

IN THE SUPREME COURT OF THE STATE OF NEVADA

HONORABLE ELIZABETH HALVERSON,  
DISTRICT JUDGE, EIGHTH JUDICIAL  
DISTRICT COURT, COUNTY OF CLARK,  
STATE OF NEVADA,

Petitioner,

vs.

NEVADA COMMISSION ON JUDICIAL  
DISCIPLINE,

Respondent.

No. 52165

**FILED**

AUG 06 2008

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

ORDER DENYING PETITION FOR WRIT OF  
MANDAMUS, PROHIBITION, OR CERTIORARI

This original petition for a writ of mandamus, prohibition, or certiorari seeks to stay a discipline hearing before the Nevada Commission on Judicial Discipline and to postpone the hearing for 90 days. Petitioner alleges that holding the hearing at this time deprives her of due process because she and her counsel have had insufficient time to prepare, the Commission has delayed in issuing her requested subpoenas, and the Commission has prevented her from presenting certain defense evidence unless she undergoes a medical and psychiatric examination.

This petition represents petitioner's second attempt to obtain an additional delay in her discipline hearing, after having already received a two-month continuance of the originally scheduled hearing. Her first petition failed to meet several procedural requirements, to the point that we were unable to evaluate the merits of her claims, and was therefore denied on that basis.<sup>1</sup> Rather than promptly remedy the procedural


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<sup>1</sup>See Halverson v. Nev. Commission on Judicial Discipline, Docket No. 51973 (Order Construing Motion as Writ Petition and Denying Petition, July 11, 2008).

defects and refile her petition shortly thereafter, petitioner chose to wait until the morning of the discipline hearing, after it had already commenced, to file the instant petition. We conclude that our extraordinary intervention is not warranted at this late stage.<sup>2</sup> Accordingly, we

ORDER the petition DENIED.<sup>3</sup>

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Elizabeth L. Halverson  
Schwartz, Kelly & Oltarz-Schwartz, P.C.  
Fahrendorf, Viloría, Oliphant & Oster, LLP  
Nevada Commission on Judicial Discipline

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<sup>2</sup>See NRAP 21(b); NRS 34.020(2) (stating that certiorari is available when there is no appeal or other plain, speedy, and adequate remedy); NRS 34.170 (providing that mandamus may issue when there is no plain, speedy, and adequate remedy in the ordinary course of law); NRS 34.330 (same for prohibition); Pan v. Dist. Ct., 120 Nev. 222, 223-24, 88 P.3d 840, 841 (2004) (noting that an appeal is generally an adequate remedy precluding extraordinary relief); see also id. at 228-29, 88 P.3d at 844 (emphasizing that petitioner bears the burden of demonstrating that this court's extraordinary intervention is appropriate); Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (stating that whether to grant writ relief is discretionary with this court).

<sup>3</sup>We deny petitioner's emergency motion for stay as moot in light of this order.