

**CLARK COUNTY CIVIL LAW RESOURCE CENTER
330 SOUTH THIRD STREET, SUITE 1105
LAS VEGAS, NV 89101**

**THIS PACKET CONTAINS
INSTRUCTIONS AND SAMPLE FORMS ALONG WITH THE
FOLLOWING BLANK DOCUMENTS**

1. Civil Cover Sheet
2. Petition for Judicial Review
3. Certificates of Mailing
4. Cover Sheet for Respondent's Answering Memorandum of Points and Authorities

READ ALL THE MATERIALS CONTAINED IN THIS PACKET BEFORE FILLING IN ANY PORTION OF THE DOCUMENTS. USE BLACK INK AND TYPE OR PRINT CLEARLY WHEN FILLING OUT DOCUMENTS. THE CLERK'S OFFICE WILL NOT ACCEPT DOCUMENTS THAT ARE HARD TO READ.

FOR MORE INFORMATION ON DOCUMENT PREPARATION READ THE "DOCUMENT PREPARATION PAMPHLET" ON THE COUNTY CLERK'S WEB PAGE, ON-LINE AT:

WWW.CO.CLARK.NV.US/CLERK/FORMS.HTM

REVIEW THE CONTENTS OF THIS PACKET BEFORE FILLING OUT ANY OF THE FORMS. YOU MAY NEED TO MAKE ADDITIONAL COPIES OF THE BLANK FORMS BEFORE YOU START.

IMPORTANT
THESE MATERIALS ARE NOT INTENDED TO SUBSTITUTE FOR THE ADVICE OF
AN ATTORNEY

The law allows you to represent yourself in a legal action. While there is no requirement that you obtain a lawyer, the legal process is complex and very formal. It is strongly recommended that you have a lawyer to consult with or represent you.

Private Counsel Is Always Recommended For Legal Matters

The information provided in this form packet is offered to assist you in representing yourself in court if you do not have a lawyer. If you represent yourself (appear before the court "pro se" or "pro per"), you must follow the same rules that a lawyer must follow. Law prohibits courthouse employees from giving legal advice.

You are responsible for knowing the law that applies to your case and the rules of the court. This information is contained in the Nevada Revised Statutes and Nevada Rules of Civil Procedure, which are available at the Clark County Law Library. Basic law, court rules, and statutes are also available on the Internet at: www.leg.state.nv.us.

When you represent yourself, you are responsible for filing and serving the correct court documents within the required time. You must also make sure that the documents are complete before they are signed and filed. Failure to comply with any of the court requirements may cause you to lose important legal rights.

Additional information is available at the Clark County webpage on the Internet at: www.co.clark.nv.us.

This packet was prepared for educational and information purposes only. It contains general information and is not intended to apply to any specific situation or as legal advice.

THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. THE COURT, SELF-HELP CENTER, NON-PROFIT ORGANIZATION OR LAW LIBRARY THAT MAY PROVIDE THIS INFORMATION SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHING OF THIS MATERIAL.

PETITION FOR JUDICIAL REVIEW

NRS 233B.130-150

NRS 233B. 130—1 50 describes the procedure for requesting judicial review of an administrative agency's final decision in a contested case.

A person who is a party to the administrative proceeding and disagrees with the final decision of the agency may ask the court to review the record of that proceeding. You must be on the record as a petitioner or respondent in the administrative proceeding in order to petition the court for judicial review.

PROCEDURE

Petitions for judicial review must name the agency and all other parties of record to the proceeding as respondents. You must file the petition in the district court in the county where the proceeding occurred or the county in which you live within 30 days of receiving the final decision of the agency. (If you are no longer within the state, you must file in the district court in and for Carson City.) The agency and every other party to the proceeding must receive a copy of the petition within 45 days of filing the petition with the clerk of the court.

You should attach a copy of the administrative agency's final decision to the filed petition.

Within 20 days after receiving the petition, the agency and all other parties to the proceeding must file notice of their intent to participate in the judicial review process. The agency will submit the entire record of the proceedings for the court's review within 30 days of receiving the petition. (The parties may agree to shorten the record of the proceedings submitted to the court. Upon request, the court may also agree to extend the time for submitting the record.)

A request for judicial review is an appeal of the agency's administrative decision. The court will look at the record of the administrative proceeding when making its decision. Upon a showing of good cause, the court may order the agency to receive additional evidence and reconsider its decision before continuing the judicial review process. If the agency modifies its decision and you want to continue the judicial review process, the court will consider the modified decision as the final decision.

