

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT OF
NRAP 14 (DOCKETING STATEMENT).

ADKT 0486

FILED

MAR 18 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER SCHEDULING PUBLIC HEARING
AND REQUESTING PUBLIC COMMENT

On February 27, 2013, the Hon. James W. Hardesty, Associate Justice, filed a petition requesting that this court consider amendments to NRAP 14. The petition and proposed amendments are attached.

The Nevada Supreme Court will conduct a public hearing on the proposed amendments on Thursday, June 6, 2013, at 3:00 p.m. in the Nevada Supreme Court Courtroom, 200 Lewis Avenue, 17th Floor (Regional Justice Center), Las Vegas, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada.

Further, this court invites written comment from the bench, bar and public regarding the proposed amendments. 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., May 31, 2013. Comments must be submitted in hard-copy format. Be advised that comments submitted electronically will not be docketed. Persons interested in participating in the hearing must notify the Clerk no later than May 31, 2013.

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT OF
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FEB 27 2013

TRACEY L. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

PETITION TO AMEND THE RULES OF APPELLATE PROCEDURE

James Hardesty, Justice of the Nevada Supreme Court, petitions this Honorable Court to adopt the attached amendments to Nevada Rule of Appellate Procedure (NRAP) 14 and item 9 of the docketing statement. The facts in support of the petition are as follows:

1. NRAP 14 requires a party to submit a docketing statement on appeal, and that statement requires the party to state concisely what the issues are in its appeal.

2. NRAP 14 does not explicitly require the parties to submit a statement of the issues.

3. A review of filed docketing statements reveals that appellants often fail to state with sufficient particularity what the issues on appeal are.

4. Clearer and more complete statements of issues would improve the court's case management and issue-tracking capability and improve changes the court has made to screening procedures under the court's Internal Operating Procedures.

BASED ON THE FOREGOING, it is respectfully requested as follows:

13-06070

1. That the Nevada Supreme Court approve the proposed amendment to NRAP 14, as fully set forth in Exhibit A.

2. That the Nevada Supreme Court approve the proposed amendment to the docketing statement, as fully set forth in Exhibit B.

Respectfully submitted this 25 day of February, 2013.

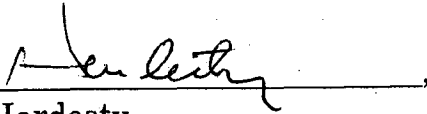

_____, J.
Hardesty

EXHIBIT A
**AMENDMENTS TO THE NEVADA RULES OF APPELLATE
PROCEDURE**

* * *

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.** This Rule does not apply to original proceedings commenced in the Supreme Court pursuant to NRS Chapters 34 or 35.

(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, scheduling cases for

oral argument and settlement conferences, classifying cases for expedited treatment, and compiling statistical information.

(5) Statement of Issues on Appeal. Counsel filing a docketing statement shall state specifically all issues that counsel 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.

(b) Time for Filing; Form of Docketing Statement. Within 20 days after docketing of the appeal under Rule 12, the appellant shall file a docketing statement with the clerk of the Supreme Court, on a form provided by the clerk. Legible photostatic copies of the original form provided by the clerk will be accepted by the clerk for filing in lieu of the original form. The appellant may file a docketing statement that is not on the form provided by the clerk so long as it contains every question included in the clerk's form. An original and 2 copies shall be filed, together with proof of service of a copy of the completed statement on all parties and, if the appeal is assigned to the Supreme Court settlement program under Rule 16, on the settlement judge.

(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 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 is grounds for such action as the Supreme Court deems appropriate including sanctions and dismissal of the appeal.

(d) Extensions of Time. A motion for an extension of time within which to file the docketing statement will be granted for good cause. Counsel's caseload generally will not provide grounds for an extension.

(e) Multiple Appellants. In cases involving more than one appellant, any number of appellants may join in a single docketing statement. Multiple appellants are encouraged to consult with each other and, whenever possible, file only one docketing statement.

(f) Response by Respondent(s). Respondent, within 7 days after service of the docketing statement, may file an original and 1 copy of a single-page response, together with proof of service on all parties, if respondent strongly disagrees with appellant's statement of the case or issues on appeal. If respondent believes there is a jurisdictional defect, respondent should file a motion to dismiss. In cases involving more than one respondent, any number of respondents may join in a single response. Multiple respondents are encouraged to consult with each other and, whenever possible, file only one response.

(g) Cross-Appeals. All parties who have filed a notice of appeal, whether designated as appellants or cross-appellants, shall comply with Rule 14(a). Cross-appellants and cross-respondents are subject to all the provisions of this Rule as are appellants and respondents.

EXHIBIT B

AMENDMENTS TO THE DOCKETING STATEMENT

* * *

8. **Nature of the action.** Briefly describe the nature of the action and the result below:

9. **Issues on appeal.** State [~~concisely the principal issue(s)~~ specifically all issues in this appeal (attach separate sheets as necessary):

10. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised: