FILED
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ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TAMARA VASEY, INDIVIDUALLY AND AS SPECIAL ADMINISTRATOR OF THE ESTATE OF DELAND SIDNEY VASEY, DECEASED, Appellants, vs. BURRIS & THOMAS, LLC, Respondent.	No. 90001-COA

ORDER OF AFFIRMANCE

Tamara Vasey appeals from a district court order awarding attorney fees pursuant to an attorney lien. Eighth Judicial District Court, Clark County; Hon. Veronica Barisich, Judge.

In 2018, Vasey retained the law firm of respondent Burris & Thomas, LLC (Burris) for a personal injury and wrongful death matter on a contingency basis. As relevant to this appeal, Vasey agreed that, in the event she retained new counsel, Burris would be entitled to either its "full contingent fee share, or seven hundred fifty dollars an hour plus costs, whichever amount is more." Attorney Travis Shetler was one of several attorneys at Burris assigned to Vasey's case. In 2020, Shetler left Burris and opened his own practice, and Vasey elected to retain him as her counsel. In 2022, Burris notified Vasey that it had placed a lien on her case in the amount of $907,199 for attorney fees and costs, and Vasey subsequently moved the district court to adjudicate the lien. The district court entered an order awarding Burris

$750,000 in attorney fees and $36,757.48 in costs, resulting in a total award of $786,757.48.[1]

Vasey appealed, and this court reversed the district court's order, concluding that the district court had not evaluated whether the hourly rate of $750 for time billed by partners and associates was reasonable, and had not demonstrated that it conducted the analysis required under *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969), to determine whether the requested attorney fees were reasonable.[2] *See Vasey v. Burris & Thomas, LLC*, No. 86710-COA, 2024 WL 3083283 (Nev. Ct. App. Jun. 20, 2024) (Order of Reversal and Remand).

On remand, the parties provided additional briefing to the district court regarding the *Brunzell* factors and the reasonableness of Burris's requested $750 hourly rate. Burris also provided arguments and evidence in support of the *Brunzell* factors, including a 157-page itemized bill reflecting the work performed by its attorneys and support staff. Burris asserted the *Brunzell* factors supported awarding the firm the full amount of attorney fees at the $750 hourly rate or its full contingency share, whichever was higher. In addition, Burris provided details regarding other cases in which the court and other judges in the district had found hourly rates of $600 to $750 to be reasonable. In her response, Vasey argued that many of Burris's time entries

[1]The record indicates the award was disbursed to Burris following entry of the district court's order.

[2]Vasey does not challenge the district court's award with respect to costs and has therefore forfeited any arguments related to the same. *See Palmieri v. Clark County*, 131 Nev. 1028, 1033 n.2, 367 P.3d 442, 446 n.2 (Ct. App. 2015) (providing that arguments not raised on appeal are deemed forfeited).

were "padded," fraudulent, unrelated to her case, and insufficiently documented. Vasey also argued that $350 an hour was the reasonable rate for senior associate attorneys. Vasey further argued that, based on her calculation of the "actual billable[ ]" work performed by Burris and a $350 hourly rate for senior associate attorneys, the court should grant Burris a lien of $196,012.50 and order the firm to disgorge the overpayment of $553,987.50.

At the hearing on the parties' post-remand briefing, the district court ordered the parties to submit supplemental briefs addressing Vasey's arguments that Burris's hours were not sufficiently documented. Vasey's supplement consisted of two pages of attorney Shetler's subjective calculations regarding the "valid" hours Burris dedicated to Vasey's case and some additional argument regarding the reasonable hourly rate for senior associate attorneys. Burris thereafter filed two supplements providing additional details regarding its billed hours, including an explanation of some of the larger billing entries related to training. Burris also agreed to reduce its billing entries to remove 371 billed hours, and argued that, even if the court reduced the hourly rate for the work performed by the one senior associate who performed work on Vasey's case to $350 and relied on Burris's reduced time entries, the revised total attorney fees still exceeded the $750,000 lien the court had previously awarded.

The district court thereafter entered an order reaffirming its prior award of $750,000 in attorney fees to Burris. The court addressed each of the *Brunzell* factors and determined that they weighed in favor of an award. Additionally, the court considered whether Burris's requested $750 hourly rate for all attorneys was reasonable. The court concluded that the $750 hourly rate was reasonable for the senior attorneys who performed work on Vasey's

case and reduced the rate for associate attorneys to $350 per hour to "align[ ] with prevailing standards." The court additionally concluded that Burris's substantial documentation supporting the claimed hours and its reduction of several billing entries to reduce potentially excessive charges "further confirm[ed] the reasonableness of the fees awarded." This appeal followed.

