

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAYNE D. CONTE,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MARY D. PERRY, DISTRICT JUDGE,  
Respondents,  
and  
JESUSA E. CONTE,  
Real Party in Interest.

No. 83758

**FILED**

DEC 17 2021

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

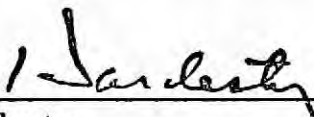
*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS AND PROHIBITION*


This emergency, pro se, original petition for a writ of mandamus and prohibition seeks to disqualify the respondent judge based on her past association with opposing counsel's law firm.

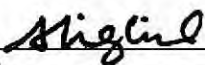
Having considered the petition and supporting documentation, we are not convinced that our extraordinary and discretionary intervention is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). It does not appear that petitioner filed a motion to disqualify in the district court. *See Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) ("When disputed factual issues are critical in demonstrating the propriety

of a writ of mandamus, the writ should be sought in the district court, with appeal from an adverse judgment to this court.”). Moreover, a judge’s past association with an opposing party’s counsel’s law firm, without more, is not grounds for disqualification. *See generally* NRS 1.230; NCJC Rule 2.11; *Ainsworth v. Combined Ins. Co. of Am.*, 105 Nev. 237, 262, 774 P.2d 1003, 1021 (1989), *abrogated on other grounds by Powers v. United Servs. Auto. Ass’n*, 114 Nev. 690, 962 P.2d 596 (1998); Anne M. Payne, *Annotation, Judge’s Previous Legal Association with Attorney Connected to Current Case as Warranting Disqualification*, 85 A.L.R.4th 700 (1991). Accordingly, we

ORDER the petition DENIED.

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

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. Mary D. Perry, District Judge, Family Court Division  
Wayne D. Conte  
Willick Law Group  
Eighth District Court Clerk