

NRAP Subcommittees

	SUBCOMMITTEES	PARALLEL RULES	CONSIDERATIONS	SUBCOMMITTEE MEMBERS (chair in bold)	PROPOSE TO FULL COMMITTEE (Y/N)	SUBCOMMITTEE FORMED (Y/N)
1	Scope and Operation of Rules; Regulation of Parties, Attorneys, Clerk (Rules 1, 2, 25, 26, 26.1, 28.2, 38, 43, 45, 46, 47, 48)			?		
1.1	Scope, Definition, Title		Simplify rules of construction			
1.1.1	NRAP 1. Scope, Construction of Rules	FRAP 1	Revise/eliminate definitions Combine with NRAP 48			
1.1.2	NRAP 47. Rules of Appellate Practice					
1.1.3	NRAP 48. Title					
1.2	NRAP 2. Suspension of Rules	FRAP 2				
1.3	NRAP 25. Filing and Service	FRAP 25 NEFCR 8	Consolidate with NEFCR 8 Simplify proof of service for electronic filers			
1.4	NRAP 26. Computing and Extending Time	FRAP 26	Remove "good cause" requirement for telephonic extension. See 9th Cir. R. 31-2.2			
1.5	NRAP 26.1 Disclosure Statements	FRAP 26.1				
1.6	NRAP 28.2 Attorney's Certificate	9th Cir. R. 32-1				
1.7	NRAP 38. Frivolous Appeals-- Damages and Costs	FRAP 38	Simplify, eliminate provision on "imposition on the court below"			
1.9	NRAP 43. Substitution of Parties	FRAP 43				
1.9	NRAP 45. Clerk's Duties	FRAP 45	Eliminate NRAP 45(f)			
1.10	NRAP 46. Attorneys	FRAP 46	Consolidate with SCR 42, 46, 47 Allow nonrenewal of pro hac vice after completion of briefing / oral argument pending disposition			

2 Commencing the Appeal; Settlement (Rules 3, 3A, 14, 16, 33)			McFarling A. Smith
2.1	Commencing the Appeal		
2.1.1	NRAP 3. Appeal–How Taken	FRAP 3 9th Cir. R. 10-1	Harmonize with FRAP 3 Assess necessity of case appeal statement Warning about dismissal for nonpayment of filing fee Consolidate NRAP 3(e) and NRAP 4(a)(7) re payment of fee Clarify when amended notice of appeal is permissible (versus new appeal)
2.1.2	NRAP 3A. Civil Actions; Standing to Appeal; Appealable Determinations	(none)	Simplify standing Clarify appealable orders
2.1.3	NRAP 14. Docketing Statement	(none)	Eliminate response Consider overlap with case appeal statement Update form
2.2	Settlement and Other Conferences		Formalize extended deadline for settlement conference statements
2.2.1	NRAP 16. Settlement Conferences in Civil Appeals	9th Cir. R. 3-4 9th Cir. R. 33-1	mechanism to opt out of settlement program Consider provision for private mediation
2.2.2	NRAP 33. Appeal Conferences	FRAP 33	Designate non-confidential portions of settlement-conference statement to exchange among parties (as in the 9th Circuit) Combine NRAP 16 with NRAP 33
3 Criminal Rules Subcommittee (Rules 3B, 3C, 22, 23)			JoNell Westbrook
3.1	NRAP 3B. Criminal Actions: Rules Governing	Various (including circuit rules to FRAP 4, 22)	Address new N.R.Cr.P.
3.2	NRAP 3C. Fast Track Criminal Appeals	(none)	Consider eliminating
3.3	NRAP 22. Habeas Corpus Proceedings	FRAP 22	
3.4	NRAP 23. Custody of Prisoners in Habeas Corpus Proceedings	FRAP 23	

