

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

KATHERINE STOCKS
Director and State Court
Administrator



JOHN MCCORMICK
Assistant Court Administrator

DRAFT MEETING SUMMARY
COMMISSION ON NRAP

DATE AND TIME OF MEETING: May 23, 2023, 11:00 a.m.

PLACE OF MEETING: Remote Access via Zoom

Members Present:

Justice Kristina Pickering	Judge Bonnie Bulla	Judge Deborah Westbrook
Dayvid Figler	Sally Bassett	Alexander Chen
Sharon Dickinson	Kelly Dove	Micah S. Echols
Robert L. Eisenberg	Charles Finlayson	Adam Hosmer-Henner
Debbie Leonard	Emily McFarling	Erica Medley
Julie Ollom	John Petty	Dan Polsenberg
Steven M. Silva	Abe Smith	Jordan Smith
JoNell Thomas	Jessica Whelan	Colby Williams

Call to Order, Welcome, and Announcements. Justice Pickering welcomed everyone and called the meeting to order at 11:01 a.m.

Roll Call and Determination of Quorum Status. Roll was called, and a quorum was present.

Approval of April 19, 2023, Commission Meeting Minutes. The minutes were not ready for the meeting and were tabled until the next meeting.

The materials provided for this meeting can be found at:
<https://nvcourts.gov/AOC/Templates/documents.aspx?folderID=33507>

Discussion Items:

NRAP 3E Fast Track Child Custody Appeals-- Emily McFarling. This item was tabled for the next meeting.

NRAP 33 Appeal Conferences (possibly no revisions) – Emily McFarling to report back after review of corresponding FRAP for possible integration of neutral language for represented vs. non-represented litigants. The following revision was made: “The court may direct the attorneys—and, when appropriate, the parties—to participate in one or more

~~conferences [for the parties to appear before the court or a justice or judge thereof for a conference]”~~ After discussion, Bob Eisenberg moved and John Petty seconded to approve the revised proposal. Motion passed unanimously.

NRAP 7 & 39 Costs/Interest Subcommittee Report – Debbie Leonard.

NRAP 7. Bond for Costs on Appeal in Civil Cases. After a discussion regarding possibly increasing the bond amount and the process for returning the bond, Judge Bulla moved and Dan Polsenberg seconded to replace the current version of NRAP with the language from FRAP 7. Motion passed unanimously.

NRAP 39. Costs—After discussion of the proposal, Julie Ollom recommended changing the word “section” in NRAP 39(b)(3) and (b)(5) to “subsections (b)(1) and (b)(2).” A motion was made by Bob Eisenberg and seconded by Julie Ollom to approve the proposed amendment as revised. Motion passed unanimously.

NRAP 3D Judicial Subcommittee Report – Jessica Whelan & Erica Medley. After discussion, Bob Eisenberg moved and Judge Westbrook seconded to approve the proposed amendment. Motion passed unanimously.

NRAP 9-12, 13 & 30 Transcript, Record, Appendix Subcommittee – Judge Westbrook.

NRAP 9. Transcript; Duty of Counsel & Court Reporter. This was tabled for the next meeting.

Rule 13. Court Reporters’ & Recorders’ Duties. After discussion, John Petty moved and Julie Ollom seconded to approve the proposed amendment. Motion passed unanimously.

Rule 30. Appendix to the Briefs. After a lengthy discussion, various revisions were made to the proposed amendment. NRAP 30(b)(2)(F) was revised from “Any relevant master’s report” to “Any relevant report of a hearing master, commissioner, or other referee.” Subsection (b)(2)(G) was revised from “Opinion” to “Relevant opinions.” There was discussion about including court minutes and docket sheets in the appendix when those documents are not file stamped as required in subsection (c)(1), and it was agreed that the following sentence would be added to that subsection: “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.” There was also discussion about possibly revisiting subsections (c) and (i) in regard to pro se litigants at a later time. Julie Ollom moved, and Dan Polsenberg seconded to approve the amendment with the revisions discussed and agreed to at the meeting. Motion passed unanimously.

NRAP 3 & 14 Commencing the Appeal; Docketing Statement; Settlement Subcommittee Report – Emily McFarling.

NRAP 3. Appeal—How Taken. After discussion, Judge Westbrook moved and John Petty seconded to approve the proposed amendment. Motion passed unanimously.

NRAP 14. Docketing Statement. After discussion, Debbie Leonard moved and Judge Bulla seconded to approve the proposed amendment. Motion passed unanimously.

Comments to Draft Rules for ADKT submission. Looking ahead to filing the draft rules as an attachment to an ADKT petition, which will become the subject of a public hearing and eventual approval by the court, Justice Pickering requested that each of the subcommittees who have already presented their finalized rules prepare short and succinct comments for each of those rules. As a reference, she referred them to the comment that was placed at the end of the draft amendment of NRAP 3D presented for this meeting. Similarly, the committee voted to replace the existing NRAP 7 with the language in FRAP 7. A short comment on that might be something similar to “NRAP 7 appears to be archaic and has been replaced with FRAP 7.” Justice Pickering requested that she would like the subcommittees to prepare the comments prior to the next meeting and submit them to Sally Bassett. Justice Pickering, Judge Bulla, and Judge Westbrook will then review and finalize them.

Upcoming NRAP Commission meetings: The next meeting was scheduled for June 14 from 11 a.m. to 1:30 p.m.

The meeting was adjourned at 1:35 p.m.