

## EXHIBIT C

### AMENDMENT TO THE NEVADA ELECTRONIC FILING AND CONVERSION RULES

#### I. General Provisions

##### Rule 1. Citation

The Nevada Electronic Filing and Conversion Rules may be cited as NEFCR.

##### Rule 2. Definitions of Words and Terms

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

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

(c) **Clerk.** “Clerk” means the clerk of a court that has implemented an electronic filing system, a conversion system, or both.

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

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

(e) **Document Management System.** A “document management system” is an electronic database containing documents in electronic form and

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

(f) **Electronic Case.** An “electronic case” is one in which the documents are electronically stored and maintained by the court or clerk, whether the documents were electronically filed or converted to an electronic format. The electronic document in the official court record is deemed to be the original.

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

(h) **Electronic Filing Service Provider.** An “electronic filing service provider” or “service provider” is a person or entity authorized under these rules to furnish and maintain an electronic filing system or to receive an electronic document from a person for submission to an electronic filing system. When submitting documents, a service provider does so on behalf of the filer and not as an agent of the court.

(i) **Electronic Filing System.** An “electronic filing system” or “EFS” is a system implemented or approved by a court for electronic submission, filing, and service of documents. The term includes an EFS operated by a service provider.

(j) **Electronic Service.** “Electronic service” is the service of a document through an EFS under Rule 9.

(k) **Filing.** “Filing” is the clerk’s placement of an electronic document into the official court record after submission of the document to an EFS.

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

(m) **Public Access Terminal.** A “public access terminal” is a computer terminal provided by the court or clerk for viewing publicly accessible electronic documents in the official court record. The public access terminal must be available during the court’s normal business hours.

(n) **Registered User.** A “registered user” or “user” is a person authorized by the court or a service provider to utilize an EFS.

(o) **Serve by Traditional Means.** “Serve by traditional means” is the service of a document by any means authorized under Rule 5 of the Justice Court Rules of Civil Procedure (JCRCPP), Rule 5 of the Nevada Rules of Civil Procedure (NRCP), or Rule 25 of the Nevada Rules of Appellate Procedure (NRAP), as applicable, other than electronic service through an EFS.

(p) **Submission.** “Submission” is the electronic transmission of a document by a filer to an EFS by an authorized electronic means; it does not include transmission via email, fax, computer disks, or other unauthorized electronic means.

### **Rule 3. Purpose, Scope, and Application of Rules**

(a) **Purpose and Scope.** These rules establish statewide policies and procedures governing any EFS and conversion systems in all the courts in Nevada. A court may adopt local rules detailing the specific procedures for an EFS or conversion system to be used in that court, provided that the local rules are not inconsistent with these rules.

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

#### **Rule 4. Implementation of an EFS, a Conversion System, or Both**

(a) **Establishment of an EFS.** A court may establish an EFS that meets the minimum requirements set forth in these rules. A court may allow voluntary use of an EFS or impose mandatory use of an EFS.

(b) **Mandatory Electronic Filing.** A court may mandate use of an EFS in all cases or a particular type of case only if: (1) the court provides free access to and use of the EFS or a mechanism for waiving fees in appropriate circumstances; (2) the court allows for the exceptions needed to ensure access to justice for indigent, disabled, or self-represented litigants; (3) the court provides adequate advanced notice of the mandatory participation requirement; and (4) the court provides training for filers in the use of the process. In addition, a judge may require participation in an EFS in appropriate cases.

(c) **Conversion of Paper Documents.** A court that establishes an EFS may prospectively, retroactively, or both, convert filed paper documents and store and maintain them electronically.

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

(e) **Integration Between Case Management and Document Management Systems.** Electronic documents should be accessible through a court's case management system. The case management system must provide an application programming interface capable of accommodating any EFS or conversion application that complies with these rules and should also provide automated workflow support. As used in this subsection, "automated

workflow support” refers to a configurable set of rules and actions to route documents through a user-defined business process.

