

EXHIBIT D

NEVADA RULES OF APPELLATE PROCEDURE

RULE 3. APPEAL—HOW TAKEN

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(g) Forwarding Appeal Documents to Supreme Court.

(1) District Court Clerk's Duty to Forward.

(A) Upon the filing of the notice of appeal, the district court clerk shall immediately forward to the clerk of the Supreme Court the required filing fee, together with 3 certified, file-stamped copies of the following documents:

- the notice of appeal;
- the case appeal statement;
- the district court docket entries;
- the civil case cover sheet, if any;
- the judgment(s) or order(s) being appealed;
- any notice of entry of the judgment(s) or order(s) being appealed;
- any certification order directing entry of judgment in accordance with NRCP 54(b);
- the minutes of the district court proceedings; and
- a list of exhibits offered into evidence, if any.

 (B) If, at the time of filing of the notice of appeal, any of the enumerated documents have not been filed in the district court, the district court clerk shall nonetheless forward the notice of appeal together with all documents then on file with the clerk.

(B)(C) The district court clerk shall promptly forward any later docket entries to the clerk of the Supreme Court.

RULE 3C. FAST TRACK CRIMINAL APPEALS

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(d) Rough Draft Transcript.

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(3) Request for Rough Draft Transcript.

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(E) Court Reporter or Recorder's Duty.

(i) The court reporter or recorder shall submit an original rough draft transcript, as requested by appellant's or respondent's counsel, to the district court no more than [~~20 days~~] 21 days after the date that the request is served.

(ii) The court reporter or recorder shall also deliver certified copies of the rough draft transcript to the requesting attorney and counsel for each party appearing separately no more than [~~20 days~~] 21 days after the date of service of the request. The court reporter or recorder shall deliver an additional certified copy of the rough draft transcript to the requesting attorney for inclusion in the appendix. Within [~~5 days~~] 7 days after delivering the certified copies of the rough draft transcript, the court reporter or recorder shall file with the clerk a certificate acknowledging delivery of the completed transcript and specifying the transcripts that have been delivered and the date that they were delivered to the requesting party. Form 15 in the Appendix of Forms is a suggested form of certificate of delivery.

....

(f) Filing of Fast Track Response and Appendix.

(1) Fast Track Response.

(A) Time for Service and Filing. Within [~~20 days~~] 21 days from the date a fast track statement is served, the respondent shall serve and file a fast track response that substantially complies with Form 7 in the Appendix of Forms.

....

(g) Filing of Supplemental Fast Track Statement and Response.

(1) Supplemental Fast Track Statement.

(A) When Permitted; Length.

(B) Time for Service and Filing; Number of Copies. When permitted under subparagraph (A), an original and 1 copy of a supplemental fast track statement shall be filed with the clerk, and 1 copy shall be served upon opposing counsel, no more than ~~[20 days]~~ 21 days after the fast track statement is filed or appellate counsel is appointed, whichever is later.

(2) Supplemental Fast Track Response. No later than ~~[10 days]~~ 14 days after a supplemental fast track statement is served, the respondent may file and serve a response of not more than 5 pages or its equivalent calculated under the type-volume limitation provisions of Rule 3C(h)(2).

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(i) Extensions of Time.

(1) Preparation of Rough Draft Transcript.

(A) [~~Five-Day~~] Seven-Day Telephonic Extension. A court reporter or recorder may request by telephone a ~~[5-day]~~ 7-day extension of time to prepare a rough draft transcript if the preparation requires more time than is allowed under this Rule. If good cause is shown, the clerk or a designated deputy may grant the request by telephone or by written order of the clerk.

(B) Additional Extensions by Motion.

(2) Fast Track Statement and Response; Supplemental Statement and Response.

(A) [~~Five-Day~~] Seven-Day Telephonic Extension. Counsel may request by telephone a ~~[5-day]~~ 7-day extension of time for filing fast track statements and responses, and supplemental fast track statements and responses. If good cause is shown, the clerk may grant the request by telephone or by written order of the clerk.

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**RULE 3D. JUDICIAL DISCIPLINE: RIGHT TO APPEAL; HOW TAKEN;
RULES GOVERNING**

....

(d) Notice of Appeal. An appeal to the Supreme Court from a commission order shall be taken by filing a notice of appeal with the clerk of the commission and serving a copy of the notice on the prosecuting counsel, if any. Filing and service must be made within [~~15 days~~] 14 days after service on the respondent of the commission's formal order of suspension, censure, removal, retirement, or other discipline, together with its formal findings of fact and conclusions of law. Upon the filing of the notice of appeal, the clerk of the commission shall immediately transmit to the clerk of the Supreme Court 2 file-stamped copies of the notice of appeal.

