

**LAW OFFICE OF
FRANNY FORSMAN PLLC
ATTORNEY AT LAW**

P.O. Box 43401
Las Vegas, NV 89116
(702) 501-8728
f.forsman@cox.net

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

Chief Justice Gibbons
Supreme Court of Nevada
201 South Carson St.
Carson City, NV 89701

RE ADKT 501-Comments to Proposed Amendments to NRAP

Dear Chief Justice Gibbons:

These comments are offered on behalf of myself and John C. Lambrose. We understand that the court will be entertaining proposals for amendments to the Rules of Appellate Procedure at a later date, including proposals with regard to the Fast Track Program in criminal appeals, now that the Appeals Court will be implemented. The following proposed amendment is offered in order to improve the quality of appellate practice in cases subject to the Fast Track program in the interim.

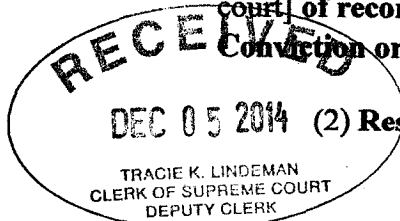
We suggest that the following amendments be made to NRAP 3C(b) in order that counsel skilled in appellate practice can be appointed or substituted in after judgment to prepare the Fast Track Statement. Currently track attorneys with burdensome caseloads and attorneys who have no expertise in appellate practice or post-conviction practice are forced to prepare the Fast Track Statement and, as a result, issues are not properly raised and appellate review is severely compromised to the point that some Appellants have been deprived of their rights to appellate review.

Suggested deletions are [bracketed]
Additions are in **bold**

NRAP 3C(b):Responsibilities of Counsel in a Fast Track Appeal

(1) **Definition.** For purposes of this Rule, "trial counsel" means the attorney [who represented the defendant or post-conviction petitioner in district court] **of record for the party seeking to appeal, at the time the Judgment of conviction or order which is the subject of the appeal, is entered.**

(2) **Responsibilities.** Trial counsel shall file the notice of appeal, rough



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draft transcript request form [and fast track statement], **and, unless permitted to withdraw by the trial court or the Supreme Court, the fast track statement.** and consult with appellate counsel for the case regarding the appellate issues that are raised. [Trial counsel shall arrange their calendars and adjust their public or private contracts for compensation to accommodate the additional duties imposed by this Rule.]

(3) Withdrawal. **To withdraw from representation in the trial court, counsel shall file a motion to withdraw from representation. If the Notice of Appeal has not been filed, trial counsel will insure that the Notice is filed by new counsel.** To withdraw from representation during the appeal, trial counsel shall file with the Supreme Court a motion to withdraw from representation. The motion shall be considered only after trial counsel has filed the notice of appeal and rough draft transcript request.[and fast track statement]. The granting of such motions shall be conditioned upon trial counsel's full cooperation with appellate counsel during appeal.

Please note that the amendment to NRAP 3C(b)(1) is suggested in order to more clearly identify which lawyer has the responsibility under the rule when more than one lawyer has represented the client. The remaining proposed amendments are offered for the reasons stated above.

Thank you for your consideration in this matter. I have mailed 8 hard copies of these comments to the Clerk of the Supreme Court as instructed.

Sincerely,

/s/ Franny A. Forsman
Franny A. Forsman

/s/ John C. Lambrose
John C. Lambrose