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*Nevada Justice Association Board of Governors
Nevada Justice Association Pillar of Justice
Multi-Million Dollar Advocates Forum
National Trial Lawyers, Nevada Top 100*

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of Counsel*

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Via Fax 775-684-1601

Elizabeth Brown
Clerk of the Nevada Supreme Court

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth Brown*
CHIEF DEPUTY CLERK

Re: ADKT 501

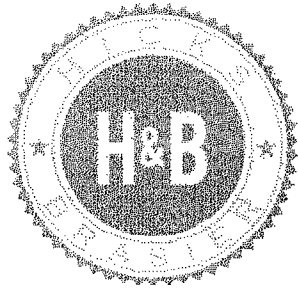
Dear Ms. Brown:

On behalf of the attorneys at Hicks & Brasier, we submit the following comments and concerns regarding the proposed amendment to NRAP 3A and the addition of NRAP 3F.

We are **OPPOSED** to these proposals, as we believe they unfairly prejudice plaintiffs in personal injury matters — as the plaintiff is most often the party who loses in a Motion for Summary Judgment scenario, and is always the party who loses in a Motion to Dismiss scenario. The effect of losing either of these types of motions is the most severe that can occur in a case — dismissal of all or part of a party's claims. In these scenarios — where the most severe result occurs — the Court should not diminish a party's ability to contest the ruling by eliminating briefing and oral argument.

Part of the tradition of appellate practice, even in cases where the Court could likely decide the appeal based solely on the lower court record, is to promote due process and fairness by allowing the appellant to present their position regarding why they believe the lower court got it wrong. By eliminating this ability for a party who loses a Motion for Summary Judgment or Motion to Dismiss, we are creating two categories of appellants. And, we are providing less opportunities for those parties whose claims have been eliminated by the lower court. This is not a just or fair result.

18-41955



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We understand the goal of the proposed amendments is to increase the Court's ability to resolve appeals in a timely manner, but we believe that may be accomplished in other ways without sacrificing a party's ability to be heard.

Very truly yours,

HICKS & BRASIER, PLLC

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/s/ Seth Little, Esq.

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