

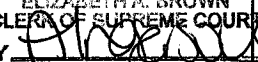
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: AMENDMENTS TO THE
NEVADA RULES OF APPELLATE
PROCEDURE

ADKT 501

FILED

SEP 21 2018

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

ORDER AMENDING NEVADA RULE OF APPELLATE PROCEDURE 17

WHEREAS, on July 20, 2018, the Hon. Lidia S. Stiglich, Associate Justice, filed a petition with this court requesting consideration of amendments to Nevada Rule of Appellate Procedure 17; and

WHEREAS, this court solicited comment from the bench, bar, and public on the proposed rule amendments and conducted a public hearing on the proposed amendments on September 6, 2018, and

WHEREAS, this court has determined that amendments to Nevada Rule of Appellate Procedure 17 is warranted; accordingly,

IT IS HEREBY ORDERED that Nevada Rule of Appellate Procedure 17 shall be amended as set forth in Exhibit A.

IT IS FURTHER ORDERED that these amendments shall be effective 30 days from the date of this order, and shall apply to all appeals docketed in the Nevada Supreme Court or Court of Appeals of Nevada on or after that date. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of

this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.

Dated this 21st day of September, 2018

Douglas, C.J.
Douglas

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: All District Court Judges
Richard J. Pocker, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENTS TO NEVADA RULES OF APPELLATE PROCEDURE

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."