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RULE 3E. FAST TRACK CHILD CUSTODY APPEALS

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(c) Request for Transcripts or Rough Draft Transcripts.

(1) Rough Draft Transcript.

....

(2) Transcript Requests.

(A) Filing and Serving Request Form. The parties have a duty to confer and attempt to reach an agreement concerning the transcripts necessary for the court's review on appeal. When a transcript is necessary for an appeal, appellant shall file the transcript or rough draft transcript request form with the district court and shall serve a copy of the request form upon the court reporter or recorder and the opposing party. Appellant shall file and serve the request form within [~~10 days~~] 14 days of the date that the Supreme Court approves the settlement

conference report indicating that the parties were unable to settle or, if the case was exempted or removed from the settlement program, within [~~10 days~~] 14 days of the date that the case was exempted or removed from the settlement program. Appellant shall file with the clerk of the Supreme Court 2 file-stamped copies of the transcript or rough draft transcript request form and proof of service of the form upon the court reporter or recorder and the opposing party. The transcript request form shall substantially comply with Form 3 or 11 in the Appendix of Forms unless the party filing the form is proceeding pro se, in which case the transcript request form shall substantially comply with Form 17 in the Appendix of Forms. If no transcript is to be requested, appellant shall file with the clerk of the Supreme Court and serve the opposing party with a certificate to that effect within the same period that the transcript request form must be filed and served under this subsection. Such a certificate shall substantially comply with Form 14 in the Appendix of Forms.

....

(C) The court reporter or recorder shall submit an original transcript or rough draft transcript, as requested by appellant, to the district court no more than [~~20 days~~] 21 days after the date that the request is served. The court reporter or recorder shall also deliver certified copies of the transcript or rough draft transcript to the requesting and opposing parties no more than [~~20 days~~] 21 days after the date when the request is served. Within [~~5 days~~] 7 days after delivering the certified copies of the rough draft transcript, the court reporter or recorder shall file with the clerk of the Supreme Court a certificate acknowledging delivery of the completed transcript and specifying the transcripts that have been delivered and the date that they were delivered to the requesting party. Form 15 in the Appendix of Forms is a suggested form of certificate of delivery. The preparation of transcripts shall conform with the provisions of this Rule.

....

(3) Supplemental Request for Transcripts or Rough Draft

Transcripts. The opposing party may make a supplemental request for portions of the transcript or rough draft transcript that were not previously requested. The request shall be made no more than [~~5 days~~] 7 days after appellant served the transcript request made pursuant to subsection (c)(2) of this Rule. In all other respects, the opposing party shall comply with the provisions of this Rule governing a transcript or rough draft transcript request when making a supplemental transcript request.

.....

(d) Filing Fast Track Statement, Response and Appendix.

.....

(2) Filing Fast Track Response. Within [~~20 days~~] 21 days from the date a fast track statement is served, the respondent and cross-respondent shall file an original and 1 copy of a fast track response and serve 1 copy of the fast track response on the opposing party. The fast track response shall substantially comply with Form 13 in the Appendix of Forms. The fast track response shall not exceed 11 pages in length or shall comply with the type-volume limitations stated in Rule 3E(e)(2). The fast track response shall include additional authority and factual information necessary to rebut the contentions in the fast track statement. In cases involving a pro se appellant and/or cross-appellant, Rule 46A(c) shall not apply and the respondent/cross-respondent shall file a fast track response as required by this Rule.

(3) Expanded Fast Track Statement or Response. A party may seek leave of the court to expand the length of the fast track statement or response. The requesting party must demonstrate that the complexity of the case and the issues presented warrant granting the request. A request for expansion must be filed at least [~~10 days~~] 14 days before the fast track statement or response is otherwise due, and must specify the number of additional pages requested.

.....

(f) Extensions of Time.

(1) Transcripts or Rough Draft Transcripts. A court reporter or recorder may request, by telephone, a [~~5-day~~] 7-day extension of time for the preparation of a transcript or rough draft transcript if such preparation requires more time than is allowed under this Rule. The clerk of the Supreme Court or designated deputy may, for good cause, grant such requests by telephone or by written order.

(2) Fast Track Statements or Responses. Either party may request, by telephone, a [~~5-day~~] 7-day extension of time for filing a fast track statement or response. The clerk of the Supreme Court or designated deputy may, for good cause, grant such requests by telephone or by written order.

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RULE 4. APPEAL—WHEN TAKEN

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(b) Appeals in Criminal Cases.

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(5) Time for Entry of Judgment; Content of Judgment or Order in Postconviction Matters.

(A) Judgment of Conviction. The district court judge shall enter a written judgment of conviction within [~~10 days~~] 14 days after sentencing.

