

PART VIII. ELECTRONIC FILING AND SERVICE

Rule 8.01. Definitions of words and terms.

(a) “E-Filing System” means the system approved by the Eighth Judicial District Court (hereinafter referred to as “Court”) for filing and service of pleadings, motions, and other documents via the Internet through the Court-authorized service provider.

(b) “E-Document” means an electronic document which is usually text created by a computer but an E-Document also includes an image scanned or converted to a graphical or image format.

(c) “E-Filing” means an electronic transmission of documents to and from the Clerk of the Court.

(d) “E-Mail” means a system for sending and receiving messages over a computer network.

(e) “E-Service” means the electronic transmission of an E-Document (or Notification of a Filing) to all designated parties at their electronic mail address via the E-Filing system.

(f) “E-Filer” means a party filing a document with the Court in electronic form.

(g) “Service Provider” means the vendor that is under contract with the Court to provide the E-Filing System that can be accessed through the Internet at an Internet address as determined by the Service Provider.

(h) “Registered User” means a person or firm who has executed a Subscriber Agreement with the service provider and received the system-generated user ID and password.

(i) “Public Access terminals” means a computer provided by the Clerk’s Office for a registered user to access the E-Filing System.

[Added; effective April 11, 2006.]

Rule 8.02. Use of the E-Filing System.

(a) The judge to whom a case is assigned may order all parties to file and serve all documents using the E-Filing System in any class action, a consolidated action, or a group of actions, a coordinated action, or an action that is deemed complex under NRCP 16.1(f). Cases may be placed in the E-Filing System at any time after obtaining a case number and the initial filing of the action. The judge to whom the case is assigned also has the discretion of mandating that any particular case be taken out of the E-Filing System at any time.

(b) The Court may electronically file any notice, order, minute order, judgment, or other document prepared by the Court.

(c) A document that the Court or a party files electronically under these rules has the same legal effect as a document filed in paper form.

(d) Filing a document electronically does not alter any filing deadline.

(e) When it is not feasible for a party to convert a document to electronic form by scanning, imaging, or other means, a Court may allow a party to file the document in paper form.

(f) It shall be the responsibility of the participating parties to serve, pursuant to NRCP 5, proper person litigants who cannot register in the E-Filing System.

[Added; effective April 11, 2006.]

Rule 8.03. Time of filing.

(a) A document that is E-Filed shall be deemed to have been received by the Clerk of the Court on the date and time of its transmittal. If the filing is subsequently accepted by the Clerk, then the document shall have the same file stamped date and time as when it was transmitted.

[Added; effective April 11, 2006.]

Rule 8.04. Services provided by the E-Filing System.

(a) When a document is E-Filed, the Service Provider must promptly confirm the receipt of the filing by E-Mail to the E-Filer or provide a link for the E-Filer to access the confirmation. The confirmation will include the following:

(1) Case Number and Case Caption;

(2) Date and time the Service Provider received the filing (time at the Clark County Clerk's Office);

(3) Document Title;

(4) Document Code;

(5) Service Provider Document Identifier;

(6) Who filed the document; and

(7) The page count as provided by the filer.

(b) The E-Filing System will add the image of the Clerk's file stamp in the appropriate place on the E-Document.

(c) If the document complies with the Court's filing requirements and is accepted by the Clerk, the Service Provider will send an E-Mail to all addresses listed in the Service List for that particular case. This E-Mail will contain the following information:

- (1) Case Number and Case Caption;
- (2) Date and time the Service Provider received the filing (time at the Clark County Clerk's Office);
- (3) Document Title;
- (4) Document Code;
- (5) Service Provider Document Identifier;
- (6) Who filed the document;
- (7) Page count as provided by the filer;
- (8) A resource locator that provides access to the filed document; and
- (9) A list of all E-Mail addresses served as of the date and time of the filing.

[Added; effective April 11, 2006.]

Rule 8.05. Electronic service of pleadings and other documents.

(a) Documents in the E-Filing System will be served through E-Service. 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 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 provide the clerk with a service list indicating the parties to be served. The clerk shall maintain the service list, indicating which parties are to be served electronically and which parties are to be served in the traditional manner.

