

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL A. CARRIGAN, FOURTH  
WARD CITY COUNCIL MEMBER, OF  
THE CITY OF SPARKS,  
Petitioner,

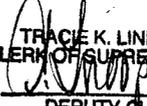
vs.

THE FIRST JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR CARSON CITY, AND,  
THE NEVADA COMMISSION ON  
ETHICS,  
Respondents.

No. 51850

**FILED**

JUN 19 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION

This original First Amendment petition for a writ of mandamus or prohibition challenges a district court order denying a petition for judicial review of a Nevada Ethics Commission decision.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse of discretion.<sup>1</sup>

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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).

A writ of prohibition is available to arrest the extra-jurisdiction proceedings of a tribunal or board exercising judicial functions.<sup>2</sup> Although the decision to entertain a writ petition is addressed to our sole discretion,<sup>3</sup> we generally adhere to the proposition that an extraordinary writ will issue only when the petitioner has no plain, speedy, and adequate legal remedy.<sup>4</sup>

We have consistently held that an appeal typically affords an adequate legal remedy, precluding writ relief.<sup>5</sup> Thus, while this petition raises a potentially important issue with respect to the constitutionality of certain ethics in government statutes, we conclude that petitioner has an adequate legal remedy available in the form of an appeal from the district court's order denying judicial review.<sup>6</sup> Further, although petitioner suggests that an appeal would not be speedy, we note that petitioner may seek to exempt the appeal from the settlement conference program and/or

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<sup>2</sup>See NRS 34.320.

<sup>3</sup>Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>4</sup>Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004); NRS 34.170; NRS 34.330.

<sup>5</sup>Pan, 120 Nev. at 224, 88 P.3d at 841; see also D.R. Horton v. Dist. Ct., 123 Nev. \_\_\_, \_\_\_, 168 P.3d 731, 736 (2007) (explaining that, to determine whether a future appeal is sufficiently adequate and speedy, this court will consider the underlying proceedings' status, the types of issues raised in the writ petition, and the opportunity for meaningful appellate review of the issues presented).

<sup>6</sup>See NRAP 3A(b)(1); NRS 233B.150.

move to have the appeal expedited.<sup>7</sup> Accordingly, as petitioner has an adequate and speedy legal remedy precluding writ relief, we

ORDER the petition DENIED

  
\_\_\_\_\_, C.J.  
Gibbons

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

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

cc: Hon. William A. Maddox, District Judge  
Sparks City Attorney  
Attorney General Catherine Cortez Masto/Carson City  
Nevada Commission on Ethics  
Carson City Clerk

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<sup>7</sup>See NRAP 16(a).