



CHRISTENSEN LAW

June 26, 2015

Nevada Supreme Court
201 South Carson Street, Suite 250
Carson City, NV 89701-4702

FILED

JUN 30 2015

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

Re: Proposed ADKT 0504

Dear Justices of the Supreme Court:

After careful review of the proposed amendment to NRAP 36, we respectfully ask the Court to deny the Petition. Our thoughts and opinions are in line with those presented by Robert E. Murdoch, Esq. and Eckley M. Keach, Esq. on May 26, 2015 in connection with this matter. We believe that the approach taken by the 9th Circuit is preferable--to allow citation to unpublished opinions as non-precedent.

Unpublished dispositions are fact specific and yet the factual detail is not usually included in the disposition, in the interest of time and efficiency, and such opinions will not help future parties to analogize or distinguish their cases. It will only increase the gray area and muddy the waters, likely causing more research and longer briefing to attempt to clarify the matter for the future sitting Judges. The danger of unintended consequences is too great. The court system, the public, and its counsel all need consistency and clarity of law and adding another body of law and level of precedent such as this will not support that ideal.

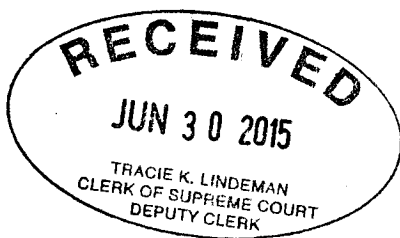
If the Court is inclined to grant the Petition as written, we whole-heartedly oppose making it retroactive and having all prior unpublished decision become persuasive authority. In fairness to prior parties and counsel who left cases at that level of disposition knowing they would not be cited, if the Petition is granted, it should be limited to unpublished opinions from the date the rule change is effective forward.

Thank you for your time and consideration.

Very Truly Yours,

[Signature]

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