



# SCOOP

OFFICIAL NEWSLETTER OF THE NNWLA  
WWW.NNWLA.COM

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June 2015

## Please Join NNWLA on June 16, 2015 for a Presentation by Theresa Ristenpart

Please join us on Tuesday, June 16, 2015, at noon at Mario's Portofino, 1505 S. Virginia Street, Reno, NV 89502, for a presentation by Theresa Ristenpart on international law and practicing in foreign countries.

The cost of the luncheon will be \$25 for members in advance, \$30 for non-members in advance, and \$35 at the door. Advance payments may be made via PayPal on our website ([www.nnwla.com](http://www.nnwla.com)) under the "Events" tab or by sending a check to our treasurer, Anjali Webster, 100 W. Liberty Street, Suite 940, Reno, NV 89501. Advance payments via PayPal will end at noon on Monday, June 15, 2015.

If you do not plan to pay in advance, please RSVP to [nnwla.rsvp@gmail.com](mailto:nnwla.rsvp@gmail.com) prior to the event. Please remember to note in your RSVP or with your prepayment whether you would like a vegetarian or gluten free meal. CLE credit for the event is approved. We look forward to seeing you there!

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### Have you Visited our Revamped Website?

In April we transitioned our website over to our new look. Check it out ([www.nnwla.com](http://www.nnwla.com)) and let us know what you think!

Remember to stay connected to us through our website and Facebook to stay up-to-date on our latest events.

## ADKT 504: Hearing on July 1, 2015 and Public Comment Information

On February 27, 2015, members of the Nevada Supreme Court filed a petition to allow practitioners to cite to unpublished decisions. A copy of the petition is attached and is also available at: <http://caseinfo.nvsupremecourt.us/public/caseView.do?csIID=35681>.

A public hearing will be held on the petition on July 1, 2015 at 1 p.m. in the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada 89701. Those interested in participating in the hearing must notify the Clerk no later than June 26, 2015. The Nevada Supreme Court also invites written comment on the petition. An original and eight (8) copies of written comments must be submitted to: Tracie K. Lindeman, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5 p.m., June 26, 2015.

### Event Highlights:

**June 16:** Luncheon presentation by Theresa Ristenpart on international law and practicing in foreign countries at Mario's Portofino at noon.

**July 23:** Annual hiking social and happy hour beginning at Mayberry Landing and ending at Whispering Vine. The time for the hike and social hour will be finalized as the event approaches.





## A Word From Our President



By Kimberly L. Goodnight

It's hard to believe that the year is already half over! As we head into summer, NNWLA will be offering a CLE presentation on international law as well as a hiking happy hour social. On June 16th, please join us for a lunchtime presentation by Theresa Ristenpart, former Washoe County Public Defender and current senior advisor to the U.S. State Department on international projects, as she speaks to us about international law and practicing in foreign countries. On July 23<sup>rd</sup>, please join us for a short hike starting at Mayberry Landing and ending with a happy hour at Whispering Vine Wine Company.

A special thank you to Assistant United States Attorney Carla B. Higginbotham for her intense and informative talk about commercially sexually exploited children at our May luncheon. As we learned from Ms. Higginbotham, the child sex trafficking industry is more prevalent in Reno than one would think. At the event, some of our members were interested in finding out ways to help sex trafficking and child crime victims. Ms. Higginbotham has identified three organizations that could use volunteers or donations:

Awaken Inc.: Their mission is to help adult victims of sex trafficking with various services including counseling, clothing, work training, etc. Please contact them at (775) 393-9183 or at <http://awakenreno.org>.

Courage Worldwide: Their mission is to provide complete, full-scale services to juvenile victims of sex trafficking. They also run "Courage House," an in-home treatment facility for juvenile sex trafficking victims. Please contact them at (916) 517-1616 or at <http://courageworldwide.org>.

Kids Kottage Reno: Their mission is to provide a variety of services, including temporary housing, to abused and neglected children. They are said to be trying to build a treatment facility specific to sex trafficking victims. Please contact them at (775) 856-7380.

We love having our members reach out to us with presentation ideas. If you or someone you know would like to give a presentation to NNWLA, please reach out to any board member. We hope you have a wonderful summer and hope to see you at one of our upcoming events!

