IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RUBY JEAN NELSON CARROLL, Appellant, vs. LAWRENCE WILLIAM CARROLL, III, Respondent.	No. 73534-COA
RUBY JEAN NELSON CARROLL, Appellant, vs. LAWRENCE WILLIAM CARROLL, III, Respondent.	No. 75425-COA

FILED

MAY 07 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

AMENDED ORDER OF AFFIRMANCE[1]

Ruby Jean Nelson Carroll appeals an amended decree of divorce and a related post-decree order.[2] Eighth Judicial District Court, Family Court Division, Clark County; Rena G. Hughes, Judge.

Ruby and respondent Lawrence William Carroll, III, (Larry) met in California and dated for several years. In June 2006, while both still lived in California, Ruby loaned Larry $26,000 with a 15% monthly compound interest rate, and they executed the loan in a written agreement. Larry soon retired, and they married in 2010.

Shortly after marrying, Ruby retired and the couple moved to Nevada. Ruby filed articles of incorporation for RJ Nelson, Inc., (the

[1]We vacate our April 24, 2019, order and issue this amended order of affirmance correcting clerical errors.

[2]We have consolidated these appeals for dispositional purposes. *See* NRAP 3(b)(2).

Nevada corporation) naming herself and Larry directors. She had used the identical name "RJ Nelson, Inc.," for a separate corporation (the California corporation) that she had formed in California before marrying Larry. In 2013, they borrowed money from Larry's mother, Annie, to buy a house and titled it in the Nevada corporation's name. Annie lived with them and helped pay household expenses, including the property tax on the house. Larry did not work during the marriage and depended on his mother for financial support.

In 2015, Ruby learned that Annie had recently stopped paying the property tax. Ruby borrowed several thousand dollars from her sister to pay the delinquent taxes and, without telling Larry or Annie, removed Larry from the Nevada corporation's board, created a trust, named her sister as trustee, and transferred the house's title to the trust.

Later that year, because they had lost the original writing, Ruby and Larry executed a written agreement that reaffirmed the $26,000 loan and adopted all of the original terms. Larry had repaid nothing.

They divorced in June 2017. After a two-day trial, the district court found that the only community property of value was the Nevada corporation, the house, and a car. Despite producing articles of incorporation proving that she incorporated the Nevada corporation more than a year after marrying Larry, Ruby had argued at trial that the Nevada corporation is the same entity as the California corporation that she formed before marriage, and thus that the corporation and the house are her separate property. The court found that the argument was "frivolous, without basis, and maintained in bad faith" and had unnecessarily increased litigation costs, and ordered Ruby to pay a portion of Larry's

attorney fees under EDCR 7.60(b).[3] The court also found that Ruby unlawfully transferred the house's title to the trust, and ordered her to restore the title to the corporation. Finally, the court calculated the loan balance and reduced it to judgment against Larry.

Ruby moved for reconsideration on several grounds. At the hearing on her motion, the district court noted several significant misrepresentations of its findings in Ruby's motion, but partially granted the motion and expressed its intent to soon issue an amended decree. The next day, Ruby filed errata correcting the misrepresentations. Before the court had issued the amended decree, however, she appealed the original decree. Five weeks later, the court issued the amended decree, in which it recalculated the loan balance using the maximum annual interest rate under California usury law, which it found governs the loan contract.

Soon thereafter, Ruby located new evidence proving, she claimed, that the Nevada and California corporations are the same entity, and moved for a new trial. Larry opposed, noting that the evidence, which included minutes from the Nevada corporation's first meeting and another copy of its articles of incorporation, further proved that the corporations are separate entities. He also included a countermotion to order the house sold, order Ruby to pay attorney fees, and sanction Ruby's counsel under EDCR 7.60(b).

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[3]EDCR 7.60(b) provides that a district court may sanction a party or attorney for presenting an obviously frivolous claim or "[s]o multipl[ying] the proceedings in a case as to increase costs unreasonably and vexatiously." We note that a district court may also order fees under NRS 125.150(4) (providing that "the court may award a reasonable attorney's fee to either party to an action for divorce").

At the hearing on Ruby's motion for new trial, which Ruby and her counsel deliberately chose not to attend, the court found, as Larry argued, that the new evidence only reinforced the conclusion that the corporations are separate entities. The court noted that Ruby's appeal deprived it of jurisdiction to rule on the motions, however, and, in accordance with *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), expressed its inclination to deny the motion for new trial and grant Larry's countermotions.

