

1 NEVADA ELECTRONIC FILING AND CONVERSION RULES
2 Proposed

3 **1. I. General Provisions**

4 **Rule 1. ~~Title.~~** ~~These rules may be known and cited as the~~Citation. ~~The~~
5 Nevada Electronic Filing and Conversion Rules, ~~or~~ may be ~~abbreviated~~cited as
6 NEFCR.

7 **Rule 2. Definitions of words and terms.**

8 (a) AOC. “AOC” means the Administrative Office of the Courts.

9 (b) Case management system. ~~An~~A “case management system” is an
10 electronic database that is maintained by the court or clerk and used to track
11 information ~~used~~related to ~~manage~~ the court’s caseload, such as case numbers, party
12 names, attorneys for parties, titles of all documents filed in a case, and all scheduled
13 events in a case.

14 ~~(b) Conversion.~~ ~~The~~ (c) Clerk. “Clerk” means the clerk of a court that
15 has implemented an electronic filing system, a conversion system, or both.

16 (d) Conversion. “Conversion” is the process of changing court records from
17 one medium to another or from one format to another, including, but not limited to,
18 the following:

- 19 (1) Changing paper records to electronic records;
- 20 (2) Changing microfilm to electronic records;
- 21 (3) Changing electronic records to microfilmed records; or
- 22 (4) Changing paper records to microfilmed records.

23 (ee) Document management system. ~~An.~~ A “document management
24 system” is an electronic database containing documents in electronic form and

1 structured to allow access to documents based on index fields such as case number,
2 filing date, type of document, etc.

3 **(df) Electronic case.** An “electronic case” is one in which the documents are
4 electronically stored and maintained by the court or clerk, whether the documents
5 were electronically filed or converted to an electronic format. ~~The court’s~~ electronic
6 ~~version of the~~ document in the official court record is deemed to be the original.

7 **(eg) Electronic document.** An “electronic document” includes the
8 electronic form of pleadings, notices, motions, orders, paper exhibits, briefs,
9 judgments, writs of execution, and other papers. Unless the context requires
10 otherwise, the term “document” in these rules refers to an electronic document.

11 ~~—— (f) Electronic filing. “Electronic filing” is the electronic transmission to or~~
12 ~~from a court or clerk of a document in electronic form as defined by the accepting~~
13 ~~court; it does not include submission via e-mail, fax, computer disks, or other~~
14 ~~electronic means.~~

15 ~~—— (g) Electronic filing (h) Electronic filing service provider.~~ An
16 “electronic filing service provider” or “service provider” is a person or entity ~~that~~
17 receives authorized under these rules to furnish and maintain an EFS or to receive
18 an electronic document from a ~~party~~person for ~~re-transmission to the court for filing.~~
19 In submission of such filings, the electronic filing to an EFS. When submitting
20 documents, a service provider does so on behalf of the ~~electronic~~ filer and not as an
21 agent of the court.

22 **(hi) Electronic filing system.** ~~“Electronic.~~ An “electronic filing system” or
23 “EFS” is a system implemented or approved by a court for electronic submission,
24 filing and service of pleadings, motions, and ~~other documents via the Internet.~~

1 ~~(i) **Electronic** service. “Electronic of documents. The term includes an EFS~~
2 ~~operated by a service” is the electronic transmission of a document to a party,~~
3 ~~attorney, or representative under these rules. Electronic service does not include~~
4 ~~service of process or a summons to gain jurisdiction over persons or property~~
5 ~~provider.~~

6 ~~(j) (j) **Electronic service.** “Electronic service” is the service of a~~
7 ~~document via an EFS under Rule 9.~~

8 ~~(k) **Filing.** “Filing” is the clerk’s placement of an electronic document into~~
9 ~~the official court record after submission of the document to an EFS and the clerk’s~~
10 ~~acceptance of the document under these rules.~~

11 ~~(l) **Filer.** A “filer” is a person who submits a document to an EFS for~~
12 ~~electronic filing or service or both.~~

13 ~~(m) **Public access terminal.** AA “public access terminal” is a computer~~
14 ~~terminal provided by the court or clerk for viewing publicly accessible electronic~~
15 ~~documents in the official court recordsrecord. The public access terminal must be~~
16 ~~available during the court’s normal business hours.~~

17 ~~(kn) **Registered user.** AA “registered user” or “user” is a person authorized~~
18 ~~by the court or a service provider to utilize an EFS.~~

19 ~~(o) **Serve by traditional means.** “Serve by traditional means” is the~~
20 ~~service of a document by any means authorized under JCRCP 5, NRCP 5, or NRAP~~
21 ~~25, as applicable, other than electronic service through an EFS.~~

22 ~~(p) **Submission.** “Submission” is the electronic transmission of a document~~
23 ~~by a filer to an EFS by an authorized electronic filing service provider to access a~~
24 ~~court’s means; it does not include transmission via e-mail, fax, computer disks, or~~

1 ~~other unauthorized~~ electronic ~~filing system via the Internet~~ means.

