


IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE CREATION  
OF A COMMISSION ON NEVADA  
RULES OF APPELLATE PROCEDURE.

ADKT 0580

**FILED**

FEB 10 2025

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

*PETITION*

Effective August 15, 2024, this court entered an order amending the Nevada Rules of Appellate Procedure (NRAP). It appears that further amendments may be appropriate to address operational issues that have arisen. Attached as exhibit A are the proposed amendments to NRAP Rules 3E, 9, 27, 30, and 45.

Petitioners request that the Supreme Court consider and, if appropriate, adopt the amendments proposed.

Respectfully submitted,



Kristina Pickering  
Supreme Court Justice



Bonnie A. Bulla,  
Court of Appeals Chief Judge



Deborah L. Westbrook  
Court of Appeals Judge

25-06376

## EXHIBIT A

### RULE 3E. FAST TRACK CHILD CUSTODY APPEALS

**(a) Applicability.** This Rule applies to appeals and cross-appeals from district court orders primarily pertaining to child custody, guardianship of minors, parenting time, or visitation.

**(b) Responsibilities of Appellant.** The appellant and cross-appellant are responsible for filing the notice of appeal, case appeal statement, docketing statement, a transcript request form, and a fast track opening brief for the case identifying the appellate issues that are raised. An appellant and/or cross-appellant who is proceeding without counsel need not prepare a case appeal statement, as the district court clerk will prepare this document in accordance with Rule 3(f)(2).

**(c) Transcripts.**

**(1) Rough Draft Transcript; Format.** For the purposes of this Rule, a rough draft transcript is a computer-generated transcript that can be expeditiously prepared, but is not proofread, corrected, or certified to be an accurate transcript. A rough draft transcript must:

(A) be printed on paper 8 1/2 by 11 inches in size with the words "Rough Draft Transcript" printed on the bottom of each page;

(B) include a concordance, indexing key words in the transcript;  
and

(C) include an acknowledgment by the court reporter or recorder that the document submitted pursuant to this Rule is an original or accurate copy of the rough draft transcript.

**(2) Audio or Video Recorded Proceedings.** Relevant portions of the district court proceedings that were audio recorded or video recorded must be submitted in typewritten form. The court will not accept audio or video recordings in lieu of a rough draft transcript.

**(3) Transcript Requests.**

**(A) Filing and Service.**

(i) When a transcript is necessary for an appeal, the appellant must file the transcript or rough draft transcript request form with the district court and must serve a copy of the request form upon the court reporter or recorder and the opposing party.

(ii) The appellant must file and serve the request form within 14 days ~~[of the date that the Supreme Court approves the settlement conference report indicating that the parties were unable to settle or, if the case was exempted or removed from the settlement program, within 14 days of the date that the case was exempted or removed from the settlement program]~~ from the date the appeal is docketed under Rule 12 or, if the parties have opted into the settlement program, within 14 days from notice that the settlement proceedings have been concluded.

(iii) Within the same time period, the appellant must file with the clerk of the Supreme Court 1 file-stamped copy of the transcript or rough draft transcript request form and proof of service of the form upon the court reporter or recorder and the opposing party.

**(B) Form.** The transcript request form must substantially comply with the Rough Draft Transcript Request Form or the Certified Transcript Request Form on the Nevada Supreme Court website.

**(C) Necessary Transcripts.** The appellant must order transcripts of only those portions of the proceedings that the appellant

reasonably and in good faith believes are necessary to determine the appellate issues.

**(D) No Transcripts.** If no transcript is to be requested, the appellant must file with the clerk of the Supreme Court and serve the opposing party with a certificate to that effect within the same period that the transcript request form must be filed and served under Rule 3E(c)(3)(A)(ii). Such a certificate must substantially comply with the Certificate of No Transcript Request Form on the Nevada Supreme Court website.

**(4) Court Reporter or Recorder's Duty.** The court reporter or recorder must:

(A) submit an original certified transcript or rough draft transcript, as requested by the appellant, to the district court no more than 21 days after the date that the request is served;

(B) deliver one copy of the transcript or rough draft transcript to the requesting **[attorney]** party and one copy of the transcript or rough draft transcript to **[counsel for]** each party appearing separately no more than 21 days after the date when the request is served; and

(C) within 7 days after delivering the copies of the transcript or rough draft transcript, file with the clerk a certificate of delivery that substantially complies with the Notice of Completion and Delivery of Transcript Form on the Nevada Supreme Court website and specifies the transcripts that have been delivered and the date that they were delivered to the requesting party.

**(5) Supplemental Request for Transcripts or Rough Draft Transcripts.**

(A) An opposing party may make a supplemental request for portions of the transcript or rough draft transcript that were not previously

requested. The request must be made no more than 7 days after the appellant served the transcript request made pursuant to Rule 3E(c)(3).

(B) In all other respects, the opposing party must comply with the provisions of this Rule governing a transcript or rough draft transcript request when making a supplemental transcript request.

**(6) Sufficiency of the Rough Draft Transcript.** In the event that the appellant elects to use rough draft transcripts, the appellant is responsible for reviewing the sufficiency of the rough draft transcripts. If a substantial question arises regarding the sufficiency of a rough draft transcript, a party may file a motion and the court may order that a certified transcript be produced.

