IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PROCESSING OF CIVIL APPEALS INVOLVING LITIGANTS APPEARING IN PRO SE.

ADKT 0385

FILED

APR 30 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER SETTING PUBLIC HEARING

On June 10, 2005, this court established a pilot program for civil appeals involving pro se litigants. This court has determined that litigants who are not represented by counsel on appeal should be allowed to file briefs and other documents. The court therefore proposes amendments to the Nevada Rules of Appellate Procedure in order to effectuate this change. The proposed amendments are attached to this order.

The Nevada Supreme Court will conduct a public hearing to consider the proposed amendments. The public hearing will be held on Wednesday, July 1, 2015, at 1:00 p.m. in the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 200 Lewis Avenue, 17th Floor (Regional Justice Center), Las Vegas, Nevada.

Further, this court invites written comment from the bench, bar and public regarding the petition. An original and 8 copies of written comments are to be submitted to: Tracie K. Lindeman, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5:00 p.m., June 26, 2015. Comments must be submitted in hard-copy

format. Comments submitted electronically will not be docketed. Persons interested in participating in the hearing must notify the Clerk no later than June 26, 2015.

Hearing date: July 1, 2015, at 1:00 p.m.
Supreme Court Courtroom
201 South Carson Street
Carson City, Nevada

Comment deadline: June 26, 2015, at 1:30 p.m.
Supreme Court Clerk's Office
201 South Carson Street
Carson City, Nevada 89701

DATED this 30th day of April, 2015

_____, C.J.

cc: Elana T. Graham, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENTS TO NEVADA RULES OF APPELLATE PROCEDURE

RULE 1. SCOPE, CONSTRUCTION OF RULES

(a) Scope of Rules. These Rules govern procedure in the Supreme Court of Nevada and the Nevada Court of Appeals.

(b) Rules Not to Affect Jurisdiction. These Rules shall not be construed to extend or limit the jurisdiction of the Supreme Court or the Court of Appeals as established by law.

(c) Construction of Rules. These Rules shall be liberally construed to secure the proper and efficient administration of the business and affairs of the courts and to promote and facilitate the administration of justice by the courts.

(d) Effect of Rule and Subdivision Headings. Rule and subdivision headings set forth in these Rules shall not in any manner affect the scope, meaning or intent of any of the provisions of these Rules.

(e) Definitions of Words and Terms. In these Rules, unless the context or subject matter otherwise requires:

(1) "Appellant" includes, if appropriate, a petitioner.

(2) "Case" includes action and proceeding.

(3) "Clerk" **[~~means the clerk of the Supreme Court~~]** and "clerk of the Supreme Court" means the person appointed to serve as clerk of both the Supreme Court and Court of Appeals.

(4) "Court" means the Supreme Court or Court of Appeals.

(5) "Party," "applicant," "petitioner" or any other designation of a party include such party's attorney of record. Whenever under these Rules a notice or other paper is required to be given or served on a party, such notice or service shall be made on his attorney of record if he has one.

(6) "Person" includes and applies to corporations, firms, associations and all other entities, as well as natural persons.

(7) "Pro se" refers to a party acting on his or her own behalf without the assistance of counsel.

(8) "Postconviction appeal" includes any appeal from an order resolving a postconviction challenge to a judgment of conviction, sentence, or the computation of time served under a judgment of conviction including, but not limited to, proceedings instituted under NRS chapter 34.

[~~(7)~~](9) "Shall" is mandatory and "may" is permissive.

[~~(8)~~](10) The past, present and future tense shall each include the others; the masculine, feminine and neuter gender shall include the others; and the singular and plural numbers shall each include the other.

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RULE 3B. CRIMINAL ACTIONS: RULES GOVERNING

Appeals from district court determinations in criminal actions shall be governed by these Rules and by NRS 176.09183, NRS 177.015 to 177.305, and NRS 34.575. All appeals in capital cases are also subject to the provisions of SCR 250. Rule 3C applies to all other direct and **[~~post-conviction~~]** postconviction criminal appeals, except those matters specifically excluded **[~~from the fast track~~]** by Rule 3C(a).

RULE 3C. FAST TRACK CRIMINAL APPEALS

(a) Applicability.

(1) This Rule applies to an appeal from a district court judgment or order entered in a criminal or **[~~post-conviction~~]** postconviction proceeding **[~~commenced after September 1, 1996~~]**, whether the appellant is the State or the defendant. **[~~A proceeding is commenced for the purposes of this Rule upon the filing of an indictment, information, or post-conviction application in the district court.~~]**

(2) The Supreme Court may exercise its discretion and apply this Rule to appeals arising from criminal and **[~~post-conviction~~]** postconviction proceedings that are not subject to this Rule.

(3) Unless the court otherwise orders, an appeal is not subject to this Rule if:

(A) the appeal challenges an order or judgment in a case involving a category A felony, as described in NRS 193.130(2)(a), in which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole is actually imposed;

(B) the appeal is brought by a defendant or petitioner who was not represented by counsel in the district court; or

(C) the appeal is filed in accordance with Rule 4(c).

(b) Responsibilities of Trial Counsel.

(1) Definition. For purposes of this Rule, "trial counsel" means the attorney who represented the defendant or **~~[post-conviction]~~** postconviction petitioner in district court in the underlying proceedings that are the subject of the appeal.

* * * *

(m) Court Reporter or Recorder Protection and Compensation.

(1) Liability. Court reporters or recorders shall not be subject to civil, criminal or administrative causes of action for inaccuracies in a rough draft transcript unless the court reporter or recorder willfully:

(A) Fails to take full and accurate stenographic notes of the criminal proceeding for which the rough draft transcript is submitted, or willfully and improperly alters stenographic notes from the criminal proceeding, or willfully transcribes audio- or videotapes inaccurately; and

(B) Such willful conduct proximately causes injury or damage to the party asserting the action, and that party demonstrates that appellate or **~~[post-conviction]~~** postconviction relief was granted or denied based upon the court reporter's or recorder's inaccuracies.

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RULE 3E. FAST TRACK CHILD CUSTODY APPEALS

(a) Applicability. This Rule applies to appeals and cross-appeals from district court orders pertaining to child custody or visitation[~~in which either the appellant or cross-appellant is represented by counsel. This court having implemented a pilot program for proper person appeals, this Rule does not apply in those cases. If, however, either the appellant or cross-appellant is represented by counsel and the opposing party is in proper person, the opposing proper person party must file all documents in compliance with this Rule, notwithstanding Rule 46(b)~~].

(b) Responsibilities of Appellant. Appellant and cross-appellant are responsible for filing the notice of appeal, case appeal statement, docketing statement, a transcript request form, and a fast track statement for the case identifying the appellate issues that are raised. An appellant and/or cross-appellant who is proceeding without counsel need not prepare a case appeal statement, as the district court clerk will prepare this document in accordance with Rule 3(f)(2).

(c) Request for Transcripts or Rough Draft Transcripts.

(1) Rough Draft Transcript. For the purposes of this Rule, a rough draft transcript is a computer-generated transcript that can be expeditiously prepared in a condensed fashion, but is not proofread, corrected or certified to be an accurate transcript. A rough draft transcript shall:

(A) be printed on paper 8 1/2 by 11 inches in size, double-sided, with the words "Rough Draft Transcript" printed on the bottom of each page;

(B) be produced with a yellow cover sheet;

(C) include a concordance, indexing key words contained in the transcript; and

(D) include an acknowledgment by the court reporter or recorder that the document submitted pursuant to this Rule is a true original or copy of the rough draft transcript.

(2) Transcript Requests.

(A) **Filing and Serving Request Form.** The parties have a duty to confer and attempt to reach an agreement concerning the transcripts necessary for the **[~~Supreme C~~]**court's review on appeal. When a transcript is necessary for an appeal, appellant shall file the transcript or rough draft transcript request form with the district court and shall serve a copy of the request form upon the court reporter or recorder and the opposing party. Appellant shall file and serve the request form within 10 days of the date that the Supreme Court approves the settlement conference report indicating that the parties were unable to settle or, if the case was exempted or removed from the settlement program, within 10 days of the date that the case was exempted or removed from the settlement program. Appellant shall file with the clerk of the Supreme Court 2 file-stamped copies of the transcript or rough draft transcript request form and proof of service of the form upon the court reporter or recorder and the opposing party. The transcript request form shall substantially comply with Form 3 or 11 in the Appendix of Forms unless the party filing the form is proceeding pro se, in which case the transcript request form shall substantially comply with Form 17 in the Appendix of Forms. If no transcript is to be requested, appellant shall file with the clerk of the Supreme Court and serve the opposing party with a certificate to that effect within the same period that the transcript request form must be filed and served under this subsection. Such a certificate shall substantially comply with Form 14 in the Appendix of Forms.

(B) Appellant shall order transcripts of only those portions of the proceedings that appellant reasonably and in good faith believes are necessary to determine the appellate issues.

(C) The court reporter or recorder shall submit an original transcript or rough draft transcript, as requested by appellant, to the district court no more than 20 days after the date that the request is served. The court reporter or recorder shall also deliver certified copies of the transcript or rough draft transcript to the requesting and opposing parties no more than 20 days after the date when the request is served. Within 5 days after delivering the certified copies of the rough draft transcript, the court reporter or recorder shall file with the clerk of the Supreme Court a certificate acknowledging delivery of the completed transcript and specifying the transcripts that have been delivered and the date that they were delivered to the requesting party. Form 15 in the Appendix of Forms is a suggested form of certificate of delivery. The preparation of transcripts shall conform with the provisions of this Rule.

