## DISTRICT COURT

## CLARK COUNTY, NEVADA

FLED

CLERK OF THE COURT

. . 2012 FEB 24 P 2: 00 : IN THE MATTER OF ACTIONS **ADMINISTRATIVE** INVOLVING INDIGENT PERSONS ORDER 2012-01 5 WHEREAS NRS 12.015 Actions Involving Indigent Persons provides: 6 7 1. Any person who desires to prosecute or defend a civil action may: 8 (a) File an affidavit with the court setting forth with particularity facts concerning the person's income, property and other resources which 9 establish that the person is unable to prosecute or defend the action because the person is unable to pay the costs of so doing; or 10 11 (b) Submit a statement or otherwise indicate to the court that the person is a client of a program for legal aid. 12 13 WHEREAS NRS 12.015 further provides: 14 2. If the court is satisfied that a person who files an affidavit pursuant to 15 subsection 1 is unable to pay the costs of prosecuting or defending the action or if the 16 court finds that a person is a client of a program for legal aid, the court shall order: 17 (a) The clerk of the court: 18 (1) To allow the person to commence or defend the action without 19 costs: and (2) To file or issue any necessary writ, process, pleading or 20 paper 21 without charge. (b) The sheriff or other appropriate public officer within this State to 22 make personal service of any necessary writ, process, pleading or paper without charge. 23 24 25

WHEREAS EDCR 1.30(b)(10) declares that the Chief Judge must approve requests by civil litigants to proceed in forma pauperis and waiver of fees, and

JENNIFER P. TOGLIATTI DISTRICT JUDGE

26

27

28

DEPARTMENT NINE

WHEREAS neither the NRS nor EDCR establish time frames or expiration dates for such litigants proceeding in forma pauperis, and

WHEREAS the Eighth Judicial District Court acknowledges that there are several changing circumstances that can occur over a course of time that could effect a litigants financial situation, and

WHEREAS the Eighth Judicial District Court has determined that in forma pauperis authorization should not continue in perpetuity, and

WHEREAS the Eighth Judicial District Court cannot justify allowing a litigant to continue appearing in forma pauperis beyond one year without updating an affidavit to reflect their current financial standing and obtaining a subsequent Order, therefore,

**IT IS HEREBY ORDERED** all Orders to Appear in Forma Pauperis expire one year from the date of issuance.

IT IS FURTHER ORDERED that all litigants that proceed in forma pauperis shall submit an updated application and affidavit of financial condition thirty (30) days prior to the one year expiration date to continue appearing in this capacity.

IT IS FURTHER ORDERED that this order is to become effective immediately.

2/24/12 Date

Ziennner Tognatu Chief District Court Jude