**(7) Transmission of Transcripts.** Parties represented by counsel must include copies of all transcripts that are necessary to the review of the issues presented on appeal in the appendix as provided in Rule 30. Pro se parties who have not been granted ~~[in forma pauperis]~~ a waiver of the costs associated with the preparation and delivery of transcripts must file a copy of each requested transcript with the clerk of the Supreme Court within 14 days of receipt of the transcript from the court reporter or court recorder.

**(d) Filing Fast Track Opening Brief, Appendix, and Fast Track Reply Brief.**

**(1) Fast Track Opening Brief.** Within 60 days after the Supreme Court approves the settlement conference report indicating that the parties were unable to settle the case or, if the appeal is removed or exempted from the settlement program, within 60 days after the appeal is removed or exempted, the appellant and cross-appellant must file and serve, pursuant to Rule 25, their fast track opening brief on the opposing party. The fast track opening brief must substantially comply with Rule 28(a), except that it need



not include a table of contents or table of authorities if the brief is no more than 20 pages or 9,334 words or, if it uses a monospaced typeface, no more than 866 lines of text, and with Rules 28(e) and 32.

**(2) Appendix.**

**(A) Joint Appendix.** Counsel have a duty to confer and attempt to reach an agreement concerning a possible joint appendix to be filed with the fast track opening brief.

**(B) Appellant's Appendix.** In the absence of an agreement respecting a joint appendix, the appellant must prepare and file a separate appendix with the fast track opening brief.

**(C) Form and Content.** The form and contents of appendices must comply with Rules 30 and 32.

**(D) Pro Se Appellant; Appendix.** A pro se appellant or cross-appellant may not file an appendix. If the court's review of the record is necessary in such a case, the court may direct that a partial or complete record be transmitted as provided in Rule 11(a)(2). Pro se parties are encouraged, but not required, to support assertions made in the fast track opening brief or answering brief regarding matters in the record by citing to the specific page number in the record that supports the assertions.

**(3) Fast Track Reply Brief.** The appellant may file and serve, pursuant to Rule 25, a reply to the fast track answering brief within 14 days after the fast track answering brief is served. The reply must comply with Rule 28(c), except that it need not include a table of contents if the brief is no more than 10 pages or 4,667 words or, if it uses a monospaced typeface, no more than 433 lines of text, and with Rules 28(e) and 32.

**(e) Fast Track Answering Brief and Appendix.**

**(1) Fast Track Answering Brief.** Within 21 days from the date a fast track opening brief is served, the respondent and cross-respondent must file and serve their fast track answering brief on the opposing party pursuant to Rule 25. The fast track answering brief must substantially comply with Rule 28(b), except that it need not include a table of contents or table of authorities if the brief is no more than 20 pages or 9,334 words or, if it uses a monospaced typeface, no more than 866 lines of text, and with Rules 28(e) and 32.

**(2) Appendix.**

**(A) Joint Appendix.** Counsel have a duty to confer and attempt to reach an agreement concerning a possible joint appendix.

**(B) Respondent's Appendix.** In the absence of an agreement respecting a joint appendix, the respondent must file and serve a respondent's appendix with the fast track answering brief unless the respondent is pro se.

**(C) Form and Contents.** The form and contents of appendices must comply with Rules 30 and 32.

**(f) Expanded Fast Track Opening Brief, Answering Brief, or Reply Brief.** When a case presents complex issues, a party may seek leave of the court to expand the length of the fast track opening brief, answering brief, or reply brief pursuant to Rule 32(a)(7)(D).

**(g) Extensions of Time.**

**(1) Preparation of Transcripts or Rough Draft Transcripts.**

**(A) Seven-Day Telephonic Extension.** A court reporter or recorder may request, by telephone, a 7-day extension of time for the preparation of a transcript or rough draft transcript if such preparation requires more time than is allowed under this Rule. If good cause is shown, the

clerk or a designated deputy may grant the request by telephone or by written order of the clerk.

**(B) Additional Extensions by Motion.** Subsequent extensions of time for filing transcripts or rough draft transcripts will be granted only upon motion to the court. The motion must justify the requested extension in light of the time limits provided in this Rule, and must specify the exact length of the extension requested. Extensions of time for the filing of transcripts or rough draft transcripts will be granted only upon demonstration of good cause. Sanctions may be imposed if a motion is brought without reasonable grounds.

**(2) Case Appeal Statements; Docketing Statements; Fast Track Opening Briefs, Answering Briefs, or Reply Briefs.**

**(A) Seven-Day Telephonic Extension.** Either party may request, by telephone, a 7-day extension of time for filing a case appeal statement, docketing statement, fast track opening brief, answering brief, or reply brief and related documents. If good cause is shown, the clerk may grant the request by telephone or by written order of the clerk.

**(B) Extensions of Time Due to Transcript Unavailability.** When an extension of time has been granted to a court reporter or recorder under this Rule, the court will extend the time for filing the brief to ~~[24]~~42 days after the date set for the transcript to be filed.