2 **Rule 3. Purpose, scope, and application of rules.**

3 (a) **Purpose and scope.** These rules establish statewide policies and
4 procedures governing ~~the electronic filing~~ any EFS and conversion ~~processes~~ systems
5 in all the courts in Nevada. ~~These rules cover the practice and procedure in all actions~~
6 ~~in the district, justice, and municipal courts of this state where no local rule covering~~
7 ~~the same subject has been approved by the supreme court.~~ A court may adopt local
8 rules detailing the specific procedures for ~~electronic filing~~ an EFS or conversion
9 ~~process~~ system to be ~~followed~~ used in that court, provided that the local rules are
10 not inconsistent with these rules.

11 (b) **Application of rules.** These rules must be construed liberally to secure
12 the proper and efficient administration of the business and affairs of the court and
13 to promote and facilitate the administration of justice by the court.

14 **Rule 4. Implementation of ~~electronic filing or an EFS, a conversion~~**
15 **~~process~~ system, or both.**

16 (a) **Establishment of ~~electronic filing system~~ an EFS.** A ~~district, justice~~
17 ~~or municipal~~ court may establish ~~a system for the electronic submission of documents~~
18 ~~provided~~ an EFS that ~~the system developed~~ meets the minimum requirements set
19 forth in these rules. A court may allow voluntary use of an EFS or impose mandatory
20 use of an EFS.

21 (b) **Mandatory electronic ~~processes~~ filing.** A court may mandate use of
22 ~~electronic filing processes~~ an EFS in all cases or a particular type of case only if: (1)
23 the court provides ~~a free electronic filing process~~ access to and use of the EFS or a
24 mechanism for waiving ~~electronic~~ fees in appropriate circumstances; (2) the court

1 allows for the exceptions needed to ensure access to justice for indigent, disabled, or
2 self-represented litigants; (3) the court provides adequate advanced notice of the
3 mandatory participation requirement; and (4) the court provides training for filers
4 in the use of the process. In addition, a judge may require participation in ~~the~~
5 ~~electronic filing system~~ an EFS in appropriate cases.

6 ~~—(e) Voluntary electronic processes. A court must ensure that all~~
7 ~~documents filed by electronic means or converted to electronic format are maintained~~
8 ~~in electronic form. In voluntary electronic processes, the court must~~ (c)

9 Conversion of Paper Documents. A court that establishes an EFS may
10 prospectively, retroactively, or both, convert filed paper documents and store and
11 maintain them electronically.

12 (d) **Quality control procedures.** A court must institute a combination of
13 automated and human quality control procedures sufficient to ensure the accuracy
14 and reliability of their electronic records ~~system.~~ systems, including any EFS and
15 case or document management system.

16 (e) **Integration ~~with~~ between case management and document**
17 **management systems.** Electronic documents should be ~~accessed~~ accessible
18 through a court's case management ~~information~~ system. ~~A court's~~ The case
19 management ~~information~~ system must provide an application programming
20 interface capable of accommodating any ~~electronic filing~~ EFS or conversion
21 application that complies with these rules and should also provide automated
22 workflow support. As used in this subsection, “automated workflow support” refers
23 to a configurable set of rules and actions to route documents through a user-defined
24 business process.

1 (f) **Archiving electronic documents.** ~~A court must maintain forward~~
2 ~~migration processes in order to:~~

3 (1) ~~Assure~~A court must maintain forward migration processes in order
4 to:

5 (A) assure future access to electronic ~~court~~-documents so that the
6 documents can be understood and used; and

7 ~~(2) Ensure~~ (B) ensure that the content, context, and format of
8 ~~electronieth~~e documents will not be altered as a result of the migration.

9 (2) Verification techniques should be used to confirm record integrity
10 after the migration, and a test restoration of data should be performed to verify the
11 success of the migration and to ensure that the records are still accessible. Electronic
12 records should be checked at regular ~~time~~-intervals pursuant to specific policies and
13 procedures established by the court administrator or designee.

14 **Rule 5. ~~Electronic filing EFS and conversion~~ system requirements.** Any
15 ~~system for the electronic submission~~EFS or conversion ~~of documents adopted by a~~
16 ~~district, justice or municipal courts~~system must conform to the following minimum
17 requirements:

18 (a) **Technical requirements.** A court must comply with any
19 ~~Administrative Office of the Courts (AOC)~~ technical standards ~~for electronic filing~~
20 ~~processes. The electronic filing~~concerning an EFS or conversion system that may be
21 adopted. An EFS must support text searches wherever ~~practicable~~possible.

22 (b) **Electronic viewing.** ~~Electronic filing processes adopted by a court~~An
23 EFS must presume that all users will view documents on their computer screens.
24 Paper copies are to be available on demand, but their production will be exceptional,

1 not routine.

2 (c) **Document format.**

3 (1) Electronic documents must be submitted in or converted to a
4 nonproprietary format ~~that is~~ determined by the court ~~and that~~;

5 (A) can be rendered with high fidelity to originals ~~and~~;

6 (B) is easily accessible by the public. ~~When possible, the~~
7 ~~documents should be; and~~

8 (C) is searchable and tagged. ~~Software when possible.~~

9 (2) The software necessary to read and capture electronic documents in
10 the required formats must be available for free ~~for use and~~ viewing at the courthouse
11 and available free or at a reasonable cost for remote access and printing.

