

# Exhibit “4”

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL A. CARRIGAN )

Appellant, )

vs. )

THE COMMISSION ON  
ETHICS OF THE STATE OF  
NEVADA )

Defendant. )

Case No. 51920

Dept. No.

Docket No.

APPLICATION FOR WAIVER OF FEE PURSUANT  
TO NEVADA SUPREME COURT RULE 42(3)(e)

John                      Patrick                      Elwood, Petitioner, respectfully requests that, pursuant  
First                      Middle Name                      Last

to SCR 42(3)(e), the Court waive the application fee for the following reason(s):

\_\_\_\_ Petitioner is providing *pro bono* services in a death penalty habeas corpus case; or

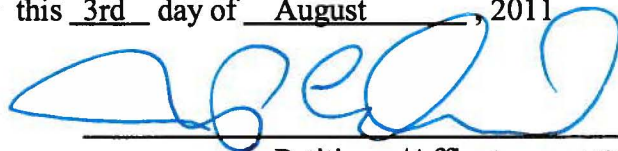
X Petitioner is providing *pro bono* services in similar circumstances that warrant waiver of the application fee. The facts which support this request are as follows: Petitioner is providing *pro bono* legal representation for the Commission on Ethics of the State of Nevada in the above-captioned matter, which involves a constitutional challenge to the State of Nevada's recusal statute, Nev. Rev. Stat. 281A.420 (2007). Petitioner's law firm has performed well over 300 hours of legal work on this matter at no cost to the Commission. The Commission is an agency of the State of Nevada. Upon information and belief, the Commission presently has no resources allocated for litigation, particularly litigation of this nature, which for the past several years has occupied a large percentage of the time of the Commission's professional staff. Upon information and belief, the Commission is currently operating

on the same budget and staff level provided in its 2005-2006 budget, but now handles more than twice  
its 2006 caseload. Upon information and belief, without a fee waiver, the Commission will need to re-  
purpose already scarce funds allocated for other agency operations, or include this fee in a request for  
supplemental funding, either of which involves hearings and bureaucratic processes, whose outcome is  
not guaranteed, and in any event may not be concluded by the time of briefing and argument in this case  
before the Nevada Supreme Court; and the expenditure of funds before authorization is disfavored.  
Upon information and belief, courts regularly waive attorney admission fees for Government entities in  
other contexts.

(If necessary, please attach additional pages)

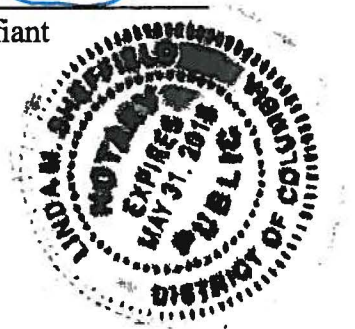
I, John P. Elwood, do hereby swear/affirm under penalty of perjury that I am the  
Petitioner in the above entitled matter; that I have read the foregoing Waiver of Fees and know the  
contents thereof; that the same is true of my own knowledge except as to those matters therein stated on  
information and belief, and as to the matter I believe them to be true.

DATED this 3rd day of August, 2011




Petitioner/Affiant


DISTRICT OF COLUMBIA  
STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )



Subscribed and sworn to before me

this 3rd day of August, 2011

  
Notary Public



# Exhibit “3”

1 STAT

2  
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 Case No. 51920

5  
6 Michael A. Carrigan

7 vs.

8 The Commission on Ethics  
9 of the State of Nevada

10 \_\_\_\_\_/  
11 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE  
12 42 (3) (b)

13 THE STATE BAR OF NEVADA, in response to the application of  
14 Petitioner, submits the following statement pursuant to SCR42(3):

15 SCR42(6) **Discretion.** The granting or denial of a motion to associate  
16 counsel pursuant to this rule by the court is discretionary. The  
17 court, arbitrator, mediator, or administrative or governmental  
18 hearing officer may revoke the authority of the person permitted to  
19 appear under this rule. Absent special circumstances, repeated  
20 appearances by any person or firm of attorneys pursuant to this rule  
21 shall be cause for denial of the motion to associate such person.

- 22 (a) **Limitation.** It shall be presumed, absent special  
23 circumstances, and only upon showing of good cause, that  
24 more than 5 appearances by any attorney granted under  
25 this rule in a 3-year period is excessive use of this  
26 rule.  
27 (b) **Burden on applicant.** The applicant shall have the  
28 burden to establish special circumstances and good cause  
for an appearance in excess of the limitation set forth  
in subsection 6(a) of this rule. The applicant shall set  
forth the special circumstances and good cause in an  
affidavit attached to the original verified application.

26 1. DATE OF APPLICATION: 8/5/2011


27 2. APPLYING ATTORNEY: John Patrick Elwood, Esq.

