

NRAP 4 Subcommittee Status Report

November 12, 2021

Submitted by Deborah Westbrook

In order to best evaluate proposed changes to NRAP 4, our subcommittee decided split up into two groups – a criminal group and a civil group. Bob is chairing the civil subcommittee, and that group includes Dan Polsenberg, Abe Smith and Micah Echols. I am chairing the criminal subcommittee, and our group includes John Petty, Alex Chen, and Charlie Finlayson (with assistance from Jenny Noble).

The criminal subcommittee met by zoom on October 28th and compared the criminal portions of NRAP 4 with the criminal portions of FRAP 4, and agreed upon some initial recommendations to make to the Commission. Notes of this meeting, and our initial redline proposals for NRAP 4(b),(c),(d),(e) and (f), are attached.

The full (civil/criminal) NRAP 4 subcommittee met on November 9th to discuss recommendations for the civil portions of NRAP 4 (e.g., NRAP 4(a)). Notes of that meeting are attached as well. The group needs some additional time to work through the proposed changes, in light of case law addressing the jurisdictional nature of Rule 4. It was decided that the civil subcommittee would meet on November 19th to compare the civil portions of NRAP 4 with the civil portions of FRAP 4 and make recommendations.