

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIANE HALL, FKA DIANE HALL-  
VAUGHN,  
Appellant,  
vs.  
GEORGE VAUGHN,  
Respondent.

No. 46421

**FILED**

**MAY 31 2007**

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

ORDER AFFIRMING IN PART AND REMANDING

This is a proper person appeal from a divorce decree. Eighth Judicial District Court, Family Court Division, Clark County; T. Arthur Ritchie Jr., Judge.

Respondent George Vaughn filed for divorce from appellant Diane Hall in February 2005. The bench trial was held on October 19, 2005, and the divorce decree was entered on November 17, 2005.

In her proper person appeal, Hall claims that the district court: (1) erred when it denied her oral request for a continuance of the bench trial;<sup>1</sup> (2) improperly allowed her former counsel, Liborius Agwara, to file a pre-trial memorandum on her behalf; and, (3) did not equitably divide the parties' marital property.

As to Hall's request for a continuance, we review a district court's grant or denial of a motion for continuance for an abuse of

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<sup>1</sup>On appeal, Hall raises a number of grievances that she had with her attorney, and has indicated that she has filed a complaint with the State Bar of Nevada. Because the State Bar of Nevada is the proper authority to review client grievances, we decline to address those grievances here.

discretion.<sup>2</sup> Hall admits that Agwara informed her on October 1, 2005, more than two weeks prior to the trial, that he would no longer represent her.<sup>3</sup> Further, Agwara filed a pre-trial memorandum on Hall's behalf before he withdrew as counsel. In light of the foregoing circumstances, we conclude that Hall was not deprived of her right to a fair trial, and we conclude that the district court did not abuse its discretion when it denied Hall's request for a continuance.

Hall further contends that the district court erred in considering the pre-trial memorandum that Agwara filed on her behalf because Hall did not have a chance to review this document. The purpose of pre-trial memoranda is to simplify the issues to be tried.<sup>4</sup> Agwara's pre-trial memorandum does not appear to request anything unusual, and it appears to seek an equitable distribution of the marital assets. We conclude that Hall has failed to show that her interests were substantially prejudiced by Agwara's pre-trial memorandum. Therefore, we conclude that the district court did not abuse its discretion by allowing Agwara to file a pre-trial memorandum on Hall's behalf.

Finally, as to the equitable division of property, we conclude that the district court did not abuse its discretion in dividing the parties'

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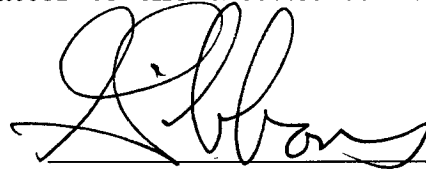
<sup>2</sup>Bongiovi v. Sullivan, 122 Nev. 556, \_\_\_, 138 P.3d 433, 444 (2006).

<sup>3</sup>Because of this notice, we conclude that Hall had ample time to hire new counsel if she had chosen to do so. We also note that Hall stated on the record that she intended to represent herself, but that she simply wanted more time to prepare for trial. Accordingly, we agree with the district court's determination that the limited property disputes before it did not require additional preparation by either party.


<sup>4</sup>See EDCR 2.67(a).

marital property.<sup>5</sup> Nonetheless, the decree fails to address a 1994 Chevrolet van that was apparently acquired during the marriage. A review of the record reveals that the district court heard testimony regarding whether the van was community property or Vaughn's separate property,<sup>6</sup> however, the van was omitted from the property decree. Therefore, we remand this matter to the district court with instructions that the court amend the divorce decree to address the distribution of the 1994 Chevrolet van.<sup>7</sup> Accordingly, we

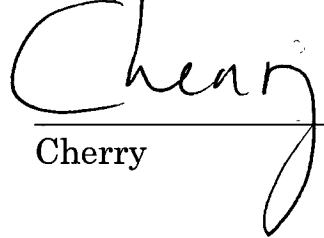
ORDER the judgment of the district court AFFIRMED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.<sup>8</sup>

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

Gibbons

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

Douglas

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

Cherry

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<sup>5</sup>NRS 125.150(1)(b).

<sup>6</sup>NRS 123.220 (recognizing that all property acquired during marriage is presumed to be community property).

<sup>7</sup>As there was already some conflicting testimony during the bench trial regarding the van, we leave it to the discretion of the district court as to whether a separate evidentiary hearing is necessary to determine whether the van is community or separate property.

<sup>8</sup>As to the remaining issues Hall raises on appeal, we conclude that they are without merit.

cc: Hon. T. Arthur Ritchie Jr., District Judge, Family Court Division  
Diane Hall  
Lubritz Law Firm  
Thomas Stafford  
Eighth District Court Clerk