**(C) Additional Extensions by Motion.** Subsequent extensions of time for filing fast track briefs will be granted only upon motion to the court. The motion must justify the requested extension in light of the time limits provided in this Rule and must specify the exact length of the extension requested. Extensions of time under this provision will be granted only upon demonstration of extreme need or merit. Sanctions may be imposed if a motion is brought without reasonable grounds.



**(h) Amendments to Briefs.** Leave to amend fast track briefs will be granted only upon motion to the court. A motion to amend must justify the absence of the offered arguments in the party's initial brief. The motion will be granted only upon demonstration of good cause.

**(i) Withdrawal of Appeal.** If an appellant no longer desires to pursue an appeal after the notice of appeal is filed, the appellant must file with the clerk of the Supreme Court a notice of withdrawal of appeal.

**(j) Appeal Disposition or Calendaring.**

(1) Based solely upon review of the transcripts or rough draft transcripts, fast track opening brief, fast track answering brief, reply brief, and any other documents filed with the court, the court may resolve the matter.

(2) A party may seek leave of the court to remove an appeal from the fast track program and extend deadlines. The motion must demonstrate that the specific issues raised in the appeal are complex and/or too numerous for resolution in the fast track program or that the orders pertaining to child custody, guardianship of minors, parenting time, or visitation are not a primary issue on appeal.

(3) If the court removes an appeal from the fast track program, the parties are not required to file transcript request forms pursuant to Rule 9(a) unless otherwise ordered. If a party's brief cites to a transcript not previously filed in the court, that party must cause a supplemental transcript to be prepared and filed in the district court and the appellate court under Rule 9 within the time specified for filing the brief in the court's briefing order. If a represented party's brief cites to documents not previously filed in the court, that party must file and serve an appropriately documented supplemental appendix with the brief. In accordance with Rule 30(i), pro se parties must not file an appendix, but when the court's review of the record is necessary in a pro

se appeal, the court may direct that the complete record be transmitted as provided in Rule 11(a)(2).

(4) If the court does not remove an appeal from the fast track program, the court will attempt to dispose of all fast track child custody appeals within 90 days of the date the case is transferred to the Court of Appeals. If a fast track child custody appeal is retained by the Supreme Court, the court will attempt to dispose of it within 90 days of the date the case is submitted for a decision.

**(k) Court Reporter or Recorder Protection and Compensation.**

**(1) Liability.** Court reporters or recorders are not subject to civil, criminal, or administrative causes of action for inaccuracies in a rough draft transcript unless:

(A) the court reporter or recorder willfully fails to take full and accurate stenographic notes of the proceeding for which the rough draft transcript is submitted, or willfully and improperly alters stenographic notes from the proceeding, or willfully transcribes audio or video recordings inaccurately; and

(B) such willful conduct proximately causes injury or damage to a party, and that party demonstrates that appellate relief was likely granted or denied based upon the court reporter's or recorder's inaccuracies.

**(2) Compensation.** Court reporters must be compensated as follows:

(A) For preparing a transcript or rough draft transcript, the court reporter must receive 100 percent of the rate established by NRS 3.370 for each transcript page and for costs. A party ordering transcripts or copies must pay the court reporter's fee, unless the party obtains an order pursuant to NRAP 9(a)(9) or is otherwise entitled to have the transcript prepared at county or public expense. No reporter may be required to perform any service in a civil

case until the fees have been paid to the court reporter or deposited with the court clerk.

(B) In the event that a certified transcript is ordered after the rough draft transcript is prepared, the court reporter must receive an additional fee as established by NRS 3.370.

**(l) Sanctions.** Any party, attorney, court reporter, or court recorder who lacks due diligence in compliance with this Rule may be subject to sanctions by the court. Sanctionable actions include, but are not limited to, failure of the appellant to timely file a fast track opening brief or the respondent's failure to file a fast track answering brief.

**(m) Conflict.** The provisions of this Rule must prevail over conflicting provisions of any other Rule.

## **RULE 9. REQUESTS FOR AND PREPARATION OF TRANSCRIPTS**

### **(a) Appellant's Duty to Request Transcripts.**

**(1) What to Request.** Unless otherwise provided in these Rules, the appellant must request transcripts of district court proceedings that the appellant deems necessary for proper consideration of the issues on appeal but that were not prepared and filed in the district court before the appeal was docketed under Rule 12.

**(2) When and How to Comply With Duty to Request.** The appellant must do either of the following no later than 14 days from the date the appeal is docketed under Rule 12:

(A) request the court reporter or recorder to prepare the necessary transcripts by:

(i) preparing a transcript request form that complies with Rule 9(a)(6); and

(ii) filing the original transcript request form with the district court clerk and a file-stamped copy with the clerk of the Supreme Court; or

(B) file and serve a certificate that substantially complies with the Certificate of No Transcript Request Form on the Nevada Supreme Court website stating that no transcript will be requested.

**(3) Multiple Appeals From the Same Judgment.** If multiple parties appeal from the same judgment, each appellant must comply with the provisions of this Rule. The appellants must confer and attempt to reach an agreement concerning the transcripts necessary for the appellate court's review to avoid duplicative requests.

