

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE HONORABLE ELIZABETH
HALVERSON, DISTRICT JUDGE,
EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND
FOR THE COUNTY OF CLARK,
Petitioner,
vs.
NEVADA COMMISSION ON JUDICIAL
DISCIPLINE,
Respondent.

No. 51973

FILED

JUL 11 2008

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

ORDER CONSTRUING MOTION AS WRIT PETITION
AND DENYING PETITION

Petitioner has filed with this court a document entitled "Emergency Motion for Stay." The document indicates that petitioner seeks relief from an order by the Nevada Commission on Judicial Discipline denying her request to continue a formal hearing currently set for August 4-8, 2008. In the document, petitioner states that she has filed a notice of appeal from the Commission's order and that she also plans to file a petition for writs of mandamus, prohibition, and certiorari under NRS Chapter 34.

Article 6, Section 21(1) of the Nevada Constitution provides that a Commission decision disciplining a judge may be appealed to this court. In addition, NRS 1.4675(4) provides that a Commission decision imposing an interim suspension upon a judge may be appealed to this court. No constitutional or statutory provision authorizes an appeal to

this court from any other Commission order.¹ Therefore, the Commission's order refusing to continue the August formal hearing in petitioner's case is not appealable. Moreover, no notice of appeal has been transmitted to this court by the Commission, and no copy of a notice of appeal was included with petitioner's document. Accordingly, we conclude that the document invokes our original jurisdiction and we therefore construe the "Emergency Motion for Stay" as a petition for extraordinary relief under NRS Chapter 34.

NRAP 21(a) imposes certain procedural requirements for such petitions, which have not been met in this case. In particular, petitioner's filing does not include an affidavit of the party beneficially interested.² Also, it contains only an incomplete statement of facts and reasons why the writs should issue.³ Finally, while petitioner's filing includes some documentation, primarily in the form of the Commission's orders, as well as petitioner's "Motion to Continue Trial" and a nonfile-stamped copy of petitioner's "Motion to Require Compliance with ADA Requirements Re

¹See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984) (stating that an appeal may be taken only when authorized by rule or statute).

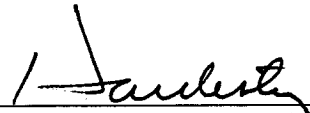
²See NRS 34.030 (certiorari); NRS 34.170 (mandamus); NRS 34.330 (prohibition).

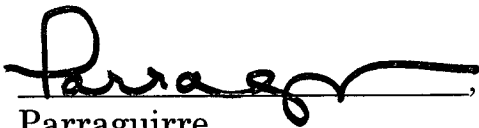
³See NRAP 21(a); see also Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004) (explaining that petitioner bears the burden of demonstrating that writ relief is warranted).

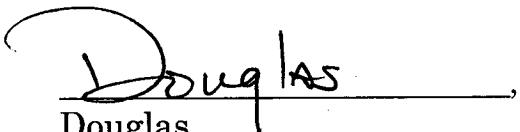
Medical Confidentiality,” it does not include any opposing papers filed by the special prosecutor.⁴

Accordingly, as the challenged Commission order is not appealable, we construe the document filed by petitioner as an original writ petition under NRS Chapter 34 and as the document does not satisfy statutory and rule requirements for writ petitions, we deny the petition.

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: The Honorable Elizabeth Halverson, District Judge
Fahrendorf, Viloría, Oliphant & Oster, LLP
Nevada Commission on Judicial Discipline

⁴See NRAP 21(a) (requiring petitioner to provide copies of “parts of the record which may be essential to an understanding of the matters set forth in the petition”); Pan, 120 Nev. at 228-29, 88 P.3d at 844.