**(f) Archiving Electronic Documents.**

(1) A court must maintain forward migration processes in order to:

(A) assure future access to electronic documents so that the documents can be understood and used; and

(B) ensure that the content, context, and format of the documents will not be altered as a result of the migration.

(2) Verification techniques should be used to confirm record integrity after the migration, and a test restoration of data should be performed to verify the success of the migration and to ensure that the records are still accessible. Electronic records should be checked at regular intervals in accordance with policies and procedures established by the court administrator or designee.

**Rule 5. EFS and Conversion System Requirements**

Any EFS or conversion system must conform to the following minimum requirements:

(a) **Technical Requirements.** A court must comply with any AOC technical standards concerning an EFS or conversion system that may be adopted. An EFS must support text searches wherever possible.

(b) **Electronic Viewing.** An EFS must presume that all users will view documents on their computer screens. Paper copies are to be available on demand, but their production will be exceptional, not routine.

**(c) Document Format; Software.**

(1) Electronic documents must be submitted in or converted to a

nonproprietary format determined by the court that:

- (A) can be rendered with high fidelity to originals;
- (B) is easily accessible by the public; and
- (C) is searchable and tagged when possible.

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

**(d) Data Accompanying Submitted Documents.**

(1) Filers submitting documents for filing must include data needed to identify:

- (A) the document submitted;
- (B) the filing party; and
- (C) sufficient additional data necessary for filing the

document in the court's docket or register of actions.

(2) If a document initiates a new case, sufficient additional data must be included to create a new case in the case management system.

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

**(e) Identity of Users.** A court or service provider must use some means to identify persons using an EFS.

**(f) Integrity of Submitted and Filed Documents and Data.** A court must maintain the integrity of submitted documents and data, and documents and data contained in official court records, by complying with current Federal Information Processing Standard 180-4 or its successor. Nothing in this rule prohibits a court or clerk from correcting docketing information errors, provided that a record of each change is maintained,

including the date and time of the change and the person making the change.

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

(h) **Surcharges.** Mandatory use of an EFS should be publicly funded to eliminate the need to impose surcharges for filing of or access to electronic documents. A court may, however, impose such surcharges or use a service provider that imposes surcharges when sufficient public funding is not available. Such surcharges must be limited to recouping the marginal costs of supporting an EFS, if collected by the court, or to a reasonable amount, if collected by a service provider. Collection of surcharges by a service provider must be audited annually to ensure that the fee charged is reasonable and is properly assessed. The court must also require, at a minimum, a biennial periodic performance audit to assess the service provider's system regarding adequate service to the court, attorneys, and the public, including the accuracy and authenticity of data produced, stored, or transmitted by the service provider; the reliability of the hardware and software used by the service provider; the integrity and security of the service provider's system; the timeliness of access to documents and other data produced, stored, or transmitted by the service provider; and the service provider's compliance with Nevada law requiring the safeguarding of personal information. The audit may be performed by internal staff or by external experts.

(i) **Court Control Over Court Documents.**

(1) The official court record of electronic documents must be

stored on hardware owned and controlled by the court system or other governmental entity providing information technology services to the court.

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

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

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

(j) **Special Needs of Certain Users.** In developing and implementing an EFS, a court must consider the needs of indigent, self-represented, non-English-speaking, or illiterate persons and the challenges facing persons lacking access to or skills in the use of computers.

(k) **Limiting Access to Specified Documents and Data.** Any EFS and case and document management systems must contain the capability to restrict access to specific documents and data in accordance with the applicable statutes, rules, and court orders.

(l) **System Security.** Any EFS and case and document management systems must include adequate security features to ensure the integrity, accuracy, and availability of the information contained in those systems.