(D) When a transcript request form is submitted by a pro se party who is proceeding in forma pauperis, the court reporter or recorder shall take no action on the request unless directed to do so by the Supreme Court or Court of Appeals in accordance with Rule 9(b).

[~~(D)~~](E) Relevant portions of the trial or hearing that were audio recorded or video recorded shall be submitted in typewritten form. The court will not accept audio- or videotapes in lieu of transcripts.

(3) Supplemental Request for Transcripts or Rough Draft Transcripts. The opposing party may make a supplemental request for portions of the transcript or rough draft transcript that were not previously requested. The request shall be made no more than 5 days after appellant

served the transcript request made pursuant to subsection (c)(2) of this Rule. In all other respects, the opposing party shall comply with the provisions of this Rule governing a transcript or rough draft transcript request when making a supplemental transcript request.

(4) Sufficiency of the Rough Draft Transcript. In the event that appellant elects to use rough draft transcripts, appellant shall be responsible for reviewing the sufficiency of the rough draft transcripts. In the event that a substantial question arises regarding a rough draft transcript's accuracy, the **[~~Supreme C~~]**court may order the production of a certified transcript.

(d) Filing Fast Track Statement, Response and Appendix.

(1) Filing Fast Track Statement. Within 40 days after the Supreme Court approves the settlement conference report indicating that the parties were unable to settle the case or, if the appeal is removed or exempted from the settlement program, within 40 days after the appeal is removed or exempted, appellant and cross-appellant shall file and serve an original and 1 copy of both a fast track statement form and an appendix with the clerk of the Supreme Court and serve 1 copy of the fast track statement and appendix on the opposing party. The fast track statement shall substantially comply with Form 12 in the Appendix of Forms. The fast track statement shall not exceed **[~~15~~]**16 pages in length or shall comply with the type-volume limitations stated in Rule 3E(e)(2). The fast track statement shall include the following:

(A) A statement of jurisdiction for the appeal;

(B) A statement of the case and procedural history of the case;

(C) A concise statement summarizing all facts material to a consideration of the issues on appeal;

(D) An outline of the alleged district court error(s);

(E) Legal argument, including authorities, pertaining to the alleged error(s) of the district court;

(F) When applicable, a statement regarding the sufficiency of the rough draft transcript;

(G) When applicable, a reference to all related or prior appeals, including the appropriate citations for those appeals; and

(H) A statement, setting forth whether the matter should be retained by the Supreme Court or assigned to the Court of Appeals, including reference to any appropriate provisions in Rule 17. If the appellant believes that the Supreme Court should retain the case despite its presumptive assignment under Rule 17 to the Court of Appeals, the statement shall identify the specific issue(s) or circumstance(s) that warrant retaining the case and an explanation of their importance or significance.

(2) Filing Fast Track Response. Within 20 days from the date a fast track statement is served, the respondent and cross-respondent shall file an original and 1 copy of a fast track response and serve 1 copy of the fast track response on the opposing party. The fast track response shall substantially comply with Form 13 in the Appendix of Forms. The fast track response shall not exceed **[~~10~~]**11 pages in length or shall comply with the type-volume limitations stated in Rule **[~~3E(j)~~]**3E(e)(2). The fast track response shall include additional authority and factual information necessary to rebut the contentions in the fast track statement. In cases involving a pro se appellant and/or cross-appellant, Rule 46A(c) shall not apply and the respondent/cross-respondent shall file a fast track response as required by this Rule.

(3) Expanded Fast Track Statement or Response. A party may seek leave of the court to expand the length of the fast track statement or

response. The requesting party must demonstrate that the complexity of the case and the issues presented warrant granting the request. A request for expansion must be filed at least 10 days before the fast track statement or response is otherwise due, and must specify the number of additional pages requested.

(4) Appendix. The parties have a duty under Rule 30 to confer and attempt to reach an agreement concerning a possible joint appendix to be filed with the fast track statement. In the absence of an agreement respecting a joint appendix, appellant shall prepare and file a separate appendix with the fast track statement, and respondent may prepare and file a separate appendix with the fast track response. The preparation and contents of appendices shall comply with Rules 30 and 32 and shall be paginated sequentially. Every assertion in the fast track statement or response regarding matters in an appendix shall cite to the specific page number that supports that assertion.

(5) Pro Se Appellant; Appendix. A pro se appellant or cross-appellant shall not file an appendix. If the court's review of the record is necessary in such a case, the court may direct that the complete record be transmitted as provided in Rule 11(a)(2). Pro se parties are encouraged, but not required, to support assertions made in the fast track statement or response regarding matters in the record by citing to the specific page number in the record that supports the assertions.

(e) Format; Type-Volume Limitation; Certificate of Compliance.

(1) Format. Fast track filings shall comply with the formatting requirements of Rule 32(a)(4)-(6), and Rule 32(a)(7)**[**~~(D)~~**]**(C) shall apply in computing permissible length**[**~~.~~**]**, and Rule 32(a)(8) shall apply with regard to handwritten documents by pro se parties.

(2) Type-Volume Limitation. The size of a fast track filing may be calculated by type-volume in lieu of page limitation. Using a type-volume limitation, a fast track statement is acceptable if it contains no more than **[~~7,000~~]** 7,267 words or **[~~650~~]**693 lines of text. A fast track response is acceptable if it contains no more than two-thirds the type-volume specified for a fast track statement (**[~~4,667~~]**4,845 words or **[~~433~~]**462 lines of text); and a fast track reply or supplement is acceptable if it contains no more than **[~~one-third of the type-volume specified for a fast track statement~~]** **[~~(~~]**2,333 words or 216 lines of text**[~~)~~]**.

(3) Certificate of Compliance. Fast track filings must include a certificate of compliance in substantially the form required by Rule 32(a)(8). A certificate that includes the first two paragraphs under "Verification" in Forms 6 and 7 of the Appendix of Forms will be regarded as sufficient to meet the requirements of this Rule.

* * * *

(g) Appeal Disposition, Full Briefing, or Calendaring.

(1) Based solely upon review of the transcripts or rough draft transcripts, fast track statement, fast track response, and any other documents filed with the court, the **[~~Supreme C~~]**court may resolve the matter or direct full briefing.

(2) A party may seek leave of the **[~~Supreme C~~]**court to remove an appeal from the fast track program and direct full briefing. The motion must demonstrate that the specific issues raised in the appeal are complex and/or too numerous for resolution in the fast track program. If the moving party is represented by counsel, **[~~Counsel for~~]** the movant must attach a written waiver from the client certifying that counsel has discussed the implications of full briefing and that the client waives expeditious resolution of the appeal.

(3) If the [~~Supreme C~~]court orders an appeal to be fully briefed, the parties are not required to file transcript request forms pursuant to Rule 9(a) unless otherwise ordered. If a party's brief cites to a transcript not previously filed in the [~~Supreme C~~]court, that party shall cause a supplemental transcript to be prepared and filed in the district court and the [~~Supreme C~~]court under Rule 9 within the time specified for filing the brief in the [~~Supreme C~~]court's briefing order. If a represented party's brief cites to documents not previously filed in the [~~Supreme C~~]court, that party shall file and serve an appropriately documented supplemental appendix with the brief. In accordance with Rule 30, pro se parties shall not file an appendix, but when the court's review of the record is necessary in a pro se appeal, the court may direct that the complete record be transmitted as provided in Rule 11(a)(2).

(4) Subject to extensions, and if the [~~Supreme C~~]court does not order full briefing, the [~~Supreme C~~]court shall dispose of all fast track child custody appeals within 90 days of the date the fast track response is filed.

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RULE 4. APPEAL—WHEN TAKEN

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(b) Appeals in Criminal Cases.

(1) Time for Filing a Notice of Appeal.

(A) Appeal by Defendant or Petitioner. Except as otherwise provided in NRS 34.560(2), NRS 34.575(1), NRS 176.09183(6), NRS 177.055, and Rule 4(c), the notice of appeal by a defendant or petitioner in a criminal

case shall be filed with the district court clerk within 30 days after the entry of the judgment or order being appealed.

(B) Appeal by the State. Except as otherwise provided in NRS 34.575(2), NRS 176.09183(4), and NRS 177.015(2), when an appeal by the state is authorized by statute, the notice of appeal shall be filed with the district court clerk within 30 days after the entry of the judgment or order being appealed.

(2) Filing Before Entry of Judgment. A notice of appeal filed after the announcement of a decision, sentence or order—but before entry of the judgment or order—shall be treated as filed after such entry and on the day thereof.

(3) Effect of a Motion on a Notice of Appeal.

(A) If a defendant timely files a motion in arrest of judgment or **[~~for~~]** a motion for a new trial on any ground other than newly discovered evidence and the motion has not been denied by oral pronouncement or entry of a written order when the judgment of conviction is entered, the notice of appeal **[~~has been made, an appeal~~]** from **[a]** the judgment of conviction may be taken within 30 days after the entry of an order denying the motion.

