

**In the Supreme Court of Nevada**

MICHAEL FOLEY,  
Appellant,  
  
*vs.*  
PATRICIA FOLEY,  
Respondent.

Electronically Filed  
Aug 02 2018 11:01 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION FOR ORAL ARGUMENT AND  
EN BANC REVIEW IN THE FIRST INSTANCE**

Michael Foley requests that the Court hear oral argument on his appeal.

This Court previously ordered that if the case remained in the pro bono program, the Court would set oral argument after the completion of supplemental briefing. (“Order Regarding Pro Bono Counsel,” filed Sept. 16, 2016.) That briefing is now complete.<sup>1</sup>

And independent of the pro bono program, the issues in the appeal are significant and merit oral argument. The appeal identifies grave

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<sup>1</sup> Although respondent elected to forgo an answering brief, the District Attorney’s Family Support Division filed an *amicus* brief that essentially served the role of an answering brief. (Indeed, the continued involvement of DAFS after respondent’s abandonment is an issue on appeal.) Michael filed his reply on February 20, 2018.

constitutional concerns in the procedures used to enforce child-support debts, including the validity of a statute that allows the entry of contempt orders without approval by or notice to any judicial officer, the constitutionality of imprisoning child-support debtors, and the right to counsel for child-support debtors who are subject to criminal-contempt proceedings. The district attorney's amicus brief confirms that the practices challenged as unconstitutional are widespread.

Given the significance of these issues—particularly the request to overrule *Ex parte Phillips*, 43 Nev. 368, 187 P. 311 (1920) as inconsistent with Article 1, Section 14 of the Nevada Constitution—Michael also asks this Court to consider setting this case for *en banc* review in the first instance. IOP Rule 13(a).

Dated this 2nd day of August, 2018.

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**CERTIFICATE OF SERVICE**

I certify that on August 2, 2018, I submitted the foregoing MOTION FOR ORAL ARGUMENT AND *EN BANC* REVIEW in the First Instance for filing *via* the Court's eFlex electronic filing system.

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

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