**(4) Service of Request Form.** Except as otherwise provided in this Rule, the appellant must serve a copy of the transcript request form on the named court reporter or recorder and on all parties to the appeal within the time provided in Rule 9(a)(2). An appellant who will seek a waiver of the costs associated with the preparation and delivery of transcripts under Rule 9(a)(9) must serve a copy of the transcript request form on all parties to the appeal within the time provided in Rule 9(a)(2) but need not serve the request form on the named court reporter or recorder.

**(5) Payment of Deposit.** ~~[Except as otherwise provided in this Rule]~~Unless the appellant is entitled by law or court order to have the transcripts prepared at county or public expense or will be filing a motion for waiver of costs pursuant to NRAP 9(a)(9), the appellant must pay an appropriate deposit to the court reporter or recorder when the transcript request form is served. Where several parties have appealed from the same judgment or any part thereof, or there is a cross-appeal, the deposit must be

borne equally by the parties appealing, or as the parties may agree. An appellant who is not required to serve the transcript request form on the court reporter or recorder under Rule 9(a)(4) is not required to pay a deposit.

**(6) Contents of the Transcript Request Form.** The appellant shall examine the district court minutes to ascertain the name of each court reporter or recorder who recorded the proceedings for which transcripts are necessary. The appellant must prepare a **[separate]** transcript request form **[addressed to]** identifying each court reporter or recorder who recorded the necessary proceedings, specifying only those proceedings recorded by the named court reporters or recorders. The transcript request form must substantially comply with the Certified Transcript Request Form on the Nevada Supreme Court website and must contain the following information based on appellant's examination of the district court minutes:

(A) Name of the judge or officer who heard the proceedings;

(B) Date or dates of the trial or hearing to be transcribed—individual dates must be specified, a range of dates is not acceptable;

(C) Portions of the transcript requested—specify the type of proceedings (e.g., suppression hearing, trial, closing argument);

(D) Number of copies required; and

(E) A certification by the appellant or appellant's counsel, if any, that the required transcripts have been requested and that (1) [the] any required deposits have been paid; (2) appellant is entitled by law or court order to have transcripts prepared at county or public expense; or (3) appellant will be filing a motion for waiver of costs pursuant to Rule 9(a)(9). This certification must specify from whom the transcript was ordered, the date the transcript was ordered, and, if the requesting party was required to pay a deposit, the date the deposit was paid. **[If the appellant is not required to serve the**



~~transcript request form on the court reporter or recorder pursuant to Rule 9(a)(4) or pay the deposit, the appellant may omit this certification but must file and serve a motion for waiver of costs pursuant to Rule 9(a)(9) within the time provided in Rule 9(a)(2).]~~

**(7) Number of Copies of Transcript; Costs.** The appellant must provide a copy of the certified transcript to each party appearing separately. Additionally, if the requesting party is self-represented and has not been granted a waiver of the fees associated with the preparation and delivery of transcripts, the requesting party must, upon receipt of the transcript, file a copy of the certified transcript with the clerk of the appellate court. Unless otherwise ~~[ordered under Rule 9(a)(9)]~~ exempted by law or court order, the appellant initially must pay any costs associated with the preparation and delivery of the transcript. Where several parties have appealed from the same judgment or any part thereof, or there is a cross-appeal, the costs associated with the preparation and delivery of the transcript must be borne equally by the parties appealing, or as the parties may agree.

**(8) Supplemental Requests.**

**(A) Partial Transcript.** Unless the entire transcript is ordered, the parties have a duty to confer and attempt to reach an agreement concerning the transcripts necessary for the appellate court's review.

(i) If the parties cannot agree on the necessary transcripts, within 14 days from the date the initial transcript request form is filed, the respondent must notify the appellant in writing of the additional portions it believes are required.

(ii) The appellant then has 14 days to file and serve a supplemental transcript request form and pay any additional deposit required.

(iii) Unless the appellant has ordered all additional portions of the transcript requested by the respondent within 14 days and has so notified the respondent, the respondent may, within the following 14 days either order the additional portions of the transcript or move in the Supreme Court or the Court of Appeals for an order requiring the appellant to do so.

**(B) Pro Bono Program Appeals.** If counsel has been assigned to represent the appellant pro bono pursuant to a program authorized by the Supreme Court, pro bono counsel may proceed as provided in Rule 9(a)(9) to obtain necessary transcripts not previously prepared.

**(9) Motion in Supreme Court for Waiver of Costs Associated With Preparation and Delivery of Transcripts in Certain Cases.** An appellant who has been permitted to proceed in forma pauperis, who is a “client of a program for legal aid” as defined by NRS 12.015(8), or who is represented by pro bono counsel pursuant to a program authorized by the Supreme Court and administered by a program for legal aid may request a waiver of the costs associated with the preparation and delivery of the transcripts by filing a motion with the clerk of the Supreme Court. A motion under this subsection should be filed concurrently with the transcript request form that is filed with the Supreme Court pursuant to Rule 9(a)(2)(A)(ii). The motion must specify each proceeding for which a transcript is requested and explain why each transcript is necessary for **[the]** appellate **[court’s]** review. If the court grants the motion, it will specify the transcripts that are necessary for appellate review and direct the district court to order that those transcripts be prepared at county expense in accordance with NRS 12.015(3). The motion permitted by this subsection is not required where the requesting party is entitled by law or court order to have transcripts prepared at county or public expense.