28 3. FIRM NAME AND ADDRESS: Vinson & Elkins, LLP, 2200 Pennsylvania  
Avenue, NW, Suite 500 West, Washington, DC 20037

1 4. NEVADA COUNSEL OF RECORD: Yvonne Marie Nevarez-Goodson, Esq. ,  
2 P.O. Box 34012, Reno, NV 89533

3 5. There is no record of previous applications for appearance by  
4 petitioner within the past three (3) years.

5  
6 DATED this August 12, 2011

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8   
9 Mary Jorgensen  
10 Member Services Coordinator  
11 Pro Hac Vice Processor  
12 STATE BAR OF NEVADA  
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# Exhibit “2”



District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D. C. 20001  
202/879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

JOHN P. ELWOOD

was on the 8<sup>TH</sup> day of NOVEMBER, 1996  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on July  
15, 2011.

JULIO A. CASTILLO  
Clerk of the Court

By:   
Deputy Clerk





**Supreme Court  
State of Georgia**

STATE JUDICIAL BUILDING

**Atlanta 30334**

CAROL W. HUNSTEIN, CHIEF JUSTICE  
GEORGE H. CARLEY, PRESIDING JUSTICE  
ROBERT BENHAM  
HUGH P. THOMPSON  
P. HARRIS HINES  
HAROLD D. MELTON  
DAVID E. NAHMIA  
JUSTICES

THERESE S. BARNES, CLERK  
JEAN RUSKELL, REPORTER

July 19, 2011

I hereby certify that John Patrick Elwood, Esq., was admitted on the 2<sup>nd</sup> day of December, 1994, as a member of the bar of the Supreme Court of Georgia, the highest court of this State; and, since that date he has been and is now a member of this bar in good standing, as appears from the records and files in this office.

Witness my signature and the seal of this Court  
hereto affixed the day and year first above written.

*Therese S. Barnes*, Clerk

# Exhibit “1”

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL A. CARRIGAN, ) No. 51920  
)  
Appellant, )  
)  
v. ) VERIFIED APPLICATION FOR  
) ASSOCIATION OF COUNSEL UNDER  
THE COMMISSION ON ) NEVADA SUPREME COURT RULE 42  
ETHICS OF THE STATE OF )  
NEVADA )  
)  
Respondent )  
\_\_\_\_\_)

John P. Elwood, Petitioner, respectfully represents:  
First Middle Name Last

1. Petitioner resides at 513 Duke Street,  
Street Address

Alexandria, \_\_\_\_\_, VA  
City County State

22314, (202) 573-2513  
Zip Code Telephone

2. Petitioner is an attorney at law and a member of the law firm of

Vinson & Elkins, LLP

with offices at 2200 Pennsylvania Avenue, NW, Suite 500 West  
Street Address

Washington, \_\_\_\_\_, DC  
City County State

20037, (202) 639-6518, jelwood@velaw.com  
Zip Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by Respondent the Nevada Commission on Ethics to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since November 8, of 1996, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the District of Columbia where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

	<u>DATE ADMITTED</u>
Supreme Court of the United States	6/21/99
U.S. Court of Appeals for the DC Circuit	5/27/98
DC Court of Appeals	11/8/96
U.S. Court of Appeals for the 4 <sup>th</sup> Circuit	4/3/95
U.S. Court of Appeals for the 5 <sup>th</sup> Circuit	1/19/11
U.S. Court of Appeals for the 7 <sup>th</sup> Circuit	12/30/94
U.S. Court of Appeals for the 8 <sup>th</sup> Circuit	11/29/99
U.S. Court of Appeals for the 9 <sup>th</sup> Circuit	2/15/95
U.S. Court of Appeals for the 11 <sup>th</sup> Circuit	5/10/11
U.S. District Court for the District of Columbia	7/6/98
Supreme Court State of Georgia	12/2/94

6. Petitioner is not currently suspended or disbarred in any court except as hereinafter provided

(Give particulars; e.g., Court, jurisdiction, date): N/A

7. Petitioner is not currently subject to any disciplinary proceedings by any organization with authority at law except as hereinafter provided (give particulars, e.g. court, discipline authority, date, status): N/A

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8. Petitioner has never received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law except as hereinafter provided (give particulars, e.g. court, discipline authority, date, status): N/A

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9. Petitioner has never had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked except as hereinafter provided (give particulars, e.g. date, administrative body, date of suspension or reinstatement): N/A

---

10. Petitioner, either by resignation, withdrawal, or otherwise, has never terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings except as hereinafter provided; N/A

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11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters: *(do not include Federal Pro Hacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied</u>
<u>No prior applications.</u>			

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12. Nevada Counsel of Record for Petition in this matter is:  
(must be the same as the signature on the Nevada Counsel consent page)

Yvonne M. Nevarez-Goodson 8474  
First Name Middle Name Last Name Bar #

who has offices at The Nevada Commission on Ethics  
Firm Name/Company

704 West Nye Lane, Suite 204 Carson City Carson City  
Street Address City County

89703 (775) 687-5469  
Zip Code Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties:

