

## NRAP 29 – Proposed

### RULE 29. BRIEF OF AN AMICUS CURIAE

**(a) When Permitted.** The United States, the State of Nevada, ~~an officer or agency of either,~~ a political subdivision thereof, ~~or~~ a state, territory or commonwealth, or an officer or agency of the foregoing entities may file an amicus curiae brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court granted on motion or at the court's request or if accompanied by written consent of all parties. Any party may submit to the clerk a letter granting blanket consent to the filing of amicus briefs in support of any party or parties or of neither party.

**(b) Foreign Counsel.** If an amicus brief is prepared in whole or in part by an attorney who is not a member of the State Bar of Nevada, that attorney must move for permission to appear before the Supreme Court or Court of Appeals under SCR 42 and comply with Rule 46(a).

**(c) Motion for Leave to File.** A motion for leave to file an amicus brief ~~shall~~ must be accompanied by the proposed brief and state:

(1) the movant's interest; and

(2) the reasons why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.

**(d) Contents and Form.** An amicus brief must comply with Rule 32. In addition to the requirements of Rule 32, the cover must identify the party or parties supported (if any) and indicate whether the brief supports affirmance or reversal. An amicus brief need not comply with Rule 28, but must include the following:

(1) If the amicus curiae is a corporation, a disclosure statement like that required of a party by Rule 26.1.

(2) A table of contents, with page references.

(23) A table of cases (alphabetically arranged), statutes and other authorities cited, with references to the pages of the brief where they are cited.

(34) A concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file, which shall not count toward the type-volume limitation.

(5) Unless the amicus curiae is one listed in the first sentence of Rule 29(a), a statement that indicates whether:

(i) a party or a party's counsel authored the brief in whole or in part;

(ii) any person(s)—other than the amicus curiae, its members, or its counsel— contributed money, or other consideration, intended to fund preparing or submitting the brief and, if so, identifies each person.

(46) An argument, which may be preceded by a summary.

(57) An attorney's certificate that complies with the requirements contained in Rule 28.2.

**(e) Length.** Except by the court's permission, an amicus brief may be no more than one-half the maximum length authorized by these Rules for a party's brief. If the court grants a party permission to file a longer brief, that extension does not affect the length of an amicus brief.

**(f) Time for Filing.** An amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's opening brief is filed. The court may grant leave for later filing, specifying the time within which an opposing party may answer. An amicus brief in support of a petition for extraordinary writ must be filed as soon as practicable, must be supported by a motion for leave to file an untimely brief if submitted outside

of the 7-day window established by this rule, and must not be filed after a respondent has filed an responsive brief to the writ petition, unless specifically invited by the court.

**(g) Reply Brief.** An amicus may not file a reply brief.

**(h) Oral Argument.** An amicus may file a motion to participate in oral argument, but the court will grant such motions only for extraordinary reasons.

**(i) During Rehearing, En Banc Reconsideration, and Review by the Supreme Court.** An amicus may participate in proceedings for rehearing under Rule 40, en banc reconsideration under Rule 40A, and review by the Supreme Court under Rule 40B. Such a brief may be filed irrespective of whether an amicus brief was filed by that party in the primary briefing. The same requirements outlined in this Rule for principal briefs shall apply to such rehearing, en banc reconsideration, and review proceedings. Except by the court's permission, the length of an amicus brief in these proceedings must not exceed 3,500 words.