**(10) Consequences of Failure to Comply.** An appellant's failure to comply with the provisions of this Rule may result in the imposition of sanctions, including dismissal of the appeal.

**(b) Duty of the Court Reporter or Recorder.**

**(1) Preparation, Filing, and Delivery of Transcripts.**

**(A) Time to File and Deliver Transcripts.** Upon receiving a transcript request form and the required deposit, the court reporter or recorder must promptly prepare or arrange for the preparation of the transcript. Except as provided in Rule 9(b)(1)(B) and (b)(4), the court reporter or recorder must—within 30 days after the date that a request form is served:

- (i) file the original transcript with the district court clerk; and
- (ii) deliver to the party ordering the transcript 1 certified copy and an additional certified copy for the appendix.

**(B) Appellant's Failure to Pay Deposit.** The court reporter or recorder is not obligated to prepare the transcript until receipt of the deposit required by Rule 9(a)(5). If the appellant fails to timely pay the deposit, the court reporter or recorder must—no later than 30 days from the date that the transcript request form is served:

- (i) file with the clerk of the Supreme Court a written notice that the deposit has not been received, setting forth the full amount of the deposit and the amount that remains unpaid; and
- (ii) serve a copy of the notice on the party requesting the transcript.

**(2) Notice to Clerk of the Supreme Court.** Within 14 days after the transcript is filed with the district court and delivered to the requesting party, the court reporter or recorder must file with the clerk of the Supreme Court a notice that the completed transcript has been filed and delivered. The notice must specify the transcripts that have been filed and delivered and the date

that those transcripts were filed and delivered. The Notice of Completion and Delivery of Transcript Form on the Nevada Supreme Court website is a suggested form of certificate of delivery.

**(3) Format of Transcript.** A certified transcript may be produced in a conventional page-for-page format. A concordance indexing keywords in the transcript must be provided.

**(4) Extension of Time to Deliver Transcript.**

**(A) Fourteen-Day Telephonic Extension.** A court reporter or recorder may request by telephone a 14-day extension of time to prepare a transcript if the preparation requires more time than is allowed under this Rule. If good cause is shown, the clerk or a designated deputy may grant the request by telephone or by written order of the clerk.

**(B) Additional Extensions by Motion.** Subsequent extensions of time for filing a transcript will be granted only upon motion to the court on or before the date that the transcript is due. A motion to extend the time for delivering a transcript must be accompanied by an affidavit or declaration of the court reporter or recorder setting forth the reasons for the requested extension and the length of additional time needed to prepare the transcript. The motion must be served on all parties. Requests for extensions of time to prepare a transcript will be closely scrutinized and will be granted only upon a showing of good cause.

**(C) Request for Extension of Briefing Schedule.** The party requesting the transcript may, within 7 days of entry of an order granting a motion to extend the time for delivering a transcript, file a request to extend the briefing schedule by an equivalent amount granted for transcript preparation. The court may, in its discretion, extend the briefing schedule.

Such an extension does not preclude a party from obtaining any other extension permitted under Rule 31.

**(5) Sanctions for Failure to Comply.** A court reporter or recorder who fails to file and deliver a timely transcript without sufficient cause as provided in Rule 9~~[(e)]~~(b)(4) may be subject to sanctions under Rule 13.

**(c) Statement of the Evidence When the Proceedings Were Not Recorded or When a Transcript Is Unavailable.** If a hearing or trial was not officially recorded, or if a transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including an unofficial recording or the appellant's recollection. The statement must be served on all other parties, who may serve objections or proposed amendments within 14 days after being served. The statement and any objections or proposed amendments must then be submitted to the district court for settlement and approval. As settled and approved, the statement must be included by the district court clerk in the trial court record, and the appellant must include a file-stamped copy of the statement in an appendix filed with the clerk of the Supreme Court.

#### **ADVISORY COMMITTEE NOTE**

The 2025 amendments clarify that a motion under NRAP 9(a)(9) is not required to obtain recordings or transcripts that the requesting party is already entitled by law or court order to obtain at county or public expense, for instance State or County Public Defender's Offices in criminal direct appeals. They also clarify that district court forms and transcript request forms may request transcripts from multiple court reporters or recorders so long as the transcript request form substantially complies with NRAP 9.



## **RULE 27. MOTIONS**

### **(a) In General.**

**(1) Application for Relief.** An application for an order or other relief is made by motion unless these Rules prescribe another form. A motion must be in writing and be accompanied by proof of service.

### **(2) Contents of a Motion.**

**(A) Grounds and Relief Sought.** A motion must state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it.

#### **(B) Accompanying Documents.**

(i) Any affidavit, declaration, or other paper necessary to support a motion must be served and filed with the motion.

(ii) An affidavit or declaration must contain only factual information, not legal argument.

(iii) Except as otherwise provided in Rule 27(e), a motion seeking substantive relief must include as a separate exhibit a copy of the trial court's or agency's decision.

#### **(C) Documents Barred or Not Required.**

(i) A separate brief supporting or responding to a motion must not be filed.

(ii) A notice of motion is not required.

(iii) A proposed order is not required.

