

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY MARTINEZ,
Appellant,
vs.
HANEY, WOLOSON & MULLINS,
Respondent.

No. 48183

MARY MARTINEZ,
Appellant,
vs.
WILLIAM J. SHEEHAN; BOYER 1992
IRREVOCABLE TRUST; BOYER
FAMILY 1996 DISCRETIONARY
TRUST; AND HANEY, WOLOSON &
MULLINS,
Respondents.

No. 48353

FILED

FEB 22 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL (DOCKET NO. 48183)
AND DIRECTING SUPPLEMENTAL RESPONSE

These are consolidated proper person appeals from an interlocutory district court order reducing an attorney's lien to judgment (Docket No. 48183) and a district court summary judgment (Docket No. 48353).¹ Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge.

When these appeals were filed in this court, we mailed appellant civil proper person appeal statement forms and other

¹As it appears that Haney, Woloson & Mullins are proper respondents in these appeals, we direct the clerk of this court to amend the captions in these dockets to conform with the captions on this order.

documents, as part of the pilot program for proper person civil appeals.² Appellant was instructed to complete, file, and serve her appeal statements within forty days.³

With respect to the appeal in Docket No. 48183, appellant timely filed her civil appeal statement on November 15, 2006.⁴ Thereafter, on January 12, 2007, we directed respondents to file and serve a response addressing the issues raised in that appeal and in appellant's civil proper person appeal statement. Although respondent Haney, Woloson & Mullins timely responded, it did not address appellant's November 15 civil proper person appeal statement. Instead, the firm discussed the case appeal statement that appellant had filed in the district court on October 26, 2006, and it requested that it be provided with a more clear statement of the appellate issues and then be allowed to more fully address those issues. Haney, Woloson & Mullins also raised a jurisdictional issue with respect to the appeal in Docket No. 48183, noting that no appeal may be

²See ADKT No. 385 (Order Establishing Pilot Program in Civil Appeals, June 10, 2005). See also ADKT No. 385 (Order Extending Pilot Program for Civil Proper Person Appeals, May 10, 2006) (extending the pilot program for civil appeals, which was scheduled to conclude on June 13, 2006, until further order of this court).

³See ADKT No. 385 (Order Establishing Pilot Program in Civil Appeals, June 10, 2005), Exhibit A (Instructions for Civil Litigants Without Attorneys).

⁴Appellant's November 15 civil proper person appeal statement bears a certificate of service by mail on respondent Haney, Woloson & Mullins.

taken from an interlocutory order reducing an attorney's lien to judgment.⁵

Concerning the jurisdictional issue, this court has adhered to the general rule that no appeal may be taken from an interlocutory order, unless a statute or court rule otherwise provides.⁶ As no statute or court rule provides for an appeal from an interlocutory district court order reducing an attorney's lien to judgment, we dismiss the appeal in Docket No. 48183.

Nevertheless, appellant may challenge the district court's interlocutory order reducing the attorney's lien to judgment in the context of her appeal from the final judgment in Docket No. 48353.⁷ Accordingly, the clerk of this court shall transfer appellant's November 15, 2006 civil proper person appeal statement and Haney, Woloson & Mullins's February 9, 2007 response, which were originally filed in Docket No. 48183, to Docket No. 48353.

As it appears that confusion existed regarding appellant's civil proper person appeal statement, Haney, Woloson & Mullins shall have twenty days from the date of this order within which to file and serve a supplemental response in Docket No. 48353, including points and authorities, addressing the attorney's lien issues raised in this appeal and

⁵See NRAP 3A(b); Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998).

⁶See NRAP 3A(b); Consolidated Generator, 114 Nev. at 1312, 971 P.2d at 1256; Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

⁷Consolidated Generator, 114 Nev. at 1312, 971 P.2d at 1256.

the arguments made in appellant's November 15 civil proper person appeal statement. In particular, in addition to the other arguments set forth in appellant's November 15 civil appeal statement, Haney, Woloson & Mullins should address (1) whether appellant received legally proper and sufficient notice of, and opportunity to respond to, the firm's joinder to appellant's other counsel's motion to withdraw and the firm's motion for a judgment on its attorney's lien, and (2) whether appellant received legally proper and sufficient notice of any hearings on those issues. Haney, Woloson & Mullins's supplemental response shall not exceed ten pages plus the attorney's certificate required by NRAP 28A. The supplemental response need not include the table of contents and table of cases, statutes, and other authorities required by NRAP 28(b), and it may cite to either the record on appeal or any appendix filed with it.

It is so ORDERED.

1 - Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

cc: Eighth Judicial District Court Dept. 17, District Judge
Mary Martinez
Haney, Woloson & Mullins
Lewis & Roca, LLP/Las Vegas
Eighth District Court Clerk