(B) Order Resolving Postconviction Matter. The district court judge shall enter a written judgment or order finally resolving any postconviction matter within [~~20 days~~] 21 days after the district court judge's oral pronouncement of a final decision in such a matter. The judgment or order in any postconviction matter must contain specific findings of fact and conclusions of law supporting the district court's decision.

....

(c) Untimely Direct Appeal From a Judgment of Conviction and Sentence.

(1) When an Untimely Direct Appeal From a Judgment of Conviction and Sentence May Be Filed. An untimely notice of appeal from a judgment of conviction and sentence may be filed only under the following circumstances:

(A)

(B) The district court in which the petition is considered enters a written order containing:

(i) . . . ;

(ii) . . . ; and

(iii) directions to the district court clerk to prepare and file—within [~~5 days~~] 7 days of the entry of the district court’s order—a notice of appeal from the judgment of conviction and sentence on the petitioner’s behalf in substantially the form provided in Form 1 in the Appendix of Forms.

. . . .

RULE 9. TRANSCRIPT; DUTY OF COUNSEL; DUTY OF THE COURT REPORTER OR RECORDER

(a) Counsel’s Duty to Request Transcript.

. . . .

(3) Transcript Request Form.

(A) Filing. The appellant shall file an original transcript request form with the district court clerk and 1 file-stamped copy of the transcript request form with the clerk of the Supreme Court no later than [~~15 days~~] 14 days from the date that the appeal is docketed under Rule 12.

. . . .

(5) Supplemental Request. If the parties cannot agree on the

transcripts necessary to the court's review, and appellant requests only part of the transcript, appellant shall request any additional parts of the transcript that the respondent considers necessary. Within ~~[10 days]~~ 14 days from the date the initial transcript request is filed, respondent shall notify appellant in writing of the additional portions required. Appellant shall have ~~[10 days]~~ 14 days thereafter within which to file and serve a supplemental transcript request form and pay any additional deposit required.

....

(b) Pro Se Parties' Duty to Request Transcripts in Civil Cases. A pro se appellant in a civil appeal shall identify and request all necessary transcripts. If no transcript is to be requested, the pro se appellant shall file with the clerk of the Supreme Court and serve upon the parties a certificate to that effect within ~~[15 days]~~ 14 days of the date the appeal is docketed under Rule 12. Such a certificate shall substantially comply with Form 14 in the Appendix of Forms.

(1) Transcript Request Form.

(A) Filing. A pro se appellant shall have ~~[15 days]~~ 14 days from the date the appeal is docketed under Rule 12 to file an original transcript request form with the clerk of the Supreme Court. The transcript request form must substantially comply with Form 17 in the Appendix of Forms.

....

(2) Respondent's Request for Transcripts. Respondent may request any additional transcripts respondent considers necessary to the Supreme Court's or Court of Appeals' review. A transcript request form prepared by a pro se respondent must substantially comply with Form 17 in the Appendix of Forms. A transcript request form prepared by counsel must substantially comply with Form 3 in the Appendix of Forms. Respondents shall have ~~[10 days]~~ 14 days from the date of service of appellant's transcript request form to request any transcripts that respondent deems necessary. If respondent requests a transcript, respondent shall

furnish each party appearing separately with a copy of the transcript. Any costs associated with the preparation and delivery of a transcript requested by respondent shall be paid by the respondent unless otherwise ordered by the Supreme Court or Court of Appeals.

(c) Duty of the Court Reporter or Recorder.

(1) Preparation, Filing, and Delivery of Transcripts.

....

(2) Notice to Clerk of the Supreme Court. Within [~~10 days~~] 14 days after the transcript is filed with the district court and delivered to the requesting party, the court reporter or recorder shall file with the clerk of the Supreme Court a notice that the completed transcript has been filed and delivered. The notice shall specify the transcripts that have been filed and delivered and the date that those transcripts were filed and delivered. Form 15 in the Appendix of Forms is a suggested form of certificate of delivery.

....

(d) Statement of the Evidence When the Proceedings Were Not Recorded or When a Transcript Is Unavailable. If a hearing or trial was not recorded, or if a transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement shall be served on the respondent, who may serve objections or proposed amendments within [~~10 days~~] 14 days after being served. The statement and any objections or proposed amendments shall then be submitted to the district court for settlement and approval. As settled and approved, the statement shall be included by the district court clerk in the trial court record, and the appellant shall include a file-stamped copy of the statement in an appendix filed with the clerk of the Supreme Court.

RULE 12A. REMAND AFTER AN INDICATIVE RULING

**BY THE DISTRICT COURT ON A MOTION FOR RELIEF
THAT IS BARRED BY A PENDING APPEAL**

(a) Notice to the Appellate Court. If a timely motion is made in the district court for relief that it lacks authority to grant because of an appeal that has been docketed and is pending, the movant must promptly notify the clerk of the Supreme Court if the district court states either that it would grant the motion or that the motion raises a substantial issue.

