

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT TO
SUPREME COURT RULE 48.1
REGARDING FEE WAIVERS FOR
PEREMPTORY CHALLENGES

ADKT 0625

FILED

JUN 06 2025

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

ORDER AMENDING SUPREME COURT RULE 48.1

WHEREAS, on May 6, 2025, Kristina Pickering and Lidia S. Stiglich, Justices of the Nevada Supreme Court and Co-Chairs of the Access to Justice Commission, filed a petition to amend Supreme Court Rule (SCR) 48.1 to exempt a party to a proceeding in forma pauperis or via a legal aid program from the peremptory challenge filing fee (currently \$450); and

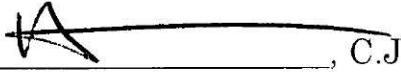
WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on June 4, 2025; accordingly,

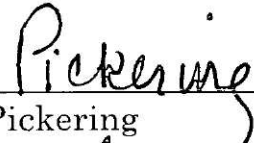
IT IS HEREBY ORDERED that the proposed amendments to the SCR 48.1 shall be adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the amendments to SCR 48.1 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 amendment and publication of the foregoing rules.

Dated this 4 day of June, 2025.


_____, C.J.
Herndon



_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Bell


_____, J.
Stiglich


_____, J.
Cadish


_____, J.
Lee

cc: Richard Dreitzer, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
Legal Aid Center of Southern Nevada
Northern Nevada Legal Aid
Nevada Legal Services
Southern Nevada Senior Law Project
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Douglas County Bar Association
Elko County Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO SUPREME COURT RULE 48.1

Rule 48.1. Procedure for change of judge by peremptory challenge.

1. In any civil action pending in a district court, which has not been appealed from a lower court, each side is entitled, as a matter of right, to one change of judge by peremptory challenge. Each action or proceeding, whether single or consolidated, shall be treated as having only two sides. A party wishing to exercise the right to change of judge shall file a pleading entitled "Peremptory Challenge of Judge." The notice may be signed by a party or by an attorney, it shall state the name of the judge to be changed, and it shall neither specify grounds, nor be accompanied by an affidavit. If one of two or more parties on one side of an action files a peremptory challenge, no other party on that side may file a separate challenge.

2. A notice of peremptory challenge of judge shall be filed in writing with the clerk of the court in which the case is pending and a copy served on the opposing party. The filing shall be accompanied by a fee of \$450, which the clerk shall transmit to the clerk of the supreme ~~court.~~ *court, unless the party is proceeding in forma pauperis, is "a client of a program for legal aid" as defined by NRS 12.015(8), or has otherwise qualified and been accepted for representation through a program for legal aid, in which case no fee will be collected.* The fee shall be collected by the clerk of the supreme court and deposited in the state treasury for the support of the travel and reasonable and necessary expenses of district judges, senior justices and judges, and former justices and judges incurred in the performance of judicial duties, and, thereafter for other expenditures deemed reasonable and necessary by the

supreme court. Within 2 days of the notice of peremptory challenge having been filed, the clerk of the district court shall:

(a) In a judicial district in which there are more than two departments, randomly reassign the case to another judge within the district;

(b) In a judicial district in which there are two or less departments, assign the case to the remaining judge. Alternatively, the presiding judge in the district may request the chief justice to assign the case to a judge of another district.

3. Except as provided in subsection 4, the peremptory challenge shall be filed:

(a) Within 10 days after notification to the parties of a trial or hearing date; or

(b) Not less than 3 days before the date set for the hearing of any contested pretrial matter, whichever occurs first.

4. If a case is not assigned to a judge before the time required for filing the peremptory challenge, the challenge shall be filed:

(a) Within 3 days after the party or his attorney is notified that the case has been assigned to a judge; or

(b) Before the jury is sworn, evidence taken, or any ruling made in the trial or hearing, whichever occurs first.

5. A notice of peremptory challenge may not be filed against any judge who has made any ruling on a contested matter or commenced hearing any contested matter in the action. Except as otherwise provided in subsection 8, a peremptory challenge may not be filed against any judge who is assigned to or accepts a case from the overflow calendar or against a senior or pro tempore judge assigned by the supreme court to hear any civil matter.

6. The judge against whom a peremptory challenge is filed shall not contact any party or the attorney representing any party, nor shall the judge direct any communication to the clerk of the district court with respect to reassignment of the case in which the peremptory challenge was filed.

7. The filing of an affidavit of bias or prejudice without specifying the facts upon which the disqualification is sought, which results in a transfer of the action to another district judge is a waiver of the parties' rights under this rule. A peremptory challenge under this rule is a waiver of the parties' rights to transfer the matter to another judge by filing an affidavit of bias or prejudice without specifying the facts upon which the disqualification is sought.

8. When a senior judge is appointed to hear a trial or dispositive motion more than 30 days prior to the trial or hearing, a party may follow the procedures in this rule to exercise a peremptory challenge to change the senior judge assigned to the trial or hearing. If a senior judge is assigned to such matter less than 30 days before the matter is to be decided, the parties may not exercise a peremptory challenge. A party may exercise one peremptory challenge against a senior judge in addition to the one peremptory challenge against a judge allowed by subsection 1 of this Rule.

9. Notwithstanding the prior exercise of a peremptory challenge, in the event that the action is reassigned for any reason other than the exercise of a peremptory challenge, each side shall be entitled, as a matter of right, to an additional peremptory challenge.