Later that day, Ruby moved the district court to remand her appeal from the supreme court,[4] and to sanction Larry for his countermotion because, she argued, *Huneycutt* precluded further filings in the district court. The following week, she moved for a rehearing on her motion for new trial and withdrew her motion to remand. Larry opposed the motion and moved for more fees and sanctions.

The district court certified its inclination to deny Ruby's motion for new trial and grant Larry's countermotions. Larry then moved the supreme court to dismiss Ruby's appeal, remand to the district court, sanction Ruby's counsel, and order Ruby to pay attorney fees. Ruby, meanwhile, amended her notice of appeal to include the amended decree. The supreme court denied Larry's motion, holding that the appeal could proceed, that remand was unnecessary because the certification resolved

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[4]Ruby's motion was procedurally improper in two respects. First, she moved the district court to remand the appeal to itself. Second, she did so in contravention of *Huneycutt*, which provides that a motion to remand in the appellate court should follow the district court's certification of its inclination to grant relief. 94 Nev. at 80-81, 575 P.2d at 586. Ruby, however, moved to remand not only before the district court had issued its certification, but after learning that it had expressed its inclination to deny her motion.

the motion for new trial, and that Larry's countermotions were collateral issues over which the district court retained jurisdiction.

The district court granted the countermotions, sanctioning Ruby's counsel under EDCR 7.60 for the motion for new trial, the motion to remand, and her failure to appear at the hearing. The court found both motions "unsupported factually or legally" and the motion to remand "contrary to rules of appellate procedure and [the] court's jurisdiction." The court noted, in apparent response to Ruby's motion for a rehearing, that under EDCR 2.23, it may rule on a motion without a hearing. The court also suggested that Ruby's counsel "obtain a mentor; someone who is well versed in motion, trial and appellate practice."

Ruby appeals the amended decree and the district court's order granting Larry's countermotions. We address each argument in both of her appeals.

Whether the district court abused its discretion by finding that the Nevada corporation is community property

Ruby argues that the district court erred by finding that the Nevada corporation is community property. She argues that her testimony at trial and the new evidence that she produced for her motion for new trial prove that the Nevada corporation is the same entity as the California corporation, which she formed before marriage. We disagree.

We review a district court's decisions in a divorce decree for abuse of discretion and will affirm those that are supported by substantial evidence. *Williams v. Williams*, 120 Nev. 559, 566, 97 P.3d 1124, 1129 (2004). "Substantial evidence is that which a sensible person may accept as adequate to sustain a judgment." *Id.* With limited exceptions, property acquired during marriage is community property. *See* NRS 123.220.

The district court found that the Nevada corporation is community property. It cited the articles of incorporation, which showed that Ruby had formed the Nevada corporation in December 2011, by which time the parties had married. Ruby did not produce evidence that the corporation fell into any of the exceptions in NRS 123.220 or that she somehow transferred the California corporation to Nevada. We therefore conclude that the district court did not abuse its discretion by finding that the Nevada corporation is community property.

Whether the district court abused its discretion by finding that Ruby's argument warranted sanctions

Ruby argues that the district court abused its discretion by finding that she argued in bad faith that the Nevada corporation is her separate property, and sanctioning her for that argument.

We review sanctions for abuse of discretion. *Lehrer McGovern Bovis, Inc. v. Bullock Insulation, Inc.*, 124 Nev. 1102, 1119, 197 P.3d 1032, 1043 (2008). "The district court may award attorney fees as a sanction under . . . EDCR 7.60(b) if it concludes that a party brought a frivolous claim." *Rivero v. Rivero*, 125 Nev. 410, 440, 216 P.3d 213, 234 (2009). The district court may also impose sanctions when a party or attorney "so multiplies the proceedings in a case as to increase costs unreasonably and vexatiously." EDCR 7.60(b)(3).

In the decree, the district court found that Ruby's argument was contrary to applicable law and the evidence that Ruby produced, and thus "frivolous, without basis, and maintained in bad faith." The court noted that the argument consumed a great deal of time at trial, which unnecessarily increased the cost of litigation. The record confirms that Ruby's argument is indeed contrary to both the law and the evidence, and accounted for a significant portion of the trial. We therefore conclude that

the court did not abuse its discretion by imposing sanctions of attorney fees and costs.

Whether the district court abused its discretion by finding that Ruby unlawfully transferred the house's title

Ruby argues that the district court abused its discretion by finding that she violated NRS 123.230 by transferring the house's title to the trust without Larry's consent. We disagree—that she could not alienate an asset without her spouse's consent is simply a logical extension of a finding that the asset is community property—and therefore conclude that the district court did not abuse its discretion in ordering Ruby to transfer the title back to the Nevada corporation.

