

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT C. MADDOX, AN INDIVIDUAL;  
ROBERT C. MADDOX AND ASSOCIATES, A  
SOLE PROPRIETORSHIP; AND MARY  
CARTER, AN INDIVIDUAL,

No. 36006

Petitioners,

vs.

**FILED**

THE EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF CLARK, AND, THE  
HONORABLE JAMES C. MAHAN, DISTRICT  
JUDGE,

FEB 06 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

Respondents,

and

NANCY QUON, AN INDIVIDUAL,

Real Party in Interest.

ORDER GRANTING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying petitioners' motion to disqualify the real party in interest's counsel for a conflict of interest.

We have considered this petition for a writ of mandamus and the answer thereto, and we are satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Accordingly, we grant the petition.

Petitioners contend that Supreme Court Rule 159(1)<sup>1</sup> prohibits Michael Brown from representing Nancy Quon in this matter since it is substantially related to Brown's prior representation of Robert Maddox.

The party seeking disqualification has the burden of proving whether two matters are substantially related. See

<sup>1</sup>Under SCR 159, an attorney who has formerly represented a client in a matter is prohibited thereafter from representing "another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client . . . ."

Robbins v. Gillock, 109 Nev. 1015, 1017-18, 862 P.2d 1195, 1197 (1993). This court should not inquire into "whether an attorney actually acquired confidential information in the prior representation which is related to the current representation." Id. Rather, this court should undertake a "realistic appraisal of whether confidences might have been disclosed in the prior matter that will be harmful to the client in the later matter." Id.

District courts have "broad discretion in determining whether disqualification is required in a particular case," and, unless there is an abuse of that discretion, this court will not disturb that determination. Cronin v. District Court, 105 Nev. 635, 640, 781 P.2d 1150, 1153 (1989).


Based upon a careful review of the record, we conclude that the current matter is substantially related to the previous matter in which Brown represented the interests of both Quon and Maddox. Therefore, Brown should be disqualified from representing Quon in this matter against Maddox.

The district court erred by denying the motion to disqualify. Accordingly, we grant the petition for the writ of mandamus and direct the clerk of this court to issue a writ of mandamus ordering the district court to vacate its order denying the disqualification motion and to grant the motion to disqualify.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Becker

cc: Hon. James C. Mahan, District Judge  
Gary C. Moss, Esq.  
James R. Christensen, Esq.  
David A. Hardy, Esq.  
Clark County Clerk