing any interpretation by application of the following to specific facts: legal terminology, constitutional provisions, statutory provisions, administrative or court rules, and case law;

(b) Provide orally or in writing information that must be kept confidential by statute, administrative or court rule, or case law;

(c) **[Create]** *Provide* content on documents **[not provided]** unless supplied by self-represented litigants;

(d) Perform direct legal research for any litigant by applying the law to specific facts, expressing an opinion regarding the applicability of any constitutional provisions, statutes, administrative or court rules, or case law to the requesting person's particular circumstances; and

(e) Lead persons to believe that they are the legal representatives of anyone in any capacity or induce the public to rely on them for legal advice;

(f) Investigate the facts of a litigant's case; or

(g) represent a litigant in a court.

6. Appellate court staff, in assisting the chief justice to carry out their duties as the administrative head of the judicial branch, may:

(a) Provide guidance to trial courts regarding the application of legislation, laws, statutes, or court rules to a trial court's obligations, duties, practices, and procedures;

(b) Provide information and analysis to trial courts relating to the administration of justice and operation of the courts;

(c) Engage in judicial and court staff educational activities regarding topics related to the administration of justice;

(d) Provide guidance to trial courts regarding emergent situations in order to help maintain court operations and services;

(e) Create and maintain forms and guided interviews for use in the trial courts;

(f) Take actions necessary to implement, and ensure compliance with, the administrative orders and rules of the Nevada supreme court throughout the State; and

(g) Undertake other actions as directed by the chief justice to maintain and improve the administration of justice.

7. Court support staff, appellate court staff, and court volunteers who, while performing their duties in good faith, act in compliance with the provisions of this rule are not in violation of the rules of this court.