(b) Remand After an Indicative Ruling. If the district court states that it would grant the motion or that the motion raises a substantial issue, the Supreme Court or the Court of Appeals may remand for further proceedings but the appellate court retains jurisdiction unless it expressly dismisses the appeal. If the appellate court remands but retains jurisdiction, the parties must promptly notify the clerk of the Supreme Court when the district court has decided the motion on remand.

Advisory Committee Note—2018 Amendment

This new rule corresponds to NRCP 62.1 and is modeled on FRAP 12.1 (2009). Like its federal counterpart, NRAP 12A does not attempt to define the circumstances in which a pending appeal limits or defeats the district court's authority to act. See FRAP 12.1 advisory committee's note to 2009 amendment. Rather, these rules provide the procedure to follow when a party seeks relief in the district court from an order or judgment the district court has lost jurisdiction over due to a pending appeal. NRCP 62.1 and NRAP 12A restate and do not abrogate *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), and its progeny.

RULE 14. DOCKETING STATEMENT

....

(b) Time for Filing; Form of Docketing Statement. Within [20 days] 21 days after docketing of the appeal under Rule 12, the appellant shall file a docketing

statement with the clerk of the Supreme Court, on a form provided by the clerk. Legible photostatic copies of the original form provided by the clerk will be accepted by the clerk for filing in lieu of the original form. The appellant may file a docketing statement that is not on the form provided by the clerk so long as it contains every question included in the clerk's form. An original and 2 copies shall be filed, together with proof of service of a copy of the completed statement on all parties and, if the appeal is assigned to the settlement conference program under Rule 16, on the settlement judge.

....

RULE 16. SETTLEMENT CONFERENCES IN CIVIL APPEALS

....

(d) Settlement Statement.

_____ (1) Each party to the appeal shall submit a settlement statement directly to the settlement judge within [~~15 days~~] 14 days from the date of the clerk's assignment notice. A settlement statement shall not be filed with the Supreme Court and shall not be served on opposing counsel.

_____ (2) A settlement statement is limited to 10 pages, and shall concisely state: (1) the relevant facts; (2) the issues on appeal; (3) the argument supporting the party's position on appeal; (4) the weakest points of the party's position on appeal; (5) a settlement proposal that the party believes would be fair or would be willing to make in order to conclude the matter; and (6) all matters which, in counsel's professional opinion, may assist the settlement judge in conducting the settlement conference. Form 10 in the Appendix of Forms is a suggested form of a settlement statement.

(e) Settlement Conference. The settlement conference shall be held at a time and place designated by the settlement judge.

....

(3) Settlement Conference Status Reports. Within [~~10 days~~] 14 days from the date of any settlement conference, the settlement judge shall file a settlement conference status report. The report must state the result of the settlement conference, but shall not disclose any matters discussed at the conference.

....

RULE 25. FILING AND SERVICE

(a) Filing.

....

(2) Filing: Method and Timeliness.

(A)

(B) Unless the court by order in a particular case directs otherwise, a document is timely filed if, on or before the last day for filing, it is:

....

(iii) dispatched to a third-party commercial carrier for delivery to the clerk within 3 [~~calendar~~] days;

....

(4) Filing by Facsimile Transmission.

....

(D) Original; Service. In all cases where a document has been facsimile transmitted and filed under this Rule, counsel must file the original document with the clerk, in the manner provided in Rule 25(a)(2)(B)(i)-(iii), within 3 [~~judicial~~] days of the date of the facsimile transmission. The original shall be accompanied by proof of service on all parties as required by Rule 25(d). A copy of a document filed by facsimile transmission shall be served on all parties to the appeal or review by facsimile transmission and by mail at the time the document is filed with the court.

(E) Costs. The party filing a document by means of facsimile

transmission shall be responsible for all costs of the facsimile transmission and the costs of photocopying the documents transmitted. The clerk of the Supreme Court shall promptly inform counsel of the amount of costs. Such costs shall be paid within [10 days] 14 days of the date of the facsimile request.

....

(c) Manner of Service.

(1) Service may be any of the following:

....

(C) by third-party commercial carrier for delivery within 3 [calendar] days;

....

(3) Service by mail or by commercial carrier is complete on mailing or delivery to the carrier. Service by electronic means under Rule 25(c)(1)(D) is complete on transmission, unless the party making service is notified that the paper was not received by the party served. Service through the court's electronic filing system under Rule 25(c)(1)(E) is complete at the time that the document is submitted to [the court or electronic filing system transmits notice that the document has been filed and is available on] the court's electronic filing system.

