

Appendix B
Citation of Unpublished Decisions in Other State Courts

State	Allows Citation for, At Least, Persuasive Value	Authority	Treatment
Alabama	No	Alabama Rules of Appellate Procedure Rule 53(d) and (e)	May not be cited except for purposes set forth in rule; delay in publication caused by applications for rehearing or further appellate review or petitions for certiorari shall not affect the precedential value of an opinion.
Alaska	Yes	Alaska Rule of Appellate Procedure 214(d)	Freely permitted to establish res judicata, estoppel, or law of the case, but otherwise discouraged. Can be used for persuasive value if no published opinion that would serve as well.
Arkansas	Yes	Arkansas Supreme Court Rule 5-2(c)	Allows citation as precedent: If issued <u>before</u> 7/1/2009 and not designated for publication, opinion may not be cited, quoted, or referred to by any except on an issue such as res judicata, collateral estoppel, or law of the case. If issued <u>after</u> 7/1/2009, may be relied upon and cited by any party in any proceeding.
California	No	California Rules of Court Rule 8.1115(a)	May not be cited or relied upon except to establish res judicata, collateral estoppel, or law of the case.

Colorado	No	Colorado Appellate Rule 35(f); James S. Casebolt, Protocols of the Colorado Court of Appeals http://www.courts.state.co.us/Courts/Court_Of_Appels/Protocols.cfm	Citation to unpublished opinions in briefs filed before it are prohibited.
Connecticut	Yes	Connecticut Rules of Appellate Procedure Practice Book 1998 § 67.9	A decision not officially reported may be cited so long as a copy is provided to the court and opposing counsel.
Delaware	Yes	Delaware Supreme Court Rule 17(a) commentary; Rule 14(b)(vi)(4), (g)(ii)	Allows citation as precedent: If not published in Westlaw or LexisNexis, a copy of unpublished decision must be attached to brief; decision must be cited as set forth in Rule 14(g).
District of Columbia	No	D.C. Ct. App. Rule 28(g)	May not be cited in appellate briefs except for purposes set forth in rule.
Florida	Yes	<i>Dep't of Legal Affairs v. District Court of Appeal, Fifth Circuit</i> , 434 So.2d 310 (Fla. 1983)	Unwritten <i>per curiam</i> decision from another court has no relevance and may not be cited; unwritten opinions of the same court, although not precedent, may be cited for persuasive reasoning.
Georgia	Yes	Georgia Court of Appeals Rule 33(b)	But an unreported decision is neither physical nor binding precedent.
Hawaii	Yes	Hawaii Rule of Appellate Procedure 35(c)	If before 7/1/2008, shall not be cited except as set forth by the rule. If after 7/1/2008, can be cited in any proceeding; it is not precedent but may be used for persuasive value. A copy of the unpublished decision must be attached to the brief or memorandum in which it is cited.
Idaho	No	Idaho Supreme Court Operating Rule 15(f)	May not be cited in <i>any</i> court except to establish res judicata, collateral estoppel, or law of the case.
Illinois	No	Illinois Supreme Court Rule 23(e)	May not be cited except to establish double jeopardy, the law of the case, collateral estoppel, or res judicata.
Indiana	No	Indiana Rules of Appellate Procedure Rule 65(D)	May not be cited to any court except to establish res judicata, collateral estoppel, or law of the case.

Iowa	Yes	Iowa R. App. P. Rule 6.904(2)(c)	May be cited in a brief, so long as citing party complies with rule.
Kansas	Yes	Kansas Supreme Court Rule 7.04(g)	Not favored for citation. May be cited as persuasive authority for a material issue not addressed in a published opinion; copy must be attached to any document citing the opinion.
Kentucky	Yes	Kentucky Rule of Civil Procedure 76.28(4)(c)	May not be cited. However, if decision rendered after 1/1/2003, may be cited for consideration if there is no published opinion that adequately addresses issue before the court; copy must be attached to document citing the opinion.
Louisiana	Yes	Louisiana Code of Civil Procedure Article 2168	Allows citation as precedent: Unpublished opinions must be posted on the Internet websites of the supreme court and courts of appeal and may be cited as authority.
Maine	Yes	Maine Rule of Appellate Procedure 12(c)	A memorandum of decision decides a case, but does not establish precedent. (May be cited for persuasive value.)
Maryland	No	Maryland Rule 1-104	May be cited for any purpose other than precedent or persuasive authority; copy must be attached to document citing the opinion.
Massachusetts	Yes	Massachusetts Appellate Court Regulation on Appellate Practice Rule 1:28	If opinion issued after 2/26/2008, may be cited for persuasive value; copy must be attached to document citing opinion.
Michigan	Yes	Michigan Court Rule 7.215(C)(1)	May be cited; must be attached to document citing the opinion.
Minnesota	Yes	Minn. Stat. § 480A.08, subd. 3; Minn. R. Civ. App. P. 136.01(b)	May not be cited unless party citing provides copy to all other parties at least 48 hours before its use in a proceeding. If cited in a document, must be attached.
Mississippi	No	Mississippi Rules of Appellate Procedure 35-A(b) and 35-B(b)	May not be cited, quoted, or referred to except in continuing or related litigation upon an issue such as res judicata, collateral estoppel or law of the case.

