

**RULE 3D. JUDICIAL DISCIPLINE: RIGHT TO APPEAL; HOW
TAKEN; RULES GOVERNING**

~~[(a) Definitions. As used in this Rule:~~

~~(1) “Respondent” means any Supreme Court justice, Court of Appeals judge, district judge, justice of the peace, or municipal court judge or referee, master, or commissioner who is the subject of any disciplinary or removal proceedings instituted before the commission on judicial discipline.~~

~~(2) “Service” means service by personal delivery or by registered mail or certified mail, return receipt requested.]~~

~~[(b)] (a) [Who May Appeal] Appealable Decisions. Any Supreme Court justice, Court of Appeals judge, district judge, justice of the peace, or municipal court judge or referee, master, commissioner, or other judicial officer (“Judicial Officer”) who is the subject of any disciplinary or removal proceedings instituted before the [e]Commission on [j]Judicial [d]Discipline (“Commission”) may appeal to the Supreme Court: ~~[from the orders set forth in Rule 3D(e).]~~~~

~~[(c) Appealable Decisions. An appeal may be taken:]~~

~~(1) From an order of suspension from the exercise of office under NRS 1.4675.~~

~~(2) From an order of censure, removal, retirement, or other form of discipline.~~

~~[(d)] (b) Notice of Appeal. An appeal to the Supreme Court from a [e]Commission order [shall] must be taken by filing a notice of appeal with the clerk of the [e]Commission and serving a copy of the notice on the prosecuting counsel, if any. Filing and service of the notice of appeal must be made within 30 days after service on the [respondent] Judicial Officer of the~~

[e]Commission's formal order of suspension, censure, removal, retirement, or other discipline, together with its formal findings of fact and conclusions of law. Upon the filing of the notice of appeal, the clerk of the [e]Commission **[shall]** must immediately transmit to the clerk of the Supreme Court **[2]** a file-stamped ~~[copies]~~ copy of the notice of appeal.

~~[(e) Transcripts. Any request for all or part of a transcript must be made in accordance with rules adopted by the commission in regard thereto.]~~

~~[(f)]~~ **(c) Applicable Rules.** ~~[In all other respects an]~~ An appeal from a [e]Commission order **[shall]** will proceed in the same manner as a civil appeal except that:

(1) the provisions of Rule 4(f) for expediting criminal appeals [shall] will apply to all appeals from orders or actions taken by the [e]Commission.

(2) any request for all or part of a transcript must be made in accordance with the Procedural Rules of the Commission.

Other provisions in the Nevada Rules of Appellate Procedure apply to appeals from a [e]Commission order, unless this Rule expressly provides to the contrary or application of a particular rule is clearly impracticable, inappropriate, or inconsistent. All references to the district court in applicable portions of the Nevada Rules of Appellate Procedure must be deemed references to the [e]Commission.

~~[(g)]~~ **(d) Interlocutory Orders.** Review of interlocutory orders of the [e]Commission, which are considered either by the Judicial Officer or the Commission's prosecuting officer ~~[or the respondent judge]~~ to be without or in excess of jurisdiction, may be sought by way of petition for an appropriate extraordinary writ pursuant to Rule 21.

~~[(h) Disqualification of Supreme Court Justices. Any justice who sat on the commission is disqualified from participating in the consideration or decision of an appeal from an action that was taken by the commission during his or her membership on the commission.]~~

COMMENT

The amendments to this Rule are intended to be stylistic only, with the exception of subsection (b), which changes the Rule to only require one file-stamped copy. The Procedural Rules of the Nevada Commission on Judicial Discipline Commission, which were amended in 2018, are available at https://judicial.nv.gov/uploadedFiles/judicialnvgov/content/Discipline/Rules/June_2018_Revised_Procedural_Rules_of_the_NCJD_FINAL.pdf. Notably, the Commission's procedural rules provide a 15-day timeline to appeal, whereas this Rule provides a 30-day window. We recommend either a change to this Rule or the Commission's rules to ensure both deadlines are the same.