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

- (A) document redundancy;
- (B) authentication and authorization features;
- (C) contingency and disaster recovery;
- (D) system audit logs;
- (E) secured system transmissions;



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

(G) means to verify that a document purporting to be a court record is in fact identical to the official court record; and

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

(2) System documentation should include:

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

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

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

(D) creation and maintenance of comprehensive system documentation.

## II. Filing and Service of Documents

### Rule 6. Official Court Record

(a) **Electronic Documents.** For documents that have been electronically filed or converted, the electronic documents are the official court record, and electronic documents have the same force and effect as documents filed by traditional means.

(b) **Form of Record.** The clerk may maintain the official court record of a case in electronic format or in a combination of electronic and traditional formats consistent with Rule 4. Documents submitted by traditional means may be converted to electronic format and made part of the electronic record. Once a document is electronically filed or converted, the electronic document

is the official court record, and the court must maintain the document in electronic form. If exhibits are submitted, the clerk may maintain the exhibits by traditional means or by electronic means where appropriate.

(c) **Retention of Original Documents After Conversion.** When conversion of a court record is undertaken with sufficient quality control measures to ensure an accurate and reliable reproduction of the original, the court may, but is not required to, retain the original version of the record for historical reasons or as a preservation copy to protect against harm, injury, decay, or destruction of the converted record.

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

(1) original wills;

(2) original deeds;

(3) original contracts;

(4) court exhibits (see NRS 3.305, NRS 3.307, and the Protocol for Storage, Retention, and Destruction of Evidence); and

(5) any document or item designated in writing by a judge to be inappropriate for destruction because the document or item has evidentiary, historic, or other intrinsic value.

## **Rule 7. Electronic Filing of Documents; Exceptions**

(a) **In General.** A court may permit documents to be electronically submitted and filed through an EFS or converted in any action or proceeding unless these rules or other legal authority expressly prohibit such filing or conversion.

(b) **Exhibits and Real Objects.** Exhibits or documents that cannot be

viewed comprehensibly in, or converted to, an electronic format must be filed, stored, and served by traditional means.

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

## **Rule 8. Submission of Documents to an EFS, Time of Filing, Confirmation, Review, and Endorsement**

### **(a) Filing and Service Upon Submission.**

(1) **In General.** Any document electronically submitted to an EFS for filing must be automatically filed, and simultaneously served under Rule 9, upon submission.

(2) **Notice to the Electronic Filer.** Upon receipt, filing, and service of the submitted document, the EFS must automatically notify the filer that the document was received, filed, and served; indicate the date and time of the document's receipt; and provide ~~the~~ all registered users receiving service under Rule 9(b) with access to the filed document. Absent confirmation of receipt, filing, and service, there is no presumption that the EFS received the document. The filer is responsible for verifying that the EFS received the document submitted.

### **(b) Review by the Clerk.**

(1) **In General.** After a document is submitted, filed, and served, the clerk may review the document to determine whether it conforms to the applicable filing requirements. A document that does not conform to the applicable filing requirements is a nonconforming document.

### **(2) Nonconforming Documents; Notice; Striking Documents.**

(A) If the clerk determines that a document is

nonconforming, the clerk must notify the filer of the nonconformity and allow the filer an opportunity to cure the nonconformity. If the filer cures the nonconformity by submitting a conforming document, the clerk must replace the nonconforming document with the conforming document and notify the filer and all registered users receiving service under Rule 9(b).

(B) On motion or on its own order to show cause, the court may strike a nonconforming document. If the court strikes a nonconforming document, the EFS must notify the filer and all registered users receiving service under Rule 9(b).

(3) **Local Rules.** If a court establishes an EFS, it should adopt local rules, consistent with these rules and the JCRCP or NRCP, as applicable, defining what constitutes a nonconforming document. The local rules may also specify which nonconforming documents the clerk is authorized to strike.

(c) **Endorsement.** Filed electronic documents must be endorsed. The clerk's endorsement of an electronic document must contain the following: "Electronically Filed/Date and Time/Name of Clerk." This endorsement has the same force and effect as a manually affixed endorsement stamp of the clerk.

