

## RULE 14. DOCKETING STATEMENT

### **(a) Application and Purpose of Docketing Statement.**

**(1) In General.** ~~[Appellants shall]~~ Each appellant must file a completed docketing statement[s] in accordance with the provisions of this Rule ~~[in all appeals]~~. Unless a cross-appeal is filed, the respondent ~~[may]~~ must not ~~[complete]~~ file a docketing statement but may file a response as specified in Rule 14(f).

### **(2) Exceptions.**

**(A) Original Writ Proceedings.** This Rule does not apply to original proceedings commenced pursuant to NRS Chapters 34 or 35.

**(B) Postconviction Appeals.** This Rule does not apply to postconviction appeals in which the appellant is appearing without counsel.

**(3) Purpose of Docketing Statement.** The purpose of the docketing statement is to assist the Supreme Court in identifying jurisdictional defects, identifying issues on appeal, assessing ~~[presumptive]~~ assignment to the Court of Appeals under ~~[NRAP]~~ Rule 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment ~~[and assignment to the Court of Appeals]~~, and compiling statistical information.

**(4) Statement of Issues on Appeal.** A docketing statement ~~[shall]~~ must state specifically all issues that a party in good faith reasonably believes to be the issues on appeal. The statement of issues is instrumental to the court's case management procedures~~[,]~~; however, such statement is not binding on the court~~₂~~ and the parties' briefs will determine the ~~[final]~~ issues on appeal. Omission of an issue from the statement of issues will not provide an appropriate basis for a motion to strike any portion of the opening brief.

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

docketing statement with the clerk of the Supreme Court, on ~~[a form]~~ the Docketing Statement Form that is provided by the clerk or available on the Nevada Supreme Court website. 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]~~ The docketing statement must 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.

**(c) Consequences of Failure to Comply.** The docketing statement must be completed fully and accurately. For civil appeals, copies of all requested documents must be attached to the completed docketing statement. The court may impose sanctions on counsel or the appellant if it appears that the information provided is incomplete or inaccurate, or if the requested documentation has not been attached. Failure to file a docketing statement within the time prescribed ~~[shall]~~ will not affect the validity of the appeal, but is grounds for such action as the court deems appropriate including sanctions and dismissal of the appeal.

**(d) Extensions of Time.** ~~[A motion for an extension of time within which to file the docketing statement will be granted for good cause. Counsel's caseload generally will not provide grounds for an extension.]~~ Any extension of time must be sought in accordance with Rule 26(b).

**(e) Multiple Appellants.** In cases involving more than one appellant, any number of appellants may join in a single docketing statement. Multiple

appellants are encouraged to consult with each other and, whenever possible, file only one docketing statement.

**(f) Response by Respondent(s).** The ~~[R]~~respondent, within 7 days after service of the docketing statement, may file ~~[an original and 1 copy of]~~ a single-page response, together with proof of service on all parties, if the respondent strongly disagrees with the appellant's statement of the case or issues on appeal. If the respondent believes there is a jurisdictional defect, the respondent should file a motion to dismiss. In cases involving more than one respondent, any number of respondents may join in a single response. Multiple respondents are encouraged to consult with each other and, whenever possible, file only one response.

**(g) Cross-Appeals.** All parties who have filed a notice of appeal, whether designated as appellants or cross-appellants, ~~[shall]~~ must comply with Rule 14(a). Cross-appellants and cross-respondents are subject to all the provisions of this Rule as are appellants and respondents.

#### **REVIEWING NOTE**

The amendments to this rule were intended to be stylistic, with the exception of subdivisions (b) and (f), which were modified to eliminate the requirement of filing multiple copies. No substantive change was intended by the modification of subdivision (d), which was modified to say extensions of time can be sought in accordance with Rule 26(b). Rule 26(b) is the general rule for extensions and permits extensions using the same standard as was listed in Rule 14(d).