

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON
AND ESTATE OF DEYAN LYON
SHELDON, AN ADULT PROTECTED
PERSON.

No. 82515

KATIE BINDRUP,
Appellant,
vs.
NYE COUNTY OFFICE OF PUBLIC
GUARDIAN,
Respondent.

FILED
JUL 30 2021
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order reducing attorney fees awarded to appellant pursuant to a contract of engagement with the Public Guardian to represent a protected person. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

Because this court has held that “an attorney representing a client in a case is not a party to the action and does not have standing to appeal,” *Albert D. Massi, Ltd. v. Bellmyre*, 111 Nev. 1520, 1521, 908 P.2d 705, 706 (1995), this court directed appellant to show cause why this appeal should not be dismissed for appellant’s lack of standing to appeal. *See* NRAP 3A(a). Appellant has responded and argues that because she was engaged by the Public Guardian to establish a special needs trust for a protected person, and that NRS 159.375(3) permits an appeal to be taken from an order “settling an account” that she has standing to bring this appeal. In



the alternative, appellant requests this court treat the appeal as a petition for a writ of mandamus. Respondent has filed a reply.¹


NRS 159.344 governs compensation paid to attorneys representing protected persons, but does not make an attorney a party to the action and does not specifically address the rights to an appeal. NRS 159.372(3) appears to refer to the settling of an account under NRS 159.176-184, not to the payment of fees to an attorney. "[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction." *Moran v. Bonneville Square Assoc's.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001). Appellant fails to meet this standard. Accordingly, this appeal is dismissed.

This court declines to treat the notice of appeal as a petition for a writ of mandamus. Appellant may file a petition for a writ of mandamus in accordance with NRAP 21, if deemed warranted.

It is so ORDERED.



Parraguirre



_____, J.
Stiglich



_____, J.
Silver

¹Respondent's motion for an extension of time to file a reply to appellant's response to the order to show cause is granted. Respondent's reply was filed on July 16, 2021.

cc: Hon. Kimberly A. Wanker, District Judge
Carolyn Worrell, Settlement Judge
David Bindrup Law Firm, PLLC
Nye County District Attorney
Nye County Clerk