(d) **Time of Filing.**

(1) Any document electronically submitted by 11:59 p.m. at the court's local time is deemed to be filed on that date.

(2) For any questions of timeliness, the date and time registered by the EFS when the document was electronically submitted is determinative, and serves as the filing date and time for purposes of meeting any statute of limitations or other filing deadlines, regardless of whether nonconformities exist or are cured.

(3) If the court or clerk strikes a nonconforming document, questions of timeliness are determined by the date and time that the filer resubmits the document to the electronic filing system, unless the court orders otherwise.

(e) **Availability of an EFS.** An EFS must allow submission of documents 24 hours per day, 7 days per week, except when the EFS is down for scheduled maintenance or is experiencing technical problems.

#### **Rule 9. Electronic Service Through an EFS**

(a) **Documents Subject to Service; Exceptions.** Service of documents through an EFS is limited to those documents served electronically under JCRCP 5, NRCP 5, or NRAP 25, as applicable. A summons and a complaint, petition, or other document that must be served with a summons, served under JCRCP 4 or NRCP 4, or a subpoena, served under JCRCP 45, NRCP 45, or any statute, cannot be served through an EFS.

(b) **Service on Registered Users.** When a document is electronically submitted and filed, an EFS must send notice to all registered users on the case that a document has been submitted and filed and is available on the document repository. The notice must be sent by email to the addresses furnished by the registered users under Rule 13(c). This notice is valid and effective service of the document on the registered users and has the same legal effect as service of a paper document. Nothing in this rule alleviates the obligation of a party to provide proof of service.

(c) **Consent to Electronic Service Through the EFS.** Registered users of an EFS are deemed to consent to receive electronic service through the EFS. A party who wishes to receive electronic service through the EFS, but who is not represented by a registered user, may:

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

(2) if the party or its attorney is not authorized to register with the EFS, file and serve a notice that includes one or more email addresses at which the party agrees to accept electronic service through the EFS.

**(d) Service on Parties Not Receiving Electronic Service Through the EFS.** If a party is not receiving electronic service through the EFS, the filer must serve each submitted document on the party by traditional means.

**(e) Service List.** The parties must provide the clerk with a service list indicating the parties to be served on a case. The clerk must maintain the service list, indicating which parties are to receive electronic service through the EFS and which parties are to be served by traditional means.

**(f) Time of Service; Time to Respond.**

(1) Electronic service is complete when the EFS sends the notice required by Rule 9(b).

(2) The time to respond to a document served through the EFS is computed under JCRCP 6, NRCP 6, or NRAP 26, as applicable, from the date of service stated in the proof of service, which must be the date on which the document was submitted to the EFS. An additional 3 days must not be added to the time to respond.

(3) Unless the court or clerk strikes a nonconforming document or the court orders otherwise, the time to respond to a nonconforming document is also calculated under Rule 9(f)(2).

(4) If the court or clerk strikes a nonconforming document, the other parties do not need to respond to the document. The time for any response to a resubmitted document is recalculated under Rule 9(f)(2) based on the proof of service attached to the resubmitted document.

## **Rule 10. Payment and Waiver of Filing Fees**

(a) **In General.** The clerk may, but is not required to, accept documents that require a fee through an EFS or by other electronic means.

(b) **Methods of Payment.** If the clerk accepts documents that require a fee, the court may permit the use of credit cards, debit cards, electronic fund transfers, or debit accounts for the payment of filing fees associated with electronic filing. A court may also authorize other methods of payment consistent with any AOC guidelines that may be adopted.

(c) **Waiver of Filing Fees.** Anyone entitled to waiver of nonelectronic filing fees will not be charged fees when using an EFS. The court or clerk must establish an application and waiver process consistent with the application and waiver process used with respect to nonelectronic filing and filing fees.