Appeals are generally decided upon the record below (lower court or administrative agency decision) and legal arguments submitted by the parties in the form of a memorandum of points and authorities. There is no jury. If the appeal concerns irregularities in procedure that do not appear on the record, the court may receive evidence limited to those irregularities.

You will have 40 days after notification that the court has the record of the proceeding to file your memorandum of points and authorities with the Clerk's Office and to serve the document on all other parties to the proceeding. A blank cover sheet for your memorandum is included in this packet.

The respondents have 30 days from receipt of your memorandum to file an answering memorandum of points and authorities with the Clerk's Office and to serve the document on all other parties to the proceeding.

You may file a reply memorandum with the Clerk's Office within 30 days of receiving the respondent's memorandum of points and authorities. You must also serve the document on all other parties to the proceeding within this period. A blank cover sheet for a reply memorandum is also included in this packet.

If you want to request a hearing, you must file your request within 7 days of the date your reply memorandum is due to the court. Rule 2.16 of the Eighth Judicial District Court Rules covers hearing requests.

STANDARD OF REVIEW

The court will not reverse or set aside the decision of an administrative agency unless there were procedural or legal errors, abuse of the agency's discretion or, the decision exceeds the agency's authority. NRS 233B. 135 (3) lists the reasons the court may find an administrative agency's decision invalid in whole or in part. You should review this statute before you submit a request for judicial review.

As the petitioner, you must prove that the administrative agency's final decision is invalid.

MOTIONS

During the petition for judicial review process, you may need to ask the court to issue an order. The most common requests are for an Order to Shorten Time and an Order to Stay the administrative decision during the judicial review proceeding. You must use a motion to make requests of the court after you file the petition for judicial review. The Civil Law Resource Center may have booklets and form packets to assist you in preparing your documents.

ORDER GRANTING JUDICIAL REVIEW

The Civil Law Resource Center has a form packet to assist you in preparing the court order should the court grant your request for judicial review.

PREPARING YOUR DOCUMENTS

All papers presented to the court clerk for filing must be flat, unfolded, firmly bound together at the top and on standard quality white paper, 8 1/2 x 11 inches in size. Papers must be two-hole punched at the top. You must stamp or print "ORIGINAL" on the top of the first page of each original document in the space between the punched holes. If the document contains more than one page, you must staple the pages together in the upper left corner.

You may use the blank petition contained in this packet to submit your request to the court. Simply fill in the appropriate information in the space provided; print clearly and use black ink. If you chose to type your own documents use the exact format shown for the blank documents. Use numbered legal pleading paper where indicated.

Petition and Acknowledgement

The petition is a formal request for the court to review the final decision of the administrative agency. The upper left-hand portion of the petition must contain the document code (PET) followed by your printed or typed name, complete address and telephone number, above the words "IN PROPER PERSON" as shown on the sample document.

The case caption — the part of the document that follows the name and location of the court — must appear exactly as shown on the blank document in this packet. Print or type your name in the space provided above the word "PETITIONER." Show the names of all other parties to the administrative proceeding in the space above the word "RESPONDENT." The Clerk's Office will provide a case number and assign a judicial department when you file the petition with the court.

To complete the first paragraph of the blank petition contained in this packet, you must print your name on the first line following the word "PETITIONER." On the second line, list the name of the hearing officer and/or agency issuing the final decision. The third line requires you to give the date of the decision.

On the first line in the second paragraph, you must tell the court which statute gives you the right to appeal the agency's decision through the courts. (The administrative agency may provide this information when it gives you its final decision.) On the second line, specify the type of case you are appealing.

The final paragraph provides space for you to tell the court, briefly, why you believe the administrative agency's final decision is invalid. You will have an opportunity to go into more detail when you file your memorandum of points and authorities. Insert the name of the hearing officer or agency in the space provided.

Print your name, complete address, and telephone number on the lines provided at the bottom of the last page of the petition.

You must acknowledge your petition before a notary public. Complete the acknowledgement form contained in this packet by inserting the date and your name in

the spaces provided. Take the petition and acknowledgement to a notary public. Date and sign the petition in the presence of the notary. The notary will complete the acknowledgement process and sign that document.

