

**RULE 25A. COURT COMPOSITION, ~~SESSION AND,~~ QUORUM AND ADJOURNMENTS**

~~—(a) Transaction of Judicial Business in Open Court, Chambers. Matters of judicial business to be transacted in open court shall be arranged by calendar setting fixed by court order. Matters of judicial business to be transacted in chambers shall be arranged by appointment with the clerk.~~

~~—(b) Sessions, Quorum and Adjournments.~~

~~—(1) No arguments will be heard or open sessions held on Saturday, Sunday, or other nonjudicial days.~~

~~—(12) Constitution of Court.~~

~~—(Aa) Supreme Court. The full court consists of all seven members of the court. A panel consists of three members of the court. A quorum of the full court sitting en banc shall beis four, and a quorum of the court sitting as a panel shall beis two.~~

~~—(Bb) Court of Appeals. The Court of Appeals consists of all three members of the court. A quorum of the court shall beis two.~~

~~—(Cc) Replacement Judge or Justice. A senior justice, senior Court of Appeals judge, or active district court judge may be assigned to sit in place of a justice or judge as provided by law.~~

~~—(23d) Argument Participation. Where only four justices a quorum of justices or judges is are present for oral argument before the full Supreme Court or where only two justices are present for oral argument before a panel of the Supreme Court or the Court of Appeals, the any absent justice(s) or judge(s) assigned to hear the matter may participate in the decision and the opinion of the court upon the recording or transcript of the oral argument and the written briefs or points and authorities. In the absence of a quorum, on any day appointed for holding a session of the court, the justices or judges attending (or if no justices or judges are present, the clerk or a deputy clerk) may adjourn the court until there is a quorum.~~

~~—(34) The court may, in appropriate instances, direct the clerk or the bailiff to announce recesses and adjournments.~~

Comment:

The amendments to this Rule are intended to be stylistic and remove unnecessary provisions that are already governed by other rules and statutes. For 25A(a), the substance is covered in NRAP 33 & 34. For 25A(b)(1), state statutes control hours of operation, whereas NRS 2.130 requires the court to always be open for the issuance of writs; thus, creating a conflict with Rule 25A(b)(1). While the constitution of the Court is covered by NRS 2.135 and 2.140, as well as the Nevada Constitution, Article 6, the subcommittee recommends leaving this subsection in the Rule for clarity.

The subcommittee questions what subparagraph (d) adds. See comment boxes. The core of the rule is that absent justices/judges may participate by reading the

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**Commented [GU1]:** Is it necessary to have a quorum for oral argument? Cases may be decided without oral argument.

**Commented [GU2]:** The subcommittee questions what this adds. The quorum is necessary for decision but not argument. It might be better to state that a judge or justice who is assigned to a panel but absent from the argument may participate in the decision based on reviewing the transcript or recording of argument and the written briefs.

transcript or listening to the oral argument. However, if the quorum limitation is removed, the participation of absent judges provision can go with NRAP 34.