Whether the district court erred in calculating the loan balance

Ruby's next argument is two-fold: she argues that the district court erred by applying California law to the contract, and abused its discretion in calculating the balance.

Whether the district court erred by applying California law

This court reviews questions of law de novo. *Nev. Classified Sch. Emps. Ass'n v. Quaglia*, 124 Nev. 60, 63, 177 P.3d 509, 511 (2008). In cases of conflicting state laws, this court applies the law of the state that has the most substantial relationship with the transaction. *Williams v. United Servs. Auto Ass'n*, 109 Nev. 333, 334, 849 P.2d 265, 266 (1993). The relevant substantial relationship factors here are the locations of negotiation, contracting, performance, and the parties' domiciles. *See Sotirakis v. U.S.A.A.*, 106 Nev. 123, 126, 787 P.2d 788, 790 (1990).

The loan contract was Californian in every relevant aspect—Ruby and Larry negotiated and executed the contract in California in 2006; they were domiciled in California, and thus presumably intended to perform in California. Nevada had no relationship with the contract until they

moved to Nevada in 2011. We therefore conclude that the district court correctly applied California law.

Whether the district court erred in calculating the balance

Ruby argues that the district court abused its discretion by arbitrarily applying a 15% annual interest rate to its loan calculation. This is simply incorrect, however—in the amended decree, which she appeals, the district court applied California's 10% maximum annual interest rate. Further, she offers no legal authority to support her argument. We therefore decline to consider her argument.[5] *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not consider an appellant's arguments that are not cogently argued or lack the support of relevant authority).

Whether the district court abused its discretion by omitting findings from the decree

Ruby argues that this court should remand and grant a new trial because the district court did not make findings as to "personal property, real property fixtures, furniture, and assets, or marital waste." She argues that Larry committed marital waste by spending his (separate property) money on strictly personal expenses. She cites no authority.

We review a district court's decisions in a divorce proceeding for abuse of discretion. *Shydler v. Shydler*, 114 Nev. 192, 196, 954 P.2d 37, 39 (1998). Property acquired before marriage or by gift during marriage is

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[5]We note two apparent clerical mistakes in the district court's calculation, however. First, Ruby and Larry executed the loan in June 2006, but the court began its calculation in June 2005. Second, interest accrues periodically, but the court added interest immediately in June 2005. The court may correct these mistakes at any time. NRCP 60(a) ("The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment . . . .").

separate property. NRS 123.130. With limited exceptions, property acquired during marriage is community property. *See* NRS 123.220.

We conclude that Ruby's arguments are unpersuasive. The district court found that the only community property of value was the Nevada corporation, the house, and a car. All other assets were thus separate property—which the court distributed to each party—or, in the case of fixtures, were community property because the house itself is community property. Finally, the district court need not have specifically addressed marital waste in the decree because Ruby produced no evidence of marital waste. In fact, Larry's only income is the money his mother gives him, which is his separate property. NRS 123.130. We therefore conclude that the district court did not abuse its discretion.

We further conclude that Ruby's marital waste argument on appeal is frivolous. The record shows that the district court spent significant time at the hearing on Ruby's motion for reconsideration correctly explaining that under NRS 123.130, the money that Annie gave to Larry is not subject to marital waste because it was separate property, thereby putting Ruby on notice that the argument is utterly meritless. Nevertheless, Ruby maintains the argument on appeal, and does so without citing any relevant legal authority. We therefore conclude that it is frivolous and warrants sanctions. NRAP 38 (2015)[6] (providing that this court may impose sanctions or attorney fees for a frivolous appeal).

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[6]We note that the Nevada Supreme Court amended the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure, effective March 1, 2019. *In re Creating a Committee to Update and Revise the Nevada Rules of Civil Procedure*, ADKT 0522 (Order Amending the Rules of Civil Procedure, the Rules of Appellate Procedure, and the Nevada Electronic

Whether the district court abused its discretion by denying Ruby's motion for new trial

Ruby argues that the district court abused its discretion by denying her motion for new trial. She argues that the new evidence she produced proved that the corporations are the same entity. She notes that the district court found that the new evidence "did not make a connection between the" corporations, but argues that the "Court abused its discretion in interjecting onto Ruby a duty to make an evidentiary connection for non-produced discovery." Further, though she cites the transcript of the hearing in which the court discussed its detailed review of the new evidence, she claims that the court "refused to even review it substantively."