(B) If **[A]** a defendant files a motion for a new trial based on the ground of newly discovered evidence **[~~will similarly extend the time for appeal from a judgment of conviction if the motion is made before or within 30 days after entry of the judgment.~~]** before entry of the judgment of conviction and the motion has not been denied by oral pronouncement or entry of a written order when the judgment of conviction is entered, the notice of appeal from the judgment of conviction may be filed

within 30 days after the entry of an order denying the motion. If a defendant makes such a motion within 30 days after the entry of the judgment of conviction, the time for the defendant to file the notice of appeal from the judgment of conviction will be similarly extended.

(4) Entry Defined. A judgment or order is entered for purposes of this Rule when it is signed by the judge and filed with the clerk.

(5) Time for Entry of Judgment; Content of Judgment or Order in [~~Post-Conviction~~]Postconviction Matters.

(A) Judgment of Conviction. The district court judge shall enter a written judgment of conviction within 10 days after sentencing.

(B) Order Resolving [~~Post-Conviction~~]Postconviction Matter. The district court judge shall enter a written judgment or order finally resolving any **[~~post-conviction~~]**postconviction matter within 20 days after the district court judge's oral pronouncement of a final decision in such a matter. The judgment or order in any **[~~post-conviction~~]**postconviction matter must contain specific findings of fact and conclusions of law supporting the district court's decision.

(C) Sanctions; Counsel's Failure to Timely Prepare Judgment or Order. The **[~~Supreme C~~]**court may impose sanctions on any counsel instructed by the district court judge to draft the judgment or order and who does not submit the proposed judgment or order to the district court judge within the applicable time periods specified in Rule 4(b)(5).

(6) Withdrawal of Appeal. If an appellant no longer desires to pursue an appeal after the notice of appeal is filed, counsel for appellant shall file with the clerk of the Supreme Court a notice of withdrawal of appeal. The

notice of withdrawal of appeal shall substantially comply with Form 8 in the Appendix of Forms.

(c) Untimely Direct Appeal From a Judgment of Conviction and Sentence.

(1) When an Untimely Direct Appeal From a Judgment of Conviction and Sentence May Be Filed. An untimely notice of appeal from a judgment of conviction and sentence may be filed only under the following circumstances:

(A) A **[~~post-conviction~~]**postconviction petition for a writ of habeas corpus has been timely and properly filed in accordance with the provisions of NRS 34.720 to 34.830, asserting a viable claim that the petitioner was unlawfully deprived of the right to a timely direct appeal from a judgment of conviction and sentence; and

(B) The district court in which the petition is considered enters a written order containing:

(i) specific findings of fact and conclusions of law finding that the petitioner has established a valid appeal-deprivation claim and is entitled to a direct appeal with the assistance of appointed or retained appellate counsel;

(ii) if the petitioner is indigent, directions for the appointment of appellate counsel, other than counsel for the defense in the proceedings leading to the conviction, to represent the petitioner in the direct appeal from the conviction and sentence; and

(iii) directions to the district court clerk to prepare and file—within 5 days of the entry of the district court's order—a notice of appeal from

the judgment of conviction and sentence on the petitioner's behalf in substantially the form provided in Form 1 in the Appendix of Forms.

(C) If a federal court of competent jurisdiction issues a final order directing the state to provide a direct appeal to a federal habeas corpus petitioner, the petitioner or his or her counsel shall file the federal court order within 30 days of entry of the order in the district court in which petitioner's criminal case was pending. The clerk of the district court shall prepare and file—within 30 days of filing of the federal court order in the district court—a notice of appeal from the judgment of conviction and sentence on the petitioner's behalf in substantially the form provided in Form 1 in the Appendix of Forms.

(2) Service by the District Court Clerk. The district court clerk shall serve certified copies of the district court's written order and the notice of appeal required by Rule 4(c) on the petitioner and petitioner's counsel in the **[~~post-conviction~~]**postconviction proceeding, if any, the respondent, the Attorney General, the district attorney of the county in which the petitioner was convicted, the appellate counsel appointed to represent the petitioner in the direct appeal, if any, and the clerk of the Supreme Court.

(3) **Notice of Appeal Filed by Petitioner's Counsel or Petitioner.** If the district court has entered an order containing the findings required by Rule 4(c)(1)(B) and the district court clerk has not yet prepared and filed the notice of appeal on the petitioner's behalf, the petitioner or petitioner's counsel may file the notice of appeal from the judgment of conviction and sentence.

[~~(3)~~](4) Motion to Dismiss Appeal. The state may challenge a district court's written order granting an appeal-deprivation claim by filing a

motion to dismiss the appeal with the clerk of the Supreme Court within 30 days **[~~after docketing~~]** after the date on which the appeal is docketed in the Supreme Court. The state's motion to dismiss shall be properly supported with all documents relating to the district court proceeding that are necessary to the Supreme Court's or Court of Appeals' complete understanding of the matter.

[~~(4)~~](5) Effect on Procedural Bars. When a direct appeal of a criminal conviction and sentence is conducted under this Rule, the timeliness provisions governing any subsequent habeas corpus attack on the judgment shall begin to run upon the termination of the direct appeal, as provided in NRS 34.726(1) and NRS 34.800(2). A habeas corpus petition filed after a direct appeal conducted under this Rule shall not be deemed a "second or successive petition" under NRS 34.810(2).

* * * *

RULE 9. TRANSCRIPT; DUTY OF COUNSEL; DUTY OF THE COURT REPORTER OR RECORDER

(a) Counsel's Duty to Request Transcript.

(1) Necessary Transcripts.

(A) Counsel have a duty to confer and attempt to reach an agreement concerning the transcripts necessary for the **[~~Supreme C~~]**court's review on appeal.

(B) [~~Except as provided in Rule 3C(j)(2),~~] Unless otherwise provided in these rules, the appellant shall file a transcript request form in accordance with Rule 9(a)(3) when a verbatim record was made of the district court proceedings and the necessary portions of the transcript were not

prepared and filed in the district court before the appeal was docketed under Rule 12.

(C) If no transcript is to be requested, the appellant shall file and serve a certificate to that effect within the period set forth in Rule 9(a)(3) for the filing of a transcript request form. Such a certificate shall substantially comply with Form 14 in the Appendix of Forms.

(2) Multiple Appeals. If more than one appeal is taken, each appellant shall comply with the provisions of this Rule.

(3) Transcript Request Form.

(A) Filing. The appellant shall file an original transcript request form with the district court clerk and 1 file-stamped copy of the transcript request form with the clerk of the Supreme Court no later than 15 days from the date that the appeal is docketed under Rule 12.

(B) Service and Deposit. The appellant shall serve a copy of the transcript request form on the court reporter or recorder who recorded the proceedings and on all parties to the appeal within the time provided in subparagraph (A). The appellant must pay an appropriate deposit to the court reporter or recorder at the time of service, unless appellant is proceeding in forma pauperis or is otherwise exempt from payment of the fees. Where several parties appeal from the same judgment or any part thereof, or there is a cross-appeal, the deposit shall be borne equally by the parties appealing, or as the parties may agree.

(C) Contents of Form. The appellant shall examine the district court minutes to ascertain the name of each court reporter or recorder who recorded the proceedings for which transcripts are necessary. The appellant shall prepare a separate transcript request form addressed to each court reporter or recorder who recorded the necessary proceedings, specifying only

those proceedings recorded by the court reporter or recorder named on the request form. The transcript request form must substantially comply with Form 3 in the Appendix of Forms and must contain the following information:

(i) Name of the judge or officer who heard the proceedings;

(ii) Date or dates of the trial or hearing to be transcribed; individual dates must be specified, a range of dates is not acceptable;

(iii) Portions of the transcript requested; specify the type of proceedings (e.g., suppression hearing, trial, closing argument);

(iv) Number of copies required; and

(v) A certification by appellant's counsel that the attorney has ordered the required transcripts and has paid the required deposits. This certification shall specify from whom the transcript was ordered, the date the transcript was ordered, and the date the deposit was paid.

(4) Number of Copies of Transcript; Costs. Appellant shall provide a copy of the certified transcript to counsel for each party appearing separately. Unless otherwise ordered, the appellant initially shall pay any costs associated with the preparation and delivery of the transcript. Where several parties appeal from the same judgment or any part thereof, or there is a cross-appeal, the costs associated with the preparation and delivery of the transcript shall be borne equally by the parties appealing, or as the parties may agree.

(5) Supplemental Request. If the parties cannot agree on the transcripts necessary to the **[~~Supreme C~~]**court's review, and appellant requests only part of the transcript, appellant shall request any additional parts of the transcript that the respondent considers necessary. Within 10

days from the date the initial transcript request is filed, respondent shall notify appellant in writing of the additional portions required. Appellant shall have 10 days thereafter within which to file and serve a supplemental transcript request form and pay any additional deposit required.

(6) In forma pauperis. In a civil case, if appellant is represented by counsel but has been permitted to proceed in forma pauperis or has filed a statement of legal aid eligibility under NRAP 24, counsel may request a waiver of the costs associated with the preparation and delivery of the transcripts by filing a motion with the clerk of the Supreme Court specifying each proceeding for which a transcript is requested and a statement explaining why each transcript is necessary for the court's review on appeal. The court may order that the transcripts be prepared at the expense of the county in which the proceeding occurred, but at a reduced rate established by the county in accordance with NRS 12.015(3).