12 (d) ~~Self-contained documents. Each filed document must be self-~~
13 ~~contained, with links only to other documents submitted simultaneously or already~~
14 ~~in the court record.~~

15 ~~(e) Data accompanying submitted documents.~~

16 (1) Filers submitting documents for ~~electronic~~ filing must
17 ~~transmit~~ include data ~~identifying needed to identify:~~

18 (A) the document submitted;

19 (B) the filing party; and

20 (C) sufficient ~~other information~~ additional data necessary for filing
21 the entry document in the court's docket or register of actions. ~~In the case of~~

22 (2) If a document ~~initiating~~ initiates a new case, sufficient ~~other~~
23 ~~information~~ additional data must be included to create a new case in the ~~court's~~ case
24 management ~~information~~ system.

1 (3) This data may be specified with particularity by the court receiving
2 the document.

3 (fe) **Identity of the sender.** A court or ~~an authorized e-filing~~ service
4 provider must use some means to identify persons interacting with ~~its electronic~~
5 ~~filing system~~ an EFS.

6 (gf) **Integrity of transmitted and filed documents and data.** A court
7 must maintain the integrity of ~~transmitted~~ submitted documents and data, and
8 documents and data contained in official court files, by complying with current
9 Federal Information Processing Standard 180-~~2-4~~ or its successor. Nothing in this
10 rule prohibits a court or clerk from correcting docketing information errors in
11 documents submitted, provided that a record of such changes is maintained,
12 including the date and time of the change and the person making the change.

13 (hg) **Electronic acceptance of payments.** A court may establish a means
14 to accept payments of fees, fines, surcharges, and other financial obligations
15 electronically, including the processing of applications to waive fees. Any such
16 system developed must include auditing controls consistent with generally accepted
17 accounting principles and comply with any AOC technical standards that may be
18 adopted.

19 (ih) **Surcharges ~~for electronic filing~~.** Mandatory ~~electronic filing~~
20 ~~processes~~ use of an EFS should be publicly funded to eliminate the need to impose
21 surcharges for filing of or access to electronic documents. A court may, however,
22 impose such surcharges or use a ~~private vendor~~ service provider that imposes
23 surcharges when sufficient public funding is not available. Such surcharges must be
24 limited to recouping the marginal costs of supporting ~~electronic filing processes~~ an

1 ~~EFS~~, if collected by the court, or to a reasonable ~~level~~ amount, if ~~imposed~~ collected by
2 a ~~private vendor-service provider~~. Collection of surcharges by a ~~private vendor-service~~
3 ~~provider~~ must be audited annually to ensure that the fee charged is reasonable and
4 is properly assessed. The court must also require, at a minimum, a biennial periodic
5 performance audit ~~assessing to~~ assess the ~~vendor's service provider's~~ system
6 ~~for~~ regarding adequate service to the court, ~~the public attorneys~~, and the ~~bar~~ public,
7 including the accuracy and authenticity of data produced, stored or transmitted by
8 the ~~vendor-service provider~~, the reliability of the hardware and software used by the
9 ~~vendor-service provider~~, the integrity and security of the ~~vendor's service provider's~~
10 system, the timeliness of access to documents and other data produced, stored, or
11 transmitted by the ~~vendor-service provider~~, and the ~~vendor's service provider's~~
12 compliance with Nevada law requiring the safeguarding of personal information. The
13 audit may be performed by internal staff or by external experts.

14 **(j) Court control over court documents.**

15 (1) The ~~original~~ official court record of electronic documents must be
16 stored on hardware owned and controlled by the court system or other governmental
17 entity providing information technology services to the court.

18 (2) ~~Whenever copies~~ Copies of a court's electronic documents ~~may~~ reside
19 on hardware owned or controlled by an entity other than the court, ~~if~~ the court ~~must~~
20 ~~ensure~~ ensures, by contract or other agreement, that ownership of, and the exercise
21 of dominion and control over, the documents remains with the court or clerk ~~of the~~
22 ~~court~~.

23 (3) All inquiries for court documents and information must be made
24 against the current, complete, accurate ~~official~~ court record.

1 (4) Court documents stored by an outside ~~vendor or~~ entity cannot be
2 accessed or distributed absent written permission of the court.

3 **(kj) Special needs of users.** In developing and implementing ~~electronic~~
4 ~~filingan EFS~~, a court must consider the needs of indigent, self-represented, non-
5 English-speaking, or illiterate persons and the challenges facing persons lacking
6 access to or skills in the use of computers.

7 **(lk) Limiting access to specified documents and data.** ~~A court's~~
8 ~~electronic filing system~~Any EFS and case and document management systems must
9 contain the capability to restrict access to specific documents and data in accordance
10 with the applicable statutes, rules, and court orders.

11 **(ml) System security.** ~~A court's electronic filing~~Any EFS and ~~records~~case
12 ~~and document~~ management ~~systems~~systems must include ~~robust~~adequate security
13 features to ensure the integrity, accuracy, and availability of the information
14 contained in ~~them. They~~those systems.

