

IN THE SUPREME COURT OF THE STATE OF NEVADA


IN THE MATTER OF THE
AMENDMENT OF THE NEVADA
RULES OF APPELLATE PROCEDURE

ADKT 501

FILED

JUL 20 2018

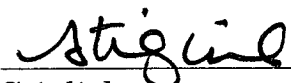
PETITION

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

COMES NOW the Honorable Lidia S. Stiglich, Associate Justice of the Nevada Supreme Court, and petitions the Nevada Supreme Court on its administrative docket to amend the Nevada Rules of Appellate Procedure (NRAP). In support of the petition, Justice Stiglich asserts that: The business court deals with a discreet group of cases that by their nature involve significant and complex issues that are more appropriately retained by the Supreme Court.

Accordingly, petitioner requests that the Nevada Supreme Court place this matter on its administrative docket, hold such hearings as it deems necessary and consider the proposed amendment to NRAP 17 as set forth in Exhibit A.

Respectfully submitted,

 _____, J.
Stiglich

18-27811

AMENDMENTS TO NEVADA RULES OF APPELLATE PROCEDURE

EXHIBIT A

RULE 17. DIVISION OF CASES BETWEEN THE SUPREME COURT AND THE COURT OF APPEALS

(a) Cases Retained by the Supreme Court. The Supreme Court shall hear and decide the following:

- (1) All death penalty cases;
- (2) Cases involving ballot or election questions;
- (3) Cases involving judicial discipline;
- (4) Cases involving attorney admission, suspension, discipline, disability, reinstatement, and resignation;
- (5) Cases involving the approval of prepaid legal service plans;
- (6) Questions of law certified by a federal court;
- (7) Disputes between branches of government or local governments;
- (8) Administrative agency cases involving tax, water, or public utilities commission determinations;
- (9) Cases originating in business court;

~~[(9)]~~ (10) Cases involving the termination of parental rights or NRS Chapter 432B;

~~[(10)]~~ (11) Matters raising as a principal issue a question of first impression involving the United States or Nevada Constitutions or common law; and

~~[(11)]~~ (12) Matters raising as a principal issue a question of statewide public importance, or an issue upon which there is an inconsistency in the

published decisions of the Court of Appeals or of the Supreme Court or a conflict between published decisions of the two courts.

(b) Cases Assigned to Court of Appeals. The Court of Appeals shall hear and decide only those matters assigned to it by the Supreme Court and those matters within its original jurisdiction. Except as provided in Rule 17(a), the Supreme Court may assign to the Court of Appeals any case filed in the Supreme Court. The following case categories are presumptively assigned to the Court of Appeals:

(1) Appeals from a judgment of conviction based on a plea of guilty, guilty but mentally ill, or nolo contendere (Alford);

(2) Appeals from a judgment of conviction based on a jury verdict that

(A) do not involve a conviction for any offenses that are category A or B felonies; or

(B) challenge only the sentence imposed and/or the sufficiency of the evidence;

(3) Postconviction appeals that involve a challenge to a judgment of conviction or sentence for offenses that are not category A felonies;

(4) Postconviction appeals that involve a challenge to the computation of time served under a judgment of conviction, a motion to correct an illegal sentence, or a motion to modify a sentence;

(5) Appeals from a judgment, exclusive of interest, attorney fees, and costs, of \$250,000 or less in a tort case;

(6) Cases involving a contract dispute where the amount in controversy is less than \$75,000;

~~[(7) Cases originating in business court that do not involve questions of first impression;]~~

~~[(8)]~~ (7) Appeals from postjudgment orders in civil cases;

~~[(9)]~~ (8) Cases involving statutory lien matters under NRS Chapter 108;

~~[(10)]~~ (9) Administrative agency cases except those involving tax, water, or public utilities commission determinations;

~~[(11)]~~ (10) Cases involving family law matters other than termination of parental rights or NRS Chapter 432B proceedings;

~~[(12)]~~ (11) Appeals challenging venue;

~~[(13)]~~ (12) Cases challenging the grant or denial of injunctive relief;

~~[(14)]~~ (13) Pretrial writ proceedings challenging discovery orders or orders resolving motions in limine;

~~[(15)]~~ (14) Cases involving trust and estate matters in which the corpus has a value of less than \$5,430,000; and

~~[(16)]~~ (15) Cases arising from the foreclosure mediation program.

(c) Consideration of Workload. In assigning cases to the Court of Appeals, due regard will be given to the workload of each court.

(d) Routing Statements; Finality. A party who believes that a matter presumptively assigned to the Court of Appeals should be retained by the Supreme Court may state the reasons as enumerated in (a) of this Rule in the routing statement of the briefs as provided in Rules 3C, 3E, and 28 or a writ petition as provided in Rule 21. A party may not file a motion or other pleading seeking reassignment of a case that the Supreme Court has assigned to the Court of Appeals.

(e) Transfer and Notice. Upon the transfer of a case to the Court of Appeals, the clerk shall issue a notice to the parties. With the exception of a petition for Supreme Court review under Rule 40B, any pleadings in a case after it has been transferred to the Court of Appeals shall be entitled "In the Court of Appeals of the State of Nevada."