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## Save the Dates

We have some really exciting events lined up for the rest of the summer and the fall. Since this time of year can be especially hectic, we want to provide you with some of the dates in advance so you can mark them in your calendars now.

Our July event will be held on a Thursday evening (July 23<sup>rd</sup>) and will start with a short hike and end with a social at Whispering Vines' Mayberry Landing location.

As usual, we will not have an August event.

On September 15<sup>th</sup> at noon, Kim Surratt will provide a luncheon presentation on parenting/surrogacy law, as well as LGBT issues.

On October 20<sup>th</sup>, NNWLA will host an evening event beginning at 5:30 p.m. in the Rotunda at the Nevada Supreme Court. The event will begin with a social and continue into an Appeals Court panel discussion.

We look forward to seeing you at one, or all, of these upcoming events!

### May 5, 2015 NNWLA Board Minutes

1. Present: Kimberly Goodnight, Lauren Berkich, Tara Zimmerman, Laury Macauley, Marilee Breternitz, Diana Zuccarini.
2. Bank Balance: \$5,663.37.
3. Discussion of Upcoming Events: May 19<sup>th</sup> lunch event (Carla Higginbotham to discuss sex trafficking); June 16<sup>th</sup> lunch event (Theresa Ristenpart to discuss international law and practicing in foreign countries); July 23<sup>rd</sup> Hike and Social.
4. Nevada Women's Fund Luncheon—May 28<sup>th</sup>; NNWLA representatives to attend.
5. Potential 2016 Event Sponsorship of Lily Ledbetter Speaking Engagement Through AAUW
6. Next Newsletter Deadline: 05/26/15.
7. Next Board Meeting: 06/02/15.

# 2015 Northern Nevada Women Lawyers Association Membership Registration

Name: \_\_\_\_\_

Telephone (work): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Fax: \_\_\_\_\_

\_\_\_\_\_

E-Mail: \_\_\_\_\_

\_\_\_\_\_

(Personal information will not be published or provided to third parties)

State(s) and Years (s) admitted to practice:

\_\_\_\_\_ Nevada \_\_\_\_\_

\_\_\_\_\_ Others: \_\_\_\_\_

Membership Type/Annual Dues:

- \_\_\_\_\_ Fewer than two years of practice in Nevada - \$50.00
- \_\_\_\_\_ Government attorneys (regardless of years of practice) - \$50.00
- \_\_\_\_\_ Retired attorneys (regardless of years of practice) - \$50.00
- \_\_\_\_\_ More than two years of practice in Nevada - \$75.00
- \_\_\_\_\_ Sustaining member - \$125.00

Please make checks payable to "Northern Nevada Women Lawyers Association" or NNWLA and remit to:

**Anjali Webster**  
**100 W. Liberty St., Ste. 940**  
**Reno, NV 89501**

More information about you (check all that apply):

My practice areas include:

- \_\_\_\_\_ Solo practitioner
- \_\_\_\_\_ Fewer than 5 attorneys in firm
- \_\_\_\_\_ 5- 10 attorneys in firm
- \_\_\_\_\_ More than 10 attorneys in firm
- \_\_\_\_\_ Contract Attorney
- \_\_\_\_\_ Employed by Government
- \_\_\_\_\_ Agency/Court
- \_\_\_\_\_ Judicial Law Clerk
- \_\_\_\_\_ Not currently practicing
- \_\_\_\_\_ Seeking employment

What subjects/activities would you like to see as topics for the monthly lunch meetings?

- \_\_\_\_\_ political/legislative issues
- \_\_\_\_\_ family law issues
- \_\_\_\_\_ career options
- \_\_\_\_\_ local legal community issues
- \_\_\_\_\_ other (please specify) \_\_\_\_\_
- \_\_\_\_\_ mentoring
- \_\_\_\_\_ stress management
- \_\_\_\_\_ CLE credit
- \_\_\_\_\_ issues particular to women practicing law

Do you have any suggestions as to activities and/or events that you would like NNWLA to sponsor or participate in during 2015? \_\_\_\_\_

Other comments: \_\_\_\_\_



## Northern Nevada Women Lawyers Association

Please Join Us for Our June Lunch Event

### *International Law & Practicing Law in Foreign Countries*

Tuesday, June 16th at 12 noon

Mario's Portofino Ristorante, 1505 S. Virginia Street

**Presentation:** Theresa Ristenpart is a senior advisor to the U.S. State Department and has taught courses on Model Law, CyberCrime, and Gender Issues to high ranking justice officials from Africa, the Caribbean, South America, Central America, Asia, and the Middle East.