[~~(6)~~](7) Consequences of Failure to Comply. A party's failure to comply with the provisions of this Rule may result in the imposition of sanctions, including dismissal of the appeal.

(b) Pro Se Parties' Duty to Request Transcripts in Civil Cases. A pro se appellant in a civil appeal shall identify and request all necessary transcripts. If no transcript is to be requested, the pro se appellant shall file with the clerk of the Supreme Court and serve upon the parties a certificate to that effect within 15 days of the date the appeal is docketed under Rule 12. Such a certificate shall substantially comply with Form 14 in the Appendix of Forms.

(1) Transcript Request Form.

(A) Filing. A pro se appellant shall have 15 days from the date the appeal is docketed under Rule 12 to file an original transcript request form with the clerk of the Supreme Court. The transcript request form must substantially comply with Form 17 in the Appendix of Forms.

(B) Service, Deposit and Costs. A pro se appellant who has not been granted in forma pauperis status shall serve a copy of the transcript request form on the court reporter or recorder who recorded the proceedings and on all parties to the appeal within the time provided in subparagraph (A) and must pay an appropriate deposit to the court reporter or recorder at the time of service. Upon receiving the transcript, the litigant(s) requesting that transcript shall file a copy of the transcript with the clerk of the Supreme Court.

(C) Pro se appellant granted in forma pauperis status. A pro se appellant proceeding in forma pauperis shall serve a copy of the transcript request form on all parties to the appeal within the time provided in subparagraph (A), but need not serve that document on the court reporter or recorder. The Supreme Court or Court of Appeals will review any completed transcript request forms and determine which transcripts, if any, shall be prepared and will issue an order directing the preparation of any necessary transcripts.

(2) Respondent's Request for Transcripts. Respondent may request any additional transcripts respondent considers necessary to the Supreme Court's or Court of Appeals' review. A transcript request form prepared by a pro se respondent must substantially comply with Form 17 in the Appendix of Forms. A transcript request form prepared by counsel must substantially comply with Form 3 in the Appendix of Forms. Respondents shall have 10 days from the date of service of appellant's transcript request

form to request any transcripts that respondent deems necessary. If respondent requests a transcript, respondent shall furnish each party appearing separately with a copy of the transcript. Any costs associated with the preparation and delivery of a transcript requested by respondent shall be paid by the respondent unless otherwise ordered by the Supreme Court or Court of Appeals.

[~~(b)~~](c) Duty of the Court Reporter or Recorder.

(1) Preparation, Filing, and Delivery of Transcripts.

(A) Time to File and Deliver Transcripts. Upon receiving a transcript request form and the required deposit, the court reporter or recorder shall promptly prepare or arrange for the preparation of the transcript. Except as provided in Rule 9(**[~~b~~]**c)(1)(B) and (**[~~b~~]**c)(4), the court reporter or recorder shall—within 30 days after the date that a request form is served:

(i) file the original transcript with the district court clerk; and

(ii) deliver to the party ordering the transcript 1 certified copy and an additional certified copy for the appendix.

(B) Appellant's Failure to Pay Deposit. The court reporter or recorder is not obligated to prepare the transcript until receipt of the deposit required by Rule 9(a)(3)(B) or Rule 9(b)(1)(B). If appellant fails to timely pay the deposit, the court reporter or recorder must—no later than 30 days from the date that the transcript request form is served:

(i) file with the clerk of the Supreme Court a written notice that the deposit has not been received, setting forth the full amount of the deposit and the amount that remains unpaid; and

(ii) serve a copy of the notice on **[~~counsel for~~]** the party requesting the transcript.

(2) Notice to Clerk of the Supreme Court. Within 10 days after the transcript is filed with the district court and delivered to the requesting party, the court reporter or recorder shall file with the clerk of the Supreme Court a notice that the completed transcript has been filed and delivered. The notice shall specify the transcripts that have been filed and delivered and the date that those transcripts were filed and delivered. Form 15 in the Appendix of Forms is a suggested form of certificate of delivery.

(3) Format of Transcript. A certified transcript may be produced in a conventional page-for-page format. A concordance indexing keywords in the transcript shall be provided.

(4) Extension of Time to Deliver Transcript.

(A) Motion Required. If the court reporter or recorder cannot deliver a transcript within the time provided in Rule 9(~~[b]~~c)(1)(A), the reporter or recorder shall seek an extension of time by filing a written motion with the clerk of the Supreme Court on or before the date that the transcripts are due.

(B) Supporting Documentation and Affidavits. A motion to extend the time for delivering a transcript shall be accompanied by the affidavit of the court reporter or recorder setting forth the reasons for the requested extension and the length of additional time needed to prepare the transcript.

(C) Service. The motion must be served on **[~~counsel for~~]** the party requesting the transcript.

(D) Standard for Granting. Requests for extensions of time to prepare a transcript will be closely scrutinized and will be granted only upon a showing of good cause.

(5) Sanctions for Failure to Comply. A court reporter or recorder who fails to file and deliver a timely transcript without sufficient cause as provided in Rule 9([~~b~~]c)(4) may be subject to sanctions under Rule 13.

[~~(c)~~](d) Statement of the Evidence When the Proceedings Were Not Recorded or When a Transcript Is Unavailable. If a hearing or trial was not recorded, or if a transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement shall be served on the respondent, who may serve objections or proposed amendments within 10 days after being served. The statement and any objections or proposed amendments shall then be submitted to the district court for settlement and approval. As settled and approved, the statement shall be included by the district court clerk in the trial court record, and the appellant shall include a file-stamped copy of the statement in an appendix filed with the clerk of the Supreme Court.

RULE 10. THE RECORD

* * * *

(b) The [~~Appellate Court~~] Record on Appeal.

(1) The Appendix. For the purposes of appeal, the parties shall submit to the clerk of the Supreme Court copies of the portions of the trial court record to be used on appeal, including all transcripts necessary to the Supreme Court's or Court of Appeals' review, as appendices to their briefs.

Under Rule 30(a), a joint appendix is preferred. This Rule does not apply to pro se parties. The Supreme Court or Court of Appeals will determine whether its review of the complete record is necessary in a pro se appeal and direct the district court clerk to transmit the record as provided in Rule 11(a)(2).

(2) Exhibits. If exhibits cannot be copied to be included in the appendix, the parties may request transmittal of the original exhibits to the clerk of the Supreme Court under Rule 30(d).

* * * *

RULE 11. PREPARING AND FORWARDING THE RECORD

(a) Preparation of the Record. Upon written direction from the **[~~Supreme C~~]**court, the district court clerk shall provide the clerk of the Supreme Court with the papers or exhibits comprising the trial court record. The record shall be assembled, paginated, and indexed in the same manner as an appendix to the briefs under Rule 30. If the Supreme Court or Court of Appeals determines that its review of original papers or exhibits is necessary, the district court clerk shall forward the original trial court record in lieu of copies.

(1) Exhibits. If the Supreme Court or Court of Appeals directs transmittal of exhibits, the exhibits shall not be included with the documents comprising the record. The district court clerk shall place exhibits in an envelope or other appropriate container, so far as practicable. The title of the case, the **[~~Supreme C~~]**court docket number, and the number and description of all exhibits shall be listed on the envelope, or if no envelope is used, then on a separate list.

(2) Record in [~~Proper Person~~] Pro Se Cases. When the [~~Supreme C~~]court directs transmission of the complete record in cases in which the appellant is proceeding [~~in proper person~~]without counsel, the record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court. The record shall also include any previously prepared transcripts of the proceedings in the district court. If the Supreme Court or Court of Appeals should determine that additional transcripts are necessary to its review, the court may order the reporter or recorder who recorded the proceedings to prepare and file the transcripts.

* * * *

RULE 14. DOCKETING STATEMENT

(a) Application and Purpose of Docketing Statement.

(1) In General. Appellants shall file completed docketing statements in accordance with the provisions of this Rule in all [~~civil and criminal~~] appeals[~~, except criminal appeals governed by Rule 3C~~]. Unless a cross-appeal is filed, the respondent may not complete a docketing statement but may file a response as specified in Rule 14(f).

(2) [~~Original Writ Proceedings~~] Exceptions.

(A) Original Writ Proceedings. This Rule does not apply to original proceedings commenced [~~in the Supreme Court~~]pursuant to NRS Chapters 34 or 35.

(B) Postconviction Appeals. This Rule does not apply to postconviction appeals in which the appellant is appearing without counsel.

(3) [~~Proper Person Appellants and Respondents. An appellant appearing in proper person shall not file a docketing statement unless ordered to do so by the Supreme Court. A respondent~~

~~appearing in proper person may not file a response to the appellant's docketing statement unless permission is first sought and granted by the Supreme Court under Rule 46.~~

~~(4)~~] **Purpose of Docketing Statement.** The purpose of the docketing statement is to assist the Supreme Court in identifying jurisdictional defects, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

[~~(5)~~](4) Statement of Issues on Appeal. **[~~Counsel filing~~ a]**A docketing statement shall state specifically all issues that **[~~counsel~~]**a party in good faith reasonably believes to be the issues on appeal. The statement of issues is instrumental to the court's case management procedures, however, such statement is not binding on the court and the parties' briefs will determine the final issues on appeal. Omission of an issue from the statement of issues will not provide an appropriate basis for a motion to strike any portion of the opening brief.

