

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA
DEPARTMENT OF BUSINESS AND
INDUSTRY, FINANCIAL
INSTITUTIONS DIVISION,

Appellant,

vs.

DOLLAR LOAN CENTER, LLC, A
DOMESTIC LIMITED-LIABILITY
COMPANY,

Respondent.

No. 70002

FILED

SEP 29 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION

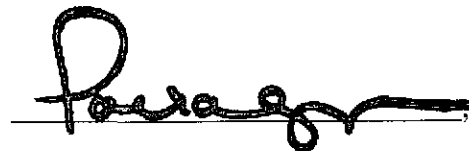
This is an appeal from an order concluding that NRS 604A.480 does not prohibit certain payday loan lenders from filing suit against borrowers who default on the loans. The Legal Aid Center of Southern Nevada has filed a motion for leave to file an amicus brief in support of appellant. The Center proposes that it can offer an analysis of the public policy implications of the district court's ruling and inform this court of how the ruling will affect the Center's clientele. Respondent opposes the motion on the ground that the Center does not offer anything substantive that appellant's opening brief does not already provide for this court. Having considered the motion, opposition, and reply, we deny the motion.

The literal definition of an "amicus curiae" is "friend of the court," not "friend of one of the parties," although it has become accepted that amicus curiae may assume an adversarial role. *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997). Nevertheless, there must remain some limitations on permitting amicus curiae to participate in an appeal. *See id.* Accordingly, the Seventh Circuit has explained that participation by amicus curiae is appropriate:

when a party is not represented competently or is not represented at all, when the amicus has an interest in some other case that may be affected by the decision in the present case . . . , or when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.

Id. The Ninth Circuit has further explained that the “classic role” of amicus is to assist in cases of general public interest and to supplement the efforts of counsel by drawing the court’s attention to law that might have escaped consideration. *Miller-Wohl Co. v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982). We conclude that, consistent with this case law, the appearance of the Center as amicus curiae is not appropriate in this matter. It does not appear that the Center’s brief “add[s] something distinctive to the presentation of the issues.” 16AA Charles Alan Wright et al., *Federal Practice & Procedure* § 3975, at 313 (4th ed. 2008). Accordingly, we deny the motion for leave to file a brief of amicus curiae. NRAP 29.

It is so ORDERED.

 C.J.

cc: Attorney General/Carson City
Attorney General/Las Vegas
Holland & Hart LLP/Las Vegas
Legal Aid Center of Southern Nevada, Inc.