**CLE:** 1.0 hour of CLE credit.

**Cost:** \$25 for NNWLA members in advance, \$30 for non-members in advance, and \$35 at the door.

**RSVP:** Advance payments may be made via PayPal at NNWLA.com. To pay by check, please send it to Anjali Webster, 100 W. Liberty St., ste. 940, Reno, NV 89501.

[www.NNWLA.com](http://www.NNWLA.com)



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IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT TO  
NEVADA RULE OF APPELLATE  
PROCEDURE 36 AND REPEAL OF  
SUPREME COURT RULE 123 TO  
ALLOW CITATION OF UNPUBLISHED  
DISPOSITIONS

ADKT No. 0504

**FILED**

FEB 27 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Angela  
CHIEF DEPUTY CLERK

PETITION

James Hardesty, Chief Justice, and Kristina Pickering, Associate Justice of the Nevada Supreme Court, petition the Nevada Supreme Court to amend NRAP 36 to permit citation of this court's unpublished dispositions and to repeal SCR 123, which forbids their citation except in narrow circumstances. If approved, the amendments would allow citation of unpublished dispositions but specify that such dispositions do not establish mandatory precedent. A draft of proposed NRAP 36 is attached.

This petition rests on the following:

1. The practice of issuing unpublished dispositions has led to controversy over whether such dispositions may be cited in unrelated litigation. *Compare, e.g., In re Burns*, 974 F.2d 1064, 1068 (9th Cir. 1992) (the "rule against citing unpublished [dispositions] serves a significant judicial purpose," in that it permits appellate courts to resolve cases efficiently and expeditiously "without the need to state the facts and how the case arose in order to display the context for purposes of future distinctions of the case from others, and without laboring to refine our language lest it be taken out of context") *with Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000) (holding that the practice of issuing dispositive orders and forbidding

their citation as legal authority is not a proper exercise of judicial power and thus violates Article III of the United States Constitution), *vacated*, 235 F.3d 1054 (8th Cir. 2000).

2. This court's caseload has required it to resolve increasing numbers of cases by unpublished disposition. These dispositions are not truly unpublished, though, as they are accessible on the court's website and through electronic research services such as WestlawNext.

3. The scarcity of published case law and the accessibility of unpublished dispositions has led practitioners to disregard SCR 123, which has led, in turn, to an increase in collateral disputes over sanctions for violating SCR 123.

4. The new court of appeals will reduce the workload of the supreme court and allow more time to be devoted to published and unpublished dispositions by both courts.

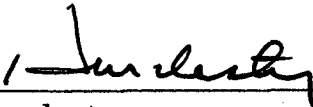
5. In 2006, Rule 32.1, Fed. R. App. P., was adopted to provide that the United States Circuit Courts of Appeals may not by local rule forbid citation of unpublished dispositions filed after its January 1, 2007 effective date. This amendment, and the local rule amendments that followed, provide a rich resource on which to draw in considering revisions to our rules on citation of unpublished dispositions.

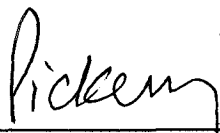
6. Proposed amended NRAP 36 allows citation of unpublished dispositions but provides that such dispositions do not establish mandatory precedent. The draft limits its permission to unpublished dispositions filed after its effective date. Finally, the draft includes rules to govern citation form and requires that citing counsel provide copies to unrepresented parties, so all parties have equal access to the dispositions cited.

7. These issues deserve public input and debate.

For these reasons, we ask that the court conduct public hearings on this matter and, if it deems appropriate after receiving input from the bar and the public, that the court adopt the proposed amendments to NRAP 36, attached, and repeal as unnecessary SCR 123.

DATED this 26 day of February, 2015.

