

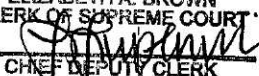
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE NEVADA  
RULES OF APPELLATE PROCEDURE  
RULE 21

ADKT 0553

**FILED**

FEB 24 2020

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

*ORDER SCHEDULING PUBLIC HEARING  
AND REQUESTING PUBLIC COMMENT*

On February 13, 2020, Associate Chief Justice Mark Gibbons and Justice Lidia Stiglich filed a petition seeking to amend Nevada Rules of Appellate procedure (NRAP) 21 relating to extraordinary writs to include page and type-volume limits. The proposed amendments are attached as Exhibit A.

The Nevada Supreme Court will conduct a public hearing on the petition on April 1, 2020, at 2:00 p.m. in the Nevada Supreme Court Courtroom, 408 East Clark Avenue, Las Vegas, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada.

The Court invites written comment from the bench, bar, and public regarding the proposed amendments. Comments may be submitted electronically or in hard-copy format to: Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 or [nvscclerk@nvcourts.nv.gov](mailto:nvscclerk@nvcourts.nv.gov) by 5:00 p.m., March 20, 2020. Persons

interested in participating in the hearing must notify the Clerk no later than April 1, 2020.

**Hearing date:** April 1, 2020, at 2:00 p.m.  
Supreme Court Courtroom  
408 East Clark Avenue  
Las Vegas, Nevada 89101

**Comment deadline:** March 20, 2020, at 5:00 p.m.  
Supreme Court Clerk's Office  
201 South Carson Street  
Carson City, Nevada 89701

Dated this 24<sup>th</sup> day of February, 2020.

Pickering, C.J.  
Pickering

cc: Paul Matteoni, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
All District Court Judges  
Clark County Bar Association  
Washoe County Bar Association  
First Judicial District Bar Association  
Elko County Bar Association  
Douglas County Bar Association  
Humboldt County Bar Association  
Administrative Office of the Courts

## **EXHIBIT A**

### **AMENDMENT TO RULE 21 OF THE NEVADA RULES OF APPELLATE PROCEDURE**

#### **RULE 21. WRITS OF MANDAMUS AND PROHIBITION AND OTHER EXTRAORDINARY WRITS**

**(a) Mandamus or Prohibition: Petition for Writ; Service and Filing.**

**(1) Filing and Service.** A party petitioning for a writ of mandamus or prohibition must file a petition with the clerk of the Supreme Court with proof of service on the respondent judge, corporation, commission, board or officer and on each real party in interest. A petition directed to a court shall also be accompanied by a notice of the filing of the petition, which shall be served on all parties to the proceeding in that court.

**(2) Caption.** The petition shall include in the caption: the name of each petitioner; the name of the appropriate judicial officer, public tribunal, corporation, commission, board or person to whom the writ is directed as the respondent; and the name of each real party in interest, if any.

**(3) Contents of Petition.** The petition must state:

(A) whether the matter falls in one of the categories of cases retained by the Supreme Court pursuant to NRAP 17(a) or presumptively assigned to the Court of Appeals pursuant to NRAP 17(b);

(B) the relief sought;

(C) the issues presented;

(D) the facts necessary to understand the issues presented by the petition; and

(E) the reasons why the writ should issue, including points and legal authorities.

**(4) Appendix.** The petitioner shall submit with the petition an appendix that complies with Rule 30. Rule 30(i), which prohibits pro se parties from filing an appendix, shall not apply to a petition for relief filed under this Rule and thus pro se writ petitions shall be accompanied by an appendix as required by this Rule. The appendix shall include a copy of any order or opinion, parts of the record before the respondent judge, corporation, commission, board or officer, or any other original document that may be essential to understand the matters set forth in the petition.

**(5) Verification.** A petition for an extraordinary writ shall be verified by the affidavit of the petitioner or, if the petitioner is unable to verify the petition or the facts stated therein are within the knowledge of the petitioner's attorney, by the affidavit of the attorney. The affidavit shall be filed with the petition.

**(6) Emergency Petitions.** A petition that requests the court to grant relief in less than 14 days shall also comply with the requirements of Rule 27(e).

**(b) Denial; Order Directing Answer.**

(1) The court may deny the petition without an answer. Otherwise, it may order the respondent or real party in interest to answer within a fixed time.

(2) Two or more respondents or real parties in interest may answer jointly.

(3) The court may invite an amicus curiae to address the petition.

(4) In extraordinary circumstances, the court may invite the trial court judge to address the petition.

**(c) Other Extraordinary Writs.** An application for an extraordinary writ other than one provided for in Rule 21(a) shall be made by filing a petition with the clerk of the Supreme Court with proof of service on the parties named as respondents and any real party in interest. Proceedings on the application shall conform, so far as is practicable, to the procedure prescribed in Rule 21(a) and (b).

**(d) Form of Papers; Length; Number of Copies.** All papers must conform to Rule 32(c)(2). An original and 2 copies shall be filed unless the court requires the filing of a different number by order in a particular case. A petition shall not exceed 15 pages unless it contains no more than 7,000 words (or 650 lines of text in a monospaced typeface) or the court grants leave to file a longer petition. Unless the court directs otherwise, the same page and type-volume limits apply to any answer, reply, or amicus brief allowed by the court. A motion to exceed the page or type-volume limit in this rule must comply with Rule 32(a)(7)(D).

**(e) Certificate of Compliance.** A petition filed under this Rule and any answer, reply, or amicus brief allowed by the court must include a certificate of compliance that comports with NRAP 32(a)(9).

**(f) Disclosure Statement.** A petition and any answer thereto shall be accompanied by the disclosure statement required by NRAP 26.1.

**~~(e)~~ (g) Payment of Fees.** The court shall not consider any application for an extraordinary writ until the petition has been filed; and the clerk shall receive no petition for filing until the \$250 fee has been paid, unless the applicant is exempt from payment of fees, or the court or a justice or judge thereof orders waiver of the fee for good cause shown.