

Attachment B

Jurisdiction	Rule	Citation Allowed	Copy Required	Persuasive or Precedential	Amended and/or Effective	Prospective Only?
Alabama	Alabama Rules of Appellate Procedure Rule 53(d) and (e).	All opinions are published. "No Opinion" affirmances may not be cited.*			Effective May 23, 2001.	
Alaska	Alaska Rules of Appellate Procedure Rule 214(d).	Yes, if no published opinion that would serve as well.*	Yes, unless available in a publicly accessible electronic database	Persuasive	Amended December 6, 2007, effective April 15, 2008.	
Arizona	Arizona Rules of Civil Appellate Procedure Rule 28(c).	No.*	Yes.		Arizona Supreme Court rule change petition currently pending.	
Arkansas	Arkansas Supreme Court Rule 5-2(d).	No.*	Copies of all prior opinions in the case provided to counsel by Clerk.			
California	California Rules of Court Rule 8.1115(a).	No.*	Yes.		Amended January 1, 2007.	
Colorado	Colorado Appellate Rule 35(f); <i>Bittle v. Brunetti</i> , 750 P.2d 49, 52 n.2 (Colo.1988)	Yes.	No.	Persuasive.		
Connecticut	Connecticut Practice Book 2008 §67-9.	Yes.	Yes.	Persuasive.		
Delaware	Delaware	Yes.	Yes.	Precedent.	Effective	

	Supreme Court Rules 17(a) commentary , 14(b)(vi)(4) & (g)(ii).				April 15, 1983; amended April 1, 1996.	
District of Columbia	D.C. Court of Appeals Rule 28(g).	No.*	Yes.		Revised effective January 2, 2004.	
Florida	<i>Miller v. State</i> , 980 So.2d 1092, 1094 (Fla. 2d DCA 2008) (“Only the written, majority opinion of an appellate court has precedential value.”)	Yes.		Precedent if written opinion. <i>Dep't of Legal Affairs v. Dist. Ct. of Appeal, 5th Dist.</i> , 434 So.2d 310, 311 (Fla.1983) (Per curiam appellate court decision with no written opinion has no precedential value.)		
Georgia	Georgia Court of Appeals Rule 33(b).	No.		Not authority, but establishes the law of the case.		
Hawaii	Hawai'i Rules of Appellate Procedure Rule 35(c).	Yes.	Yes.	Persuasive.	Amended July 1, 2008.	Yes. With limited exceptions, a memorandum opinion or unpublished dispositional order filed before July 1, 2008 shall not be cited.*
Idaho	Internal Rules of the Idaho Supreme Court, Rule 15(f)	No.				
Illinois	Illinois Supreme Court Rule	No.*	Yes.			

	23(e).					
Indiana	Indiana Rule of Appellate Procedure 65(D).	No.*				
Iowa	Iowa Rule of Appellate Procedure 6.14(5).	Yes.	Yes, including electronic citation if available, and certification that counsel disclosed any subsequent disposition.	Persuasive	Amended Feb. 22, 2002.	
Kansas	Kansas Supreme Court Rule 7.04(f)	Yes, with respect to a material issue not addressed in a published opinion of a Kansas appellate.	Yes.	Persuasive.	Amended June 24, 2004.	
Kentucky	Kentucky Rules of Civil Procedure Rule 76.28(4)(c)	Yes, if there is no published opinion that would adequately address the issue.	Yes.	Persuasive.	Amended January 1, 2007.	Yes (after January 1, 2003)
Louisiana	Louisiana Code of Civil Procedure Art. 2168.	Yes, if posted on the court's internet website.			Approved June 29, 2006.	Yes. (Unpublished opinions were not required to be posted until the adoption of Acts 2006, No. 644, §1.)
Maine	Maine Rules of Appellate Procedure Rule 12(c).	No, unless it is a related proceeding. <i>See</i> Advisory Notes – August 2004.		Not precedent.	Amended August 1, 2004.	
Maryland	Maryland Rules 1-	Yes, for any purpose other	Yes.	Neither.*	Amended May 8, 2007.	