* * * *

(c) Consequences of Failure to Comply. The statement must be completed fully and accurately. For civil appeals, copies of all requested documents must be attached to the completed docketing statement. **[~~Although the statement of the issues requested by the form is not binding, counsel should be mindful of the purpose of the docketing statement.~~]** The **[~~Supreme C~~]**court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate, or if the requested documentation has not been attached. Failure

to file a docketing statement within the time prescribed shall not affect the validity of the appeal, but its grounds for such action as the [~~Supreme C~~]court deems appropriate including sanctions and dismissal of the appeal.

* * * *

RULE 21. WRITS OF MANDAMUS AND PROHIBITION AND OTHER EXTRAORDINARY WRITS

(a) Mandamus or Prohibition: Petition for Writ; Service and Filing.

(1) Filing and Service. A party petitioning for a writ of mandamus or prohibition must file a petition with the clerk of the Supreme Court with proof of service on the respondent judge, corporation, commission, board or officer and on each real party in interest. The petition shall identify whether the matter falls in one of the categories of cases presumptively assigned to the Court of Appeals pursuant to NRAP 17(b), either by virtue of its subject matter or under NRAP 17(b)(8). A petition directed to a court shall also be accompanied by a notice of the filing of the petition, which shall be served on all parties to the proceeding in that court.

(2) Caption. The petition shall include in the caption: the name of each petitioner; the name of the appropriate judicial officer, public tribunal, corporation, commission, board or person to whom the writ is directed as the respondent; and the name of each real party in interest, if any.

(3) Contents of Petition. The petition must state:

(A) the relief sought;

(B) the issues presented;

(C) the facts necessary to understand the issues presented by the petition; and

(D) the reasons why the writ should issue, including points and legal authorities.

(4) Appendix. The petitioner shall submit with the petition an appendix that complies with Rule 30. Rule 30(i), which prohibits pro se parties from filing an appendix, shall not apply to a petition for relief filed under this Rule and thus pro se writ petitions shall be accompanied by an appendix as required by this Rule. The appendix shall include a copy of any order or opinion, parts of the record before the respondent judge, corporation, commission, board or officer, or any other original document that may be essential to understand the matters set forth in the petition.

(5) Verification. A petition for an extraordinary writ shall be verified by the affidavit of the petitioner or, if the petitioner is unable to verify the petition or the facts stated therein are within the knowledge of the petitioner's attorney, by the affidavit of the attorney. The affidavit shall be filed with the petition.

(6) Emergency Petitions. A petition that requests the court to grant relief in less than 14 days shall also comply with the requirements of Rule 27(e).

* * * *

RULE 24. PROCEEDINGS IN FORMA PAUPERIS

(a) Leave to Proceed on Appeal in Forma Pauperis.

(1) Motion in the District Court. Except as stated in Rule 24(a)(3) and (5)(b), a party to a district court action who desires to appeal in forma pauperis shall file a motion in the district court. The party shall attach an affidavit that:

(A) shows in the detail prescribed by Form 4 in the Appendix of Forms the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal.

(2) Action on the Motion. If the district court grants the motion, the party may proceed on appeal without prepaying or giving security for fees and costs. If the district court denies the motion, it must state its reasons in writing.

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in a civil district court action may proceed on appeal in forma pauperis without further authorization, unless the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding.

(4) Notice of District Court's Denial. The district court clerk shall immediately notify the parties and the clerk of the Supreme Court when the district court does any of the following:

(A) denies a motion to proceed on appeal in forma pauperis;

(B) certifies that the appeal is not taken in good faith; or

(C) finds that the party is not otherwise entitled to proceed in forma pauperis.

(5) Motion in the Supreme Court. A party who desires to proceed on appeal in forma pauperis may file one of the following:

(A) a motion to proceed on appeal in forma pauperis in the court within 30 days after service of the notice prescribed in Rule 24(a)(4). The motion shall include a copy of the affidavit filed in the district court and a copy of the district court's statement of reasons for its action. If no affidavit was filed in the district court, the party shall include the affidavit prescribed by Rule 24(a)(1)[.]; or

(B) in a civil appeal, a statement of legal aid eligibility providing that the party is a client of a program for legal aid as defined by NRS 12.015(8).

(b) Reserved.

(c) Leave to Use Original Record. A party allowed to proceed on appeal in forma pauperis may request that the appeal be heard on the original record without reproducing any part.

* * * *

RULE 27. MOTIONS

* * * *

(d) Form of Papers; Number of Copies.

(1) Format.

(A) Reproduction. All papers relating to motions may be reproduced by any process that yields a clear black image of letter quality. The paper must be opaque and unglazed. Only one side of the paper may be used.

(B) Cover. A cover is not required, but there must be a caption that includes the name of the court and the docket number, the title of the case, and a brief descriptive title indicating the purpose of the motion and identifying the party or parties for whom it is filed. If a cover is used, it shall be white.

(C) Binding. The document must be bound in any manner that is secure, does not obscure the text, and permits the document to lie reasonably flat when open.

(D) Paper Size, Line Spacing, and Margins. The document must be on 8 1/2 by 11-inch paper. The text must be double-spaced, but quotations more than 2 lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least 1 inch on all 4 sides. The pages shall be consecutively numbered at the bottom.

(E) Typeface and Type Style. The document must comply with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6).

(F) A pro se party who is incarcerated or detained in a state prison or county jail or other facility may file documents under this Rule that are legibly handwritten in black ink and that otherwise conform to the requirements of this Rule. Handwritten documents are not otherwise permitted without leave of the court.

(2) Page Limits. A motion or a response to a motion shall not exceed 10 pages, unless the court permits or directs otherwise. A reply to a response shall not exceed 5 pages.

(3) Number of Copies. An original and 1 copy must be filed unless the court requires a different number by order.

(e) Emergency Motions. If a movant certifies that to avoid irreparable harm relief is needed in less than 14 days, the motion shall be governed by the following requirements:

(1) Before filing the motion, the movant shall make every practicable effort to notify the clerk of the Supreme Court, **[~~and~~]** opposing counsel, and any opposing parties proceeding without counsel and to serve the motion at the earliest possible time. If an emergency motion is not filed at the earliest possible time, the **[~~Supreme C~~]**court may summarily deny the motion.

(2) A motion filed under this subdivision shall include the title "Emergency Motion Under NRAP 27(e)" immediately below the caption of the case and a statement immediately below the title of the motion that states the date or event by which action is necessary.

(3) A motion filed under this subdivision shall be accompanied by a certificate of **[~~counsel for~~]** the movant or the movant's counsel, if any, entitled "NRAP 27(e) Certificate," that contains the following information:

(A) The telephone numbers and office addresses of the attorneys for the parties and the telephone numbers and addresses for any pro se parties;

(B) Facts showing the existence and nature of the claimed emergency; and

(C) When and how counsel for the other parties and any pro se parties were notified and whether they have been served with the motion; or, if not notified and served, why that was not done.

(4) If the relief sought in the motion was available in the district court, the motion shall state whether all grounds advanced in support of the motion in the **[~~Supreme C~~]**court were submitted to the district court, and, if not, why the motion should not be denied.

(5) The motion shall otherwise comply with the provisions of this Rule.

RULE 28. BRIEFS

(a) Appellant's Brief. Except as provided in Rule 28(k), [~~T~~]the appellant's brief shall be entitled "Appellant's Opening Brief" and shall contain under appropriate headings and in the order indicated:

(1) a disclosure that complies with Rule 26.1;

(2) a table of contents, with page references;

(3) a table of authorities—cases (alphabetically arranged), statutes, and other authorities—with references to the pages of the brief where they are cited;

(4) a jurisdictional statement, including:

(A) the basis for the Supreme Court's or Court of Appeals' jurisdiction;

(B) the filing dates establishing the timeliness of the appeal; and

(C) an assertion that the appeal is from a final order or judgment, or information establishing the Supreme Court's or Court of Appeals' jurisdiction on some other basis.

(5) a routing statement, setting forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and citing the subparagraph(s) of the Rule under which the matter falls. If the appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, based on a principal issue raised in the matter, the routing statement must include a clear statement of the relevant issue, citations to the record where the issue was raised and resolved, and an explanation of the importance of the issue;

[~~(5)~~](6) a statement of the issues presented for review;

[~~(6)~~](7) a statement of the case briefly indicating the nature of the case, the course of the proceedings, and the disposition below;

[~~(7)~~](8) a statement of facts relevant to the issues submitted for review with appropriate references to the record (see Rule 28(e));

[~~(8)~~](9) a summary of the argument, which must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief and which must not merely repeat the argument headings;

[~~(9)~~](10) the argument, which must contain:

(A) appellant's contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies; and

(B) for each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues);

[~~(10)~~](11) a short conclusion stating the precise relief sought; an

[~~(11)~~](12) an attorney's certificate that complies with Rule 28.2, if the appellant is represented by an attorney.

* * * *

(d) References in Briefs to Parties. In briefs and at oral argument, **[~~counsel~~]**parties will be expected to keep to a minimum references to parties by such designations as "appellant" and "respondent." It promotes clarity to use the designations used in the lower court or the actual names of parties, or descriptive terms such as "the employee," "the injured person," etc.