RULE 26. COMPUTING AND EXTENDING TIME

~~[(a) Computing Time. The following rules apply in computing any period of time specified in these Rules, a court order, or an applicable statute:~~

- ~~_____ (1) Exclude the day of the act, event, or default that begins the period.~~
- ~~_____ (2) Exclude intermediate Saturdays, Sundays, and nonjudicial days when the period is less than 11 days, unless the period is stated as a specific date.~~
- ~~_____ (3) Include the last day of the period unless it is a Saturday, Sunday, or a nonjudicial day, or if the act to be done is filing a paper in court a day on which the weather or other conditions make the clerk's office inaccessible, in which~~

~~event the period extends until the end of the next day that is not a Saturday, Sunday, or a nonjudicial day.]~~

(a) Computing Time. The following rules apply in computing any time period specified in these rules, in any appellate court order, or in any statute that does not specify a method of computing time.

(1) Period Stated in Days or a Longer Unit. When the period is stated in days or a longer unit of time:

(A) exclude the day of the event that triggers the period;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(2) Period Stated in Hours. When the period is stated in hours:

(A) begin counting immediately on the occurrence of the event that triggers the period;

(B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

(C) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

(3) Inaccessibility of the Clerk's Office. Unless the court orders otherwise, if the clerk's office is inaccessible:

(A) on the last day for filing under Rule 26(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or

(B) during the last hour for filing under Rule 26(a)(2), then the time for filing is extended to the same time on the first accessible day that is not a

Saturday, Sunday, or legal holiday.

(4) “Last Day” Defined. Unless a different time is set by a statute or court order, the last day ends:

(A) for electronic filing under the NEFCR, at 11:59 p.m. in the court’s local time;

(B) for filing under Rules 4(d) and 25(a)(2)(B)(ii) and (iii), at the latest time for the method chosen for delivery to the post office, third-party commercial carrier, or prison mailing system;

(C) for filing via the Supreme Court clerk’s drop box under Rule 25(a)(2)(b)(iv), when the Supreme Court building in Las Vegas is scheduled to close; and

(D) for filing by other means, when the clerk’s office is scheduled to close.

(5) “Next Day” Defined. The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

(6) “Legal Holiday” Defined. “Legal holiday” means any day set aside as a legal holiday by NRS 236.015.

(b) Extending Time.

(1) By Court Order.

(A) For good cause, the court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires. But the court may not extend the time to file a notice of appeal except as provided in Rule 4(c).

(B) Except as otherwise provided in these Rules, [counsel] a party may, on or before the due date sought to be extended, request by telephone a single 14-day extension of time for performing any act except the filing of a notice of appeal. If good cause is shown, the clerk may grant such a request by telephone or by written

order of the clerk. The grant of an extension of time to perform an act under this Rule will bar any further ~~[motion for additional]~~ extensions of time to perform the same act unless ~~[such a motion, which must be in writing, demonstrates]~~ the party files a written motion for an extension of time demonstrating extraordinary and compelling ~~[circumstances.]~~ circumstances why a further extension of time is necessary.

(2) By Stipulation. Except as otherwise provided in these Rules, or when not otherwise controlled by statute, the time prescribed by these Rules to perform any act may be extended once for appellant(s) and once for respondent(s) by stipulation of the parties. No stipulation extending time is effective unless approved by the court or a justice or judge thereof; and such stipulations must be filed before expiration of the time period that is sought to be extended.

(c) Additional Time After Service. When a party is required or permitted to act within a prescribed period after a paper is served on that party, 3 ~~[calendar]~~ days are added to the prescribed period unless the paper is delivered on the date of service stated in the proof of ~~[service or unless the party being served is a registered user of the electronic filing system.]~~ service. For purposes of this Rule 26(c), a paper that is served electronically is treated as delivered on the date of service stated in the proof of service, which must be the date on which the document was electronically submitted to the electronic filing system. Specific due dates set by ~~[a]~~ court order or acts required to be taken within a time period set forth in ~~[the]~~ a court order are not subject to ~~[this]~~ the additional 3-day allowance.

(d) Shortening Time. Except as otherwise provided in these Rules, or when not otherwise controlled by statute, the time prescribed by these Rules to perform any act may be shortened by stipulation of the parties, or by order of the court or a justice or judge.

Advisory Committee Note—2018 Amendment

The federal time calculations in FRAP 26(a) have been adopted for time

calculations in Nevada, consistent with the time calculations in NRCP 6(a). The time-computation provisions apply only when a time period must be computed, not when a fixed time to act is set. Rule 26(a)(1) addresses the computation of time periods stated in days, weeks, months, or years. The directive to “count every day” is relevant only if the period is stated in days (not weeks, months or years).