	104.	than as precedent or persuasive authority.				
Massachusetts	<i>Chace v. Curran</i> , 71 Mass.App.Ct. 258, 261 n. 4, 881 N.E.2d 792 (2008).	Yes.	Yes.	Persuasive.	Effective February 25, 2008.	
Michigan	Michigan Court Rules Rule 7.215(C)(1).	Yes.	Yes.	Persuasive.		
Minnesota	Minnesota Statutes Annotated §480A.08, subd. 3(c).	Yes.	Yes.	Persuasive.		
Mississippi	Mississippi Rules of Appellate Procedure Rules 35-A(b) and 35-B(b)	All written opinions are published.			Effective November 1, 1998, extensively amended to provide for publication of all written opinions, and for issuance of per curiam affirmances.	Opinions which have been issued prior to, November 1, 1998, which have been designated "Not for Publication" may not be cited.
Missouri	Missouri Supreme Court Rule 84.16(b)	No.				
Montana	Section I, Paragraph 3(c), Montana Supreme Court 1996 Internal Operating Rules.	No.				
Nebraska	Nebraska Supreme Court Rules of Practice and	No.*				

	Procedure §2-102(E)(4).					
Nevada	Nevada Supreme Court Rule 123.	No.*			Amended effective March 1, 2007	
New Hampshire	New Hampshire Supreme Court Rule 16, 25(5); <i>see also State v. LeBaron</i> , 148 N.H. 226, 808 A.2d 541 (2002) (N.H. Supreme Court declined to rule on the precedential value of unpublished decisions).	No citation to summary dispositions. All opinions are published. <i>See</i> N.H. Rev. Stat. §505:7 (“The reporter shall, within 120 days after a decision is announced, publish a report of each case, including the opinion furnished by the court.”)				
New Jersey	New Jersey Rules of Court Rule 1:36-3.	Yes, but no citation by a court.*	Yes, with all other relevant unpublished opinions known to counsel.	Persuasive.		
New Mexico	N.M. Rules of Appellate Procedure Rule 12-405(C).	Yes, although discouraged. <i>See State v. Gonzales</i> , 794 P.2d 361, 370–71 (N.M. Ct. App. 1990); <i>Romero v. City of Santa Fe</i> , 139 N.M. 440, 134 P.3d 131 (N. Mex. App. 2006).		Persuasive		
New York	See generally,	Yes.		Persuasive.		

	<i>Eaton v. Chahal</i> , 553 N.Y.S.2d 642, 646 (1990) (unreported decisions may be “entitled to respectful consideration, [but] are not binding [as] precedent upon this court.”).					
North Carolina	North Carolina Rules of Appellate Procedure Rule 30(e)(3).	Yes, if no published opinion would serve as well.	Yes.			
North Dakota	North Dakota Rule of Appellate Procedure 35.1.	All opinions are published.		Supreme Court may issue summary dispositions; however, no rule prohibits citation.		
Ohio	Ohio Supreme Court Rules for the Reporting of Opinions, Rule 4.	Yes, if only available in electronic format.		Weighted as deemed appropriate by the court.		Yes (after May 1, 2002).
Oklahoma	Oklahoma Supreme Court Rule 1:200(b)	No.*	Yes.	Persuasive in criminal cases. <i>See</i> Oklahoma Crim. App. R. 3.5(c)(3)		
Oregon	All written opinions are published, although memorandum decisions are allowed.	Yes.		Affirmances without opinions may be cited but have no authority.		