### **(3) Response.**

**(A) Time to File.** Any party may file a response to a motion; Rule 27(a)(2) governs its contents. The response must be filed within 7 days after service of the motion unless the court shortens or extends the time. A motion

authorized by Rules 8 or 41 may be granted before the 7-day period runs only if the court gives reasonable notice to the parties that it intends to act sooner.

**(B) Request for Affirmative Relief.** A response may include a motion for affirmative relief. The time to respond to the new motion, and to reply to that response, is governed by Rule 27(a)(3)(A) and (a)(4). The title of the response must alert the court to the request for relief.

**(4) Reply to Response.** Any reply to a response must be filed within 7 days after service of the response. A reply must not present matters that do not relate to the response.

**(b) Disposition of a Motion for a Procedural Order.** The court may act on a motion for a procedural order—including a motion under Rule 26(b)—at any time without awaiting a response, and may, by rule or by order in a particular case, authorize its clerk to act on specified types of procedural motions. A party adversely affected by the court's, or the clerk's, action may file a motion to reconsider, vacate, or modify that action. Timely opposition filed after the motion is granted in whole or in part does not constitute a request to reconsider, vacate, or modify the disposition; a motion requesting that relief must be filed.

**(c) Power of a Single Justice or Judge to Entertain Motions; Delegation of Authority to Entertain Motions.**

**(1) Authority of the Court of Appeals to Entertain Motions.** The Court of Appeals and its judges may entertain motions in appeals or matters that the Supreme Court has transferred to that court.

**(2) Order of a Single Justice or Judge.**

(A) In addition to the authority expressly conferred by these Rules or by law, a justice or judge of the Supreme Court or Court of Appeals may act alone on any motion but may not dismiss or otherwise determine an appeal or

other proceeding. The Supreme Court or Court of Appeals may provide by rule or by order in a particular case that only the Supreme Court or Court of Appeals may act on any motion or class of motions.

(B) The court may review the action of a single justice or judge. A ruling on a motion or other interlocutory matter, whether entered by a single judge or justice, is not binding upon the panel or full court to which the appeal is assigned on the merits, and the court considering the merits may alter, amend, or vacate it.

**(3) Authority of Clerk to Enter Orders of Dismissal.** The Supreme Court or Court of Appeals may delegate to the clerk authority to enter orders of dismissal in civil cases where the appellant has filed a motion or parties to an appeal or other proceeding have signed and filed a stipulation that the proceeding be dismissed~~[, specifying terms as to the payment of costs]~~.

**(d) Form of Papers.**

**(1) Format.**

**(A) Reproduction.** All papers relating to motions may be reproduced by any process that yields a clear black image of letter quality. The paper must be opaque and unglazed. Only one side of the paper may be used.

**(B) Cover.** A cover is not required, but there must be a caption that includes the name of the court and the docket number, the title of the case, and a brief descriptive title indicating the purpose of the motion and identifying the party or parties for whom it is filed. The cover page shall leave room in the upper right quadrant for the file stamp.

**(C) Binding.** The document must be bound in any manner that is secure, does not obscure the text, and permits the document to lie reasonably flat when open.

**(D) Paper Size, Line Spacing, and Margins.** The document must be on 8 1/2 by 11-inch paper. The text must be double-spaced, but quotations more than 2 lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least 1 inch on all 4 sides. The pages must be consecutively numbered at the bottom.

**(E) Typeface and Type Style.** The document must comply with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6).

**(F) Self-Represented Inmates.** A pro se party who is incarcerated or detained in a state prison or county jail or other facility may file documents under this Rule that are legibly handwritten in black or blue ink and that otherwise conform to the requirements of this Rule. Handwritten documents are not otherwise permitted without leave of the court.

**(G) Exhibits.** When multiple exhibits are submitted in support of a motion, response, or reply, all exhibit pages must be consecutively numbered at the bottom of each page and any citation to an exhibit must reference these page numbers.

**(2) Length.** Except by the court's permission, and excluding the accompanying documents authorized by Rule 27(a)(2)(B):

(A) a motion or response to a motion produced using a computer is acceptable if it contains no more than 10 pages or 4,667 words;

(B) a handwritten or typewritten motion or response to a motion is acceptable if it contains no more than 10 pages;

(C) a reply produced using a computer is acceptable if it contains no more than 5 pages or one-half of the type-volume limitation for a motion; and

(D) a handwritten or typewritten reply to a response is acceptable if it contains no more than 5 pages.

Motions that exceed the page limit must include a certificate stating the number of words in the motion.

**(e) Emergency Motions.** If a movant certifies that to avoid irreparable harm relief is needed in less than 14 days, the motion will be governed by the following requirements:

(1) Before filing the motion, the movant must make every practicable effort to notify the clerk of the Supreme Court, opposing counsel, and any opposing parties proceeding without counsel and to serve the motion at the earliest possible time. If an emergency motion is not filed at the earliest possible time, the court may summarily deny the motion.

(2) A motion filed under Rule 27(e) must include the title “Emergency Motion Under NRAP 27(e)” immediately below the caption of the case and a statement immediately below the title of the motion that states the date or event by which action is necessary.