(e) References in Briefs to the Record.

(1) Except as provided in Rule 28(e)(3), **[~~Every~~]**every assertion in briefs regarding matters in the record shall be supported by a reference to the page and volume number, if any, of the appendix where the matter relied on is to be found. A party referring to evidence whose admissibility is in controversy must cite the pages of the appendix or of the transcript at which the evidence was identified, offered, and received or rejected.

(2) Parties shall not incorporate by reference briefs or memoranda of law submitted to the district court or refer the Supreme Court or Court of Appeals to such briefs or memoranda for the arguments on the merits of the appeal.

(3) A pro se party is not permitted to file an appendix under Rule 30(i), and therefore is not required to comply with Rule 28(e)(1). Pro se parties are encouraged to support assertions in briefs regarding matters in the record by providing citations to the appropriate pages and volume numbers of the trial court record.

* * * *

(j) Sanctions for inadequate briefs. All briefs under this Rule must be concise, presented with accuracy, logically arranged with proper headings and free from burdensome, irrelevant, immaterial or scandalous matters. Briefs that are not in compliance may be disregarded or stricken, on motion or sua sponte by the court, and the court may assess attorney fees or other monetary sanctions **[~~against the offending lawyer~~]**.

(k) Briefs by Pro Se Appellants. Appellants proceeding without assistance of counsel may file the form brief provided by the supreme court clerk in lieu of the brief described in Rule 28(a). If an appellant uses the informal brief form, the optional reply brief need not comply with the technical requirements of Rule 28(c) or Rule 32(a).

RULE 28.1. CROSS-APPEALS

* * * *

(d) Cover. The cover of the appellant's opening brief must be blue; the respondent's combined answering brief on appeal and opening brief on cross-appeal, red; the appellant's combined reply brief on appeal and answering brief on cross-appeal, yellow; the respondent's reply brief on cross-appeal, gray; an intervenor's or amicus curiae's brief, green; and any supplemental brief, tan. The front cover of a brief must contain the information required by Rule 32(a)(2). A pro se party who is incarcerated is not required to comply with the provisions of this Rule regarding the color of the cover of a brief filed by that party.

* * * *

RULE 28.2. ATTORNEY'S CERTIFICATE

(a) Certificate Required Upon Filing of Any Brief. Any brief submitted for filing ~~**[in the Supreme Court]**~~ on behalf of a party represented by counsel must contain a certificate signed by at least 1 attorney of record who is an active member of the bar of this state. This certificate must substantially comply with Form 9 in the Appendix of Forms, and must contain the following information:

(1) A representation that the signing attorney has read the brief;

(2) A representation that to the best of the attorney's knowledge, information and belief, the brief is not frivolous or interposed for any

improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(3) A representation by the signing attorney that the brief complies with all applicable Nevada Rules of Appellate Procedure, including the requirement of Rule 28(e) that every assertion in the briefs regarding matters in the record be supported by a reference to the page and volume number, if any, of the appendix where the matter relied on is to be found; and

(4) A representation that the brief complies with the formatting requirements of Rule 32(a)(4)-(6), and either the page- or type-volume limitations stated in Rule 32(a)(7).

If a brief does not contain the certification required by this Rule, it shall be stricken unless such a certification is provided within 10 days after the omission is called to the attorney's attention.

* * * *

RULE 30. APPENDIX TO THE BRIEFS

* * * *

(f) Number of Copies to Be Filed and Served.

(1) Paper Copies. One paper copy of the appendix shall be filed with the clerk, and one copy shall be served on counsel for each party separately represented, unless the court orders otherwise.

(2) Electronic Copies. A party represented by counsel must submit every appendix on a CD-ROM, and serve a CD-ROM version on all opposing counsel, in addition to filing the required number of paper copies, unless the appendix has been electronically filed in the ~~[Nevada Supreme C]~~court or

counsel certifies that submitting a CD-ROM version of the appendix would constitute extreme hardship. ~~[A party not represented by counsel who has been granted permission to file documents in proper person under NRAP 46(b) is encouraged, but not required, to submit and serve a CD-ROM version of the appendix, in addition to filing the required number of paper copies.]~~

(g) Filing as Certification; Sanctions for Nonconforming Copies or for Substantial Underinclusion.

(1) Filing an appendix constitutes a representation by counsel that the appendix consists of true and correct copies of the papers in the district court file. Willful or grossly negligent filing of an appendix containing nonconforming copies is an unlawful interference with the proceedings of the Supreme Court or Court of Appeals, and subjects counsel, and the party represented, to monetary and any other appropriate sanctions.

(2) If an appellant's appendix is so inadequate that justice cannot be done without requiring inclusion of documents in the respondent's appendix which should have been in the appellant's appendix, or without the court's independent examination of portions of the original record which should have been in the appellant's appendix, the court may impose monetary sanctions.

(h) Costs. Each party shall, initially, bear the cost of preparing its separate appendices. The appellant shall, initially, bear the cost of preparing a joint appendix; where several parties appeal from the same judgment or any part thereof, or there is a cross-appeal, the initial expense of preparing a joint appendix shall be borne equally by the parties appealing, or as the parties may agree.

(i) Pro Se Party Exception. This Rule does not apply to a party who is not represented by counsel. A pro se party shall not file an appendix

except as otherwise provided in these Rules or ordered by the court. If the court's review of the complete record is necessary, the court will direct the district court to transmit the record as provided in Rule 11.

RULE 31. FILING AND SERVICE OF BRIEFS

(a) Time for Serving and Filing Briefs. Unless a different briefing schedule is provided by a court order in a particular case or by these or any other court rules, parties shall observe the briefing schedule set forth in this Rule.

(1) All Appeals Except Child Custody, Visitation, or Capital Cases.

(A) The appellant shall serve and file the opening brief within 120 days after the date on which the appeal is docketed in the Supreme Court.

(B) The respondent shall serve and file the answering brief within 30 days after the appellant's brief is served.

(C) The appellant's reply brief must be served and filed within 30 days after the respondent's brief is served.

(2) Child Custody or Visitation Cases. If an appeal is taken from any district court order affecting the custody or visitation of minor children, including actions seeking termination of parental rights:

(A) The appellant shall serve and file the opening brief within 90 days after the date on which the appeal is docketed in the Supreme Court.

(B) The respondent shall serve and file the answering brief within 20 days after the appellant's brief is served.

(C) The appellant's reply brief must be served and filed within 10 days after the respondent's brief is served.

(D) The Supreme Court or Court of Appeals may order oral argument at its discretion. Where oral argument is not ordered, the matter shall be submitted for decision on the briefs and the appendix within 60 days of the date that the final brief is due.

(3) Direct Appeals in Capital Cases. On direct appeal from a judgment of conviction and sentence of death:

(A) The appellant shall serve and file the opening brief within 120 days from the date that the record on appeal is filed in the Supreme Court.

(B) The respondent shall serve and file the answering brief within 60 days after the appellant's brief is served.

(C) The appellant's reply brief must be served and filed within 45 days after the respondent's brief is served.

(4) [~~Post-Conviction~~]Postconviction Appeals in Capital Cases. On appeal from a judgment or order resolving an application for **[~~post-conviction~~]** relief in a capital case:

(A) The appellant shall serve and file the opening brief within 120 days after the date on which the appeal is docketed in the Supreme Court.

(B) The respondent shall serve and file the answering brief within 30 days after service of the opening brief.

(C) The appellant's reply brief must be served and filed within 30 days after the respondent's brief is served.

* * * *

(d) Consequences of Failure to File Briefs or Appendix.

(1) Appellant. If an appellant fails to file an opening brief or appendix within the time provided by this Rule, or within the time extended, a

respondent may move for dismissal of the appeal or the court may dismiss the appeal on its own motion. If an appellant has not filed a reply brief, oral argument will be limited as provided by Rule 34(c). This Rule does not apply to postconviction appeals in which the appellant is not represented by counsel. In those cases, the court may decide the appeal based on the record without briefing as provided in Rule 34(g).

(2) Respondent. If a respondent fails to file an answering brief, respondent will not be heard at oral argument except by permission of the court. The failure of respondent to file a brief may be treated by the court as a confession of error and appropriate disposition of the appeal thereafter made. Unless the court has ordered the respondent to file an answering brief as provided in Rule 46A(c), this Rule does not apply to appeals in which the appellant is not represented by counsel.

* * * *

RULE 32. FORM OF BRIEFS, THE APPENDIX AND OTHER PAPERS

(a) Form of a Brief.

(1) Reproduction.

(A) A brief shall be reproduced by any process that yields a clear black image of letter quality. The paper must be opaque and unglazed. Only one side of the paper may be used.

(B) Text must be reproduced with a clarity that equals or exceeds the output of a laser printer.

(C) Carbon copies of briefs may not be submitted without permission of the court, except on behalf of parties allowed to proceed in forma pauperis.

