



**LAS VEGAS**  
DEFENSE LAWYERS  
An Organization of Civil Defense Attorneys

**FILED**

JUN 26 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

June 25, 2015

Tracie K. Lindeman  
Clerk of the Supreme Court  
201 South Carson Street  
Carson City, NV 89701

ADKT 0504

*RE: In the Matter of Amendment to Nevada Rule of Appellate Procedure 36 and  
Repeal of Supreme Court Rule 123 to Allow Citation of Unpublished Dispositions*

Dear Honorable Justices of the Supreme Court:

My name is Sarah Suter and I am the Advocacy Committee Chair for the Las Vegas Defense Lawyers. I am writing on behalf of the Las Vegas Defense Lawyers with respect to the proposed amendment to NRAP 36 and repeal of SCR 123. The Las Vegas Defense Lawyers fully support the proposed amendment to NRAP 36 and the repeal of SCR 123. However, the Las Vegas Defense Lawyers are of the opinion that all unpublished opinions should be citable, not just those issued going forward or those issued after an arbitrary date.

When the Supreme Court is forced to issue unpublished opinions because of its large case load, it detracts significantly from one of the major purposes of appellate review – to establish precedent for lower courts to follow. The paucity of published case law in Nevada and SCR 123 which forbids practitioners from citing to unpublished opinions except in limited situations, leaves practitioners and lower courts at a significant disadvantage especially when issues arise for which there is no published opinion from the Nevada Supreme Court. In fact, in such a situation practitioners and lower courts have but two options: 1) rely on persuasive authority from other jurisdictions, even when it is wholly opposite of the opinions expressed in the Nevada Supreme Court's unpublished opinions; or 2) rely on unguided and unfettered analysis, which results in inconsistent rulings, and thus, confusion and uncertainty for the people of Nevada.

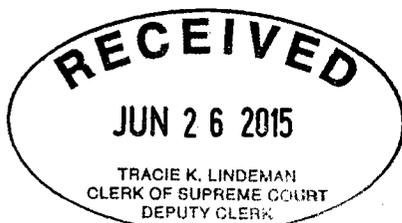
Allowing practitioners and lower courts to cite to unpublished opinions as persuasive authority will result in more consistent rulings, especially on issues for which no published opinion exists, and thus, less confusion and more certainty for the people of Nevada.

Thank you for your time and attention to this important issue.

Las Vegas Defense Lawyers

*[Signature]*  
Sarah Suter, Esq.

Advocacy Committee Chair/Board Member



15-19517