

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA COLLECTORS
ASSOCIATION, A NEVADA NON-
PROFIT CORPORATION,

Appellant,

vs.

THE STATE OF NEVADA
DEPARTMENT OF BUSINESS AND
INDUSTRY FINANCIAL
INSTITUTIONS DIVISION; AND
JUSTICE COURT OF LAS VEGAS
TOWNSHIP,

Respondents.

No. 81930

FILED

DEC 13 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTION

The Legal Aid Center of Southern Nevada has filed a motion for leave to file an amicus curiae brief in support of respondents. NRAP 29(c). Appellant has filed a response opposing the motion, and Legal Aid has filed a reply.


Legal Aid asserts that it participated extensively in the drafting and subsequent legislative process of A.B. 477, the bill challenged by appellants. It argues that it is in a unique position to inform this court of the history of A.B. 447, now codified in NRS Chapter 97B, and the policy considerations which resulted in its enactment. Appellant argues that the proposed amicus brief does not add to the issues pending before this court and covers issues already addressed in respondents' answering briefs. It asserts that the proposed brief merely alleges that A.B. 447 is reasonable and conforms to the American Rule, which is addressed by respondents. Legal Aid argues in its reply that its proposed amicus brief does not reargue the merits of the parties' arguments, and rather addresses the specific

legislative history of A.B. 477. Further it argues that it has direct interests that may be materially affected by this court's decision in this case as it provides representation to many of the defendants involved in the debt collection proceedings that fall within NRS Chapter 97B, which this court's decision could affect.

Participation by an amicus curiae is appropriate when the amicus has unique information or perspective that can help the court beyond the help the lawyers for the parties are able to provide, or when the amicus curiae has an interest in some other case that may be affected by the present case. *See Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997). Amicus curiae briefs which simply duplicate arguments made in litigants' briefs or effectively merely extend the length of a party's brief, should not be allowed. *See United States v. Michigan*, 940 F.2d 143, 164-65 (6th Cir.1991). While respondents do address the application of the American Rule and the reasonableness of A.B. 447, it appears that Legal Aid's proposed amicus brief provides a unique perspective on the legislative history of the bill, including the specific policy and legal theories it was based on.

Accordingly, the motion for leave to file an amicus brief is granted. *See* NRAP 29(a). The amicus brief was filed on November 15, 2021. Appellant shall have 14 days from the date of this order to file and serve a response to the amicus brief that does not exceed 10 pages or the equivalent type-volume limitation, if deemed necessary. If appellant does not wish to file a response, it shall so notify this court, in writing, within the same time period.

It is so ORDERED.

 C.J.

cc: Brownstein Hyatt Farber Schreck, LLP/Las Vegas
Attorney General/Carson City
Attorney General/Las Vegas
Olson, Cannon, Gormley, & Stoberski
Fennemore Craig, P.C.