  
\_\_\_\_\_, C. J.  
Hardesty

  
\_\_\_\_\_, J.  
Pickering



## **RULE 36. ENTRY OF JUDGMENT; FORM OF DISPOSITION**

**(a) Entry.** The filing of the court's decision or order constitutes entry of the judgment. The clerk shall file the judgment after receiving it from the court. If a judgment is rendered without an opinion, the clerk shall enter the judgment following instruction from the court.

**(b) Notice.** On the date when judgment is entered, the clerk shall mail to all parties a copy of the opinion, if any, or of the order entering judgment, if no opinion was written.

**(c) Form of Decision.** The court decides cases by either published or unpublished disposition. ~~An unpublished disposition, while publicly available, may not be cited as precedent except in very limited circumstances, pursuant to SCR 123.~~

(1) A published disposition is an opinion designated for publication in the Nevada Reports and may be cited as precedent. The court will decide a case by published opinion if it:

(a1) Presents an issue of first impression;

(b2) Alters, modifies, or significantly clarifies a rule of law previously announced by the court; or

(c3) Involves an issue of public importance that has application beyond the parties.

(2) An unpublished disposition, while publicly available, does not establish mandatory precedent except in a subsequent stage of a case in which the unpublished disposition was entered, in a related case, or in any case for purposes of issue or claim preclusion or to establish law of the case.

(3) A party may cite for its persuasive value, if any, an unpublished disposition issued by this court [on or after \_\_\_\_\_]. When citing an unpublished disposition to this court, the party must cite an electronic database, if available, and the docket number and filing date in this court (with the notation "unpublished disposition"). A party citing an unpublished disposition must serve a copy of it on any party not represented by counsel.

**(d) Duplicate Order or Opinion.**

(1) The justices of the Supreme Court, or district judges designated by the governor to serve on the Supreme Court for a specific case, if they are physically present within the State of Nevada, may sign duplicate copies of any order or opinion. If duplicate copies of an order or opinion are signed by the various members of the Supreme Court, the judges or justices signing the duplicate copies shall date their signatures on duplicate copies and shall immediately inform the clerk of the court that the duplicate copies are signed. The clerk of the court shall then note on the appropriate signature line of the original order or opinion that the absent judges or justices have signed duplicate copies of the order or opinion under this Rule. When possible, a facsimile of each signed duplicate copy of the order or opinion shall also be transmitted immediately to the clerk of the court. The duplicate copies of the order or opinion containing the original signatures of the judges or justices shall be sent by the fastest means available to the clerk of the Supreme Court, who shall place those duplicates in the court's file.

(2) The clerk shall file an order or opinion that is signed in duplicate under this Rule upon receiving notice from the absent judges or justices that they have signed the duplicate copies. The order or opinion shall be effective for all purposes when the clerk receives notice under this Rule that the requisite number of signatures have been obtained and files the order or opinion. An order or opinion that is signed under this Rule shall contain a notice to the parties that it was signed under this Rule.

**(e) Reversal, Modification; Certified Copy of Opinion to Lower Court.** Where a judgment is reversed or modified, a certified copy of the opinion or other disposition ~~in the case~~ shall be transmitted with the remittitur to the court below.

**(f) Motion to Reissue an Order as an Opinion.** A motion to reissue an unpublished disposition or order as an opinion to be published in the Nevada Reports may be made under the provisions of this subsection by any interested person. With respect to the form of such motions, the provisions of Rule 27(d) apply; in all other respects, such motions must comply with the following:

(1) **Time to File.** Such a motion shall be filed within 15 days after the filing of the order. Parties may not stipulate to extend this time period, and any motion to extend this time period must be filed before the expiration of the 15-day deadline.

(2) Response. No response to such a motion shall be filed unless requested by the court.

(3) Contents. Such a motion must be based on one or more of the criteria for publication set forth in Rule 36(c)(1)-(3). The motion must state concisely and specifically on which criteria it is based and set forth argument in support of such contention. If filed by or on behalf of a nonparty, the motion must also identify the movant and his or her interest in obtaining publication.

(4) Decision. The granting or denial of a motion to publish is entrusted to the sound discretion of the panel that issued the disposition. Publication is disfavored if revisions to the text of the unpublished disposition will result in discussion of additional issues not included in the original decision.

| ~~———— [As amended; effective November 5, 2010.]~~