

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIZABETH BRENNAN,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
JENNIFER ELLIOTT, DISTRICT  
JUDGE, FAMILY COURT DIVISION,  
Respondents,  
and  
BRADFORD BRENNAN,  
Real Party in Interest.

No. 51201

**FILED**

MAR 10 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges the district judge's minute entry recusing herself from the underlying family law matter.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control manifest abuse of discretion.<sup>1</sup> But mandamus is an extraordinary remedy, which is entirely discretionary with this court and which is warranted only when petitioner has no plain, speedy, and adequate remedy at law.<sup>2</sup> We have held that a

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<sup>1</sup>See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

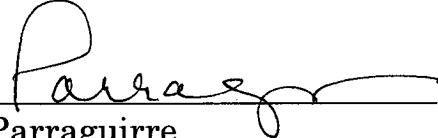
<sup>2</sup>Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991); NRS 34.170.

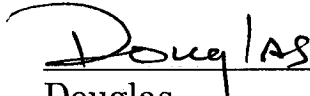
writ petition is the appropriate vehicle for challenging judicial disqualification rulings.<sup>3</sup>

Having reviewed the petition and its exhibits, we decline to intervene by way of extraordinary relief in this instance. Canon 3E(1) of the Code of Judicial Conduct provides that a judge shall disqualify herself when the judge's impartiality may reasonably be questioned. We are not persuaded that the district judge manifestly abused her discretion in concluding that her impartiality might reasonably be questioned when the real party in interest is the campaign manager for the judge's opponent in this year's election. Accordingly, writ relief is not warranted, and we deny the petition.<sup>4</sup>

It is so ORDERED.<sup>5</sup>

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

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

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

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<sup>3</sup>Towbin Dodge, LLC v. Dist. Ct., 121 Nev 251, 112 P.3d 1063 (2005).

<sup>4</sup>NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>5</sup>We deny petitioner's motion for a stay as moot in light of this order.

cc: Hon. Jennifer Elliott, District Judge, Family Court Division  
Solomon Dwiggin & Freer  
Dawn R. Throne, Ltd.  
Eighth District Court Clerk