(3) A motion filed under Rule 27(e) must be accompanied by the following:

(A) The relevant parts of the record including the order or decision from which relief is sought, if any; if the order or decision is unavailable, a copy of the transcript of proceedings is preferred but the movant’s or counsel’s statement of the reasons given by the district court will suffice until a copy of the order or decision is available. The movant’s or counsel’s statement must be included in the certificate required by Rule 27(e)(3)(B).

(B) A certificate of the movant or the movant’s counsel, if any, entitled “NRAP 27(e) Certificate,” that contains the following information:



(i) The telephone numbers and office addresses of the attorneys for the parties and the telephone numbers and addresses for any pro se parties;

(ii) Facts showing the existence and nature of the claimed emergency; and

(iii) When and how counsel for the other parties and any pro se parties were notified and whether they have been served with the motion; or, if not notified and served, why that was not done.

(4) If the relief sought in the motion was available in the district court, the motion must state whether all grounds advanced in support of the motion in the court were submitted to the district court, and, if not, why the motion should not be denied.

(5) The motion must otherwise comply with the provisions of this Rule.

**(f) Oral Argument.** A motion will be decided without oral argument unless the court orders otherwise.

### **RULE 30. APPENDIX TO THE BRIEFS**

**(a) Joint Appendix; Duty of the Parties.** Counsel have a duty to confer and attempt to reach an agreement concerning a possible joint appendix. In the absence of an agreement, the parties may file separate appendices to their briefs.

**(b) Contents of the Appendix.** Except as otherwise required by this Rule, matters not necessary to the decision of the issues presented by the appeal must be omitted.

**(1) Transcripts.** Copies of all transcripts that are necessary to the Supreme Court's or Court of Appeals' review of the issues presented on appeal must be included in the appendix.

**(2) Documents Required for Inclusion in Joint Appendix.** In addition to the transcripts required by Rule 30(b)(1), the joint appendix must contain:

(A) Complaint, indictment, information, or petition (including all amendments);

(B) All answers, counterclaims, cross-claims, and replies, and all amendments thereto;

(C) Relevant pretrial orders;

(D) Relevant jury instructions given to which exceptions were taken, and excluded when offered;

(E) Verdict or findings of fact and conclusions of law with direction for entry of judgment thereon;

(F) Any relevant report of a hearing master, commissioner, or other referee;

(G) Relevant opinions;

(H) All judgments or orders being challenged on appeal;

(I) All notices of appeal; and

(J) Proof of service, if any, of:

(i) the summons and complaint;

(ii) written notice of entry of the judgment or order appealed from;

(iii) post-judgment motions enumerated in Rule 4(a); and

(iv) written notice of entry of an order resolving any post-judgment motions enumerated in Rule 4(a).

**(3) Appellant's Appendix.** If a joint appendix is not prepared, appellant's appendix to the opening brief must include those documents required for inclusion in the joint appendix under this Rule, and any other

portions of the record necessary to determination of issues raised in appellant's appeal.

**(4) Respondent's Appendix.** If a joint appendix is not prepared, respondent's appendix to the answering brief may contain any transcripts or documents that should have been but were not included in the appellant's appendix, and must otherwise be limited to those documents necessary to rebut appellant's position on appeal that are not already included in appellant's appendix.

**(5) Reply Appendix.** The appellant may file an appendix to the reply brief that must include only those documents necessary to reply to respondent's position on appeal.

**(6) Presentence Investigation Report.** If a copy of appellant's presentence investigation report is necessary for the Supreme Court's or Court of Appeals' review in a criminal case, appellant or respondent must file a motion with the clerk of the Supreme Court within the time period for filing the party's appendix, requesting that the court direct the district court clerk to transmit the report to the clerk of the Supreme Court in a sealed envelope. The motion must demonstrate that the report is necessary for the appeal.

**(c) Arrangement and Form of Appendix.** The appendix must be in the form required by Rule 32(b), must be bound separately from the briefs, and must be arranged as set forth in this Rule. Documents filed electronically must be filed in a searchable Portable Document Format (PDF), except that exhibits and attachments to a filed document that cannot be imaged in a searchable format may be scanned.

**(1) Order and Numbering of Documents.** All documents included in the appendix must be placed in chronological order by the dates of filing beginning with the first document filed, and must bear the file stamp of the

district court clerk, clearly showing the date the document was filed in the proceedings below. Transcripts that are included in the appendix must be placed in chronological order by date of the hearing or trial. If the docket sheet or court minutes are included in the appendix, they need not be file stamped and must be placed at the end of the appendix. Each page of the appendix must be numbered consecutively in the lower right corner of the document.

**(2) Page Limits.** Each volume of the appendix must contain no more than 250 pages.

**(3) Cover.** The cover of an appendix must be white and must contain the same information as the cover of a brief under Rule 32(a), but must be prominently entitled “JOINT APPENDIX,” or “APPELLANT’S APPENDIX,” or “RESPONDENT’S APPENDIX” or “APPELLANT’S REPLY APPENDIX.” The cover page shall leave room in the upper right quadrant for the file stamp.

**(4) Indexes to Appendix.** The party filing the appendix must prepare both an alphabetical index and a chronological index identifying each document in the appendix with reasonable definiteness, and indicating the volume and page of the appendix where the document is located. These indexes must be filed contemporaneously with the appendix as a separate document. The cover of the indexes must contain the same information as the cover of a brief under Rule 32(a).

