

RULE 25A. COURT COMPOSITION AND QUORUM

(a) 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 is four, and a quorum of the court sitting as a panel is two.

(b) Court of Appeals. The Court of Appeals consists of all three members of the court. A quorum of the court is two.

(c) 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.

(d) Argument Participation. Where a quorum of justices or judges is present for oral argument, any absent justice or judge 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.

REVIEWING NOTE

The amendments to this Rule are intended to be stylistic and remove unnecessary provisions that are already governed by other rules and statutes. For subdivision (a), the substance is covered in NRAP 33 and 34. For subdivision (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 subdivision (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 subdivision in the Rule for clarity.

The subcommittee questions what subdivision (d) adds. The core of this provision is that absent justices/judges may participate by reading the 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.