

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)

Jeremy Charles Marwell, 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, Jeremy C. Marwell, 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

[Signature]
Petitioner/Affiant

DISTRICT OF COLUMBIA
STATE OF _____)
) ss
COUNTY OF _____)



Subscribed and sworn to before me

this 3rd day of August, 2011

[Signature]
Notary Public

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

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: Jeremy Charles Marwell, 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

JEREMY CHARLES MARWELL

was on the 11TH day of APRIL, 2011
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

Appellate Division of the Supreme Court
of the State of New York
First Judicial Department

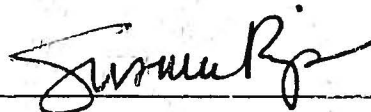
I, Susanna Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

JEREMY CHARLES MARWELL

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on June 12, 2008, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have hereunto set my
hand and affixed the seal of this court on

July 22, 2011



Clerk of the Court

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)
_____)

Jeremy C. Marwell, Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at 3930 Connecticut Avenue, NW, Apt. 304-H
Street Address

Washington, _____, DC
City County State

20008, (202) 237-0838
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) 639-6507, jmarwell@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 April 11 of 2011, 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:

DATE ADMITTED

New York 6/12/2008

U.S. Court of Appeals for the District of Columbia Circuit 1/18/2011

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>			
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(If necessary, please attach a statement of additional applications)

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, Jeremy C. Marwell, 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 27th day of July, 2011

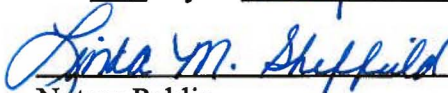

Petitioner/Affiant

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 27th day of July, 2011


Notary Public

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



I Yvonne M. Newkirk-Gardson 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 4th day of August, 20 11

Yvonne M. Newkirk-Gardson
Counsel of Record

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

STATE OF Nevada)
COUNTY OF Carson City) ss

Subscribed and sworn to before me

this 4th day of August, 20 11

Janet E. Jacobsen

Notary Public



1
2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3
4 **MICHAEL A. CARRIGAN**, Fourth
5 Ward City Council Member of the City of
6 Sparks,

7 Appellant,

8 vs.

9
10 **THE COMMISSION ON ETHICS OF**
11 **THE STATE OF NEVADA,**

12 Respondent.

13 _____ /
14 Respondent, Commission on Ethics of the State of Nevada, hereby moves this
15 Court for an order permitting Jeremy C. Marwell, Esq., to practice in Nevada pursuant to
16 Nevada Supreme Court Rule 42 (SCR42). This motion is supported by the attached
17 "Verified Application for Association of Counsel" (Exhibit 1); "Certificates of Good
18 Standing" from Washington D. C. and New York (Exhibit 2); "State Bar of Nevada
19 Statement" (Exhibit 3); and "Application for Waiver of Fee Pursuant to Nevada Supreme
20 Court Rule 42(3)(e)" (Exhibit 4).

21 Dated this 22nd day of August, 2011.

22
23 /s/ Yvonne M. Nevarez-Goodson, Esq.
24 Yvonne M. Nevarez-Goodson, Esq.
25 Nevada Bar No. 8474
26 Nevada Commission on Ethics
27 704 W. Nye Lane, Suite 204
28 Carson City, Nevada 89703
Telephone: (775) 687-5469
Attorney for Respondent

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