

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

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.

19 (a) **Limitation.** It shall be presumed, absent special
20 circumstances, and only upon showing of good cause, that
21 more than 5 appearances by any attorney granted under
22 this rule in a 3-year period is excessive use of this
23 rule.

22 (b) **Burden on applicant.** The applicant shall have the
23 burden to establish special circumstances and good cause
24 for an appearance in excess of the limitation set forth
25 in subsection 6(a) of this rule. The applicant shall set
26 forth the special circumstances and good cause in an
27 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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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 8TH 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 2nd 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)	<u>NEVADA SUPREME COURT RULE 42</u>
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 th Circuit	4/3/95
U.S. Court of Appeals for the 5 th Circuit	1/19/11
U.S. Court of Appeals for the 7 th Circuit	12/30/94
U.S. Court of Appeals for the 8 th Circuit	11/29/99
U.S. Court of Appeals for the 9 th Circuit	2/15/95
U.S. Court of Appeals for the 11 th 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

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

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

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>			

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.

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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*
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