15 (1) The security features should include, at a minimum, ~~;~~:

16 (A) document redundancy;

17 (B) authentication and authorization features;

18 (C) contingency and disaster recovery;

19 (D) system audit logs;

20 (E) secured system transmissions;

21 (F) privilege levels restricting the ability of users to create, modify,
22 delete, print, or read documents and data;

23 (G) means to verify that a document purporting to be a court record
24 is in fact identical to the official court record; and ~~reliable and secure archival storage~~

1 of electronic records in inactive or closed cases. System documentation should include
2 the production and maintenance of written policies and procedures, on-going testing
3 and documentation as to the reliability of hardware and software, establishing
4 controls for accuracy and timeliness of input and output, and creation and
5 maintenance of comprehensive system documentation.

6 2 _____ (H) reliable and secure archival storage of electronic records in
7 inactive or closed cases.

8 _____ (2) System documentation should include:

9 _____ (A) the production and maintenance of written policies and
10 procedures;

11 _____ (B) on-going testing and documentation as to the reliability of
12 hardware and software;

13 _____ (C) establishing controls for accuracy and timeliness of input and
14 output; and

15 _____ (D) creation and maintenance of comprehensive system
16 documentation.

17 **II. Filing and Service of Documents**

18 **Rule 6. Official court record.**

19 (a) **Electronic documents.** For documents that have been electronically
20 filed or converted, the electronic ~~version of the document constitutes~~documents are
21 the official court record, and ~~electronically filed~~electronic documents have the same
22 force and effect as documents filed by traditional means.

23 (b) **Form of record.** The ~~court~~ clerk may maintain the official court record
24 of a case in electronic format or in a combination of electronic and traditional formats

1 consistent with ~~Rules 4(b), (e), and (f) above.~~Rule 4. Documents submitted by
2 traditional means may be converted to electronic format and made part of the
3 electronic record. Once a document is electronically filed or converted, the electronic
4 ~~form of the documents are~~document is the official court record and the court must
5 maintain the document in electronic form. If exhibits are submitted, the clerk may
6 maintain the exhibits by traditional means or by electronic means where
7 appropriate.

8 (c) **Retention of original documents after conversion.** When
9 conversion of a court record is undertaken with sufficient quality control measures
10 ~~taken~~ to ensure an accurate and reliable reproduction of the original, the court may,
11 but is not required to, retain the original version of the record for historical reasons
12 or as a preservation copy to protect against harm, injury, decay, or destruction of the
13 converted record.

14 (d) **Exceptions to document destruction.** The following documents may
15 not be destroyed by the court after conversion to electronic format, unless otherwise
16 permitted by statute, court rule, or court order:

- 17 (1) Original wills;
- 18 (2) Original deeds;
- 19 (3) Original contracts;
- 20 (4) Court exhibits (see NRS 3.305, NRS 3.307, and the Protocol for
21 Storage, Retention, and Destruction of Evidence); and
- 22 (5) Any document or item designated in writing by a judge to be
23 inappropriate for destruction because the document or item has evidentiary, historic,
24 or other intrinsic value.

1 **Rule 7. Documents that may be filed electronically.**

2 (a) **General.** A court may permit ~~electronic filing~~the use of an EFS or
3 conversion of a document in any action or proceeding unless these rules or other legal
4 authority expressly prohibit ~~electronic filing~~using an EFS or conversion.

5 (b) **Exhibits and real objects.** Exhibits or documents which ~~otherwise may~~
6 ~~not~~cannot be viewed comprehensibly ~~viewed in,~~ or converted to, an electronic format
7 must be filed, stored, and served ~~conventionally~~by traditional means.

8 (c) **Court documents.** The court may electronically file, convert, or issue
9 any notice, order, minute order, judgment, or other document prepared or approved
10 by the court.

11 **Rule 8. Time of filing, confirmation, rejection, and endorsement.**

12 (a) **Filed upon transmissionsubmission.**

13 (1) In General. Subject to acceptance by the ~~court~~ clerk and except as
14 provided in these rules, any document electronically submitted for filing shall be
15 considered filed within the ~~court~~ when the transmissiondate of submission.

16 (2) Notice to the ~~court's electronic filing system or an authorized~~
17 electronic filing service provider is completed. **Electronic Filer.** Upon receipt of
18 the ~~transmitted~~submitted document, the ~~electronic filing system or electronic filing~~
19 ~~service provider~~EFS must automatically confirm to the ~~electronic~~ filer that the
20 transmissionsubmission of the document was completed and the date and time of the
21 document's receipt. Absent confirmation of receipt, there is no presumption that the
22 ~~court~~EFS received ~~and filed~~ the document. The ~~electronic~~ filer is responsible for
23 verifying that the ~~court~~EFS received ~~and filed~~ the document ~~transmitted~~submitted.

24 (b) **Review by clerk.**

1 (1) In General. The ~~court~~ clerk may review the document to
2 determine whether it conforms with applicable filing requirements.

3 (2) Acceptance; Notice. If the clerk accepts and files the document,
4 the EFS must send notice to the filer and to all registered users on the case informing
5 them that the document was filed and providing them access to the filed document.

6 (3) Rejection; Notice. If the clerk rejects the document for filing
7 because it does not comply with applicable filing requirements or because the
8 required filing fee has not been paid, the ~~court~~EFS must ~~promptly~~ send notice to the
9 ~~electronic filer,~~ and to all registered users on the case informing them that the
10 document was rejected. The notice to the filer must set forth the reasons ~~the~~
11 ~~document was rejected for filing. Notification that the clerk has accepted that~~ the
12 document ~~for filing is not required~~was rejected.

