



The Advisory Committee on Appellate Disposition Classification

January 26, 2025

A vote was advanced to January 17, 2025. The committee was instituted by [Directive 2025-0004](#). The committee is recognized as having very busy members and is encouraged to participate as efficiently as possible.

This committee is tasked with:

- 1) Answering questions that broadly assist with policy decisions on how the corporation classifies appellate dispositions. These changes are important because they trigger retroactive, categorical reclassification of existing cases which could affect all judicial profiles on the website.
- 2) Answering questions that assist with classification of a specific appellate disposition.
- 3) Answering questions that assist with published reports that involve appellate dispositions, especially those including statistical analysis.

The advice the committee renders is not binding, rendering the reasoning more valuable than any conclusion. A conclusion is persuasive, but the reasoning will ultimately control a policy or classification decision.

The committee is asked to answer questions 1 through 7.

Committee Assignments

1. **Chairperson**, The Honorable Joe Hardy

The committee can elect another chairperson by majority vote.

2. **Action**

The committee's advice is considered by the Board in making policy decisions. When acting as a body, the committee can express the weight of its opinion by vote despite the vote having no binding effect on the Board's policy decisions. Members may also choose to express their opinions and advise individually.

3. **Meetings**

At the discretion of the chairperson, the committee can meet in person, by Zoom, in hybrid format, telephonically, or even by email. It is also within the chairperson's discretion to direct advice be dispensed individually and without any meeting occurring. The committee should not hesitate to request participation from the



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Board if and when deemed necessary and appropriate. The committee may keep its own minutes or request the Secretary appear and do so.

Question 1: Publication of Report Zero

Proposed for publication are numerous statistics, including statistics on appellate dispositions. The Supreme Court has responded to inquiry on statistics by consulting with its public relations firm, which is in contact with the corporation and is preparing to comment. The report also includes analysis on error rates. The committee is asked to review all proposed statistics, inquire and express any concerns on anomalies, propose additional analysis or suggest alternative approaches, as needed.

Question 2: New Disposition Type, Affirmed and Vacated

In Supreme Court docket no. 87468, District Court Judge Tammy Riggs's decision was affirmed, vacated, and remanded. The questions posed are 1) does the vacatur and remand suggest error; 2) more specifically, was the appellant vindicated such that he gleaned real benefit. It appears responses to this question could result in a new disposition type, the new category of which could pull dispositions from other judicial profiles and trigger retroactive modification of error rates. The members should take note in their responses as their reasoning would assist with how this broad category is defined.

Question 3:

In Supreme Court docket no. 88462, District Court Judge Kathleen Sigurdson's decision was affirmed with limited remand. It appears the appellant was vindicated such that he garnered a real benefit that he would not have garnered had the appeal not occurred. The question posed is: 1) would the appellant have suffered additional incarceration had this disposition not occurred; and, 2) if not, is there any other actual benefit the appellant garnered from the disposition?

Question 4: Vacatur Unrelated to Disposition

In Supreme Court case no. 86673, District Court Judge Dawn Throne's decision was affirmed with an order not subject to appeal apparently having been vacated. It appears vacatur occurred because jurisdiction was divested on appeal. The questions posed are: 1) is an order rendered while jurisdiction is divested void or



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voidable; and, 2) should existing policy be clarified to provide that an order vacated under these circumstances does not count as error because it was not an issue directly on appeal?

Question 5: Disposition from Short-Trial Judgment or Verdict

It has been suggested that appeals from short trials should be applied to the short-trial judge and not the District Court Judge presiding over the department. Existing policy imputes the error of a hearing master or discovery commissioner to the District Court Judge because the former only issue recommendations for orders and the legal process provides that a District Court Judge always review and approve the recommendation. [UIOP&P 103\(i\)](#). If no similar review occurs when the verdict or judgment of a short-trial judge, policy should be altered to account for this distinction. The question posed is: under what circumstances, if any, is a short-trial judge's ruling subjected to the review of the presiding District Court Judge.

Question 6: Distinguishing Criminal and Civil Appellate Dispositions

It is apparent that criminal appeals slant heavily in favor of affirmance, with civil appeals the opposite. It has been suggested that judges assigned to civil dockets are unfairly compared to their colleagues with criminal assignments. It is proposed that error rates are bifurcated accordingly. The committee is asked to discuss and render advice accordingly.

Question 7: Weighing Appellate Disposition by Vote

It has been suggested that appellate dispositions should be weighted by vote. In other words, appellate dispositions with a dissent would impact a judge's error rate less significantly than a unanimous disposition. A policy change in accordance with this suggestion would retroactively affect every judicial profile. The committee is asked to discuss and render advice accordingly. It should be noted that this change will amplify the weight of *en banc* dispositions.

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Our Nevada Judges, Inc.
Founding Director