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June 29, 2015

**FILED**

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

Chief Justice James W. Hardesty  
Justice Michael A. Cherry  
Justice Kristina Pickering  
Justice Michael L. Douglas  
Justice Nancy M. Saitta  
Justice Mark Gibbons  
Justice Ron D. Parraguirre  
Nevada Supreme Court  
201 South Carson Street, Suite 250  
Carson City, NV 89701-4702

Re: ADKT 504

Dear Justices:

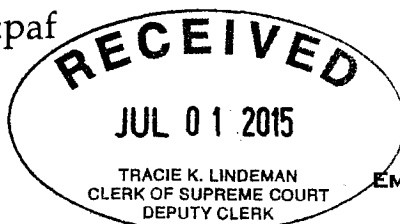
I write in support of ADKT 504, to encourage you to amend NRAP 36 and repeal SCR 123. As the rules now stand, unpublished dispositions are, in fact, electronically published by private data services, such as WestLaw, and widely circulated among the bench and bar. Although not considered "precedential" under the rules, unpublished decisions are cited and treated by practitioners and courts as if they mean something (they are often discussed for their "persuasive value").

This "wink wink" treatment of unpublished dispositions by the bench and bar introduces uncertainty as to what the law is on the subject of an unpublished decision and presents ethical dilemmas for both. Why not amend NRAP 36 to legitimize citation to and discussion of unpublished dispositions, not as mandatory precedent but as authority that a court may consider—and cite, if appropriate—in resolving issues of law treated in such dispositions.

Very truly yours,

*Steve Morris*  
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