

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF ELECTRONIC
FILING AND SERVICE AND
ELECTRONIC SIGNATURES.

ADKT No. 468

FILED

NOV 15 2011

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
TERRY DEPUTY CLERK

ORDER AMENDING THE MANDATORY E-FILING RULES OF
EIGHTH JUDICIAL DISTRICT COURT RULES

WHEREAS, on September 22, 2011, the Honorable Jennifer P. Togliatti and the Honorable Valorie J. Vega, Judges of the Eighth Judicial District Court, filed a petition in this court seeking amendment of the Eighth Judicial District Court Rules; and

WHEREAS, this court has concluded that amendment of the rules is warranted, accordingly

IT IS HEREBY ORDERED that Rules 8.05 through 8.08 and 8.11 of the Eighth Judicial District Court Rules are amended as set forth in Exhibit A.

IT IS FURTHER ORDERED that the 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 State Bar of Nevada's official publication. The clerk shall publish this order by disseminating copies of it 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 that she has accomplished 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 rules.

Dated this 15th day of November, 2011.

Saitta, C.J.
Saitta

Douglas, J.
Douglas

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Cherry, J.
Cherry

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

cc: Constance Akridge, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Laura Gould, Admissions Director, State Bar of Nevada
All District Court Judges
All District Court Clerks
Administrative Office of the Courts

EXHIBIT A
AMENDMENT TO RULES 8.05 THROUGH 8.08 AND 8.11 OF
THE EIGHTH JUDICIAL DISTRICT COURT RULES

Rule 8.05. Electronic service of pleadings and other documents.

(a) All documents in the E-Filing System will be served through E-Service. Each party who submits an E-Filed document through the E-Filing System consents to electronic service pursuant to NRCP 5(b)(2)(D). An E-Filed document accepted by the Clerk will be electronically served on all parties registered in that case through the E-Filing System.

(b) If the E-Mail message contains notification of the filing, it will contain a resource locator (valid for 60 days from the date of the transmission of the E-Mail message) that will provide access to the E-Document through the Internet for printing or viewing.

(c) The E-Mail message will contain the name and address of all intended recipients of the E-Service notification.

(d) Other than the service of a summons or subpoena, users who register with the electronic filing system are deemed to consent to receive service electronically. A party may also agree to accept electronic service by filing and serving a notice. The notice must include the electronic notification address(es) at which the party agrees to accept service.

(e) Service on nonregistered recipients. The party filing a document must serve nonregistered recipients by traditional means such as mail,

express mail, overnight delivery, or facsimile transmission and provide proof of such service to the court.

(f) The parties must file with the clerk a certificate of service, including a service list indicating the parties to be served. Each party shall maintain a service list, indicating which parties are to be served electronically and which parties are to be served in the traditional manner. Each party is responsible for updating their firm's information in the vendor's service list and the accuracy of their own service list through the vendor's system for each case.

(g) The electronic service of a pleading or other document shall be considered as valid and effective service on all participants and shall have the same legal effect as an original paper document.

~~[(e)]~~ (h) For purposes of NRCP 5, E-Service does not constitute service by mail.

~~[(f)]~~ (i) Proof of Electronic Service must state that the date and time of the electronic service is in place of the date and place of deposit in the mail.

Rule 8.06. Service on parties; time to respond or act.

(a) Except as otherwise provided in paragraph (b) of this rule, notwithstanding any prior Order of this Court, whenever a party has the right or is required to do some act or file same within the prescribed response period after the service of a notice or other paper, other than process, and the notice or paper is electronically served upon the party, three (3) calendar days must be added to the prescribed period.

(b) The three (3) calendar days provided for in paragraph (a) of this rule shall not apply to criminal proceedings due to the necessity of

getting matters on the calendar as quickly as possible as provided for in EDCR 3.20.

(c) This extension shall not extend the time for filing:

- (1) a motion for a new trial;
- (2) a motion to vacate judgment pursuant to NRCP 59; or
- (3) a notice of appeal.