Under Rule 26(a)(1), all deadlines stated in days are computed in the same way. To compensate for the shortening of time periods previously expressed as less than 11 days by the directive to count intermediate Saturdays, Sundays, and legal holidays, many of those periods have been lengthened. In general, periods of time of 5 days or less were lengthened to 7 days, and periods of time between 6 and 15 days were set to 14 days. Time periods of 16 to 20 days were set to 21 days, and periods longer than 30 days were retained without change. The use of 7, 14, and 21-day periods enables “day-of-the-week” counting; for example, if a motion was filed and served on Wednesday with 7 days to respond, the opposition would be due the following Wednesday, absent the application of rules providing for additional time to respond.

Rule 26(a)(6) is different from the federal rule and reflects Nevada’s state holidays specified in NRS 236.015.

Statutory and rule-based timelines subject to this rule may not be changed concurrently with this rule. If a reduction in the times to respond under those statutes and rules results, an extension of time may be warranted to prevent prejudice.

Rule 26(b), (c), and (d) retain the existing NRAP rules, with amendments to Rule 26(c) to clarify that electronic filing does not trigger an additional 3 days to respond and that the time to respond is counted from the date that the document was submitted to the electronic filing system. As stated in the comment to NRCP 6, electronic filing has been synchronized across all Nevada rules to eliminate rules providing for an additional 3 days to respond after electronic service and remove any

traps for the unwary. To the extent that electronic service after business hours, or just before or during a weekend or holiday, results in a practical reduction of the time available to respond, an extension of time may be warranted to prevent prejudice.

RULE 27. MOTIONS

(a) In General.

.....

(3) Response.

(A) Time to File. Any party may file a response to a motion; Rule 27(a)(2) governs its contents. The response must be filed within 7 days after service of the motion unless the court shortens or extends the time. A motion authorized by Rules 8 or 41 may be acted upon after reasonable notice to the parties that the court intends to act sooner.

(B)

(4) Reply to Response. Any reply to a response shall be filed within [~~5 days~~] 7 days after service of the response. A reply shall not present matters that do not relate to the response.

.....

(c) Power of a Single Justice or Judge to Entertain Motions; Delegation of Authority to Entertain Motions.

.....

(3) Clerk's Orders.

(A) Procedural Motions. The chief justice or judge may delegate to the clerk authority to decide motions that are subject to disposition by a single justice or judge. An order issued by the clerk under this Rule shall be subject to reconsideration by a single justice or judge pursuant to motion filed within [~~10 days~~] 14 days after entry of the clerk's order.

.....

RULE 28.1. CROSS-APPEALS

.....

(f) Time to Serve and File a Brief.

(1)

(2) Cross-Appeals Involving Child Custody or Visitation.

(A)

(B) the respondent's combined answering brief on appeal and opening brief on cross-appeal, within [~~20 days~~] 21 days after the appellant's opening brief is served;

(C) the appellant's combined reply brief on appeal and answering brief on cross-appeal, within [~~20 days~~] 21 days after the respondent's combined answering brief on appeal and opening brief on cross-appeal is served; and

(D) the respondent's reply brief on cross-appeal, within [~~10 days~~] 14 days after the appellant's combined reply brief on appeal and answering brief on cross-appeal is served.

RULE 28.2. ATTORNEY'S CERTIFICATE

(a) Certificate Required Upon Filing of Any Brief. Any brief submitted for filing on behalf of a party represented by counsel must contain a certificate signed by at least 1 attorney of record who is an active member of the bar of this state. This certificate must substantially comply with Form 9 in the Appendix of Forms, and must contain the following information:

(1) ...;

(2) ...;

(3) ...; and

(4)

(b) Striking a Brief Without the Required Certificate. If a brief does

not contain the certification required by this Rule, it shall be stricken unless such a certification is provided within ~~[10 days]~~ 14 days after the omission is called to the attorney's attention.

~~[(b)]~~ (c) **Sanctions.** The Supreme Court or Court of Appeals may impose sanctions against an attorney whose certification is incomplete or inaccurate. In addition, the Supreme Court or Court of Appeals may impose sanctions against any attorney who, upon being informed that the brief does not contain the certificate provided for by subsection (a), fails to cure the deficiency within ~~[10 days]~~ 14 days after the omission is called to his or her attention.

RULE 31. FILING AND SERVICE OF BRIEFS

(a) Time for Serving and Filing Briefs.

(1)

(2) Child Custody or Visitation Cases.

(A)

(B) The respondent shall serve and file the answering brief within ~~[20 days]~~ 21 days after the appellant's brief is served.

(C) The appellant's reply brief must be served and filed within ~~[10 days]~~ 14 days after the respondent's brief is served.

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(b) Extensions of Time for Filing Briefs.