## **Rule 11. Signatures and Authenticity of Documents**

(a) **Documents Signed by the Registered User Submitting the Document.** Every document electronically submitted or served is deemed to be signed by the registered user submitting the document. Each document must bear that person's name, mailing address, email address, telephone number, law firm name, and bar number, where applicable. If a statute or court rule requires a signature at a particular location on a form, the person's typewritten name may be inserted in the form of "/s/ [name]."

### **(b) Documents Requiring Signature of Notary Public.**

(1) Documents required by law to include the signature of a notary public may be submitted electronically, provided that the notary public has signed a printed form of the document. The printed document

bearing the original signatures must be scanned and submitted for filing in a format that accurately reproduces the original signatures and contents of the document.

(2) By submitting the document, the filer attests that the documents and signatures are authentic.

**(c) Documents Requiring Signatures of Other Persons.**

(1) When a document to be submitted electronically, such as a stipulation, requires the signatures of any other parties or persons, the party submitting the document must first obtain the signatures of the required parties or persons on a printed form of the document.

(2) The printed document bearing the original signatures must be scanned and submitted in a format that accurately reproduces the original signatures and contents of the document.

(3) By submitting the document, the filer attests that the documents and signatures are authentic.

**(d) Signature of a Judicial Officer or the Clerk.** Electronically issued court documents requiring a court official's signature may be signed electronically. A court using electronic signatures on court documents must adopt policies and procedures to safeguard such signatures and comply with any AOC guidelines for electronic signatures that may be adopted.

**(e) Retention of Original Documents by Electronic Filers.**

(1) A filer must retain the original version of any document, attachment, or exhibit that was submitted electronically for a period of 7 years from the earlier of:

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

(B) any other termination of representation of the party on



whose behalf the document was filed; or

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

(2) During the period that the filer retains the original of a document, attachment, or exhibit, the court may require the filer to produce the original document, attachment, or exhibit that was submitted electronically.

## **Rule 12. Format of Documents**

(a) **In General.** Electronic documents must, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings and other documents, including page limits.

(b) **Self-Contained Documents.** Electronic documents must be self-contained.

(c) **Use of Hyperlinks.** Electronic documents may contain hyperlinks to other portions of the same document and to a location on the internet that contains a source document for a citation.

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

(2) Neither a hyperlink nor any site to which it refers will be considered part of the official court record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. If a party wishes to make any hyperlinked material part of the official court record, the party must attach the material as an exhibit.

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

### **Rule 13. Registration Requirements for Users of an EFS; Penalties for Misconduct**

#### **(a) Registration Mandatory.**

(1) All users of an EFS must register in order to access the EFS.

A court must permit the following users to register:

(A) licensed Nevada attorneys;

(B) non-Nevada attorneys permitted to practice in Nevada under Supreme Court Rule 42; and

(C) litigants appearing in proper person in any case in which the court has mandated electronic filing.

(2) A court must permit persons who are not registered users to access electronic documents via a public access terminal located in the courthouse. If a court mandates electronic filing by attorneys in any particular case, it must also permit litigants appearing in proper person to register with the EFS and electronically file documents in that case. A court may adopt local rules governing the procedure to register with an EFS.

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

his or her authorized agents and employees.

(c) **Electronic Mail Address Required.** Registered users must provide one or more email addresses to which an EFS will send notices. It is the user's responsibility to ensure that the EFS has the correct email address.

(d) **Misuse or Abuse of the EFS.**

(1) Any user who attempts to damage or interfere with the EFS in any manner, or attempts to alter documents or information stored on the system, has committed misuse. Any unauthorized use of the system is abuse. Misuse or abuse may result in loss of a user's registration or reference of the user to the Office of the Bar Counsel for the Nevada State Bar and will subject the user to any other penalty that may be imposed by the court.

(2) A court may adopt local rules governing misuse or abuse of the EFS and a registered user's loss of registration.