	See Oregon Revised Statute Section 19.435 and the Oregon Rules of Appellate Procedure Rule 5.20(5).					
Pennsylvania	Pennsylvania Superior Court Rule 65.37	No.*	Yes.			
Rhode Island	Rhode Island Sup. Ct. Rules, art. 1, Rule 16(j)	No.				
South Carolina	South Carolina Appellate Court Rules Rule 220(a); Rule 239(d) (2).	No.*				
South Dakota	South Dakota Codified Laws §15-26A-87.1(E).	No.*				
Tennessee	Tennessee Supreme Court Rule 4; Tennessee Court of Criminal Appeals Rule 19.	Yes.	Yes.	Persuasive unless designated "Not for Citation."		
Texas	Texas Rules of Appellate Procedure Rule 47.7(civil appeals); Rule 77.3 (criminal	Yes, all opinions are published in civil cases.		Precedent (unless prior to Jan. 1, 2003).	January 1, 2003.	Yes.

	appeals)					
Utah	Utah Rules of Appellate Procedure Rule 30(f).	Yes.	No (unless prior to October 1, 1998).	Precedent (unless prior to October 1, 1998).		Yes (after October 1, 1998).
Vermont	Vermont Rules of Appellate Procedure Rule 28.2(d).	Yes.		Determined on a case-by-case basis.	Amended Feb. 5, 2008, effective April 7, 2008.	
Virginia	<i>Fairfax County Sch. Bd. v. Rose</i> , 509 S.E.2d 525, 528 n.3 (Va. App. 1999).	Yes.		Persuasive.		
Washington	Washington State Court General Rule 14.1.	No.			Effective Sept. 1, 2007.	
West Virginia	<i>Pugh v. Worker's Compensation Commission</i> , 188 W. Va. 414, 424 S.E.2d 759 (1992)	No.*				
Wisconsin	Wis. Stat. § (Rule) 809.23(3).	No.*				
Wyoming	Wyoming Rules of Appellate Procedure Rule 9.06.	Yes. All opinions are published unless stipulated by the parties.		Persuasive.		
1 st Circuit	Local Rule 32.1.0.	Yes.	Yes, if not available in a publicly accessible electronic database.	Persuasive.		
2 nd Circuit	Local Rule 32.1(c).	Yes.	Yes, copy to pro se parties if not available in	Persuasive.		Yes (after Jan. 1, 2007).*

			a free publicly accessible electronic database.			
3 rd Circuit	Internal Operating Procedure 5.3; 5.7.	Yes, but the court does not cite to them as authority.	Yes, if not available in a publicly accessible electronic database.	Persuasive.	Effective July 1, 2002.	
4 th Circuit	Local Rule 32.1.	Yes.	Yes, if not available in a publicly accessible electronic database.	Precedential.	Added December 1, 2006.	Citation to cases issued prior to Jan. 1, 2007 is disfavored.
5 th Circuit	Rule 47.5.3; 47.5.4.	Yes.	Yes, if not available in a publicly accessible electronic database.	Precedential if issued before January 1, 1996; otherwise, persuasive.	Effective December 1, 2007.	
6 th Circuit	Rule 28(e).	Yes.	Yes, if not available in a publicly accessible electronic database.		Effective December 1, 2007.	
7 th Circuit	Circuit Rule 32.1.	Yes.	Yes, if not available in a publicly accessible electronic database.	Persuasive.		Yes (after Jan. 1, 2007).*
8 th Circuit	Local Rule 32.1A.	Yes.	Yes, if not available in a publicly accessible electronic database.	Persuasive.		Yes (after Jan. 1, 2007) unless no published opinion would serve as well.*
9 th Circuit	Circuit Rule 36-3.	Yes.	Yes, if not available in a publicly accessible electronic database.	Persuasive.	Jan. 1, 2007.	Yes (after Jan. 1, 2007).*
10 th Circuit	Rule 32.1.	Yes.	Yes, if not available in	Persuasive.		

			a publicly accessible electronic database.			
11 th Circuit	Rule 36-2.	Yes.	Yes, unless available on the internet.	Persuasive.		
D.C. Circuit	Rule 32.1.	Yes.	Yes, if not available in a publicly accessible electronic database.	Precedential.	Jan. 16, 2007.	Jan. 1, 2002 or later and not sealed.*
Federal Circuit	Circuit Rule 32.1(c), (d).	Yes.	Yes, if not available in a publicly accessible electronic database.	Persuasive.		Yes (after Jan. 1, 2007).*

*Exceptions may include cases involving issues such as law of the case, res judicata, collateral estoppel, double jeopardy, decisions regarding publication, a motion for reconsideration, or petition for review