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June 25, 2015

Tracie K. Kinderman
Clerk of the Supreme Court
201 South Carson St.
Carson City, Nevada 89701

RE: ADKT 0504

Dear Ms. Linderman:

Pursuant to the Supreme Court Order filed April 28, 2015, regarding the above proposed amendment to NRAP 36 and Repeal of SCR 123, I would like to submit my comments for review and consideration of the Court.

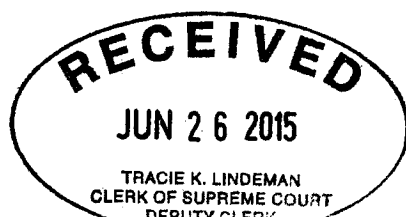
As a practicing attorney in tort cases in Nevada for over thirty years, I have always felt that the use of unpublished Nevada Supreme Court Opinions would often assist District Courts in deciding many issues for which there was no published Nevada authority. This often leads to the Court relying on out of state authority which was not consistent with what an unpublished Nevada Supreme Court opinion had decided. Further, other attorneys would simply ignore the Rule prohibiting use of such unpublished opinions, resulting in the District Court issuing sanctions and other associated rulings which distracted from resolving the issue at hand.

This proposed rule addresses the above issues and in my opinion would greatly assist the District Courts in promptly, fairly and clearly resolving disputed legal issues based on these unpublished opinions. I therefore fully support this proposed rule with one condition. This condition would be that only unpublished opinions issued after the date this proposed rule is in effect should be subject to this new rule. I believe that this approach is consistent with the Ninth Circuit Court of Appeals rule amendment with unpublished decisions. I have previously advocated that this Court should resist following Federal Rule approaches to civil procedure trial practice and evidence. I would submit that the adoption of this Ninth Circuit rule regarding unpublished opinions would be an exception to my opinion above and I would strongly recommend that this Court adopt ADKT No. 0504 with the condition that it would apply to unpublished opinions filed after the effective date of this rule.

Respectfully Submitted,

George T. Bochanis

GEORGE T. BOCHANIS, ESQ.
GTB/cc



FILED

JUN 26 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie Lindeman*
CHIEF DEPUTY CLERK

15-19553