

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA COLLECTORS
ASSOCIATION, a Nevada non-profit
corporation,

Appellant,

vs.

SANDY O’LAUGHLIN, in her official
capacity as Commissioner of the State
of Nevada Department of Business and
Industry and Financial Institution
Division; STATE OF NEVADA
DEPARTMENT OF BUSINESS AND
INDUSTRY FINANCIAL
INSTITUTIONS DIVISION;
JUSTICE COURT OF LAS VEGAS
TOWNSHIP,

Respondents.

No. 81930

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Elizabeth A. Brown
Clerk of Supreme Court

**REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE AMICUS
CURIAE BRIEF OF THE LEGAL AID CENTER OF SOUTHERN
NEVADA**

(In Support of Respondents)

The Legal Aid Center of Southern Nevada (“Legal Aid”) replies in support of its motion seeking leave of this Court to file a proposed amicus curiae brief. This motion is made pursuant to NRAP 27(a)(4) and is based upon the following:

In their response, Appellants admit that Legal Aid’s proposed amicus brief “does not address any of the specific procedural or constitutional issues raised in

[Appellant's] opening brief.” *See* Response, p. 2. Thus, Appellants admit that Legal Aid's proposed amicus brief is appropriate, as it does not reargue the merits of the parties' arguments.

The phrase “amicus curiae” “means, literally, ‘friend of the court,’ serving for the benefit of the court and for the purpose of assisting the court in cases of general public interest.” *United States v. Gotti*, 755 F. Supp. 1157, 1158 (E.D.N.Y. 1991). An amicus brief is appropriate when it “will assist the judges by presenting ideas, arguments, theories, insights, facts, or data that are not to be found in the parties' briefs.” *Voices for Choices v. Illinois Bell Tel. Co.*, 339 F.3d 542, 545 (7th Cir. 2003). Amicus is particularly appropriate when “the would-be amicus has a direct interest in another case that may be materially affected by a decision in this case; or in which the amicus has a unique perspective or specific information that can assist the court beyond what the parties can provide.” *Id.*

Here, Legal Aid has direct interests in multiple other cases that may be materially affected by this Court's decision in this case because Legal Aid provides representation to many of the defendants involved in the debt collection proceedings that fall within NRS Chapter 97B. Legal Aid's proposed amicus brief explains the potential impact this Court's decision may have were it to invalidate NRS Chapter 97B.

Furthermore, Legal Aid has a unique perspective and specific information that can assist this Court in rendering its decision. Legal Aid was a proponent of A.B. 477, and was involved in its drafting. Thus, Legal Aid is able to provide this Court with the specific information of *where* A.B. 477 came from and the policies and/or legal theories it is based upon. This type of information is a commonly accepted subject for amicus curiae to brief before a court. *See, e.g., Howard Delivery Serv., Inc. v. Zurich Am. Ins. Co.*, 547 U.S. 651, 661 (2006) (comparing legislative histories provided by competing amici); *U.S. v. Rosenthal Bercow Co.*, 46 C.C.P.A. 123, 126 (1959) (relying upon legislative history provided by amici); *Contreras Aybar v. Sec’y United States Dep’t of Homeland Sec.*, 916 F.3d 270, 274 n.1 (3d Cir. 2019) (thanking amici for the legislative history it provided to the court).

Accordingly, Legal Aid respectfully requests leave to file of this Court to file a proposed amicus curiae brief.

DATED: November 24, 2021

FENNEMORE CRAIG, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Fennemore Craig and that on November 24, 2021 I served the foregoing **REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF THE LEGAL AID CENTER OF SOUTHERN NEVADA** via this Court's Electronic Filing System, or if necessary by U.S. Mail to the following:

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/s/ Debbie Sorensen
an employee of Fennemore Craig