

IN THE SUPREME COURT OF THE STATE OF NEVADA

SABINA F. STEINBERG,  
Appellant,  
vs.  
BRIAN J. STEINBERG,  
Respondent.

No. 51619

**FILED**

**MAY 08 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court divorce decree. Eighth Judicial District Court, Family Court Division, Clark County; Terrance P. Marren, Senior Judge.

The parties were married in 2000. They have one minor child from the marriage. The district court entered a divorce decree, granting the parties joint legal and physical custody, setting respondent's child support obligation at \$930 per month, awarding spousal support to appellant at \$2,250 per month for 48 months, and directing respondent to pay appellant an additional \$30,000 in attorney fees. The decree also divided the community property. This appeal followed.

Appellant argues, among other things, that the district court abused its discretion when it awarded the parties joint legal and physical custody, child support, divided the community property, and awarded appellant insufficient attorney fees.

Child custody

Matters of custody, rest in the district court's sound discretion. Wallace v. Wallace, 112 Nev. 1015, 922 P.2d 541 (1996). This court will

not disturb the district court's custody decision absent a clear abuse of discretion. Sims v. Sims, 109 Nev. 1146, 865 P.2d 328 (1993). But this court must be satisfied that the district court's decision was made for appropriate reasons. Id. In determining child custody, the court's sole consideration is the child's best interest. NRS 125.480(1). After reviewing the record and the appellant's proper person civil appeal statement, we conclude that the district court properly considered the child's best interest when it awarded joint legal and physical custody to the parties in light of the child's age and the circumstances of this case.

#### Child support

A district court's order modifying child support is reviewed for an abuse of discretion. Wallace, 112 Nev. 1015, 922 P.2d 541. We conclude that the district court did not abuse its discretion when setting child support at \$930 per month consistent with the statutory requirements and the parties' financial circumstances.

#### Attorney fees

An award of attorney fees in divorce proceedings lies within the district court's sound discretion. NRS 125.150(3) (providing that a district court may, in a divorce action, award reasonable attorney fees to either party); Sprenger v. Sprenger, 110 Nev. 855, 878 P.2d 284 (1994) (concluding that an award of attorney fees in divorce proceedings lies within the sound discretion of the district court). Here the record demonstrates that appellant had already been awarded substantial fees during the litigation and the court specifically emphasized that it was regrettable that the parties cumulatively spent over \$350,000 in attorney fees. Thus, the district court did not abuse its discretion when it awarded appellant \$30,000 in additional attorney fees.

### Community property

We review a district court's decision concerning divorce proceedings for an abuse of discretion, and we will affirm the district court's decision so long as it is supported by substantial evidence. Williams v. Williams, 120 Nev. 559, 97 P.3d 1124 (2004). Substantial evidence is that which a sensible person may accept as adequate to sustain a judgment, see Schmanski v. Schmanski, 115 Nev. 247, 251, 984 P.2d 752, 755 (1999), and it may be "inferentially shown by a lack of certain evidence in the record." Horgan v. Felton, 123 Nev. \_\_\_, \_\_\_, 170 P.3d 982, 985 (2007). Moreover, witness credibility determinations are within the district court's fact-finding purview, and we thus will not substitute our or appellant's view of witness testimony for that of the district court. Williams, 120 Nev. at 566, 97 P.3d at 1129; Fox v. First Western Sav. & Loan, 86 Nev. 469, 472, 470 P.2d 424, 426 (1970). Substantial evidence supports the district court's characterization of the parties' property as community or separate. The record reflects that the court made, as nearly as practicable, an equal disposition of the community property. See NRS 125.150(1)(b). Accordingly, we conclude that substantial evidence supports the district court's division of community property between the parties.<sup>1</sup>

Because we conclude that the district court did not abuse its discretion when awarding joint legal and physical custody and that

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<sup>1</sup>Appellant's remaining contentions lack merit and do not warrant reversal.

substantial evidence supports the district court's factual findings and decisions in the divorce decree, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

1 Hardesty, C.J.  
Hardesty

Parraguirre, J.  
Parraguirre

Pickering, J.  
Pickering

cc: Chief Judge, Eighth Judicial District  
Hon. Terrance P. Marren, Senior Judge, Family Court Division  
Sabina F. Steinberg  
Steinberg Law Group  
Eighth District Court Clerk

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<sup>2</sup>We note that although on June 2, 2008, appellant filed a proper person transcript request form, appellant did not provide the name of the court reporter and thus the transcript was not produced. We grant appellant's February 24, 2009, motion to correct an exhibit number.