

IN THE SUPREME COURT OF THE STATE OF NEVADA

MIGUEL ANGEL RAMIREZ,

No. 38163

Petitioner,

vs.

THE STATE BAR OF NEVADA, ROB W. BARE, LUKE PUSCHING, GEORGIA TAYLOR, MICHAEL WARHOLA, CLARK SEEGMILLER, AND CHRIS R. ORAM,

Respondents.

FILED

AUG 08 2001

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This proper person petition for a writ of mandamus challenges state bar counsel's failure to commence formal disciplinary proceedings against petitioner's former counsel, and challenges an arbitration award under the state bar's Fee Dispute Arbitration Program. We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. In particular, petitioner has an adequate remedy at law.¹

Accordingly, we

ORDER the petition DENIED.²

Young _____ J.
Young
Leavitt _____ J.
Leavitt
Becker _____ J.
Becker

¹See SCR 104(2) (providing that a grievance against bar counsel or bar counsel's staff shall be heard by the State Bar Board of Governors, and that the board's decision may be appealed to this court); SCR 86 (establishing a right to de novo review in the district court of all fee dispute awards); By-Laws for the Fee Dispute Arbitration Committee, State Bar of Nevada, Section G (establishing a right of appeal from a fee dispute arbitration award); see also NRS 34.170 (stating that writ relief is only appropriate when there is no adequate remedy at law).

We note that petitioner filed a notice of appeal with the state bar from the arbitration award, and that no ruling on the appeal appears to have been made at this time. Under SCR 119, time limits are not jurisdictional; accordingly, while of course it is preferable if the Fee Dispute Arbitration Committee adheres to the deadlines in its bylaws, failure to do so does not render the proceedings void.

²See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

cc: Rob W. Bare, Bar Counsel
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