(2) Cover. Covers for briefs are required. The cover of the appellant's brief must be blue; the respondent's, red; an intervenor's or amicus curiae's, green; and any reply, gray. A pro se party who is incarcerated is not required to comply with the provisions of this Rule regarding the color of the cover of a brief filed by that party. The front cover of a brief shall contain:

(A) the name of the court and the number of the case;

(B) the title of the case (see Rule 12(a));

(C) the nature of the proceedings in the court (e.g., Appeal) and the name of the court below;

(D) the title of the document (e.g., Appellant's Opening Brief, Respondent's Answering Brief); and

(E) the names, addresses, telephone numbers, and State Bar of Nevada identification numbers of counsel, if any, representing the party for whom the brief is filed.

(3) Binding. The brief must be bound in any manner that is secure, does not obscure the text, and permits the brief to lie reasonably flat when open.

(4) Paper Size, Line Spacing, Margins, and Page Numbers. The brief must be on 8 1/2 by 11-inch paper. The text shall be double-spaced, except that quotations of more than two lines may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least 1 inch on all four sides. The pages shall be consecutively numbered at the bottom. Pages in the brief preceding the statement of the case must be numbered in lowercase Roman numerals, and pages in the brief beginning with the statement of the case must be numbered in Arabic numerals.

(5) Typeface. Either a proportionally spaced or a monospaced typeface may be used. Footnotes must be in the same size and typeface as the body of the brief.

(A) A proportionally spaced typeface (e.g., Century Schoolbook, CG Times, Times New Roman, and New Century) must be 14-point or larger.

(B) A monospaced typeface (e.g., Courier and Pica) may not contain more than 10 1/2 characters per inch (e.g., Courier 12-point).

(C) Unrepresented litigants may use elite type, 12 characters per inch, if they lack access to a typewriter with larger characters.

(6) Type Styles. A brief must be set in a plain, Roman style, although underlining, italics or boldface may be used for emphasis. Case names must be italicized or underlined.

(7) Length.

(A) Noncapital Cases.

(i) Page Limitation. Unless it complies with Rule 32(a)(7)(A)(ii) or permission of the court is obtained under Rule 32(a)(7)(D), an opening or answering brief shall not exceed 30 pages, and a reply brief shall not exceed 15 pages.

(ii) Type-Volume Limitation. An opening or answering brief is acceptable if it contains no more than 14,000 words, or if it uses a monospaced typeface, and contains no more than 1,300 lines of text. A reply brief is acceptable if it contains no more than half the type-volume specified for an opening or answering brief under this Rule.

(B) Capital Cases.

(i) Page Limitation. Unless it complies with Rule 32(a)(7)(B)(ii) or permission of the court is obtained under Rule 32(a)(7)(D),

an opening or answering brief in a capital case shall not exceed 80 pages, and a reply brief in a capital case shall not exceed 40 pages.

(ii) Type-Volume Limitation. An opening or answering brief in a capital case is acceptable if it contains no more than 37,000 words, or if it uses a monospaced typeface, shall contain no more than 3,500 lines of text. A reply brief in a capital case is acceptable if it contains no more than half the type-volume specified in this Rule for an opening or answering brief in a capital case.

(C) Computing Page- and Type-Volume Limitation. The disclosure statement, table of contents, table of authorities, required certificate of service and compliance with these Rules, and any addendum containing statutes, rules, or regulations do not count toward a brief's page or type-volume limitation. The page or type-volume limitation applies to all other portions of the brief beginning with the statement of the case, including headings, footnotes, and quotations. Pages in the brief preceding the statement of the case must be numbered in lowercase Roman numerals, and pages in the brief beginning with the statement of the case must be numbered in Arabic numerals.

(D) Permission to Exceed Page Limit or Type-Volume Limitation.

(i) The court looks with disfavor on motions to exceed the applicable page limit or type-volume limitation, and therefore, permission to exceed the page limit or type-volume limitation will not be routinely granted. A motion to file a brief that exceeds the applicable page limit or type-volume limitation will be granted only upon a showing of diligence and good cause. The court will not consider the cost of preparing and revising the brief in ruling on the motion.

(ii) A motion seeking an enlargement of the page limit or type-volume limitation for a brief shall be filed on or before the brief's due date and shall be accompanied by a declaration stating in detail the reasons for the motion and the number of additional pages, words, or lines of text requested. A motion to exceed the type-volume limitation shall be accompanied by a certification as required by Rule 32(a)[~~(7)~~](9)(C) as to the line or word count.

(iii) The motion shall also be accompanied by a single copy of the brief the applicant proposes to file.

(8) Handwritten Briefs. A pro se party who is incarcerated or detained in a state prison or county jail or other facility may file documents under this Rule that are legibly handwritten in black ink and that otherwise conform to the requirements of this Rule. Handwritten documents are not otherwise permitted without leave of the court.

[~~(8)~~](9) Certificate of Compliance.

(A) Requirement of Certificate. The brief must include a certificate by the attorney, or an unrepresented party, that it complies with the typeface and type style requirements of Rule 32(a)(4)-(6), identifying the typeface and type style used, and that it complies with either the page- or type-volume limitation under the applicable Rule.

(B) Type-Volume Certificate. A certification based on type-volume limitations may rely on the word or line count of the word-processing system used to prepare the brief and must state either the number of words in the brief or the number of lines of monospaced type in the brief.

(C) Form of Certificate. The certificate required by this Rule may be combined with the certificate required by Rule 28.2. A certificate that

includes the first two paragraphs of Form 9 in the Appendix of Forms will be regarded as sufficient to meet the requirements of this Rule.

(b) Form of Appendices. An appendix must comply with Rule 32(a)(1), (2), (3), and (4) with the following exceptions:

(1) The cover of the appendix must be white (see Rule 30(c)(3)).

(2) An appendix may include a legible photocopy of any document found in the trial court record (see Rule 30).

(3) When necessary to facilitate inclusion of odd-sized documents such as technical drawings, an appendix may be a size other than 8 1/2 by 11 inches, and need not lie reasonably flat when opened.

(c) Form of Other Papers.

(1) Motion. The form of a motion is governed by Rule 27(d).

(2) Other Papers. Any other paper, including a petition for rehearing and a petition for en banc reconsideration, and any response to such a petition, shall be reproduced in the manner prescribed by Rule 32(a)(1), (3), (4), (5), **[~~and~~]**(6), and (8) and shall contain a caption setting forth the name of the court, the title of the case, the case number, and a brief descriptive title indicating the purpose of the paper. If a cover is used, it must be white.

(d) Signature. Every brief, motion, or other paper filed with the court must be signed by the party filing the paper or, if the party is represented, by one of the party's attorneys.

(e) Effect of Noncompliance With Rule. If a brief, petition, motion or other paper is not prepared in accordance with this Rule, the clerk will not file the document, but shall return it to be properly prepared.

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RULE 34. ORAL ARGUMENT

* * * *

(f) Submission on Briefs.

(1) The court may order a case submitted for decision on the briefs, without oral argument.

(2) The parties may agree to submit a case for decision on the briefs, but the court may direct that the case be argued.

(3) Appeals brought in **[~~proper person~~]** pro se **[~~and appeals in post-conviction proceedings under NRS 34.360 et seq.~~]** postconviction appeals will be submitted for decision without oral argument, but the court may direct that a case be argued.

(g) Submission on Record Without Briefs. Postconviction appeals may be submitted and decided on the record on appeal without briefing when the appellant is not represented by counsel.

RULE 35. DISQUALIFICATION OF A JUSTICE OR JUDGE

(a) Motion for Disqualification. A request that a justice or judge of the Supreme Court or Court of Appeals be disqualified from sitting in a particular case shall be made by motion. Unless the court permits otherwise, the motion shall be in writing and shall be in the form required by Rule 27.

(1) Time to File. A motion to disqualify a justice or judge shall be filed with the clerk of the Supreme Court within 60 days after docketing of the appeal under Rule 12, together with proof of service on all other parties. Except for good cause shown, the failure to file a timely motion to disqualify

shall be deemed a waiver of the moving party's right to object to a justice's or judge's participation in a case.

(2) Contents of a Motion.

(A) Grounds, Supporting Facts, and Legal Authorities. A motion shall state clearly and concisely in separately numbered paragraphs each ground relied upon as a basis for disqualification with the specific facts alleged in support thereof and the legal argument, including citations to relevant cases, statutes or rules, necessary to support it.

(B) Verification. All assertions of fact in a motion must be supported by proper sworn averments in an affidavit or by citations to the specific page and line where support appears in the record of the case.

(i) A verification by affidavit shall be served and filed with the motion.

(ii) The affidavit shall be made upon personal knowledge by a person or persons affirmatively shown competent to testify and shall set forth only those facts that would be admissible in evidence.

(iii) The affidavit shall set forth the date or dates when the moving party first became aware of the facts set forth in the motion.

(C) Attorney's Certificate. A motion under this Rule filed by a party represented by counsel shall contain a certificate signed by at least 1 attorney of record who is an active member of the bar of this state. The certificate must contain the following information:

(i) A representation that the signing attorney has read the motion and supporting documents;

(ii) A representation that the motion and supporting documents are in the form required by this Rule; and

(iii) A representation that, based on personal investigation, the signing attorney believes all grounds asserted to be legally valid and all supporting factual allegations to be true, and that the motion is made in good faith and not for purposes of delay or for other improper motive.

If a motion does not contain the certification required by this Rule, it shall be stricken unless such a certification is provided within 10 days after the omission is called to the attorney's attention.

* * * *

RULE 40. PETITION FOR REHEARING

(a) Procedure and Limitations.