13 (c) **Endorsement.** Electronic documents accepted for filing must be
14 endorsed. The ~~court's~~clerk's endorsement of an electronic document ~~electronically~~
15 ~~filed~~ must contain the following: "Electronically Filed/Date and Time/Name of
16 Clerk." This endorsement has the same force and effect as a manually affixed
17 endorsement stamp of the clerk ~~of the court.~~

18 (d) **Time of filing.** ~~—.~~

19 (1) Accepted Submissions.

20 (A) Any document electronically submitted ~~for filing~~ by 11:59 p.m.
21 at the court's local time shall be deemed to be filed on that date, so long as it is
22 accepted by the clerk upon review.

23 (B) For any questions of timeliness, the date and time registered
24 by the EFS when the document was electronically submitted will be determinative.

1 (C) The date and time registered by the EFS when the document
2 was electronically submitted will serve as the filing date and time for purposes of
3 meeting any statute of limitations or other filing deadlines, even if the document is
4 placed into a queue for processing and accepted and filed by the clerk at a later date.

5 (2) **Rejected Submissions.**

6 (A) If a document submitted electronically is rejected by the clerk,
7 the filer may correct the deficiencies and resubmit the document for filing.

8 (B) If the filer resubmits the document within two days of the
9 rejection, the resubmission shall relate back to the date and time of the original
10 submission, and questions of timeliness shall be determined by reference to the date
11 and time of the original submission.

12 (C) If the filer resubmits the document at a later date, questions
13 of timeliness shall be determined by reference to the date and time of the
14 resubmission. The filer may file a motion with the court seeking to use the date and
15 time of the original submission, which the court may grant upon a showing of good
16 cause.

17 (e) **Availability of ~~electronic filing process.~~**—The court's electronic filing
18 system **an EFS.** An EFS must allow ~~the electronic~~ submission of documents during
19 the court's regular business hours and should allow ~~the electronic~~ submission of
20 documents 24 hours per day, 7 days per week, except when the system is down for
21 scheduled maintenance.

22 **Rule 9. Electronic service.**

23 (a) **Applicability.** ~~Electronic service~~ Service of documents under these rules
24 is limited to those documents permitted to be served ~~by mail, express mail, overnight~~

1 ~~delivery~~electronically under JCRCP 5, NRCP 5, or facsimile transmission.NRAP 25,
2 as applicable. A complaint, petition or other document that must be served with a
3 summons, and ~~athe~~ summons, or a subpoena under JCRCP 4 or 45, NRCP 4 or 45,
4 or any statute, cannot be served ~~electronically~~through an EFS.

5 (b) **Service on registered users.** When a document is electronically
6 ~~filed,submitted, an EFS must, at the court or authorized electronic filing service~~
7 ~~provider must provide~~same time that notice is sent to the filer under Rule 8(a)(2),
8 send notice to all registered users on the case that a document has been
9 ~~filed~~submitted and is available on the ~~electronic service system~~ document repository.
10 The notice must be sent by e-mail to the addresses furnished by the registered users
11 under Rule 13(c). This notice shall be considered as valid and effective service of the
12 document on the registered users and shall have the same legal effect as service of a
13 paper document. Nothing in this rule alleviates the obligation of a party to provide
14 proof of service. A court is not required to make a document available on the docket
15 until after the clerk has reviewed~~and,~~ endorsed, and filed the document.

16 (c) **Consent to electronic service.** ~~Other than service of a summons or~~
17 ~~subpoena,Registered~~ users ~~who register with the electronic filing system of an EFS~~
18 are deemed to consent to receive electronic service ~~electronically~~from the EFS. A
19 party ~~may also agree~~who wishes to ~~accept~~receive electronic service ~~by filing and~~
20 ~~serving a notice. The notice must include~~from the ~~electronic~~EFS, but who is not
21 represented by a registered user, may:

22 (1) if the party or its attorney is authorized to register with the EFS,
23 register with the EFS; or

24 (2) if the party or its attorney is not authorized to register with the EFS,

1 file and serve a notice that includes the notification e-mail address(es) at which the
2 party agrees to accept electronic service from the EFS.

3 (d) **Service on ~~nonregistered recipients~~.** ~~The party filing parties not~~
4 receiving electronic service. If a party is not receiving electronic service from
5 an EFS, the filer must serve each submitted document ~~must serve nonregistered~~
6 ~~recipients~~ and the clerk's notice of acceptance and filing or rejection of the document
7 on the party by traditional means ~~such as mail, express mail, overnight delivery, or~~
8 ~~facsimile transmission and provide proof of such service to the court~~.

9 (e) **Service list.** The parties must provide the clerk with a service list
10 indicating the parties to be served on a case. The clerk shall maintain the service
11 list, indicating which parties are to ~~be served electronically~~ receive electronic service
12 from the EFS and which parties are to be served ~~in the~~ by traditional ~~manner~~ means.