NAME	MAILING ADDRESS
<u>Michael A. Carrigan, Appellant</u>	<u>3393 Alpland Lane, Sparks, NV 89434</u>
<u>Chester H. Adams, Douglas R. Thornley (Counsel for Appellant)</u>	<u>431 Prater Way, Sparks, NV 89432</u>
<u>John W. Griffin, Matthew M. Griffin (Counsel for Appellant)</u>	<u>1400 South Virginia St., Suite A, Reno NV 89502</u>
<u>Mark S. Davies, Rachel M. McKenzie (Counsel for Appellant)</u>	<u>1152 15th Street, NW, Washington DC 20005</u>
<u>The Nevada Commission on Ethics, Respondent</u>	<u>704 W. Nye Lane, Suite 204, Carson City, NV 89703</u>
<u>Yvonne M. Nevarez-Goodson (Counsel for Respondent)</u>	<u>(same as for Commission)</u>

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, John P. Elwood, do hereby swear/affirm under penalty of perjury that the assertions of this application are true:

That I am the Petitioner in the above entitled matter; that I have read the foregoing and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 3rd day of August, 2011



\_\_\_\_\_  
Petitioner/Affiant

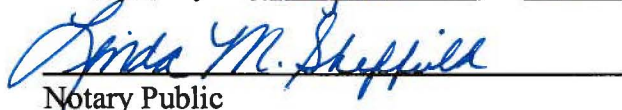
If this signature is not in blue ink, you have a copy.

DISTRICT OF COLUMBIA  
STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss



Subscribed and sworn to before me

this 3rd day of August, 2011

  
\_\_\_\_\_  
Notary Public

✓ LINDA M. SHEFFIELD  
Notary Public, District of Columbia  
My Commission Expires May 31, 2016

I YVONNE M. NEVALEZ-GOODSON hereby consent as Nevada Counsel of Record to the  
Print NV Counsel name

designation of Petitioner to associate in this cause pursuant to SCR 42.

DATED this 4<sup>th</sup> day of August, 20 11

Yvonne M. Nevaldez-Goodson  
Counsel of Record

If this signature is not in blue ink, you have a  
copy.

STATE OF Nevada )  
COUNTY OF Clark County ) ss

Subscribed and sworn to before me

this 4<sup>th</sup> day of August, 20 11

Janet E. Jacobsen  
Notary Public





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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**MICHAEL A. CARRIGAN**, Fourth  
Ward City Council Member of the City of  
Sparks,

Appellant,

vs.

**THE COMMISSION ON ETHICS OF  
THE STATE OF NEVADA**,

Respondent.

Electronically Filed  
Aug 22 2011 04:54 p.m.  
Docket No. 51920  
Tracie K. Lindeman  
Clerk of Supreme Court

**MOTION TO ASSOCIATE  
COUNSEL**

\_\_\_\_\_/

Respondent, Commission on Ethics of the State of Nevada, hereby moves this Court for an order permitting John P. Elwood, Esq., to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (SCR42). This motion is supported by the attached "Verified Application for Association of Counsel" (Exhibit 1); "Certificates of Good Standing" from Washington D. C. and Georgia (Exhibit 2); "State Bar of Nevada Statement" (Exhibit 3); and "Application for Waiver of Fee Pursuant to Nevada Supreme Court Rule 42(3)(e)" (Exhibit 4).

Dated this 22nd day of August, 2011.

/s/ Yvonne M. Nevarez-Goodson, Esq.  
Yvonne M. Nevarez-Goodson, Esq.  
Nevada Bar No. 8474  
Nevada Commission on Ethics  
704 W. Nye Lane, Suite 204  
Carson City, Nevada 89703  
Telephone: (775) 687-5469  
Attorney for Respondent

1 **CERTIFICATE OF SERVICE**

2  
3 Pursuant to Rule 25(d) of the Nevada Rules of Appellate Procedure, I hereby  
4 certify that on this 22nd day of August, 2011, a true and correct copy of the Motion to  
5 Associate Counsel, was electronically served pursuant to Rule 9 of the Nevada  
6 Electronic Filing Rules on the following:

7 Matthew M. Griffin  
8 THE CAPITOL COMPANY  
9 1400 South Virginia Street  
10 Suite A  
11 Reno, NV 89502

12 And a true and correct copy of the foregoing Response was served by U. S. Mail, prepaid,  
13 on the following:

14 Mark S. Davies  
15 Rachel M. McKenzie  
16 ORRICK, HERRINGTON & SUTCLIFFE LLP  
17 Columbia Center  
18 1152 15th Street, NW  
19 Washington, DC 20005

20 Dated: August 22, 2011

21 /s/ Yvonne Nevarez-Goodson

22 *Counsel for the Nevada Commission*  
23 *on Ethics*  
24  
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