We review a district court's denial of a motion for new trial for abuse of discretion. *Gunderson v. D.R. Horton, Inc.*, 130 Nev. 67, 74, 319 P.3d 606, 611 (2014). A district court may grant a motion for new trial on the grounds of newly discovered evidence that would have materially affected the movant's substantial rights at trial. NRCP 59(a)(4).

We conclude that Ruby's argument is meritless. The record shows that the court considered the relevant new evidence in detail at the hearing, and found that it further proved that the corporations are separate entities. The court ultimately sanctioned Ruby's counsel for filing a motion so frivolous as to include evidence contradicting its central premise, and we conclude that her argument on appeal is no less frivolous. Further, she embellishes it on appeal by misrepresenting the district court's findings.

We therefore conclude that the district court did not abuse its discretion, and that Ruby's argument on appeal warrants sanctions, *see*

Filing and Conversion Rules, December 31, 2018). Because the previous versions of the rules apply to this case, we cite those versions herein.

NRAP 38; *see also* NRAP 28(j) (providing that this court may impose attorney fees or other monetary sanctions for briefs not "presented with accuracy"). We also caution Ruby's counsel that such misrepresentation of the district court's findings may constitute a failure to fulfill her duty of candor to this court. *See* NRPC 3.3(a)(1) (providing that "[a] lawyer shall not knowingly [m]ake a false statement of fact or law to a tribunal").

Whether the district court abused its discretion by finding that Ruby's motions warranted sanctions

Ruby argues that the district court abused its discretion by finding that she moved in "bad faith"[7] for a new trial and to remand, and that her motions lacked legal and factual support.

We review sanctions for abuse of discretion. *Lehrer McGovern Bovis, Inc. v. Bullock Insulation, Inc.*, 124 Nev. 1102, 1119, 197 P.3d 1032, 1043 (2008). The district court may impose sanctions when a party or attorney files a motion or opposition "that is obviously frivolous, unnecessary or unwarranted." EDCR 7.60(b)(1). "[T]here must be evidence supporting the district court's finding that the claim or defense was unreasonable or brought to harass." *Rivero v. Rivero*, 125 Nev. 410, 440, 216 P.3d 213, 234 (2009).

The record shows that Ruby based her motion for new trial on evidence that contradicted the motion's central premise, and filed her motion to remand not only in contravention of *Huneycutt*, but in the district court itself. The court thus sanctioned Ruby's counsel in the amount of attorney fees that Larry incurred to oppose the motions and appear for the hearing on the motion for new trial. The court correctly found that both

[7]We note that the term "bad faith" is Ruby's—the district court did not describe either of her motions as such.

motions were "unsupported factually or legally," and that the motion to remand was contrary to the rules of appellate procedure. We therefore conclude that the district court did not abuse its discretion.

Whether Larry's counsel or the district court violated any ethical rules at the hearing on Ruby's motion for new trial

Ruby argues that Larry's counsel and the district court violated ethical rules against ex parte hearings by holding the hearing on her motion for new trial, which she and her counsel chose not to attend. She argues that holding the hearing without her was impermissible under *In re Mosley*, 120 Nev. 908, 102 P.3d 555 (2004).[8]

In *Mosley*, the supreme court upheld the Nevada Commission on Judicial Discipline's findings that a district court judge improperly communicated ex parte with defendant's counsel. 120 Nev. at 911-12, 102 P.3d at 558. Without notifying the district attorney, they communicated privately in chambers and via telephone. *Id.* at 919, 102 P.3d at 563.

Here, however, the district court held a scheduled, public hearing on Ruby's motion. Ruby had notice but chose not to attend because, as she explained in her motion for a rehearing, "[she] and her counsel reasonably believed that the court did not have jurisdiction" to rule on her motion while her appeal for the amended decree was pending. We therefore conclude that *Mosley* is inapplicable here and the hearing was not ex parte,

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[8]She further argues that she "lost her right to persuade the court by oral argument," which she claims is abuse of discretion and reversible error. She cites no authority for this argument, and we conclude that it is meritless because no such right exists, and even if it did, she waived it by not appearing. *See* EDCR 2.23(c) (providing that a court may rule on a motion without hearing oral argument).

and thus that neither Larry's counsel nor the district court violated any ethical rules by holding the hearing in Ruby's absence.[9]