13 (f) **Time of service; time to respond.** Electronic service is complete ~~at the~~
14 ~~time of transmission of when an EFS sends~~ the notice required by ~~subsection Rule~~
15 ~~9(b) of this rule. For the purpose of computing~~. The time to respond to ~~documents~~
16 ~~received via electronic service, any a~~ document served ~~on a day or at a time when the~~
17 ~~court is not open for business via an EFS~~ shall be ~~deemed served at~~ computed under
18 JCRCP 6, NRCP 6, or NRAP 26, as applicable, from the date of service stated in the
19 proof of service, which must be the date on which the ~~time of~~ document was submitted
20 to the next opening of EFS. An additional 3 days ~~must not be added to~~ the ~~court for~~
21 business time to respond.

22 **Rule 10. Payment of filing fees.**

23 (a) **Filing fees.** The ~~court~~ clerk is not required to accept electronic
24 documents that require a fee: via an EFS or other electronic means. If the clerk does

1 accept ~~electronic~~ documents that require a fee, the court may permit the use of credit
2 cards, debit cards, electronic fund transfers, or debit accounts for the payment of
3 filing fees associated with electronic filing. A court may also authorize other methods
4 of payment consistent with any AOC guidelines that may be adopted.

5 (b) **Waiver of fees.** Anyone entitled to waiver of ~~nonelectronic filing fees will~~
6 ~~not be charged non-~~electronic filing fees will not be charged fees when using an EFS.
7 The court or clerk shall establish an application and waiver process consistent with
8 the application and waiver process used with respect to ~~nonelectronic~~non-electronic
9 filing and filing fees.

10 **Rule 11. Signatures and authenticity of documents.**

11 (a) **Deemed signed.** Every document electronically ~~filed~~submitted or
12 served shall be deemed to be signed by the registered user submitting the document.
13 Each document must bear that person's name, mailing address, e-mail address,
14 telephone number, law firm name, and bar number where applicable. ~~Where~~If a
15 statute or court rule requires a signature at a particular location on a form, the
16 person's typewritten name shall be inserted. Otherwise, a facsimile, typographical,
17 or digital signature is not required.

18 (b) **Documents under penalty of perjury or requiring signature of**
19 **notary public.**

20 (1) Documents required by law to include a signature under penalty of
21 perjury, or the signature of a notary public, may be submitted electronically,
22 provided that the declarant or notary public has signed a printed form of the
23 document. The printed document bearing the original signatures must be scanned
24 and ~~electronically~~ submitted for filing in a format that accurately reproduces the

1 original signatures and contents of the document.

2 (2) By ~~electronically filingsubmitting~~ the document, the ~~electronic~~ filer
3 attests that the documents and signatures are authentic.

4 (c) **Documents requiring signatures of opposing parties.**

5 (1) When a document to be filed electronically, such as a stipulation,
6 requires the signatures of opposing parties, the party ~~filingsubmitting~~ the document
7 must first obtain the signatures of all parties on a printed form of the document.

8 (2) The printed document bearing the original signatures must be
9 scanned and ~~electronically~~ submitted ~~for filing~~ in a format that accurately reproduces
10 the original signatures and contents of the document.

11 (3) By ~~electronically filingsubmitting~~ the document, the ~~electronic~~ filer
12 attests that the documents and signatures are authentic.

13 (d) **Signature of judicial officer or clerk.** Electronically issued court
14 documents requiring a court official's signature may be signed electronically. A court
15 using electronic signatures on court documents must adopt policies and procedures
16 to safeguard such signatures and comply with any AOC guidelines for electronic
17 signatures that may be adopted.

18 (e) **Rules applicable to electronic filers.** ~~An electronic~~

19 ~~(1) A~~ filer must retain the original version of ~~any~~ document,
20 attachment, or exhibit that was ~~filedsubmitted~~ electronically, ~~and this retention~~
21 ~~must continue~~ for a period of 7 years ~~after termination offrom~~ the ~~earlier of:~~

22 ~~(A) any notice of entry of the withdrawal from~~ representation of
23 the party on whose behalf the document was filed-;

24 ~~(B) any other termination of representation of the party on whose~~

1 behalf the document was filed; or

2 (C) final resolution of the case, including any appeals.

3 (2) During the period that the ~~electronic~~ filer retains the original of a
4 document, attachment, or exhibit, the court may require the ~~electronic~~ filer to
5 produce the original ~~of the~~ document, attachment, or exhibit that was ~~filed~~submitted
6 electronically.

7 **Rule 12. Format of documents.**

8 (a) An electronic document shall, to the extent practicable, be formatted in
9 accordance with the applicable rules governing formatting of paper pleadings and
10 other documents, including page limits. ~~Electronic documents must be self-contained~~
11 ~~and must not contain hyperlinks to external papers or websites. Hyperlinks to papers~~
12 ~~filed in the case are permitted.~~

13 (b) Electronic documents must be self-contained.

14 (c) Electronic documents may contain hyperlinks to other portions of the same
15 document and to a location on the Internet that contains a source document for a
16 citation.

17 (1) Hyperlinks to cited authority may not replace standard citation
18 format. Complete citations must be included in the text of the filed document. The
19 submitting party is responsible for the availability and functionality of any
20 hyperlink, and should consider to what databases or electronic information services
21 the court and the other parties may have access before including hyperlinks in a
22 document.

