NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
357

SUMMONS AND COMPLAINT SERVICE PROCESS

Supersedes: AR 357 (Temporary, 10/26/11)
Effective date: 06/17/12

AUTHORITY: NRS 209.131, 41.0339

RESPONSIBILITY

The Appointing Authority shall be responsible for the overall implementation and compliance with this regulation.

The Department Personnel Division shall be responsible for the implementation of this regulation.

All employees shall be responsible to have knowledge of and comply with this regulation.

357.01 DESIGNATED REPRESENTATIVE

1. Only those employees designated below are authorized to accept service on behalf of the Department and its employees.

   A. Designated Administrative Assistants in Personnel.

   B. Warden's Administrative Assistants located at Lovelock Correctional Center and Ely State Prison.

   C. Department Personnel Officers.

2. Personal service to an individual employee is proper and cannot be refused, but constitutes appropriate service for that person only.

3. Service will not be accepted for defendants who are not current employees of the Department.

357.02 EMPLOYEES REQUEST FOR LEGAL REPRESENTATION CIVIL LITIGATION COORDINATION FORM III (DOC-1034)

1. NRS 41.0339 requires an employee submit a written request for defense to the Attorney General's Office within 15-days after service of a Summons and Complaint.

2. Failure to respond can result in an employee not being represented by the Attorney Generals Office.

3. Critical time limitations apply to each step of this process. Failure to satisfy these deadlines can result in a default judgment against the employee.

357.03 ACCEPTANCE OF SERVICE BY A REPRESENTATIVE

1. Upon receipt of a properly served Summons and Complaint the Designated Representative will log the Summons and Complaint.

A. A complaint must always be accompanied by a summons, or service shall not be accepted.

2. The original Summons and Complaint will be forwarded to the Attorney General's Office in Carson City.

A. It will be accompanied by a "Notice To Attorney General Regarding Service of Process Civil Litigation Coordination Form I" (DOC-1032).

B. These documents must be forwarded in the most expeditious manner.

3. The Attorney General's Office will return a copy of the Summons and Complaint, along with a letter addressed to each defendant, to the Designated Representative.

A. The Designated Representative will forward the letter and copy of the Summons and Complaint along with an original "Employees Request for Legal Representation Civil Litigation Coordination Form III" (DOC-1034), to the employee.

B. The Summons and Complaint package shall be transmitted, by intra-department mail to the institution where the defendant is currently located, to the attention of the Warden's Assistant.

C. The Warden's Assistant will ensure the DOC-1034 is signed by the employee and returned to the Designated Representative.

D. The Designated Representative will log the date the DOC-1034 is returned to and forward to the Attorney General's Office in Carson City.

357.04 ACCEPTANCE OF SERVICE BY AN INDIVIDUAL

1. If an individual employee is served personally, the employee shall immediately notify the Designated Representative in their region.

A. Personal service to an individual employee is proper and cannot be refused.

B. That employee shall not accept service for any other employees.

2. For personal service, employees are reminded that NRS 41.0339 requires that an employee submit a written request for defense to the Attorney General within 15 days of service of a Summons and Complaint and timely notification of designated employees is essential.

A. Failure to satisfy those deadlines can result in a default judgment against the employee.

B. Failure to respond to this request can result in employee being left without representation.

357.05 RECORDS AND LOGS

1. All documents and logs generated by this regulation shall be maintained pursuant to normal records retention schedule.

APPLICABILITY

1. This regulation applies to all employees of the Department.

2. This regulation does not require an Operational Procedure.

3. This regulation does not require an audit.

James G. Cox, Director

5/30/12
Date