

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARA O'KEEFE, AN INDIVIDUAL,  
Appellant,  
vs.  
THE STATE OF NEVADA  
DEPARTMENT OF MOTOR VEHICLES,  
Respondent.

No. 68460

**FILED**

**FEB 04 2016**

TRACIE K. LINDEMAN -  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER REGARDING PRO BONO COUNSEL*

This is an appeal from a district court "Order Granting a Petition for Judicial Review and Setting Aside Hearing Officer's Decision." Appellant is proceeding without legal representation in this appeal. Having considered the record, 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 record currently before the court. See NRAP 34(f)(3).

It is so ORDERED.

 \_\_\_\_\_, C.J.

cc: Cara O'Keefe  
Attorney General/Carson City  
Brandon R. Price  
Attorney General/Reno  
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  
Kelly Dove

*O'Keefe v. State, Dep't of Motor Vehicles*, Docket No. 68460

This is an appeal from a district court order granting respondent's petition for judicial review and reversing the decision of an appeals officer in a public employee termination case. On appeal, appellant raises the following issues: 1) Whether the employee handbook containing the agency's disciplinary policies was altered by an agency-wide memo that all employees had to sign, thus negating that termination was the only punishment for the infraction she allegedly committed; 2) whether the district court erred in determining that the appeals officer could not alter the punishment given to appellant when the appeals officer found that the agency proved that appellant committed the alleged violations, *compare* NAC 284.646 *with* NRS 284.390(1); and 3) whether the agency's failure to punish appellant right away caused it to waive its right to be able to later punish appellant when appellant left employment with the agency shortly after the alleged violations, only to return later.