

**Brown, Elizabeth**

**From:** Victoria Katz <victoria.katz@aderant.com>  
**Sent:** Wednesday, February 13, 2019 8:15 AM  
**To:** Supreme Court Clerk  
**Subject:** ADKT 0522 Amending Nevada Rules

**FILED**

**FEB 22 2019**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY: *Elizabeth Brown*  
CHIEF DEPUTY CLERK

Good morning,

We are writing to ask for clarification regarding the application of the amendments to the Nevada Rules of Civil Procedure, Nevada Rules of Appellate Procedure, and the Nevada Electronic Filing and Conversion Rules, set forth in ADKT 0522 and effective 3/1/19. We would greatly appreciate any information you are able to provide in this regard.

Page 3 of ADKT 0522 provides, "IT IS FURTHER ORDERED that this amendment to the Nevada Rules of Civil Procedure, the Nevada rules of Appellate Procedure, and the Nevada Electronic Filing and Conversion Rules shall be effective prospectively on March 1, 2019, as to all pending cases and cases initiated after that date." [Emphasis added.]

Page 4 of ADKT 0522 then goes on to say, "IT IS FURTHER ORDERED that on and after the effective date, these amended rules shall control when conflicts arise between these amended rules and the local rules or the district court rules. Time frames accruing before the effective date of these amended rules shall be calculated using the existing, unamended rules. Time frames accruing on or after the effective date of these amended rules shall be calculated under these amended rules. If a reduction in the time to respond or other adverse consequence results from the change in and application of these amended rules, an extension of time or other relief may be warranted to prevent prejudice." [Emphasis added.]

It is unclear what the Court means by the term "accruing." What happens if the triggering event for a deadline occurs prior to 3/1/19 but the deadline being triggered falls after 3/1/19? Is the deadline calculated according to the 3/1/19 rules because it has not yet occurred and the amendments are to be applied prospectively, even to a pending case? Or has the time frame "accrued" pre-3/1/19 because the triggering event occurred pre-3/1/19, and thus the pre-3/1/19 rules apply?

For example, prior to 3/1/19, NRAP 9(a)(5) said, "Within 10 days from the date the initial transcript request is filed, respondent shall notify appellant in writing of the additional portions required." Read in association with the pre-3/1/19 NRAP 26(a)(2), this deadline was calculated as 10 court days after the date the initial transcript is filed.

Effective 3/1/19, NRAP 9(a)(5) will read, "Within 14 days from the date the initial transcript request is filed, respondent shall notify appellant in writing of the additional portions required." For cases filed after 3/1/19, this deadline will be calculated as 14 days after the date the initial transcript is filed.

If a transcript is filed on 2/28/19, would the deadline be counted as 10 court days from 2/28/19 or as 14 calendar days from 2/28/19?

Thank you for your time and consideration.

Sincerely,

**Victoria Katz**  
Senior Rules Attorney

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