23 (2) Neither a hyperlink nor any site to which it refers will be considered
24 part of the official record. Hyperlinks are simply convenient mechanisms for

1 accessing material cited in a filed document. If a party wishes to make any
2 hyperlinked material part of the record, the party must attach the material as an
3 exhibit.

4 (3) The court neither endorses nor accepts responsibility for any
5 product, organization, or content at any hyperlinked site, or at any site to which that
6 site may be linked.

7 **Rule 13. Registration requirements.**

8 (a) **Registration mandatory.** All users of ~~a court's electronic filing~~
9 ~~system~~ EFS must register in order to access the ~~electronic filing system over the~~
10 ~~Internet~~ EFS. A court must permit the following users to register: (1) licensed Nevada
11 attorneys; (2) non-Nevada attorneys permitted to practice in Nevada under Supreme
12 Court Rule 42; and (3) litigants appearing in proper person in ~~a particular~~ any case
13 in which the court has mandated electronic filing. A court must permit ~~users~~ persons
14 who are not ~~authorized registered users~~ to access ~~the court's electronic filing system~~
15 ~~over the Internet to access electronically filed or converted~~ documents via a public
16 access terminal located in the courthouse.

17 (b) **Registration requirements.** A court must establish registration
18 requirements for all ~~authorized registered~~ users ~~and must limit the registration of an~~
19 ~~EFS. Registered~~ users ~~to~~ must be individuals, ~~and may not be~~ law firms, agencies,
20 corporations, or other groups. The court must assign to ~~the~~ each user a confidential,
21 secure log-in sequence. The log-in sequence must be used only by the user to whom
22 it is assigned and by such agents and employees as the user may authorize. No user
23 shall knowingly permit his or her log-in sequence to be used by anyone other than
24 his or her authorized agents and employees.

1 (c) **Electronic mail address required.** Registered users must
2 ~~furnish~~provide one or more ~~electronic e-mail~~ addresses ~~that the court and any~~
3 ~~authorized electronic service provider~~to which an EFS will ~~use to~~ send ~~notice of~~
4 ~~receipt and confirmation of~~notices regarding submission, service, filing, and
5 rejection. It is the user's responsibility to ensure that the ~~court~~EFS has the correct
6 ~~electronic e-mail~~ address.

7 (d) **Misuse or abuse of the ~~electronic filing system~~EFS.** Any user who
8 attempts to ~~harm~~damage or interfere with the ~~court's electronic filing system~~EFS in
9 any manner or attempts to alter documents or information stored on the system has
10 committed misuse ~~of the system.~~ Any unauthorized use of the system is abuse.
11 Misuse or abuse may result in loss of a user's registration or ~~be subject~~reference of
12 the user to the Office of the Bar Counsel for the Nevada State Bar and will subject
13 the user to any other penalty that may be imposed by the court.

14 **Rule 14. Access to electronic documents; confidential information.**

15 (a) **Electronic access.** Except as provided in these rules, a court must
16 provide registered users ~~in~~who are parties or attorneys on a case with access to
17 electronic documents in the case to the same extent it provides access to paper
18 documents. ~~Electronic access to such documents is required for registered users who~~
19 ~~are parties or attorneys on a case.~~ A court may provide electronic access to other
20 registered users who are not parties or attorneys on that case.

21 (b) **Confidential records.** The confidentiality of electronic records is the
22 same as for paper records. ~~A court's electronic filing system~~An EFS must permit
23 access to confidential information only to the extent provided by law. No person in
24 possession of a confidential electronic record shall release the information to any

1 other person unless provided by law.

2 (c) **Identification of confidential documents.** The ~~filing party~~filer must
3 identify documents made confidential by statute, court rule, or court order. The
4 ~~electronic filing system~~EFS shall make ~~the~~that document available ~~only to registered~~
5 ~~users and~~ only as provided by law.

6 (d) **Protection of personal information.** ~~A document containing personal~~
7 ~~information~~ (1) Personal information ~~as is~~as defined by NRS 603A.040 ~~shall be so~~
8 ~~designated by the party filing the~~.

9 ~~(2) In general, under NRS 239B.030 and the Nevada Rules for Sealing~~
10 ~~and Redacting Court Records (SRCR), any document~~ submitted to an EFS must not
11 contain any personal information or, if it does, the personal information must be
12 redacted.

13 ~~(3) If a paper is designated as~~filer must submit an unredacted document
14 containing personal information, ~~only to an EFS, the filer may submit documents~~
15 under temporary seal pending court approval of the filer's motion to seal if the EFS
16 permits such documents to be submitted electronically. The filer must also comply
17 with the SRCR and any local rules regarding sealing documents. An EFS may permit
18 registered users ~~for the~~on a case ~~may to~~ access ~~the paper electronically. The document~~
19 ~~will remain available for public inspection at the courthouse and view a sealed~~
20 document electronically, unless otherwise sealedordered by the court.

21 ~~(4) A court may sanction a filer for disclosing personal information in~~
22 violation of NRS 239B.030 or held confidential by law. the SRCR.

23 ~~(5) The clerk is not required to review each paper for personal~~
24 information or for the redaction of personal information.