**(d) Exhibits.** Copies of relevant and necessary exhibits must be clearly identified, and must be included in the appendix as far as practicable. If the exhibits are too large or otherwise incapable of being reproduced in the appendix, the parties may file a motion requesting the court to direct the district court clerk to transmit the original exhibits. The court will not permit the transmittal of original exhibits except upon a showing that the exhibits are

relevant to the issues raised on appeal, and that the court's review of the original exhibits is necessary to the determination of the issues.

**(e) Time for Service and Filing of Appendix.** A joint appendix must be filed and served no later than the filing of appellant's opening brief. An appellant's appendix must be served and filed with appellant's opening brief. A respondent's appendix must be served and filed with respondent's answering brief. If a reply brief is filed, any reply appendix must be served and filed with the reply brief.

**(f) Filing and Service.** A party represented by counsel must file the appendix electronically, unless nonelectronic filing has been approved by the court. Unless electronically filed, one paper copy and USB flash drive version of the appendix must be filed with the clerk and served on all parties. A paper copy and USB flash drive version of the appendix must be served on all parties ~~[not represented by counsel]~~who are not registered users of the appellate courts' electronic filing system.

**(g) Filing as Certification; Sanctions for Nonconforming Copies or for Substantial Underinclusion.**

(1) Filing an appendix constitutes a representation by counsel that the appendix consists of true and correct copies of the papers in the district court file. Willful or grossly negligent filing of an appendix containing nonconforming copies is an unlawful interference with the proceedings of the Supreme Court or Court of Appeals, and subjects counsel, and the party represented, to monetary and any other appropriate sanctions.

(2) If an appellant's appendix is so inadequate that justice cannot be done without requiring inclusion of documents in the respondent's appendix that should have been in the appellant's appendix, or without the court's



independent examination of portions of the original record that should have been in the appellant's appendix, the court may impose monetary sanctions.

**(h) Costs.** Each party must, initially, bear the cost of preparing its separate appendices. The appellant must, initially, bear the cost of preparing a joint appendix; where several parties appeal from the same judgment or any part thereof, or there is a cross-appeal, the initial expense of preparing a joint appendix must be borne equally by the parties appealing, or as the parties may agree.

**(i) Pro Se Party Exception.** This Rule does not apply to a party who is not represented by counsel. A pro se party must not file an appendix except as otherwise provided in these Rules or ordered by the court. If the court's review of the complete record is necessary, the court will direct the district court to transmit the record as provided in Rule 11.

## **RULE 45. CLERK'S DUTIES**

### **(a) General Provisions.**

**(1) Qualifications.** The clerk of the Supreme Court must take the oath and post any bond required by law. Neither the clerk nor any deputy clerk may practice as an attorney or counselor in any court while in office.

**(2) When Court Is Open.** The clerk's office with the clerk or a deputy in attendance will be open during business hours on all days except Saturdays, Sundays, and nonjudicial days. The court may provide by rule or by order that the clerk's office will be open for specified hours on Saturdays or on particular nonjudicial days. In exceptional circumstances, the court may provide by order for closure of the court for a limited period.

### **(b) Records.**

**(1) The Docket.** The clerk must maintain a docket, in the form and style prescribed by the court, and must enter therein each case. Cases will be assigned consecutive file numbers. The file number of each case must be noted on the folio of the docket whereon the first entry is made. All papers filed with the clerk and all process, orders, and judgments will be entered chronologically in the docket on the folio assigned to the case. Entries will be brief but must show the nature of each paper filed or judgment or order entered. The entry of an order or judgment will show the date the entry is made. The clerk will keep a suitable index of cases contained in the docket.

**(2) Calendar.** The clerk will prepare, under the direction of the court, a calendar of cases awaiting argument. In placing cases on the calendar for argument, the clerk will give preference to appeals in criminal cases and to appeals and other proceedings entitled to preference by law.

**(3) Other Records.** The clerk will keep such other books and records as may be required from time to time by the court.

**(c) Notice of Orders or Judgments.** Upon the entry of an order or judgment, the clerk will immediately serve a notice of entry ~~[by mail]~~ on each party ~~[, with a copy of any opinion, and will make a note in the docket of the mailing]~~. Service on a party represented by counsel will be made on counsel.

**(d) Custody of Records and Papers.** The clerk has custody of the court's records and papers. Unless the court orders or instructs otherwise, the clerk must not permit an original record or paper to be taken from the clerk's custody. Upon disposition of the case, original papers transmitted from a court or agency must be returned to the court or agency from which they were received. The clerk must preserve a copy of any briefs or other papers that have

been filed. The transcript and appendices to the briefs must be retained for 90 days after issuance of the remittitur, and then may be destroyed.

**(e) Office Location; Attendance at Court Sessions.**

(1) The clerk's office will be kept in Carson City, Nevada.

(2) The clerk or the clerk's deputy will attend the sessions of the court.

**(f) Fees.** Except as provided in Rule 3(a) governing the filing of a notice of appeal, the clerk is not required to file any paper or record in the clerk's office or docket any proceeding until the fee required by law and these Rules has been paid.