

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOAN M. BAUMEISTER,
Petitioner,

vs.

NEVADA JUDICIAL DISCIPLINE
COMMISSION; NEVADA STATE BAR;
CLARK COUNTY; JUSTICE COURT;
AND DISTRICT ATTORNEY'S OFFICE,
Respondents.

No. 47024

FILED

MAY 10 2006

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

ORDER DENYING PETITION FOR
EXTRAORDINARY RELIEF

In this original proper person petition for extraordinary relief, petitioner Joan M. Baumeister asks this court to “call a panel to consider the worthiness” of several attorneys’ and judges’ law licenses. Baumeister also seeks relief, which she terms “motions” to remove District Attorney David Roger from office, for “immediate arrests of criminals who cannot refute the crimes,” for “Clark County to protect our children,” and to “throw out [an] amendment that allows a judge to garnish wages.”

According to Baumeister, she “wrote a letter to a man” who worked for Sunrise Hospital, explaining how his conduct had “affected [her].” Thereafter, Baumeister was sent a “cease and desist” letter from two attorneys who apparently worked for the hospital, with copies sent to the District Attorney’s Office and the Metropolitan Police Department. Baumeister wrote again, offering “Peace to the Hospital,” after which she was served with a summons. Although it is not entirely clear from her petition, it appears that, after a hearing, the justice’s court issued against Baumeister a protective order for aggravated stalking. The court also

apparently fined Baumeister for the cost of enforcing the order, and subsequently garnished her wages to collect those costs.

Baumeister refers to the attorneys and judges involved in the protective order proceedings as “criminals,” explaining that she filed a 52-count complaint in the United States District Court against them and others involved. She notes that she filed modified forms of the same complaint with the State Bar and “Judicial Commission,” both of which were dismissed. Thus, she contends that the Bar and Commission were “aiding and abetting a criminal act.”

In terms of relief, Baumeister asks that (1) the more than thirty attorneys and judges involved be disbarred, (2) Roger be removed from office because he is guilty of a “crime of depraved indifference,” (3) Roger, the judges, and the attorneys involved be arrested and prosecuted, (4) Clark County adopt a stance to “protect our children,” and (5) this court “throw out the portion of the amendment to the Law that allows judges to garnish wages.”

Although not directed to file an answer to the petition, respondents have filed an opposition to the “motions,” noting that petitioner’s case in the U.S. District Court remains pending and is grounded in the same issues set forth in Baumeister’s requests for extraordinary relief. Respondents contend that Baumeister can raise any of these legal and factual arguments in the federal lawsuit, or in any proposed complaint in state court, and that, at any rate, Baumeister is not entitled to the requested relief.

A writ of mandamus may issue to compel a government body to perform a legally mandated act.¹ As the petitioner, Baumeister has the

¹See NRS 34.160.

burden of demonstrating that extraordinary relief is warranted, and she must provide this court with a statement of the facts necessary to understand all of the issues raised and attach to her petition all documents necessary for this court to render its decision.² Extraordinary relief is properly granted only when there is no plain, adequate, and speedy legal remedy, or there are either urgent circumstances or important legal issues that need clarification.³ Generally, the right to appeal is an adequate legal remedy, precluding writ relief.⁴

In this case, we decline to exercise our discretion to consider this petition for several reasons. First, Baumeister's factual assertions do not provide this court with a sufficient understanding of the factual and legal issues and, moreover, she has failed to attach any documents to support her blanket allegations of wrongdoing.⁵ Second, to the extent that Baumeister's concerns stem from a justice's court's protective order against her for aggravated stalking, she could have appealed to the

²NRAP 21(a); Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004) (noting that this court's review in a writ proceeding is limited to the petition and accompanying documents and, therefore, if essential information is not provided, there is no way to properly evaluate the petition).

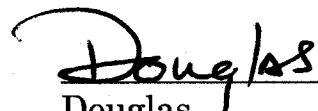
³NRS 34.170; State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 449, 92 P.3d 1239, 1242 (2004).

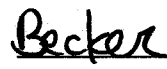
⁴Pan, 120 Nev. at 224, 88 P.3d at 840-41.

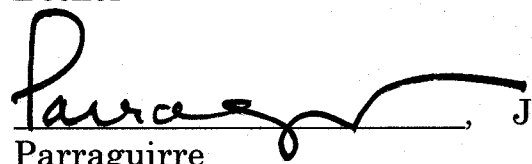
⁵See NRAP 21(a); Pan, 120 Nev. at 228-29, 88 P.3d at 844. Baumeister attached to her petition her complaint to the State Bar and a letter to the Judicial Discipline Commission demanding "commission . . . appointment of an independent investigator"—neither support issuing a writ.

district court.⁶ Thus, she had an adequate legal remedy, which precludes writ relief.⁷ Finally, petitioner has not paid \$200 of the \$250 filing fee.⁸ Accordingly, we deny the petition and “motions” for extraordinary relief.

It is so ORDERED.⁹


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Joan M. Baumeister
Clark County District Attorney David J. Roger/Civil Division
Nevada Commission on Judicial Discipline
State Bar of Nevada/Las Vegas

⁶See NRS 200.591(2) and (4); NRS 4.370(1)(q).

⁷Pan, 120 Nev. at 224, 88 P.3d at 840-41.

⁸Petitioner’s “motion to oppose supreme court clerk’s determination of fee classification and proper assignment of fees” and her argument that she should only have to pay a \$50 rehearing automation fee is baseless, as is her argument that “David Roger is responsible for her fees.” In light of this order, we deny her motion as moot and note that her failure to pay the filing fee or to seek leave to waive the fee provides us with an independent basis on which to dismiss her petition. See NRAP 21(e).

⁹Although Baumeister was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from her.