

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK M. PECK,
Appellant,
vs.
MARY LOU WILSON,
Respondent.

No. 63114

FILED

SEP 20 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

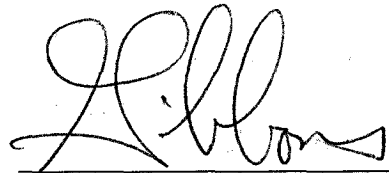
This is a proper person appeal from a district court order granting a motion to dismiss in a legal malpractice action. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

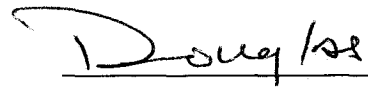
This court reviews de novo an order granting an NRCP 12(b)(5) motion to dismiss, accepting all factual allegations in the complaint as true, and drawing all inferences in the plaintiff's favor. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). We have reviewed the record and appellant's civil proper person appeal statement, and we conclude that dismissal was appropriate.


Appellant's complaint alleged a claim for legal malpractice against respondent, who was appointed by the court to represent appellant in post-conviction proceedings related to one of appellant's criminal convictions. Court-appointed defense attorneys enjoy the same degree of immunity from malpractice actions as is extended to public defenders by NRS 41.032(2) and NRS 41.0307(4)(b), and they "cannot be held liable for

malpractice arising out of discretionary decisions made pursuant to their duties as court-appointed defense counsel." *Morgano v. Smith*, 110 Nev. 1025, 1027-28, 879 P.2d 735, 736-37 (1994). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Janet J. Berry, District Judge
Frank Milford Peck
Mary Lou Wilson
Washoe District Court Clerk