4	Judicial Subcommittee (Rules 3D, 25A, 35, 45A)		?
4.1	NRAP 3D. Judicial Discipline: Right to Appeal; How Taken; Rules Governing	(none)	
4.2	NRAP 25A. Court Composition, Session, Quorum and Adjournments	IOP 1	Coordinate with IOP 1 Clarify procedure for appointing district judge or senior judge in IOP 1(g)
4.3	NRAP 35. Disqualification of Justice or Judge	(none)	Include information on voluntary recusal under IOP 1(f)
4.4	NRAP 45A. Seal of Supreme Court	(none)	Move to SCR Add seal of the Court of Appeals
5	Fast Track Child Custody Appeals (Rule 3E)		McFarling
5.1	NRAP 3E. Fast Track Child Custody Appeals	(none)	Consider eliminating
6	When to Appeal, Costs, Interest (Rules 4, 7, 37, 39)		Eisenberg Chen Echols Petty Polsenberg A. Smith Westbrook
6.1	NRAP 4. Appeal--When Taken	FRAP 4	Harmonize with FRAP 4 Create mechanism for extension/reopening (FRAP 4(a) (5)-(6), 4(b)(4)) Harmonize NRAP 4(a)(6) with IOP 2(a) Consolidate NRAP 3(e) and NRAP 4(a)(7) re payment of fee Clarify when amended notice of appeal is permissible (versus new appeal)
6.2	Costs		Reassess bond amount / limit on taxable costs
6.2.1	NRAP 7. Bond for Costs on Appeal in Civil Cases	FRAP 7	Reassess division of costs taxable in appellate and district courts
6.2.2	NRAP 39. Costs	FRAP 39	
6.3	NRAP 37. Interest on Judgments	FRAP 37	

7 Certification, Huneycutt, Amicus, Constitutional Questions (Rules 5, 12A, 29, 44)			Echols Colby Silva J. Smith?
7.1	NRAP 5. Certification of Questions of Law	Sister-state certification rules Uniform Certification of Questions of Law Act/Rule (1995)	Create power of Nevada courts to certify (not just answer)
7.2	NRAP 12A. Remand after an Indicative Ruling by the District Court on a Motion for Relief that is Barred by a Pending Appeal	FRAP 12.1	
7.30	NRAP 29. Brief of an Amicus Curiae	FRAP 29	Disclose party participation/funds A party may file notice of consent to filing amicus brief in support of either or neither party. U.S. S. Ct. R. 37(a) Create process to appoint/invite amicus for abandoned positions or other issues identified by the Court. See, e. g., U.S. S. Ct.
7.4	NRAP 44. Cases Involving Constitutional Questions Where State Is Not a Party	FRAP 44	May request views of State Attorney General or State Solicitor General. See U.S. S. Ct. R. 29(b). Clarify that it applies in both criminal and civil cases to remedy some confusion caused by <i>State Off. of the Att'y Gen. v. Just. Ct. of Las Vegas Twp.</i> , 133 Nev. 78, 392 P. 3d 170 (2017).
8 Transcript, Record, Appendix (Rules 9, 10, 11, 12, 13, 30)			Stringmeyer, Eisenberg
8.1	Transcripts and Record		Consolidate NRAP 9 and NRAP 10
8.1.1	NRAP 9. Transcripts; Duty of Counsel; Duty of the Court Reporter or Recorder	FRAP 10	Coordinate with Pro Se Committee regarding streamlining transcript requests in forma pauperis Move NRAP 13 to SCR
8.1.2	NRAP 10. The Record		
8.1.3	NRAP 11. Preparing and Forwarding the Record	FRAP 11	
8.1.4	NRAP 12. Docketing the Appeal; Filing of the Record	FRAP 12	
8.1.4	NRAP 13. Court Reporters' and Recorders' Duties and Obligations; Sanctions	9th Cir. R. 11-1.2	
8.2	NRAP 30. Appendix to the Briefs	FRAP 30	Eliminate alphabetical index Limit materials included Standardize citation format. 5th Cir. R. 28.2.2/ 5th Cir. Form 1 Formalize procedure for sealing portions of the appendix