1 (e) Other Confidential Information; Temporary sealing ~~Sealing~~ of
2 ~~documents.~~ Documents. A filer may seek to have other information ~~not~~
3 ~~made confidential~~ or documents sealed under the SRCR by ~~statute, court rule, or~~
4 ~~court order, users may electronically submit~~ submitting documents under temporary
5 seal pending court approval of the user's motion to seal, if an EFS permits such
6 documents to be submitted electronically.

7 **Rule 15. System errors, conversion errors, or user filing errors.**

8 (a) **Failure of ~~electronic filing or service~~ an EFS.** When
9 ~~electronic submission, filing or, service, conversion, or any other EFS function~~ does
10 not occur due to technical problems, the ~~court~~ clerk may correct the problem.

11 Technical problems include:

12 (1) ~~An~~ an error in the ~~transmission~~ submission of the document to the
13 ~~electronic filing system~~ EFS or ~~served to another~~ party that was unknown to the
14 ~~sending~~ party submitting the document;

15 (2) ~~A~~ a failure to process the ~~electronic~~ document when received by the
16 ~~electronic filing system~~ EFS;

17 (3) ~~Erroneous~~ erroneous exclusion of a party from the service list; ~~or~~

18 (4) ~~A~~ a technical problem experienced by the filer with the ~~electronic~~
19 ~~filing system~~ EFS; or

20 (5) ~~A~~ a technical problem experienced by a court employee with respect
21 to the processing of a ~~converted~~ document.

22 (b) **Time of filing of delayed transmission.**

23 (1) Unless the technical failure prevents timely submission or filing or
24 affects jurisdiction, the court must deem a filing document received on the day date

1 when the filer can satisfactorily demonstrate that he or she attempted to ~~file or~~
2 ~~serve~~submit the document. ~~The time for response is calculated from the time to~~
3 ~~document is correctly transmitted.~~ EFS.

4 (2) When the technical failure prevents timely ~~submission or filing~~ or
5 affects jurisdiction, the ~~issue shall come before the court upon notice~~ ~~filer may file a~~
6 ~~motion seeking to use the date and opportunity~~ ~~time on which the filer initially~~
7 ~~attempted~~ to ~~be heard~~ ~~submit the document to the EFS.~~ The court may, upon
8 satisfactory proof, enter an order permitting the document to be filed as of the date
9 and time ~~it was of the~~ first ~~attempted to be sent electronically~~ ~~attempt to submit it to~~
10 the EFS.

11 (3) When a technical failure occurs, the time to respond to a document
12 served through the EFS is calculated from the date on which the document was
13 correctly served under Rule 9(b). The court may extend the time to respond to prevent
14 any prejudice that may result from a technical failure.

15 **Rule 16. Electronic filing service providers.**

16 (a) **Right to contract.** A court may contract with one or more electronic
17 filing service providers to furnish and maintain an ~~electronic filing system for the~~
18 ~~court~~EFS. A public bid process should be used to award such contracts.

19 (b) **Transmission to contracted provider.** If a court contracts with ~~an~~
20 ~~electronic filing~~a service provider, it may require ~~electronic~~ filers to transmit the
21 documents to the service provider. If, however, there is a single service provider or
22 ~~an~~ in-house system, the service provider or system must accept filings from other
23 ~~electronic~~ service providers to the extent that it is compatible with them.

24 (c) **Provisions of contract.** A court's contract with ~~an electronic filing~~a

1 service provider may allow the service provider to charge ~~electronic~~ filers a
2 reasonable fee in addition to the court's filing fee. If such a fee is allowed, the contract
3 must also provide for audits of the ~~vendor~~ service provider as provided in Rule 5(~~h~~).
4 The contract may also allow ~~the electronic filing~~ service provider to make other
5 reasonable requirements for use of the ~~electronic filing system~~ EFS. Any contract
6 between a court and ~~an electronic filing~~ service provider must acknowledge that the
7 court is the owner of the contents of the ~~filing system~~ EFS and has the exclusive right
8 to control its use. The ~~vendor~~ service provider must expressly agree in writing to
9 safeguard any personal information in accordance with Nevada law.

10 (d) **Transmission of filing to court.** ~~An electronic filing~~ service provider
11 must promptly transmit any ~~electronic filing~~ submission, with the applicable filing
12 fees, to the court.

13 **Rule 17. Third-party providers of conversion services.**

14 (a) **Right to contract.** A court may contract with one or more third-party
15 providers ~~effor~~ conversion services in order to convert documents to an electronic
16 format, provided that the conversion of a court record will be undertaken with
17 sufficient quality control measures to ensure an accurate and reliable reproduction
18 of the original. A public bid process should be used to award such contracts.

19 (b) **Provisions of contract.** Any contract between a court and a third-party
20 provider ~~effor~~ conversion services must acknowledge that the court is the owner of
21 the original and converted documents and retains the exclusive right to control their
22 use. ~~The vendor~~ A third-party provider must expressly agree in writing to safeguard
23 any personal information in accordance with Nevada law.

24 **Rule 18. Ability of a party to challenge accuracy or authenticity.** These

1 rules shall not be construed to prevent a party from challenging the accuracy or
2 authenticity of a converted or electronically filed document, or the signatures
3 appearing therein, as otherwise allowed or required by law.

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