(1) Time. Unless the time is shortened or enlarged by order, a petition for rehearing may be filed within 18 days after the filing of the appellate court's decision under Rule 36. The 3-day mailing period set forth in Rule 26(c) does not apply to the time limits set by this Rule.

(2) Contents. The petition shall state briefly and with particularity the points of law or fact that the petitioner believes the court has overlooked or misapprehended and shall contain such argument in support of the petition as the petitioner desires to present. Oral argument in support of the petition will not be permitted. Any claim that the court has overlooked or misapprehended a material fact shall be supported by a reference to the page of the transcript, appendix or record where the matter is to be found; any claim that the court has overlooked or misapprehended a material question of law or has overlooked, misapplied or failed to consider controlling authority shall be supported by a reference to the page of the brief where petitioner has raised the issue.

(3) Petitions in Criminal Appeals; Exhaustion of State Remedies. A decision by a panel of **[~~T~~]**the Supreme Court, ~~[considers a decision by a panel or]~~ the en banc Supreme C**[~~e~~]**ourt, or the Court of Appeals resolving a claim of error in a criminal case, including a claim for **[~~post-conviction~~]**postconviction relief, **[~~to be final~~]**is final for purposes of exhaustion of state remedies in subsequent federal proceedings. Rehearing is available only under the limited circumstances set forth in Rule 40(c). Petitions for rehearing filed on the pretext of exhausting state remedies may result in sanctions under Rule 40(g).

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RULE 40A. PETITION FOR EN BANC RECONSIDERATION

(a) Grounds for En Banc Reconsideration. En banc reconsideration of a decision of a panel **[~~decision~~]**of the Supreme Court is not favored and ordinarily will not be ordered except when (1) reconsideration by the full court is necessary to secure or maintain uniformity of **[~~its~~]**decisions of the Supreme Court or Court of Appeals, or (2) the proceeding involves a substantial precedential, constitutional or public policy issue. The court considers a decision of a panel of the court resolving a claim of error in a criminal case, including a claim for **[~~post-conviction~~]**postconviction relief, to be final for purposes of exhaustion of state remedies in subsequent federal proceedings. En banc reconsideration is available only under the limited circumstances set forth in Rule 40A(a). Petitions for en banc reconsideration in criminal cases filed on the pretext of exhausting state remedies may result in the imposition of sanctions under Rule 40A(g).

* * * *

RULE 46. ATTORNEYS

(a) Practice Before Supreme Court or Court of Appeals—Bar Membership Required; Exceptions.

(1) Bar Membership Required. No person may practice law before the Supreme Court or Court of Appeals who is not an active member of the State Bar of Nevada except as provided by SCR 42 and subject to Rule 46(a)(3).

(2) Appearance of Counsel. Counsel for each party shall file a formal written notice of appearance as counsel of record on appeal within 10 days after service of the notice of appeal. A notice of appeal signed by an attorney will be treated as a notice of appearance by that attorney. An attorney who will participate in oral argument of a case must have filed a written notice of appearance with the clerk of the Supreme Court no later than 5 days before the date set for oral argument.

(3) Foreign Counsel. If foreign counsel has been granted permission to appear under SCR 42 upon a motion in district court, that attorney must file a copy of the district court's order with the clerk of the Supreme Court. If foreign counsel appears before the Supreme Court or Court of Appeals in the first instance, that attorney must file a motion in the Supreme Court or Court of Appeals as provided by SCR 42. If foreign counsel is associated on the briefs or any other documents submitted for filing, all such briefs and documents shall be signed by Nevada counsel, who shall be responsible to the court for the content. If foreign counsel is associated upon oral argument, Nevada counsel shall be present during oral argument and shall be responsible to the court for all matters presented.

(b) [~~Appearances in Proper Person. With leave of the court, a party may file, in proper person, written briefs and papers submitted in accordance with these Rules.~~]Reserved.

(c) Appointment of Counsel—Indigent Criminal, Habeas Corpus Cases. Only the **[~~Supreme C~~]**court may appoint counsel to represent indigent criminal defendants and indigent habeas corpus petitioners in original proceedings before the **[~~Supreme C~~]**court.

(d) Withdrawal, Substitution, or Discharge of Attorney in Criminal Appeals. The withdrawal, substitution, or discharge of an attorney in a criminal appeal pending before the Supreme Court or Court of Appeals shall be governed by this Rule.

(1) In General. After the filing of a notice of appeal, any stipulation or motion that effects a change in the representation of a party to the appeal must be filed in the **[~~Supreme C~~]**court.

(2) Substitution. A substitution or change of counsel may be effected by serving and filing a substitution in the Supreme Court or Court of Appeals, signed by the affected attorneys and the client or, in lieu of the client's signature, an affidavit of counsel stating that the client has been informed of and consents to the substitution. The Supreme Court or Court of Appeals may disapprove a substitution that does not have the necessary signatures or affidavit.

(3) Withdrawal. The attorney shall file a motion to withdraw with the clerk of the Supreme Court and serve a copy of the motion on the attorney's client and any adverse party. The motion shall clearly state whether counsel was appointed or retained and the reasons for the motion. Unless the motion

is filed after judgment or final determination as provided in SCR 46, the motion shall be accompanied by:

(A) In a direct appeal from a judgment of conviction in which the defendant is represented by retained counsel, an affidavit or signed statement from the defendant stating that the defendant has discharged retained counsel, the grounds for that discharge, and whether the defendant qualifies for appointment of new counsel; or

(B) In a direct appeal from a judgment of conviction in which the defendant is represented by appointed counsel, an affidavit or signed statement from the defendant stating that the defendant consents to appointed counsel's being relieved and requesting appointment of substitute counsel; or

(C) In a **[~~post-conviction~~]**postconviction appeal, **[~~a motion by~~]**an affidavit or signed statement from the defendant stating that the defendant wants to proceed **[~~in proper person~~]**without counsel or with substitute counsel retained by defendant.

A motion filed under this Rule that is not accompanied by defendant's affidavit or signed statement **[~~as required under subparagraphs (A) and (B) or a motion to proceed in proper person as required under subparagraph (C)~~]**shall set forth the reasons for the omission. A motion that is filed after judgment or final determination as provided in SCR 46 will only be granted if the Supreme Court or Court of Appeals has issued a final decision in the matter and the time for filing a petition for rehearing has expired.

(4) Death, Suspension. Any party to a criminal appeal may notify the Supreme Court or Court of Appeals in writing when an attorney representing a party dies, or is removed or suspended, or ceases to act as an attorney.

(e) Withdrawal, Substitution, or Discharge of Attorney in Civil Appeals. The withdrawal, substitution or discharge of an attorney in a civil appeal pending before the Supreme Court or Court of Appeals shall be governed by this Rule.

(1) In General. After the filing of a notice of appeal, any stipulation or motion that effects a change in the representation of a party to the appeal must be filed with the clerk of the Supreme Court.

(2) Substitution. A substitution or change of counsel may be effected by serving and filing a substitution **[~~in~~]**with the clerk of the Supreme Court, signed by the client, the withdrawing attorney and the substituted attorney. The Supreme Court or Court of Appeals may disapprove a substitution that is not signed by the client and all affected attorneys.

(3) Withdrawal. A withdrawal of counsel may be effected only by filing a motion in the **[~~Supreme C~~]**court. The withdrawing attorney shall serve a copy of the motion on the attorney's client and any adverse party. The motion shall clearly state the reasons for the attorney's withdrawal consistent with SCR 46 and RPC 1.16. A motion that is filed after judgment or final determination as provided in SCR 46 will only be granted if the Supreme Court or Court of Appeals has issued a final decision in the matter and the time for filing a petition for rehearing has expired.

(4) Suspension. When an attorney is suspended or ceases to act as an attorney, the attorney shall notify the clerk of the Supreme Court in writing and serve a copy of the notice on the attorney's client and any adverse parties. The notice shall identify the name and address of any new counsel retained by the client or the current address for the client if no new counsel has been retained.

(5) Death. When an attorney dies, the attorney's client must promptly notify the clerk of the Supreme Court in writing and serve a copy of the notice on any adverse parties. The notice shall state that the client has retained new counsel or ~~**[shall be accompanied by a motion to proceed in proper person under Rule 46(b)]**~~that the client will proceed without counsel if such is permitted under Rule 46A.

RULE 46A. PARTIES APPEARING WITHOUT COUNSEL

(a) In General. Except as otherwise provided in this Rule, a party may appear without counsel and file written briefs and other papers submitted in accordance with these Rules. A party who is represented by counsel shall proceed through counsel and is not permitted to file written briefs or other papers, in pro se, with the exception of a motion to remove counsel.

(b) Exceptions.

(1) Direct Appeal from a Judgment of Conviction. A defendant who is appealing from a judgment of conviction may not appear without counsel.

(2) Corporations and Other Entities. A corporation or other entity may not appear without counsel.

(c) Response Not Required. An opposing party is not required to respond to documents, including briefs, filed by a party appearing without counsel unless ordered to do so by the Supreme Court or Court of Appeals. Except for motions described in Rule 27(b) and 46(d), the court generally will not grant relief without providing an opportunity to file a response.

(d) Return of Documents. The clerk of the Supreme Court shall return any document submitted in violation of this Rule.