(1) Telephonic Requests. A party may request by telephone a single ~~[5-day]~~ 14-day extension of time for filing a brief under Rule 26(b)(1)(B). A telephonic request may be made only if there have been no prior requests for extension of time for filing the brief. ~~[Subsequent requests for extensions of time for filing a brief may be made by stipulation if permitted under Rule 31(b)(2) or by]~~ No further extensions for filing the brief may be granted except on motion under Rule 31(b)(3).

(2) Stipulations. Unless the court orders otherwise, in all appeals

except child custody, visitation, or capital cases, the parties may extend the time for filing any brief for a total of 30 days beyond the due dates set forth in Rule 31(a)(1) by filing a written stipulation with the clerk of the Supreme Court on or before the brief's due date. No extensions of time by stipulation are permitted in child custody, visitation, or capital cases.

(3) Motions for Extensions of Time. A motion for extension of time for filing a brief may be made no later than the due date for the brief and must comply with the provisions of this Rule and Rule 27.

(A) Contents of Motion. A motion for extension of time for filing a brief shall include the following:

(i) The date when the brief is due;

(ii) The number of extensions of time previously granted (including a ~~5-day~~ 14-day telephonic extension), and if extensions were granted, the original date when the brief was due;

(iii) Whether any previous requests for extensions of time have been denied or denied in part;

(iv) The reasons or grounds why an extension is ~~necessary;~~ necessary (including demonstrating extraordinary and compelling circumstances under Rule 26(b)(1)(B), if required); and

(v) The length of the extension requested and the date on which the brief would become due.

....

(e) Supplemental Authorities. When pertinent and significant authorities come to a party's attention after the party's brief has been filed, but before a decision, a party may promptly advise the Supreme Court or Court of Appeals by filing and serving a notice of supplemental authorities, setting forth the citations. The notice shall provide references to the page(s) of the brief that is being supplemented. The notice shall further state concisely and without argument the

legal proposition for which each supplemental authority is cited. The notice may not raise any new points or issues. Any response must be made promptly and must be similarly limited. If filed less than ~~[10 days]~~ 14 days before oral argument, a notice of supplemental authorities shall not be assured of consideration by the court at oral argument; provided, however, that no notice of supplemental authorities shall be rejected for filing on the ground that it was filed less than ~~[10 days]~~ 14 days before oral argument.

Advisory Committee Note—2018 Amendment

Rule 31(b) was amended to synchronize it with telephonic requests for an extension of time in Rule 26(b)(1)(B).

RULE 35. DISQUALIFICATION OF A JUSTICE OR JUDGE

(a) Motion for Disqualification. A request that a justice or judge of the Supreme Court or Court of Appeals be disqualified from sitting in a particular case shall be made by motion. Unless the court permits otherwise, the motion shall be in writing and shall be in the form required by Rule 27.

(1) Time to File.

(2) Contents of a Motion.

(A) Grounds, Supporting Facts, and Legal Authorities.

.

(B) Verification.

.

(C) Attorney's Certificate.

.

(D) Striking a Motion without an Attorney's Certificate.

If a motion does not contain the certification required by ~~[this Rule,]~~ Rule 35(a)(2)(C), it shall be stricken unless such a certification is provided within ~~[10 days]~~ 14 days

after the omission is called to the attorney's attention.

(b) Response.

(1) By a Party. Any party may file a response to a motion to disqualify a justice or judge. The response shall be filed within [~~10 days~~] 14 days after service of the motion unless the court shortens or extends the time.

.....

RULE 36. ENTRY OF JUDGMENT

.....

(f) Motion to Reissue an Order as an Opinion.

(1) Time to File. Such a motion shall be filed within [~~15 days~~] 14 days after the filing of the order. Parties may not stipulate to extend this time period, and any motion to extend this time period must be filed before the expiration of the [~~15-day~~] 14-day deadline.

.....

RULE 39. COSTS

.....

(c) Costs of Briefs, Appendices, Counsel's Transportation; Limitation.

.....

(4) Objections. Objections to a bill of costs shall be filed within [~~5 days~~] 7 days after service of the bill of costs, unless the court extends the time.

.....

RULE 40. PETITION FOR REHEARING

.....

(d) Answer; Reply. No answer to a petition for rehearing or reply to an answer shall be filed unless requested by the court. Unless otherwise ordered by the

court, the answer to a petition for rehearing shall be filed within [~~15 days~~] 14 days after entry of the order requesting the answer. A petition for rehearing will ordinarily not be granted in the absence of a request for an answer.

....

RULE 40A. PETITION FOR EN BANC RECONSIDERATION

....