Whether the district court erred by hearing Larry's countermotions

Despite the supreme court's order[10] holding that Larry's countermotions were collateral and that the district court retained jurisdiction to rule on them—and despite citing that order—Ruby argues that the district court lacked jurisdiction to hear the motions while her appeal was pending. We disagree. Given the supreme court's order, the district court had jurisdiction to hear Larry's motions. *See Dictor v. Creative Mgmt. Servs., LLC*, 126 Nev. 41, 44, 223 P.3d 332, 334 (2010) ("The law-of-the-case doctrine provides that when an appellate court decides a principle or rule of law, that decision governs the same issues in subsequent proceedings in that case."); *see also Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529-30 (2006) ("[W]hen an appeal is perfected, the district court is divested of jurisdiction to revisit issues that are pending before this court, [but] the district court retains jurisdiction to enter orders on matters that are collateral to and independent from the appealed

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[9]*See Mogged v. Mogged*, 607 N.W.2d 662, 670 n.14, (Wis. Ct. App. 1999) ("[C]haracterization of the hearing as ex parte . . . leads to absurd results. If a party may fail to appear at a noticed hearing, without the court's permission, then either the court's calendar is at the mercy of the litigant or [judge and counsel] are in jeopardy of violating" ethical rules by holding the hearing without the absent party.); *see also Pearson v. Pearson*, 110 Nev. 293, 297, 871 P.2d 343, 345 (1994) (discussing the doctrine of "invited error," under which "a party will not be heard to complain on appeal of errors [that she] induced or provoked the court or opposite party to commit" (internal quotation marks omitted)).

[10]*Carroll v. Carroll*, Docket No. 73534 (Order Denying Motion and Reinstating Briefing, December 18, 2017).

order . . . ."). We therefore conclude that the district court did not err by deciding the motions.

Further, because Ruby's argument contradicts a supreme court ruling in this very case, we conclude that it is frivolous and warrants sanctions on appeal. *See* NRAP 38. We also caution Ruby's counsel that such misrepresentation of the supreme court's ruling may constitute a failure to fulfill her duties as an officer of the court with candor. *See* NRPC 3.3(a)(1).

Whether claim or issue preclusion barred Larry's countermotions for fees and sanctions

Ruby argues that the district court violated the doctrines of claim and issue preclusion and abused its discretion by granting Larry's countermotions for fees and sanctions. "[C]laim preclusion applies to preclude an entire second suit that is based on the same set of facts and circumstances as the first suit, while issue preclusion . . . applies to prevent relitigation of only a specific issue that was decided in a previous suit between the parties . . . ." *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1055, 194 P.3d 709, 713-14 (2008).

We conclude that Ruby's argument is meritless because neither claim nor issue preclusion apply here, and thus that the district court did not abuse its discretion. First, the supreme court denied Larry's request for sanctions and fees in the same suit in which the district court ultimately granted his countermotions for the same sanctions and separate fees—not a subsequent suit. *Carroll,* Docket No. 73534 (Order Denying Motion and Reinstating Briefing, December 18, 2017). Second, the supreme court did so in a footnote after holding that the district court retained jurisdiction to rule on the countermotions. *Id.* We therefore conclude that the supreme court did not intend to preclude the district court from granting the

countermotions, but that the case's unusual procedural posture effectively forced the supreme court to deny Larry's request so that the district court could rule on them instead. *See Five Star Capital Corp.*, 124 Nev. at 1054 n.27, 194 P.3d at 713 n.27 (noting that a judgment "that is not meant to have preclusive effect," such as dismissal on procedural grounds, does not bar future litigation).[11]

Whether the district court was biased against Ruby or her counsel

Ruby argues that the district court was biased against her and her counsel. She claims that the court criticized her counsel personally in its order granting Larry's countermotions. The court, as she variously describes it, "criticized [Ruby's] counsel personally, suggesting that [she] obtain a mentor and read the Rules of Appellate Procedure;" "suggested that [Ruby's counsel] obtain a mentor or read the Rules of Appellate Procedure to understand them more clearly;" and "[sought] to embarrass or intimidate Ruby and her counsel" with its "purported 'jab' that Ruby's counsel should have a mentor or should re-read the Rules of Appellate Procedure." She complains that the court "drilled Ruby and her counsel on making a gender-biased argument" at trial. She argues that the court should have sanctioned Larry for filing motions during this appeal's pendency, instead of sanctioning her counsel "simply because Judge Hughes did not like her."

