

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLEN J. LERNER, ESQ.,
Petitioner,

vs.

DAVID R. FISCHER, CHAIR
SOUTHERN NEVADA DISCIPLINARY
HEARING PANEL,

Respondent,

and

THE STATE BAR OF NEVADA,
Real Party in Interest.

No. 71107

FILED

OCT 12 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

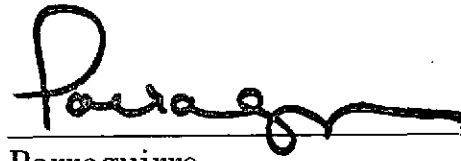
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging an order by the Southern Nevada Disciplinary Hearing Panel Chairman denying petitioner's motion to dismiss the disciplinary complaint.

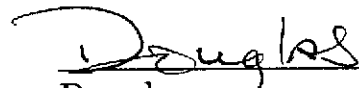
A writ of mandamus is available to compel the performance of an act required by law or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Having considered the petition, we conclude that petitioner has not demonstrated that our intervention by extraordinary writ relief is warranted at this time. See SCR 105(3)(b) (providing for automatic review after certain forms of discipline are imposed); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (providing that an appeal is generally considered an adequate legal remedy precluding writ relief). Accordingly, we decline to intervene in this matter and we deny the petition. See NRAP 21(b)(1); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677,

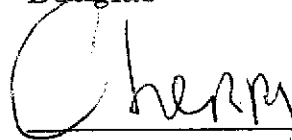
818 P.2d 849, 851 (1991) (stating that a petition for extraordinary writ relief is purely discretionary with this court).

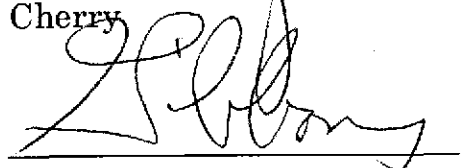
It is so ORDERED.

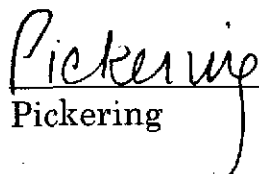
 C.J.
Parraguirre

 J.
Hardesty

 J.
Douglas

 J.
Cherry

 J.
Gibbons

 J.
Pickering

cc: Chair, Southern Nevada Disciplinary Board
Glen J. Lerner & Associates
C. Stanley Hunterton, Bar Counsel, State Bar of Nevada