IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON, Appellant,
vs.
DANIEL L. SCHWARTZ, Respondent.

No. 87003

Electronically Filed
10/24/2023
CLERK OF THE COURT

FILED
DEC 05 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY DEPUTY CLERK

MOT

~~Defendant~~/ In Propria Personam - Plaintiff
Post Office Box 650 [HDSP] - NDOC #1210652
Indian Springs, Nevada 89018
REV. MATTHEW TRAVIS HOUSTON, CHTD
ABA ID No. 046627884

DISTRICT COURT

CLARK COUNTY, NEVADA

- Case No. A-17-758861-C
  Dept. No. 29
- Case No. A-22-862155-C
  Dept. No. 27
- Case No. A-23-865442-C
  Dept. No. 7
- **Case No.** A-23-875418-C
  Dept No. G
- Case No. A-22-853203-W
  Dept. No. 17
- Case No. A-19-800219-W
  Dept. # 19

MATTHEW TRAVIS HOUSTON,

Plaintiff,

vs.
MANDALAY BAY CORP. ET AL
STATE BAR OF NEVADA ET AL
JOSEPH M. LOMBARDO ET AL
ALEXIS D. DUECKER ET AL - Defendant(s).
CALVIN JOHNSON ET AL
THE STATE OF NEVADA ET AL

EMERGENCY MOTION FOR PRODUCTION OF DOCUMENTS, PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF ~~DEFENDANT~~ PLAINTIFF MATTHEW TRAVIS HOUSTON

"HEARING REQUESTED"

Date of Hearing: _____

Time of Hearing: _____

"ORAL ARGUMENT REQUESTED, ~~Yes~~ X No ___"

COMES NOW, ~~Defendant~~, Plaintiff, Matthew Travis Houston, proceeding in proper person, hereby moves this Honorable Court for its ORDER for the production of all documents, papers, pleadings and tangible property in the possession of: Daniel L. Schwartz dba SCOTT POISSON D/B/A BERNSTEIN & POISSON, LLP. Also Bernard H. Little, Erica Tosh + Jason Barnes

This Motion is made and based upon all papers and pleadings on file with the Clerk of the Court which are hereby incorporated by this reference, the Points and Authorities herein, and attached ~~Affidavit of Defendant~~: Notice of Motion and Motion For Telephone Hearings.

DATED: this 13th day of October, 2023.

BY: Matthew Travis Houston
REV. MATTHEW TRAVIS HOUSTON @ NDOC #1210652
~~Defendant~~/In Propria Personam

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23-39349

POINTS AND AUTHORITIES

The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

> "An attorney who has been discharged by his client shall, upon demand and payment of the fee due from the client , immediately deliver to the client all papers, documents, pleadings and items of tangible property which belong to or were prepared for that client."

As can be seen in this case, the ~~defendant~~ plaintiff does not owe any fees, in fact, they, meaning counsel(s) of record, were appointed by the Court to represent the ~~defendant~~ plaintiff, who was an indigent, in Case Number, 357927, in Department No. 10, and also 323614 in Dept. 19.

N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and deliver to the defendant in his/her possession, which states:

> "A client who, after demand therefore and payment of the fee due from him, does not receive from his discharged attorney all papers, documents, pleadings and items of tangible personal property may, by a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers, Documents, pleadings and other property."

In numerous cases throughout this great land, the courts have held attorneys to a high degree of professional responsibility and integrity. This carried from the time of hiring to and through the attorney's termination of employment.

Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a ". . .prompt accounting of all his client's. . . .property in his possession." This is echoed in Canon 2 of the Code of Professional Responsibility of the American Bar Association, which states in pertinent part EC 2-32: "A lawyer should protect the welfare of his client by . . . delivering to the client all papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the ABA, this is brought out that a withdrawn attorney must deliver to the client all papers an comply with applicable laws on the subject.

In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460, 524 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney refusing to deliver to a former client his documents after being requested to do so by the client. The court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the attorney censored.

It's ~~not~~ the intention of the ~~Defendant~~ Plaintiff in this case to have the attorney disbarred; these cases do show a pattern in the court in considering the refusal to deliver to a former client all his documents and property after being requested to do so, a serious infraction of the law and of professional ethics. See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973). These attorneys should be disbarred!

In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce and deliver to the ~~Defendant~~ Plaintiff all documents and personal property in his/their possession belonging to him or prepared for him. The ~~Defendant~~ Plaintiff has fulfilled his obligations in trying to obtain the papers. The attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada Supreme Court Rules 173, 176 and 203.

DATED: this 13th day of October, 2023.

BY: Matthew Travis Houston

REV. MATTHEW TRAVIS HOUSTON - NDOC #1210622

~~Defendant~~ Plaintiff/In Propria Personam

CERTIFICATE OF SERVICE
BY MAILING VIA DOC-509

REV. MATTHEW TRAVIS HOUSTON, Ctr Htd.
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Indian Springs, NV
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