Certificate of Mailing

You must provide the court with proof that you gave the other parties to the case a copy of your documents. You do this by filing a certificate of mailing with the Clerk's Office. To complete the certificate of mailing attached to the petition you must insert the city or town where you mailed a copy of the petition to all other parties in the administrative proceeding. You must also list the name of each party and the address to which you will mail the copy of the petition. Sign the document, print your name and insert the date you mailed the copies of the petition in the spaces provided.

FILING AND SERVING YOUR PETITION

You must take the completed petition with a copy of the agency's final decision, acknowledgement and certificate of mailing to the Clerk's Office. You will need one original and two copies of each document. You must two-hole punch and identify the original as described earlier in this packet.

You will also need the civil cover sheet included in this packet. To complete the cover sheet, type or print your name, address and telephone number in the space provided in Section I — Party Information. In Section II, the "CIVIL PETITION FOR JUDICIAL REVIEW" box indicates the nature of the filing. You should check the appropriate box under this heading to indicate the type of decision you are appealing.

Take the completed documents to the Clerk's Office located on the third floor of the courthouse. A filing fee may be required. You may pay in cash, by check or money order. You will need personal identification if you are paying by check.

At the filing counter, a clerk will assign a case number and judicial department. The clerk will keep the original and one copy of the documents. The clerk will stamp and return one copy to you. This is your "file-stamped" copy. You will need to make copies of the file-stamped documents to mail to the other parties in the case. You must mail the document to the other parties in the case, or their attorney, on the date indicated on the certificate of mailing.

Keep one copy of the file-stamped documents for your records.

MEMORANDUM OF POINTS AND AUTHORITIES

Rule 28 of the Nevada Rules of Appellate Procedure describes the format you must use in preparing your memorandum of points and authorities. This document, also called a brief, must contain a table of contents, statement of the issues, statement of the case, your argument and a short conclusion. This is a very structured document. You should read Rule 28 before you prepare your memorandum.

If you have not written a legal brief, you may find the *Civil Law Resource Guide Booklet #2— Writing a Memorandum of Points and Authorities Part II: Presenting Your Argument on Appeal* of assistance.

Memorandum Cover Sheet

The upper left-hand portion of the cover sheet must contain the document code (BREF) followed by your printed or typed name, complete address and telephone number, above the words "IN PROPER PERSON" as shown on the sample document.

The case caption — the part of the document that follows the name and location of the court — must appear exactly as shown on the blank document in this packet. Print or type your name in the space provided above the word "PETITIONER." Show the names of all other parties to the case in the space above the word "RESPONDENT." Insert the case and judicial department number assigned to the case by the Clerk's Office in the space provided.

Complete the cover sheet by inserting your name, complete address and telephone number, above the words "IN PROPER PERSON" in the space provided in the lower left-hand portion of the document. On the lower right-hand side of the document, insert the name, complete address and telephone number of the respondent, or the respondent's attorney. If an attorney represents the respondent, insert the words "ATTORNEY FOR THE RESPONDENT" on the following line. If an attorney does not represent the respondent, insert the words, "RESPONDENT IN PROPER PERSON" in the space provided.

Reply Memorandum Cover Sheet

The upper left-hand portion of the cover sheet for your reply memorandum must contain the document code (To complete the blank document contained in this packet, follow the instructions given for the memorandum cover sheet.

Certificate of Mailing

You must provide the court with proof that you gave the other parties to the case a copy of your documents. You do this by filing a certificate of mailing with the Clerk's Office. To complete the certificate of mailing, insert the city or town where you will mail a copy of your memorandum to all other parties in the case. Next, list the name of each party and the address to which you will mail the memorandum. Sign the document, print your name and insert the date you filed the coversheet and memorandum in the space provided.

FILING AND SERVING YOUR MEMORANDUM AND REPLY MEMORANDUM

You must take the completed memorandum coversheet and certificate of mailing, with a copy of your brief attached, to the Clerk's Office located on the third floor of the courthouse. You will need one original and three copies of each document. You must two-hole punch and identify the original as described earlier in this packet.

At the filing counter, a clerk will keep the original and one copy of the document. The clerk will stamp and return two copies to you. These are your file-stamped copies. Give the clerk one of your file-stamped copies. Ask the clerk to give the document to the judge as a "courtesy" copy. Use the remaining file stamped copy to make additional copies to mail to the other parties in the case that you listed on the Certificate of Mailing. Keep one copy of the file-stamped document for your records.