We review a district court's impartiality de novo. *See Ybarra v. State*, 127 Nev. 47, 51, 247 P.3d 269, 272 (2011). We presume that a judge

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[11]Though Ruby did not argue it, we further note that the law-of-the-case doctrine does not govern the district court's ruling on Larry's countermotions because the supreme court did not "decide[] a principle or rule of law," but merely denied Larry's requests after ruling that the district court retained jurisdiction. *See Dictor*, 126 Nev. at 44, 223 P.3d at 334.

is impartial, and the burden rests on the challenger to demonstrate sufficient facts to establish bias. *Id.*

We conclude that the district court was not biased against Ruby or her counsel. The series of rulings that Ruby attributes to bias were instead a reasonable result of the unsupported arguments and several procedural blunders recounted in this order.

Further, Ruby's description of the district court's suggestion to her counsel is almost entirely inaccurate. In its order granting Larry's countermotions, the court noted that:

> [T]hese are not Rule 11 sanctions, although the Court could have also entertained same. These sanctions are also not meant to punish Plaintiff's counsel, but to caution her to adhere to the Rules of Civil Procedure. The Court recognizes that solo practitioners often do not have ready access to colleagues to discuss strategy and procedure. It is highly recommended Plaintiff's counsel obtain a mentor; someone who is well versed in motion, trial and appellate practice.

We conclude that when taken as a whole, this is not criticism or a "jab," nor intended "to embarrass or intimidate." Further, nowhere does the court suggest that Ruby's counsel "read [or "re-read"] the Rules of Appellate Procedure."

The record also shows that the "drill[ing]" Ruby describes was merely the court's brief "caution . . . against gender discrimination" after Ruby's counsel, while cross-examining Larry, repeatedly reminded him that his wife works and asked him to confirm that he does not. The court noted that it would not allow counsel to similarly question a stay-at-home mother.

Ruby's complaint that the court did not sanction Larry for his motions but did sanction her counsel for Ruby's motions either demonstrates a persisting unfamiliarity with *Huneycutt* and an

unaccountable misreading of the supreme court's order, or is disingenuous and, as Larry argues, a deliberately frivolous and dilatory argument. Further, the nature of the sanctions was not excessive, but was in the form of a caution and restitution to opposing party and counsel for having to repeatedly defend against baseless arguments.

We thus conclude that Ruby has demonstrated no facts establishing bias. Further, because her argument is frivolous insofar as her grievances are entirely attributable to her own errors, unsupported arguments, misunderstandings or misrepresentations of the law, and repeated misrepresentations of the district court's order, we conclude that it warrants sanctions on appeal. *See* NRAP 38; *see also* NRAP 28(j). Finally, we again caution Ruby's counsel that such misrepresentations may constitute a failure to fulfill her duty of candor. *See* NRPC 3.3(a)(1).

Sanctions

"This court expects all appeals to be pursued with high standards of diligence, professionalism, and competence." *Barry v. Lindner*, 119 Nev. 661, 671, 81 P.3d 537, 543 (2003). "The Nevada Rules of Appellate Procedure impose affirmative obligations on appellate counsel," and this court may impose sanctions for failure to comply with those rules. *Id.* at 671-72, 81 P.3d at 543-44 (sanctioning appellant's counsel $500 for "exaggerat[ing] the record," incompletely citing the record in briefs, and failing to cite relevant legal authority and observe formatting requirements); *see also Thomas v. City of N. Las Vegas*, 122 Nev. 82, 95-96, 127 P.3d 1057, 1066-67 (2006) (sanctioning appellant's counsel $1,000 for misrepresenting material facts, incompletely citing the record in briefs, and failing to cite relevant legal authority).

Ruby's briefs contain arguments that we conclude are frivolous, in violation of NRAP 38(b); several and repeated misrepresentations, in violation of NRAP 28(j); an argument that contradicts a supreme court ruling in this very case, in violation of NRAP 38(b); and extensive complaints of bias that the record shows are unsupported or based on misrepresentations, in violation of NRAP 38(b) and NRAP 28(j).

We therefore sanction Ruby's counsel $250 for improper appellate conduct. She shall remit this sum within 30 days of the filing of this order to the Supreme Court of Nevada Law Library and file written proof of payment with the clerk of this court within the same time.

Conclusion

We conclude that each of Ruby's arguments is unpersuasive. Accordingly, in Docket No. 73534, we affirm the amended decree, and in Docket No. 75425, we affirm the district court's order granting the post-trial motions.

It is so ORDERED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Bulla

cc: Hon. Rena G. Hughes, District Judge, Family Court Division
Law Offices of Shawanna L. Johnson
Christopher R. Tilman
Eighth District Court Clerk