Missouri	No	Missouri Supreme Court Rule 30.25(b)	Shall not be cited or otherwise used in any case before any court.
Montana	No	<i>State v. Oie</i> , 174 P.3d 937, 939 (Mont. 2007)	Citations to unpublished opinions will not be recognized.
Nebraska	No	Nebraska Court Rule of Appellate Procedure § 2-102(E)(4)	May be cited only when the case is related, by identity of parties or causes of action, to the case then before the court.
Nevada	No	Nevada Supreme Court Rule 123	May not be cited as legal authority except for purposes set forth in rule.
New Hampshire	No	New Hampshire Supreme Court Rules 16, 20; <i>see also State v. LeBaron</i> , 808 A.2d 541 (N.H. 2002) (N.H. Supreme Court declined to rule on the precedential value of unpublished decisions)	All citations to New Hampshire cases must be to the New Hampshire Reports; citations to cases from other states must include the national reporter system citation; orders without written opinions are non-precedential.
New Jersey	Yes	New Jersey Court Rules, Rule 1:36-3	Citation permitted as long as counsel serves court and all parties with copy of opinion and all other relevant unpublished opinions known to counsel, including those adverse to client's position.
New Mexico	Yes	New Mexico Rule of Appellate Procedure 12-405	May be cited for persuasive value and under the doctrines of law of the case, claim preclusion and issue preclusion. If not available on publicly accessible electronic database, must be separately filed and served with document in which it is cited.
New York	Yes	<i>See generally Yellow Book of NY L.P. v. Dimilia</i> , 729 N.Y.S.2d 286 (N.Y. Dist. Ct. 2001)	May be cited for persuasive value; entitled to respectful consideration.
North Carolina	Yes	North Carolina Rule of Appellate Procedure 30(e)(3)	Citation is expressly disfavored, except to establish claim preclusion, issue preclusion, or law of the case. Permitted if a party believes there is no published opinion on point; must attach a copy to document citing the opinion.

North Dakota	Yes	<i>In re Guardianship of Barros</i> , 701 N.W.2d 402, 408 (N.D. 2005)	May be cited for persuasive reasoning.
Ohio	Yes	Ohio Supreme Court Rules for the Reporting of Opinions, Rule 3.4	Allows citation as precedent: If issued after 5/1/2002 may be cited as legal authority and weighted as deemed appropriate by the courts without regard to whether it was published or in what form it was published.
Oklahoma	Yes, in criminal cases	Oklahoma Supreme Court Rule 1.200(c)(5); Oklahoma Crim. App. R. 3.5	May not be cited in civil cases except to establish res judicata, collateral estoppel or law of the case; may be cited in criminal cases when no published opinion would serve as well and copy is provided to Court and opposing counsel.
Oregon	N/A	<i>In re Davenport</i> , 57 P.3d 897 (Or. 2002)	All state court opinions are published, however, as a matter of comity, Oregon does not permit citation to unpublished 9th Circuit cases when such cases cannot be cited within the 9th Circuit.
Pennsylvania	No	210 Pa. Code § 65.37	May not be cited or relied upon except to establish res judicata, collateral estoppel, or law of the case.
Rhode Island	No	Rhode Island Supreme Court Rules, Art. 1, Rule 16(j)	Will not be cited by the Court and cannot be cited by counsel in their briefs.
South Carolina	No	South Carolina Appellate Court Rule 220(a)	Should not be cited except in proceedings in which they are directly involved.
South Dakota	No	S.D. Codified Laws § 15-26A-87.1(E)	Shall not be cited except to establish res judicata, law of the case, collateral estoppel or in a criminal or disciplinary action involving same person.
Tennessee	Yes	Tennessee Supreme Court Rule 4(G)(1)	May be cited for persuasive authority unless designated "not for citation"; a party relying thereon must provide a copy to the Court and all parties.
Texas	Yes	Texas Rule of Appellate Procedure 47.7	May be cited with a parenthetical notation of "not designated for publication"

Utah	Yes	Utah Rule of Appellate Procedure 30(f)	Allows citation as precedent: Supreme Court and Court of Appeals decisions issued after 10/1/1998 may be cited as precedent in all courts of the state. Other unpublished decisions may be cited so long as the court and all parties are provided copies.
Vermont	Yes	Vermont Rule of Appellate Procedure 33.1(d)	May be cited as persuasive authority; not precedent except with respect to claim preclusion, issue preclusion, law of the case or similar issues.
Virginia	Yes	<i>Fairfax Cnty. Sch. Bd. V. Rose</i> , 509 S.E.2d 525, 528 (Va. Ct. App. 1999)	May be cited for persuasive value.
Washington	Yes*	Washington General Rule 14.1(a), (b)	Allows citation of unpublished opinions from other jurisdictions (if those jurisdictions' rules permit citation) but prohibits citation of Washington appellate-level unpublished decisions. The party relying thereon must provide a copy of the opinion.
West Virginia	Yes	<i>Walker v. Doe</i> , 558 S.E.2d 290, 296 (W. Va. 2001)	May be cited as precedent.
Wisconsin	Yes	Wis. Stat. § 809.23(3)	Not precedent except with respect to claim preclusion, issue preclusion, or law of the case. If issued after 7/1/2009 may be cited for persuasive value. Party relying thereon must provide a copy of the opinion.
Wyoming	Yes	Wyoming Rule of Appellate Procedure 9.06	Abbreviated opinions not published or precedent; may be cited for persuasive value.