

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARDSON CONSTRUCTION, INC.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MICHELLE LEAVITT, DISTRICT
JUDGE,

Respondents,

and

CLARK COUNTY SCHOOL DISTRICT,
Real Party in Interest.

No. 42853

FILED

JUN 28 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying petitioner's motion to disqualify attorney Dan Polsenberg of Beckley Singleton, Chtd., as counsel for real party in interest. Petitioner also seeks to disqualify Polsenberg's co-counsel, Alan Lefebvre, of Lefebvre & Associates.

Attorney disqualification orders are properly challenged by way of an original writ petition.¹ District courts have broad discretion in determining whether disqualification is required in a particular case.² "While doubts should generally be resolved in favor of disqualification,

¹See Brown v. Dist. Ct., 116 Nev. 1200, 1206, 14 P.3d 1266, 1271 (2000).


²See id. at 1205, 14 P.3d at 1269.


parties should not be allowed to misuse motions for disqualification as instruments of harassment or delay.”³

We have considered this petition, the answer, and petitioner’s supplement,⁴ and we are not satisfied that this court’s intervention by way of extraordinary relief is warranted. We note that the testimony and the affidavits concerning the nature of the discussions held between petitioner’s counsel and Polsenberg conflict, and conclude that the district court was in the best position to resolve those conflicts.⁵ We are not persuaded that the district court abused its broad discretion in denying petitioner’s motion to disqualify Polsenberg. Consequently, the district court also did not abuse its discretion in refusing to disqualify Alan Lefebvre. Accordingly, we deny the petition.⁶

It is so ORDERED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

³Id., 14 P.3d at 1270 (citations omitted).

⁴We grant petitioner’s motion to supplement its petition, and have considered the attachment to the motion.

⁵See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

⁶See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

cc: Hon. Michelle Leavitt, District Judge
Hale Lane Peek Dennison & Howard/Las Vegas
Parker Nelson & Arin, Chtd.
Vannah Costello Canepa Riedy Rubino & Lattie
Beckley Singleton, Chtd./Las Vegas
Lefebvre & Associates, Chtd.
Clark County Clerk