(d) Electronic service is complete at the time of ~~[acceptance of the document by the Clerk]~~ transmission of the service required by Rule 8.05(a). For the purpose of computing time to respond to documents received via electronic service, any document served on a day or at a time when the court is not open for business shall be deemed served at the time of the next opening of the court for business.

Rule 8.07. Requirements for signatures on documents.

(a) Every pleading, document, and instrument filed in the E-Filing System shall be deemed to have been signed by the attorney or declarant and shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, and State Bar of Nevada number of a signing attorney.

(b) Typographical signatures shall be treated as personal signatures for all purposes under the Nevada Revised Statutes. A typographical signature shall be as follows:

/s/ John L. Smith

JOHN L. SMITH

(c) When a document to be filed electronically requires a signature under penalty of perjury, or the signature of a notary public, the ~~document is deemed signed by the notary public if, before filing, the notary public has signed~~ declarant or notary public shall sign a printed form of the document. The printed document bearing

~~[(d) Signatures of notaries and notary stamps may be typed and E-Filed to satisfy signature requirements once the filing party has possession of]~~ the original signatures must be scanned and electronically submitted for filing in a format that accurately reproduces the original signatures and contents of the document.

~~[(e)]~~ (d) When a document, such as a stipulation, requires the signatures of opposing parties and is to be filed electronically ~~requires a signature under penalty of perjury, the document is deemed signed by the declarant if, before filing, the declarant has signed~~, the party filing the document must first obtain signatures of all parties on a printed form of the document. The printed document bearing the original signatures must be scanned and electronically submitted for filing in a format that accurately reproduces the original signatures and contents of the document.

~~[(f)]~~ (e) By electronically filing the document, the electronic filer ~~indicates compliance with the above section of this rule and the original, signed document is available for review and copying at the request of the Court or any party.~~

~~(g) A document that requires]~~ verifies that the signatures ~~[of opposing parties, such as a stipulation, may be electronically filed by typing the names of each signing party, but the filer is~~

~~required to first obtain the original signatures of all opposing parties on a written form of the document]~~ are authentic to the best of the filer's knowledge and belief.

~~[(h)]~~ (f) A party is not required to use a digital signature on an electronically filed document.

~~[(i) At any time after the document is filed, any other party may serve a demand for production of the original signed document. The demand must be served on all other parties, but need not be filed with the Court.~~

~~(j) Within five days of service of the demand, the party on whom the demand is made must make the original signed document available for review and copying by all other parties.]~~

~~[(k)]~~ (g) All documents which bear a ~~[judge's]~~ signature of a judge, hearing master, or commissioner shall be scanned and E-Filed so ~~[the judge's]~~ their original signature will be shown thereon, unless the court provides for electronic signature of electronically issued court documents, in which case that procedure may be followed instead.

Rule 8.08. ~~[Maintenance of original documents.]~~ Official Court record.

(a) ~~[Unless otherwise ordered by the Court, an original paper form of all]~~ For documents that have been electronically filed, the electronic version of the document constitutes the official court record, and electronically filed documents have the same force and effect as documents filed by traditional means. For documents that have been scanned and electronically[, including original

~~signatures, shall be maintained by the filing party for a period of two years after the final resolution of the action, including the final resolution of all appeals. The document shall be made available, upon reasonable notice, for inspection by other counsel or the Court]~~ filed, the electronic form of the documents are the official Court record.

* * *

Rule 8.11. Electronic filing providers.

(a) The Court may contract with one or more electronic service providers to furnish and maintain an electronic filing system for the Court.

(b) The Court shall require parties who wish to electronically file documents with the Court to do so by transmitting their documents to such a provider.

(c) The Court's contract with an electronic filing provider may allow the provider to charge electronic filers a reasonable fee in addition to the Court's filing fee, subject to the restrictions set out in Rule 5(i) of the Nevada Electronic Filing Rules. The contract may also allow the electronic filing provider to make other reasonable requirements for use of the electronic filing system.

(d) Any contract between the Court and an electronic filing provider must acknowledge that the Court is the owner of the contents of the filing system and has the exclusive right to control its use.