9 Routing, Petitions for Rehearing and Review (Rules 17, 40, 40A, 40B)			Westbrook Petty Williams
9.1	NRAP 17. Division of Cases Between the Supreme Court and the Court of Appeals	Iowa R. App. P. 6.1101 IOP 13 FRAP 35	Create default where case is not presumptively assigned to either court Formalize criteria and procedure for seeking initial en banc Supreme Court review in the first instance
9.2	Petitions for Rehearing and Review		Allow direct petition for en banc reconsideration without panel rehearing Extend deadline to 21 days Allow reply Clarify allowance for second petition for rehearing when original judgment is changed on initial rehearing
9.2.1	NRAP 40. Petition for Rehearing	FRAP 40	
9.2.2	NRAP 40A. Petition for En Banc Reconsideration	FRAP 35	
9.2.3	NRAP 40B. Petition for Review	U.S. Sup. Ct. R. 10	
10 Stays, Injunctions, Writs, Motions (Rules 8, 21, 27)			?
10.10	NRAP 8. Stay or Injunction Pending Appeal or Resolution of Original Writ Proceedings	FRAP 8	Clarify relationship to NRCP 62 Impose deadline to seek appellate extension of district court stay of order or judgment. 9th Cir. R. 27-2. Require copy of order or judgment be attached as exhibit to motion. U.S. S. Ct. R. 23; 7th Cir. R. 8; 11th Cir. R. 8-1 Combine dispositive motion with Mot. to Stay or Opposition thereto. D.C. Cir. R. 8(b). Expedite schedule for preliminary injunction appeals. 9th Cir. R. 3-3.
10.2	NRAP 21. Writs of Mandamus and Prohibition and Other Extraordinary Writs	FRAP 21	Clarify procedure for sealing petitions and/or appendix, other emergency motions to be simultaneously filed with writ petition Clarify permissible materials in appendix Match federal word limit (7,800). FRAP 21(d)(1).
10.3	NRAP 27. Motions	FRAP 27	Address orders to show cause Create form for NRAP 27(e) certificate Clarify relationship with NRAP 40 for reconsideration of case-terminating order (9th Cir. R. 27-10(a)) Effect on briefing schedule of certain motions. See 9th Cir. R. 27-11. Motion for summary affirmance. See 9th Cir. Adv. Committee Note to Rule 27-1(3)(a).

11 Briefs (Rules 28, 28.1, 31, 32)			?
11.1	NRAP 28. Briefs	FRAP 28	Move NRAP 31(e) to NRAP 28 (to mirror FRAP 28(j)) Add word limit to supplemental authorities Adopt streamlined extension for cases eligible for stipulated extension Consider automatically allowing longer briefs as described in 9th Cir. R. 32-2(b) Move restriction on citing unpublished opinions in NRAP 36(c)(3) to NRAP 28 or NRAP 32
11.2	NRAP 28.1 Cross-Appeals	FRAP 28.1	Move NRAP 31(e) to NRAP 28 (to mirror FRAP 28(j)) - Add word limit to supplemental authorities Adopt streamlined extension for cases eligible for stipulated extension Consider automatically allowing longer briefs as described in 9th Cir. R. 32-2(b) Move restriction on citing unpublished opinions in NRAP 36(c)(3) to NRAP 28 or NRAP 32
11.3	NRAP 31. Filing and Service of Briefs	FRAP 31	
11.4	NRAP 32. Form of Briefs, the Appendix and Other Papers	FRAP 32	
12 Judgment, Remittitur (Rules 36, 41)			Silver Gibbons Petty Williams
12.1	NRAP 36. Entry of Judgment	FRAP 36	Clarify definition of judgment Move NRAP 36(c)(3) to NRAP 28 or NRAP 32
12.2	NRAP 41. Issuance of Remittitur; Stay of Remittitur	FRAP 41	Use "mandate" terminology Match issuance to rehearing deadline plus 7 days Require substantial question / good cause for stay of remittitur/mandate pending cert petition Reduce/change default length of stay to match deadline for cert petition (usually 90 days, 150 days under COVID extension) Allow stipulation/motion to immediately issue remittitur/mandate Empower Court of Appeals to issue remittitur/mandate directly

13 Pro Se Subcommittee (Rules 24, 34, 46A)			Traum
13.1	NRAP 24. Proceedings in Forma	FRAP 24	Allow participation in oral argument
13.2	NRAP 34. Oral Argument	FRAP 34	Create procedure for allowing pro se litigants to argue Extend default oral argument time Address whether parties can seek to change place of argument or appear remotely
13.3	NRAP 46A. Parties Appearing Without Counsel		
14 Special Topics			
14.1	Rules of Practice in Court of Appeals	FRAP 47	?
14.2	Appeals in District Court		Specify which rules apply and how ?
14.3	Statutory Appeals		Address conflicts or uncertainty in appealable orders ?
14.4	Agency appeals		
14.5	Capital case appeals		