

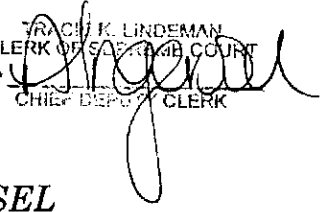
IN THE SUPREME COURT OF THE STATE OF NEVADA

LEE E. SZYMBORSKI,
Appellant,
vs.
SPRING MOUNTAIN TREATMENT
CENTER; AND DARRYL DUBROCA, IN
HIS OFFICIAL CAPACITY,
Respondents.

No. 66398

FILED

JAN 30 2015

TRACI K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER REGARDING PRO BONO COUNSEL

This is a pro se appeal from a district court order dismissing a complaint alleging medical malpractice and negligence. Appellant is proceeding without legal representation in this appeal. Having considered the record and the civil pro se appeal statement filed by appellant, this court has determined that the appointment of pro bono counsel to represent appellant would assist this court in reviewing this appeal. By this order, the court expresses no opinion as to the merits of this appeal.

Pro bono counsel is an attorney who provides legal services without charge for the benefit of the public good. The appointment of pro bono counsel provides attorneys with an opportunity to volunteer legal services in furtherance of their professional responsibility and, at the same time, allows financially eligible litigants access to quality legal representation without cost. Counsel will be appointed for purposes of this appeal only and will participate in oral argument. Currently, the Pro Bono Committee of the Appellate Litigation Section of the State Bar of Nevada (Pro Bono Committee), in conjunction with the Legal Aid Center of Southern Nevada, has developed a pro bono appellate program to assist the public and this court. This case is hereby referred to the program

established by the Pro Bono Committee to evaluate whether appellant can benefit from the program.

Accordingly, we direct the clerk of this court to transmit a copy of this order and the attached case summary to the Legal Aid Center of Southern Nevada for financial eligibility screening. If appellant qualifies and does not object to pro bono counsel, the Legal Aid Center in cooperation with the Pro Bono Committee shall locate a volunteer attorney from the program to represent appellant. Once an attorney is located, the attorney shall file a notice of appearance in this court within 60 days from the date of this order. Supplemental briefing and oral argument will be scheduled thereafter. Alternatively, if appellant is not financially eligible or objects to pro bono representation, or if a volunteer attorney cannot be located, the Legal Aid Center of Southern Nevada shall notify this court in writing within 60 days from the date of this order. In such case, oral argument will not be held, and this matter will stand submitted for decision on the appeal statement and record currently before the court. See NRAP 34(f)(3).

It is so ORDERED.

1. J. Sanders, C.J.

cc: Lee E. Szymborski
Hall Prangle & Schoonveld, LLC/Las Vegas
Legal Aid Center of Southern Nevada, Barbara E. Buckley,
Executive Director
Anne R. Traum, Coordinator, Appellate Litigation Section,
Pro Bono Committee, State Bar of Nevada

No. 66398, Szymborski v. Spring Mountain Treatment Ctr.

This is a pro se appeal from a district court order dismissing a complaint for medical malpractice and negligence. In the complaint, appellant alleged that respondents failed to ensure that a mentally ill adult patient was discharged to a safe environment. Appellant asserted that the patient was placed in a taxi cab and taken to appellant's home, where the patient proceeded to destroy the interior of appellant's residence and subsequently disappeared for three weeks and harmed himself. Appellant alleged claims for malpractice, general negligence, and negligent hiring and supervision. Respondents moved to dismiss the complaint based on appellant's failure to attach the required expert affidavit for a medical malpractice claim under NRS 41A.071. Respondents argued that the decision to discharge was a medical decision falling within the definition of medical malpractice under NRS 41A.009. In response, appellant argued that he alleged negligence concerning the procedures used to obtain transportation for the patient and ensure that he was released to a suitable environment, which occurred after the medical decision to release the patient. The district court granted respondent's motion and dismissed the complaint for failure to attach the required expert affidavit. Appellant brought this appeal.