We review a district court's award of attorney fees for an abuse of discretion. *Miller v. Wilfong*, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005). "In determining the amount of fees to award, the [district] court is not limited to one specific approach; its analysis may begin with any method rationally designed to calculate a reasonable amount, so long as the requested amount is reviewed in light of the *Brunzell* factors." *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015) (cleaned up). Pursuant to *Brunzell*, district courts must consider four factors when awarding attorney fees, including "(1) the qualities of the advocate . . . ; (2) the character of the work to be done . . . ; (3) the work actually performed by the lawyer . . . ; [and] (4) the result" of the litigation. *Brunzell*, 85 Nev. at 349, 455 P.2d at 33. While it is preferred that district courts expressly analyze each factor set forth in *Brunzell,* "express findings on each factor are not necessary;" rather, district courts "need only demonstrate that [they] considered the required factors, and the award must be supported by substantial evidence." *Logan*, 131 Nev. at 266, 350 P.3d at 1143.

Vasey argues on appeal that the district court's post-remand order is "devoid of virtually any analysis as to the claimed billable events as required by [NRPC] 1.5" and *Brunzell*. Turning first to Vasey's assertion that the district court failed to consider NRPC 1.5 in assessing the reasonableness of Burris's fees, this court already rejected an identical argument in Vasey's prior appeal. *See Vasey*, No. 86710-COA, 2024 WL 3083283, at *3, n.3 ("[W]e are not

persuaded by Vasey's argument that the district court must consider all of the listed NRPC 1.5(a) factors in evaluating the reasonableness of an attorney fee."). This court's decision to decline relief on Vasey's argument regarding NRPC 1.5 is the law of the case. "Under the law of the case doctrine, when an appellate court states a principle or rule of law necessary to a decision, the principle or rule becomes the law of the case and must be followed throughout its subsequent progress, both in the lower court and upon subsequent appeal." *Hsu v. County of Clark*, 123 Nev. 625, 629-30, 173 P.3d 724, 728 (2007) (internal quotation marks and brackets omitted). Thus, Vasey's argument regarding NRPC 1.5 is barred by the law of the case doctrine, and she does not provide any compelling reason for this court to revisit its prior decision. *See Litchfield v. Tucson Ridge Homeowners Ass'n*, 140 Nev., Adv. Op. 57, 555 P.3d 267, 270-71 (2024) (discussing exceptions to the doctrine of the law of the case).

As to Vasey's contention that the district court's post-remand order was "devoid" of any analysis of the *Brunzell* factors, we note that Vasey failed to provide cogent argument or relevant authority, thus this court need not consider her argument. *See, e.g.*, *Edwards v. Emperor's Garden Rest.*, 122 Nev. 318, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that a court need not consider an appellant's argument when she has "neglected [her] responsibility to cogently argue, and present relevant authority, in support of [her] appellate concerns").

However, even considering Vasey's unsupported argument, we conclude she has not demonstrated the district court abused its discretion because the court expressly identified and discussed the *Brunzell* factors in its post-remand order. The court found that counsel had significant litigation experience and that the underlying matter presented numerous complexities

that Burris managed with skill and extensive preparation. The court also found that the thorough and detailed billing records demonstrated Burris logged more than 1,000 hours. In addition, the court found that Burris's work laid the groundwork for the settlement that was ultimately reached. Finally, the district court found that the information supplied in this matter demonstrated the $750 hourly rate was reasonable for the senior attorneys given that it was agreed upon in the retainer and given the circumstances in this matter, but that the rate for associate attorneys should be calculated at $350 per hour and paralegal work at $125 per hour.

The district court also noted that Burris submitted an adjusted and reduced bill, which further demonstrated the reasonableness of their requested fees. And, in light of the aforementioned facts and circumstances, the district court found that an award of $750,000 in attorney fees was reasonable. The district court's findings pursuant to the *Brunzell* factors are supported by the record, *see Logan*, 131 Nev. at 266-67, 350 P.3d at 1143, and we discern no abuse of discretion in the district court's award of attorney fees in favor of Burris, *see Miller*, 121 Nev. at 622, 119 P.3d at 729. Accordingly, we conclude Vasey is not entitled to relief based upon this argument.

Finally, Vasey asserts the district court abused its discretion because it did not "properly require[ ] Burris to prove-up [its] lien." In support of this assertion, Vasey appended a lengthy affidavit from attorney Shetler to her opening brief in which Shetler purports to "break down" the allegedly fraudulent time entries. The affidavit, however, contains virtually no

supporting citations to the record.[3] Moreover, Vasey presents no cogent argument demonstrating that the district court did not properly adjudicate Burris's lien. Thus, we decline to consider this argument. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38. Accordingly, in light of the foregoing, we

ORDER the judgment of the district court AFFIRMED.

Bulla, C.J.

Gibbons, J.

Westbrook, J.

cc: Hon. Veronica Barisich, District Judge
Hon. Stephen E. Haberfeld, Settlement Judge
Burris & Thomas, LLC
Law Office of Travis E. Shetler, PC
The Eighth Judicial District Court Clerk of the State of Nevada, in and for the County of Clark

[3]The sole record document attorney Shetler cites in his affidavit to support Vasey's contentions regarding fraudulent billing is a declaration by co-counsel which was included with Vasey's post-remand briefing. However, that declaration itself lacked any supporting documentation. *Cf. Clauson v. Lloyd*, 103 Nev. 432, 434-35, 743 P.2d 631, 633 (1987) (rejecting the idea that an unsupported affidavit is always sufficient to establish the attested-to matters).