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October 24, 2018

Via Electronic Mail: nvscclerk@nvcourts.nv.gov

Elizabeth A. Brown
Clerk of the Supreme Court
201 South Carson Street
Carson City, Nevada 89701

Re: ADKT501

Dear Ms. Brown:

I submit this letter to advise the Court that I do not support the proposal in ADKT501 to amend NRAP 3A by adding NRAP 3F(b)(3). Eliminating briefing and oral argument of appeals from a final judgment under NRCP 12(b)(2), 12(b)(5) and 56, would diminish the Nevada Constitution's promise (art. 6, §2.2(a)) of a "hearing and decision" of appeals from final judgments by "no fewer than three justices" of the Court. This proposed new rule of appellate procedure would not assure an appellant of a "hearing" of his/her appeal that would consider the appellant's reasons why the district court's judgment should not be upheld.

Thus, an appeal under proposed NRAP 3F(b)(3) would be merely an exercise for the Court to look at the record, without any participation of appellate counsel. That would be a radical departure from time-honored appellate practice and procedure, which would not, in my opinion, be reasonably and easily explainable to clients and their counsel who rely on appellate courts to hear and consider their reasons why a particular district court's decision is erroneous and should be reversed.

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

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Please do not adopt ADKT501 as written, but please consider amending NRAP 17 to route appeals from final judgments under Rules 12(b)(2), 12(b)(5) and 56 to the Court of Appeals for disposition. That would reduce the Supreme Court's workload in the first instance and, at the same time, ensure affected litigants that they will be heard and their position considered in an appellate court by three judges. The Court of Appeals' disposition would be final, subject only to discretionary review under NRAP 40B.

Thank you for this opportunity to address and object to ADKT501.

Sincerely,



Steve Morris

SM/paq