(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.

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

(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.

[Added; effective April 11, 2006.]

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

Electronic service is complete at the time of 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.

[Added; effective April 11, 2006; As amended; effective December 10, 2009.]

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 declarant or notary public shall sign 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.

(d) When a document, such as a stipulation, requires the signatures of opposing parties, and is to be filed electronically, the party filing the document must first obtain the 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.

(e) By electronically filing the document, the electronic filer verifies that the signatures are authentic to the best of the filer's knowledge and belief.

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

(g) All documents which bear a judge's signature shall be scanned and E-Filed so the judge's 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.

[Added; effective April 11, 2006.]

Rule 8.08. Official Court Record.

(a) 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 filed, the electronic form of the documents are the official court record.

Rule 8.09. Conventional filing of documents.

(a) Notwithstanding the foregoing, the following types of documents may be filed conventionally and need not be filed electronically, unless expressly required by the Court.

(1) Documents filed under seal. A motion to file a document under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed in paper form.

(2) Exhibits and real objects. Exhibits to declarations that are real objects (i.e., construction materials, core samples, etc.) or other documents (i.e., plans, manuals, etc.), which otherwise may not be comprehensibly viewed in an electronic format, may be filed and served conventionally in paper form.

[Added; effective April 11, 2006.]

Rule 8.10. Technical problems that preclude electronic filing.

(a) Both the Court and the E-Filing Service Provider must take reasonable steps to provide notice to electronic filers of any problems that impede or preclude electronic filing.

(b) When technical problems with either the Court's system and/or the Service Provider's system preclude the Court from accepting electronic filings on a particular court day, the Court must deem a filing received on the day when the filer can satisfactorily demonstrate that he or she attempted to file on that day.

(c) This provision does not apply to the complaint or other filing that initiates an action or proceeding; that is, it does not extend the time within which an action or proceeding must be filed.

[Added; effective April 11, 2006.]

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.

[Added; effective April 11, 2006.]

Rule 8.12. Electronic mail addresses. Electronic filers must furnish one or more electronic mail addresses that the Court and the Service Provider will use to send notice of receipt and confirmation of filing.

[Added; effective April 11, 2006.]

Rule 8.13. Payment of filing fees.

(a) The Court may permit the use of credit cards or debit cards for the payment of filing fees associated with electronic filing. A Court may also authorize other methods of payment.

(b) Eligible persons may seek a waiver of Court fees and costs, as provided in NRS 12.015.

[Added; effective April 11, 2006.]

Rule 8.14. Endorsement.

(a) The Court's endorsement of a document electronically filed must contain the following: "Electronically Filed/Date and Time/Name of Clerk."

(b) This endorsement has the same force and effect as a manually affixed endorsement stamp of the Clerk of the Court.

[Added; effective April 11, 2006.]

Rule 8.15. Voluntary E-Filing.

(a) The Clerk may provide a means for attorneys to voluntarily E-File when the Court has not placed a case into the Electronic Filing and Service Program.

(b) This voluntary program may support both E-Filing with the Court and E-Service.

(c) Rules 8.04 and 8.12 are not applicable when using the Voluntary E-Filing program.

(d) If this filing is accepted, the Clerk shall print the document and have it added to the physical file for that case.

[Added; effective April 11, 2006.]

Rule 8.16. Court fees.

(a) Any instrument requiring payment of a filing fee to the Clerk of the District Court can be filed electronically in the same manner as any other E-File document.

(b) If a filing fee is required, the filing party shall immediately send to the Clerk of the District Court, a photocopy of the face sheet of the filing indicating thereon the filing ID#, plus a check for filing fee(s) in the proper amount in accordance with the current Clark County District Court Schedule of Fees.

(c) Statutory filing fees must be tendered to the Clerk immediately following an electronic filing and must in any event be postmarked no later than the next business day following the electronic filing.

(d) If a filing fee is due on any ex parte application, it must be received by the Clerk no later than 24 hours following an electronic filing.

[Added; effective April 11, 2006.]