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JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

STATE OF NEVADA  
STANDING COMMITTEE ON JUDICIAL  
ETHICS AND ELECTION PRACTICES

Date Issued: October 22, 1999

JE99-006

PROPRIETY OF THE COURT PROVIDING  
STANDARD FORMS FOR THE USE OF  
LITIGANTS

Issue

May a court and its judges assist in the preparation and distribution of standard forms to be completed by litigants as well as printed information describing how to properly fill out and submit such forms?

**Answer: Yes**

Facts

A municipal court judge provides the committee with samples of a standard form motion to be used in Reno Municipal Court. In order to complete this form, the litigant is required to complete name and address information, check a box as to the type of motion being made and then explain on several lines why the relief is being sought. In addition, the court provides written instructions entitled "Motion Procedures" and "Instructions for Completing a Motion" to mechanically guide the litigant through the completion of the form. These required procedures and instructions leave completely to the litigant the selection of the type of motion and the reasons for seeking the relief.

Discussion

A judge is not allowed to practice law except in limited circumstances [Canon 4G]. A judge must act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary [Canon 2A]. Judicial ethics decisions from other jurisdictions have criticized judges for resolving legal questions of

litigants by preparing "instructions" which advise the appropriate method of raising justiciable issues in particular areas of the law. A judge has been criticized for actually preparing a motion to change venue and mailing it to participants in the case together with filing instructions and an opinion as to the validity of the motion. In re Inquiry Concerning a Judge, 357 So.2d 172 (1978).

It is understood that as part of the efficient operation of the judicial system in this state, judges are often called upon to work with court staff and attorneys to adopt and improve upon a broad manner of forms. The Committee does not believe that the use of the forms described constitutes the practice of law and does not believe that the distribution of these forms for completion by litigants will affect the impartiality of the court in any way. To the contrary, the Committee believes that judges should be encouraged to take steps that decrease the burden upon litigants, whether represented or unrepresented, in obtaining access to justice in the state of Nevada. The Canons do not prohibit judicial involvement in the drafting or approval of these materials.

These forms should be distributed by the clerk of the court and not personally by the judge. Further, it would be improper for the judge to suggest the manner in which the legally substantive aspects of the form should be completed. The resolution of legal questions stated on any such form should be left to the parties and/or their attorneys.

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### Conclusion

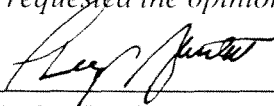
A judge is encouraged to use court time to develop any form which might improve access to justice in this state as long as the forms are distributed by the clerk of the court and the judge does not assist litigants in any way to complete the forms by giving legal advice.

### References

Nevada Code of Judicial Conduct:  
Canons 2A and 4G and In Re Inquiry Concerning a Judge, 357 So.2d 172 (1978)

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*This opinion is issued by the Standing Committee on Judicial Ethics and Election Practices. It is advisory only. It is not binding upon the courts, the State Bar of Nevada, the Nevada Commission on Judicial Discipline, any person or tribunal charged with regulatory responsibilities, any member of the Nevada judiciary, or any person or entity which requested the opinion.*



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*Committee Chairman*