

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALMA S. LIM,  
Appellant,  
vs.  
THE WILLICK LAW GROUP,  
Respondent.

No. 61253

**FILED**

**MAR 13 2014**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. Malina*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a proper person appeal from a district court order adjudicating an attorney's lien in a divorce proceeding. Eighth Judicial District Court, Clark County; Gayle Nathan, Judge.

As an initial matter, we address whether the district court had jurisdiction to adjudicate the attorney's lien. In the retainer agreement, appellant consented to the district court's adjudication of a lien for attorney fees in the underlying divorce proceeding. Additionally, once respondent filed the motion to adjudicate the attorney's lien, appellant failed to challenge the district court's jurisdiction to adjudicate that lien, and instead requested that the district court order respondent to return the funds that respondent was holding in a trust account and which were subject to the lien. *See Figliuzzi v. Eighth Judicial Dist. Court*, 111 Nev. 338, 342, 890 P.2d 798, 801 (1995) (explaining that a retaining lien entitles an attorney to retain a client's funds until a court orders the attorney to return the funds upon the payment of attorney fees). Thus, because appellant consented to the adjudication of the lien for attorney fees, we conclude that the district court had jurisdiction to adjudicate the

attorney's lien.<sup>1</sup> See *Argentina Consol. Mining Co. v. Jolley Urga Wirth Woodbury & Standish*, 125 Nev. 527, 534, 216 P.3d 779, 784 (2009) (providing that a retaining lien may be actively adjudicated by the attorney with the client's consent).

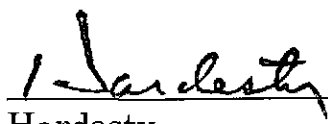
As for the amount of the attorney fees, appellant contends that the district court abused its discretion when it reduced the \$111,783.86 in attorney fees to judgment and awarded respondent an additional \$5,000 in attorney fees resulting from the motion practice associated with adjudicating the attorney's lien. Appellant agreed in the retainer agreement that if she failed to challenge a bill for fees and costs within 30 days of receiving such bill, she conceded that the fees and costs were correct. Because appellant failed to challenge any bill for fees within 30 days of its receipt, she agreed to the amount. Moreover, nothing in the record supports appellant's argument that respondent agreed to accept the amount it was holding in its trust account on her behalf as full payment of her attorney fees and costs. Thus, the district court did not abuse its discretion in reducing the \$111,783.86 in attorney fees to judgment. See *Sarman v. Goldwater, Taber & Hill*, 80 Nev. 536, 542, 396 P.2d 847, 850 (1964) (recognizing that this court reviews a district court's award of attorney fees under a retaining lien for an abuse of discretion), *rejected on other grounds by Argentina*, 125 Nev. at 538, 216 P.3d at 786. Further, we conclude that the district court did not abuse its discretion in awarding respondent the \$5,000 it incurred in adjudicating the attorney's lien. *Id.*

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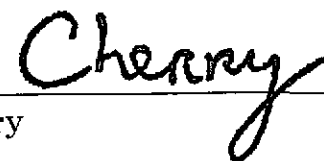
<sup>1</sup>Because appellant consented to the adjudication of the retaining lien, we do not address respondent's argument that it also had a charging lien.

Lastly, appellant contends that the district court violated her due process rights by failing to hold an evidentiary hearing on the motion to adjudicate the attorney's lien. The district court's decision to forgo an evidentiary hearing, however, did not deprive appellant of her due process rights under the circumstances because appellant had notice of the lien and an opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976) (explaining that "'due process,' unlike some legal principles, is not a technical conception with a fixed content unrelated to time, place and circumstances," but instead is flexible, calling for "such procedural protections as the particular situation demands") (internal quotation marks omitted); *Callie v. Bowling*, 123 Nev. 181, 183, 160 P.3d 878, 879 (2007) (recognizing that procedural due process requires notice and an opportunity to be heard); *State, Dep't of Motor. Vehicles v. Vezeris*, 102 Nev. 232, 236, 720 P.2d 1208, 1211 (1986) (noting that due process is a flexible concept); *see also Rooney v. Rooney*, 109 Nev. 540, 542-43, 853 P.2d 123, 124-25 (1993) (providing that the moving party must establish adequate cause for an evidentiary hearing). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

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

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

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

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<sup>2</sup>Because appellant has paid the filing fee for this appeal, we deny as moot her August 22, 2012, application to proceed in forma pauperis.

cc: Hon. Gayle Nathan, District Judge  
Alma S. Lim  
Willick Law Group  
Eighth District Court Clerk