

## **Alert** | Appeals & Legal Issues



**June 2024**

### **Nevada Supreme Court Adopts Changes to Appellate Procedure Rules**

On June 7, 2024, the Nevada Supreme Court adopted changes to the Nevada Rules of Appellate Procedure (NRAP) that govern appeals before the Nevada Supreme Court and the Nevada Court of Appeals. NRAP 1(a). The changes become effective prospectively on Aug. 15, 2024, to all pending cases and cases initiated after that date.

In appeals before these courts, appellate attorneys should consider carefully reviewing these requirements. Likewise, trial attorneys should familiarize themselves with these rules, too, because the amended rules and unpreserved issues at the trial court level can make or break an appeal. For this reason, it is important to understand appellate practice and focus on these issues throughout the case. In major cases, attorneys should consider having an appellate lawyer on the trial team to help ensure preservation of issues.

#### **Background**

In 2021, the Nevada Supreme Court appointed a Commission on the NRAP to propose changes to the rules. The Commission consisted of a variety of Nevada attorneys, including civil and criminal practitioners, judges and justices, attorneys from big firms and small firms, and several staff attorneys from the Nevada Supreme Court. The Commission met for several years before formally proposing changes to nearly every rule of the NRAP in January 2024. After the Commission's proposal, the Nevada Supreme Court invited public comment and held a public hearing on the proposal in March 2024. The

Nevada Supreme Court then considered the proposal for almost three months before issuing an order in Administrative Docket (ADKT) 0580 adopting the amendments. Although it adopted many of the proposed changes, the Nevada Supreme Court rejected proposals to allow an extension of the time to file a notice of appeal in NRAP 4. It also rejected more detailed changes to NRAP 17, detailing case assignment between the Nevada Supreme Court and the Nevada Court of Appeals.

### **Rule Changes as Adopted**

The Nevada Supreme Court has significantly amended the NRAP. Although this GT Alert does not address every rule change, the Nevada Supreme Court made several noteworthy amendments:

- Adopts significant changes to the types of orders that can be appealed under NRAP 3A – an important rule change. Still, some changes simply codify existing practice, like expressly allowing, by appellate rule, appeals from orders certified as final under Nevada Rule of Civil Procedure 54(b) or if allowed by statute. But in some cases, the Nevada Supreme Court has added new or expanded grounds, (1) allowing appeals from contempt orders, (2) broadening the right to appeal from special orders entered after a final judgment, (3) expressly adding additional family law matters.
- Adds time limits to move to stay an order pending appeal or a petition for extraordinary writ relief under NRAP 8, where the district court has granted a temporary stay to allow for such a motion before the Nevada Supreme Court.
- Allows briefing schedule extensions based on transcripts not being available in NRAP 9 and essentially re-writes this entire rule.
- Makes major changes to NRAP 16, which governs mandatory settlement conferences. Parties can now seek to have their own mediator conduct the settlement conference, rather than the court-appointed settlement judge. Parties must also submit more information to the settlement judge in their confidential settlement statements.
- Makes minor changes to NRAP 17, addressing the division of labor between it and the Court of Appeals.
- Changes NRAP 27 and NRAP 28, which govern motions and briefs respectively, changing word limits, exhibit requirements in motions (requiring paginated exhibits), and sections required in opening briefs.
- Revises NRAP 30 significantly, including to require the appendix, i.e., the record, to be in a searchable Portable Document Format.
- Amends NRAP 36 to allow citation to any unpublished decision from the Nevada Court of Appeals starting on or after Aug. 15, 2024.
- Adds a new basis for rehearing after an appellate judgment in NRAP 40, where a new rule of law is announced after an appellate judgment. It also changes rehearing deadlines and no longer expressly prohibits a reply brief in support of a petition for rehearing.

### **For More Information**

- [View the Nevada Supreme Court's Order amending the Nevada Rules of Appellate Procedure.](#)
- [View the Order's Exhibit A, including a redline of the amendments from the existing rules.](#)
- [View the Order's Exhibit B, which contains a clean copy as amended.](#)

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