(b) Time for Filing; Effect of Filing on Finality of Judgment. Any party may petition for en banc reconsideration of a Supreme Court panel's decision within [~~10 days~~] 14 days after written entry of the panel's decision to deny rehearing. The 3-day mailing period set forth in Rule 26(c) does not apply to the time limits set by this Rule. No petition for en banc reconsideration of a Supreme Court panel's decision to grant rehearing is allowed; however, if a panel grants rehearing, any party may petition for en banc reconsideration of the panel's decision on rehearing within [~~10 days~~] 14 days after written entry of the decision. If no petition for rehearing of the Supreme Court panel's decision is filed, then no petition for en banc reconsideration is allowed.

....

(e) Answer and Reply. No answer to a petition for en banc reconsideration or reply to an answer shall be filed unless requested by the court. Unless otherwise ordered by the court, the answer to a petition for en banc reconsideration shall be filed within [~~15 days~~] 14 days after entry of the order requesting the answer. A petition for en banc reconsideration will ordinarily not be granted in the absence of a request for an answer.

....

RULE 46. ATTORNEYS

(a) Practice Before Supreme Court or Court of Appeals—Bar Membership Required; Exceptions.

....

(2) Appearance of Counsel. Counsel for each party shall file a formal written notice of appearance as counsel of record on appeal within ~~[10 days]~~ 14 days after service of the notice of appeal. A notice of appeal signed by an attorney will be treated as a notice of appearance by that attorney. An attorney who will participate in oral argument of a case must have filed a written notice of appearance with the clerk of the Supreme Court no later than ~~[5 days]~~ 7 days before the date set for oral argument.

(d) Withdrawal, Substitution, or Discharge of Attorney in Criminal Appeals.

....

(3) Withdrawal.

(A) The attorney shall file a motion to withdraw with the clerk of the Supreme Court and serve a copy of the motion on the attorney's client and any adverse party. The motion shall clearly state whether counsel was appointed or retained and the reasons for the motion. Unless the motion is filed after judgment or final determination as provided in SCR 46, the motion shall be accompanied by:

~~[(A)]~~ (i) In a direct appeal from a judgment of conviction in which the defendant is represented by retained counsel, an affidavit or signed statement from the defendant stating that the defendant has discharged retained counsel, the grounds for that discharge, and whether the defendant qualifies for appointment of new counsel; or

~~[(B)]~~ (ii) In a direct appeal from a judgment of conviction in which the defendant is represented by appointed counsel, an affidavit or signed statement from the defendant stating that the defendant consents to appointed counsel's being relieved and requesting appointment of substitute counsel; or

~~[(C)]~~ (iii) In a postconviction appeal, an affidavit or signed statement from the defendant stating that the defendant wants to proceed without

counsel or with substitute counsel retained by defendant.

_____ (B) A motion filed under this Rule that is not accompanied by defendant's affidavit or signed statement shall set forth the reasons for the omission. A motion that is filed after judgment or final determination as provided in SCR 46 will only be granted if the Supreme Court or Court of Appeals has issued a final decision in the matter and the time for filing a petition for rehearing has expired.

....

APPENDIX OF FORMS

....

Form 5. Request for Rough Draft Transcript of Proceeding in the District Court

....

REQUEST FOR ROUGH DRAFT TRANSCRIPT

TO: [Court Reporter Name]

_____ (C.D.) _____, defendant named above, requests preparation of a rough draft transcript of certain portions of the proceedings before the district court, as follows:

Specific individual dates of proceedings for which transcripts are being requested (a range of dates is not acceptable):

Specific portions of the transcript being requested (e.g., suppression hearing, trial, closing argument, etc.):

This notice requests a transcript of only those portions of the district court proceedings that counsel reasonably and in good faith believes are necessary to determine whether appellate issues are present. Voir dire examination of jurors,

opening statements and closing arguments of trial counsel, and the reading of jury instructions shall not be transcribed unless specifically requested above.

I recognize that I must serve a copy of this form on the above named court reporter and opposing counsel, and that the above named court reporter shall have ~~[twenty (20) days]~~ twenty-one (21) days from the receipt of this notice to prepare and submit to the district court the rough draft transcript requested herein.

....

Form 11. Request for Rough Draft Transcript of Child Custody Proceeding in the District Court

....

REQUEST FOR ROUGH DRAFT TRANSCRIPT

TO: [Court Reporter Name]

_____ (C.D.) _____, plaintiff/defendant named above, requests preparation of a rough draft transcript of certain portions of the proceedings before the district court, as follows:

Specific individual dates of proceedings for which transcripts are being requested (a range of dates is not acceptable):

Specific portions of the transcript being requested (e.g., suppression hearing, trial, closing argument, etc.):

This notice requests a transcript of only those portions of the district court proceedings that counsel reasonably and in good faith believes are necessary for resolution of appellate issues.

I recognize that I must serve a copy of this form on the above named court reporter and opposing party, and that the above named court reporter shall have

[~~twenty days~~] twenty-one days from the receipt of this notice to prepare and submit to the district court the rough draft transcript requested herein.

.....