

IN THE SUPREME COURT OF THE STATE OF NEVADA

NANCY NASH,
Appellant,
vs.
THE STATE BAR OF NEVADA,
Respondent.

No. 44935

FILED

JAN 23 2006

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

This is an appeal from a district court order that found appellant in contempt of a previous consent decree, but imposed no sanctions, and “clarified” the previous consent decree. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

When our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, that the order appealed from may not be substantively appealable, we directed appellant to show cause why the appeal should not be dismissed for lack of jurisdiction. Having reviewed the response and the reply, we conclude that we lack jurisdiction over this appeal.

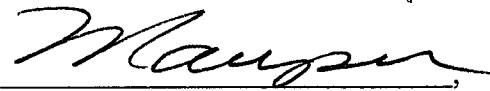
In our 2000 opinion, Pengilly v. Rancho Santa Fe Homeowners, we addressed our previously conflicting case law concerning whether a contempt order may be appealed when it is ancillary to the underlying case, and held that such orders may only be challenged by way of an original petition for extraordinary relief.¹ Appellant’s reliance on cases abrogated by Pengilly is thus misplaced.

¹116 Nev. 646, 5 P.3d 569 (2000).

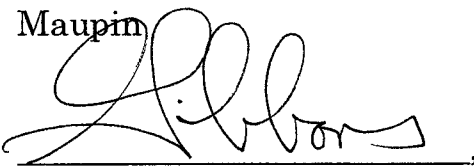
Next, a review of the district court's order indicates that the district court did not modify the consent decree. All three of the paragraphs "clarifying" the consent decree were already encompassed within the consent decree's language. First, the consent decree prohibited appellant from "selling, preparing or assembling living trusts"; the order appealed from provides that appellant may not "[p]articipat[e] in any respect in the preparation, assembly, execution or funding of living trusts or documents which effect the funding, execution or completion of such trusts." Second, the consent decree stated that appellant could not "[a]ccept[] compensation or valuable consideration for a referral to third parties of persons seeking living trusts or wills"; the order appealed from prohibits appellant from "participating in any respect with the referral, consultation, communication or payment for services between a third person or the public and a lawyer regarding living trusts, wills, or documents which effect the funding, execution or completion of such trusts." Third, the consent decree provided that appellant could not "[r]ender[] opinions to the public on the validity or legal effect of existing living trusts or trust documents, or mak[e] a determination of the need for, or legal effect of living trusts for a specific person or client"; the order appealed from states that appellant cannot "[o]ffer[] any advice, instruction, direction or counsel to a third person or to the public regarding the preparation, execution or funding of living trusts, wills, or other documents relating to probate or estates." None of these portions of the orders appealed from alters the consent decree's effect. Under these

circumstances, the order is not an appealable special order after final judgment or an amended judgment.²

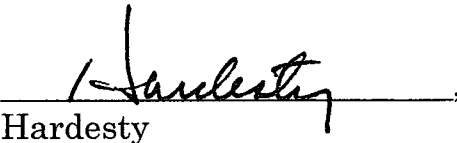
Accordingly, as we lack jurisdiction, we
ORDER this appeal DISMISSED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Mark R. Denton, District Judge
Janet Trost, Settlement Judge
Warhola & Brooks, LLP
State Bar of Nevada/Las Vegas
Clark County Clerk

²See Koester v. Estate of Koester, 101 Nev. 68, 73-74, 693 P.2d 569, 573 (1985) (dismissing appeal from portion of order that merely construed final judgment).