

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

2 KIRK ROSS HARRISON,

3 Appellant,

4 v.

5 VIVIAN MARIE LEE HARRISON,

6 Respondent.

Supreme Court No. 72880

District Court Case No. D443611

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Elizabeth A. Brown
Clerk of Supreme Court

7 **RESPONSE TO ORDER TO SHOW CAUSE**

8 Radford J. Smith, Esq. of Radford J. Smith, Chartered submits the following response
9
10 to the Court's Order to Show Cause filed March 23, 2018.

11 **UNSWORN DECLARATION OF RADFORD J. SMITH, ESQ.**

12 1. I submit this declaration based upon my personal knowledge, and I am
13
14 competent to testify to the facts contained herein. I am an attorney licensed to practice law
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16 in all courts in the State of Nevada.

17 2. The Court has requested that I explain the reasons for my failure to timely file
18
19 the Fast Track Response in the above entitled matter.

20 3. First, though the Court has also directed Gary Silverman, Esq. to respond to the
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22 Order to Show Cause, Mr. Silverman has not had any involvement in the appeal before the
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24 Court of any kind or nature. He, nor his firm, has had any role in the case since the filing of
25
26 Appellant Kirk Harrison's first appeal in this matter in Supreme Court case number 66157.
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28 Though Kirk and his counsel identified Mr. Silverman as counsel for Ms. Harrison in that

1 first appeal, and in subsequent documents, Mr. Silverman did not participate in appeal
2 number 66072, Kirk's second appeal in this case, nor the present appeal, Kirk's third. Mr.
3 Silverman was not involved in any capacity in the proceedings before Judge Duckworth
4 (neither by written document or attendance at hearing) leading to the filing of the present
5 appeal. Neither Mr. Silverman or his firm has made an appearance in any of the appeals.
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8 4. Further, I take sole responsibility for the delay in the filing of brief. It was not
9 the responsibility of Mr. Silverman, anyone in his firm, my staff, Ms. Harrison, or anyone
10 else.
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12 5. I was admitted to the Nevada Bar in 1986. I have practiced primarily in the
13 family law field during my approximately 32 years of practice, and I am a family law
14 specialist. Since 1995, I have solely owned and operated my own firm. I exclusively make
15 the final decision on the amount and size of cases that the firm handles. I have taken a
16 significantly larger caseload over time, and I have added staff attorneys (three) and
17 paralegals (three) to aid in the workflow.
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21 6. In 2017, the workload of the firm grew substantially, and I took on a series of
22 cases that required many hours of work. Because of the nature of a domestic relations, it is
23 often difficult to determine when and how a case may grow in complexity and size. Family
24 law matters often do not end upon the filing of a divorce decree. The district courts retain
25 jurisdiction of child custody, child support, and alimony matters for years. Matters that were
26 long closed may restart in an instant when a party seeks a modification in those areas, or
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28

1 seeks to relocate with children. For many years I have been able to effectively gauge and
2 complete the work my firm and I would need to complete. A series of events that
3 commenced in the latter months of 2017 made my calculations on what I could accomplish
4 erroneous.
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7 7. In the latter months of 2017 the firm was hit with a deluge of work that required
8 my attention. Cases that were near settlement did not settle. Cases that had been long closed
9 were the subject of post-trial proceedings. At the same time, my office administrator, Tina
10 Smith's, parents became ill. Ms. Smith is the sole office administrator that handles nearly
11 all the billing, payroll, collection and management at the office. Because of commitments
12 to her parents that took her away from Las Vegas for weeks at a time, I was forced to spend
13 substantial time monitoring and overseeing those duties.
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17 8. Further, the firm began experiencing significant computer issues. Our
18 management system, Time Matters, completely crashed. Time Matters organizes and stores
19 all of the data, case files, and documents for the firm. It was down for over a week, and lost
20 significant data that took weeks to review and replace. I anticipated that it would only slow
21 the work down for a brief period. *See, Motion for Extension of Time to File Response to*
22 *Fast Track Statement and Appendix (Second)*, filed November 21, 2017. Instead, the
23 problems put me behind on weeks of work. To complete the perfect storm, my personal
24 office computer's hard drive crashed, taking with it my drafts of a substantial amount of
25 work, including the revised drafts of the Fast Track Response in this case.
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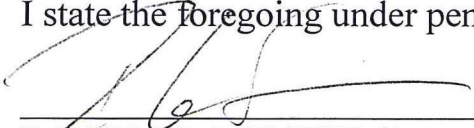
1 9. With the subsequent holidays and corresponding staff vacations, together with
2
3 an already intense workload that required my full attentions for days at a time (I regularly
4 conduct divorce mediations in complicated cases that will last from 9:00 a.m. to late hours
5 in the evening or sometimes after midnight), I became further behind in the work.

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7 10. Some of the reasons I have indicated were out of my control, but I understand
8 that others were not. I could have jettisoned cases to other firms or attorneys, but I do not
9 do that as a matter of practice. The issues in divorce and custody matters regularly result in
10 strong bonds between myself and clients, and their families. I did not feel I could walk away
11 from those families. I completed the work I felt I needed to perform to protect them.

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14 11. In this case, I have represented Vivian Harrison for nearly seven years. I have
15 learned the most personal details of her life and those of her children. I have had the privilege
16 watching the Harrison children grow into amazing young women. I could not bring myself
17 to give the assignment of preparing the Fast Track Response to anyone else. I should have,
18 if for no other reason than to ensure that the work was done timely.

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21 12. I sincerely apologize to the Court, Ms. Harrison, Mr. Harrison, and counsel for
22 the delay in filing the Fast Track Response.

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24 I state the foregoing under penalty of perjury.

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RADFORD J. SMITH, Esq.

27 Dated: April 6, 2018
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1
2 Respectfully Submitted,

3 Dated this 6th day of April 2018.

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5 RADEFORD J. SMITH, CHARTERED

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7 
8 RADFORD J. SMITH, ESQ.

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12 *Attorney for Vivian Harrison*
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