#### **Rule 14. Access to Documents; Confidential Information**

(a) **Electronic Access.** Except as provided in these rules, a court must provide registered users who are parties or attorneys on a case with access to electronic documents in the case to the same extent it provides access to paper documents. A court may provide electronic access to other registered users who are not parties or attorneys on that case.

(b) **Confidential Records.** The confidentiality of electronic records is the same as for paper records. An EFS must permit access to confidential information only to the extent provided by law. No person in possession of a confidential electronic record may release the information to any other person unless provided by law.

(c) **Identification of Confidential Documents.** The filer must identify documents made confidential by statute, court rule, or court order. The EFS

must make that document available only as provided by law.

**(d) Protection of Personal Information.**

(1) Personal information is defined by NRS 603A.040.

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

(3) If a filer must submit an unredacted document containing personal information to an EFS, the filer may submit documents under temporary seal pending court approval of the filer's motion to seal if the EFS permits such documents to be submitted electronically. The filer must also comply with the SRCR and any local rules regarding sealing documents. An EFS may permit registered users on a case to access and view a sealed document electronically, unless otherwise ordered by the court.

(4) A court may sanction a filer for disclosing personal information in violation of NRS 239B.030 or the SRCR.

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

**(e) Other Confidential Information; Temporary Sealing of Documents.** A filer may seek to have other information or documents sealed under the SRCR by submitting documents under temporary seal pending court approval of the user's motion to seal, if an EFS permits such documents to be submitted electronically.

**Rule 15. Technical Problems**

**(a) Correction of Technical Problems.** When submission, filing, service, conversion, or any other EFS function does not occur due to technical

problems, the clerk may correct the problem. Technical problems include:

(1) an error in the submission of the document to the EFS or in electronic service on another party that was unknown to the party submitting the document;

(2) a failure to process the document when received by the EFS;

(3) an erroneous exclusion of a party from the service list;

(4) a technical problem experienced by the filer with the EFS; or

(5) a technical problem experienced by a court employee with respect to the processing of a document.

**(b) Determination of Time of Filing and Time to Respond After Technical Problems.**

(1) Unless the technical problem prevents timely submission or filing or affects jurisdiction, the court must deem a document received on the date when the filer can satisfactorily demonstrate that he or she attempted to submit the document to the EFS.

(2) When the technical problem prevents timely submission or filing or affects jurisdiction, the filer may file a motion seeking to use the date and time on which the filer initially attempted to submit the document to the EFS. The court may, upon satisfactory proof, enter an order permitting the document to be filed as of the date and time of the first attempt to submit it to the EFS.

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

**Rule 16. Electronic Filing Service Providers**

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

(b) **Submission of Documents to Service Providers.** If a court contracts with a service provider, it may require filers to submit documents to the service provider. If, however, there is a single service provider or an in-house system, the service provider or system must accept documents from other service providers to the extent that it is compatible with them.

(c) **Provisions of Contract.** A court's contract with a service provider may allow the service provider to charge filers a reasonable fee in addition to the court's filing fee. If such a fee is allowed, the contract must also provide for audits of the service provider as provided in Rule 5(h). The contract may also allow the service provider to make other reasonable requirements for use of the EFS. Any contract between a court and a service provider must acknowledge that the court is the owner of the contents of the EFS and has the exclusive right to control its use. The service provider must expressly agree in writing to safeguard any personal information in accordance with Nevada law.

(d) **Transmission of Submitted Documents and Filing Fees to the Court.** A service provider must promptly transmit any submitted documents, with the applicable filing fees, to the court.

## **Rule 17. Third-Party Providers of Conversion Services**

(a) **Right to Contract.** A court may contract with one or more third-party providers for conversion services in order to convert documents to an electronic format, provided that the conversion of a court record will be undertaken with sufficient quality control measures to ensure an accurate

and reliable reproduction of the original. A public bid process should be used to award such contracts.

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

#### **Rule 18. Ability of a Party to Challenge Accuracy or Authenticity**

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