

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

DENNIS VINCENT STANTON,  
Appellant/Cross-Respondent,

vs.

TWYLA MARIE STANTON,  
Respondent/Cross-Appellant.

Nevada Supreme Court Case No: **80910**

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Clerk of Supreme Court

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**APPELLANT/CROSS-RESPONDENT DENNIS VINCENT STANTON'S  
REPLY BRIEF**

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## **NRAP 26.1 DISCLOSURE**

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

Holley Driggs.

James S. Kent, LTD.

DATED this 9th day of June 2021.

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## I. ARGUMENT

### A. The District Court Should Have Disqualified Conflicted Counsel because Mrs. Stanton's Interests Conflicted with the Crawfords' Interests

The Answering Brief filed by Respondent/Cross-Appellant Twyla Marie Stanton ("Mrs. Stanton") set forth one new issue regarding the attorneys who had represented Mrs. Stanton in previous divorce proceedings, Christopher Owen and Charles Lobello (collectively hereinafter "Conflicted Counsel"), and then represented Mrs. Stanton's stepfather, Robert Crawford, and natural mother, Carmen Crawford (together with Mr. Crawford, the "Crawfords") to unseal and set aside the divorce decree that was entered (the "Decree") pursuant to the Stanton's joint petition for divorce in the instant divorce proceeding (the "Joint Petition"), but without Mrs. Stanton's informed written consent. *See* Resp't Br., Dkt. No. 21-13313, pp. 8-9. Mrs. Stanton argues that Conflicted Counsel's representation of the Crawfords violated the Nevada Rules of Professional Conduct ("NRPC"), in particular NRPC 1.9 (duties to former clients). *Id.* Mr. Stanton agrees with Mrs. Stanton's argument on this point and would like to briefly inform the Court of a few additional ways in which Conflicted Counsel's ethical violation unduly prejudiced him and harmed the Stantons' family.

Despite their differences in the past, the Stantons were attempting to end their marriage amicably and in a manner they believed would be in the best interest of their children. The Crawfords, however, had a different agenda.

The Crawfords loaned Mrs. Stanton a large sum of money to pay Conflicted Counsel to represent Mrs. Stanton in the Stantons' first consolidated divorce

1 proceedings, Eight Judicial District Court case numbers D-16-540966-D and Case  
2 No. D-16-540966-D & Case No. D-16-541006-D (collectively hereinafter the “First  
3 Divorce Action”). JA000286, Vol. 2; JA000305-306, Vol. 2. Mr. Stanton contends  
4 the Crawfords paid Conflicted Counsel’s legal fees to control the manner in which  
5 Conflicted Counsel prosecuted the First Divorce Action against Mrs. Stanton’s  
6 wishes and the interests of the Stantons’ family, in addition to setting aside the Joint  
7 Petition without Mrs. Stanton’s informed consent, confirmed in writing. *See* NRPC  
8 5.4(c) (“A lawyer shall not permit a person who recommends, employs, or pays the  
9 lawyer to render legal services for another to direct or regulate the lawyer’s  
10 professional judgment in rendering such legal services”). Mr. Stanton also contends  
11 the Crawfords wanted Mrs. Stanton to extract as much money as possible from Mr.  
12 Stanton through the divorce so Mrs. Stanton would have money to repay the  
13 Crawfords the money they loaned Mrs. Stanton for the First Divorce Action. *See*  
14 JA000286, Vol. 2; JA000305-306, Vol. 2.

15 Similarly, Mrs. Stanton argued to the Arkansas court who appointed the  
16 Crawfords as her temporary co-guardians that the Crawfords sought guardianship of  
17 Mrs. Stanton to obtain funds on Mrs. Stanton’s behalf to convert for their use and  
18 benefit because of the money they had loaned to Mrs. Stanton for the First Divorce  
19 Action. JA000175 at ¶ 8, Vol 1. Mrs. Stanton also filed a bar complaint against  
20 Conflicted Counsel in March 2019. JA000307, Vol. 2; JA000472-483, Vol. 3.<sup>1</sup>

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21  
22 <sup>1</sup> In the Stantons’ second divorce proceeding, Eighth Judicial District Court case  
23 number D-17-558626-S (“Second Divorce Action”), Mrs. Stanton objected to  
Conflicted Counsel being appointed to represent her. *See* JA000287, Vol. 2;

1           **B.     It was a Manifest Abuse of Discretion for the District Court to**  
2           **Not Address the Conflicts of Interests**

3           The standard of review for disqualifying counsel based on conflicts of interest  
4           is a manifest abuse of discretion. *See Nevada Yellow Cab Corp. v. Eighth Jud. Dist.*  
5           *Ct. ex rel. Cty. of Clark*, 123 Nev. 44, 54, 152 P.3d 737, 743 (2007).

6           In the instant divorce proceeding brought before the Fifth Judicial District  
7           Court of Nye County, Nevada (“District Court”), Mr. Stanton attempted to alert the  
8           District Court of Conflicted Counsel’s conflict of interest. JA000184:21 –  
9           JA000185:25, Vol. 1; JA000293-295, Vol. 2; JA000306-313, Vol. 2; JA000319-  
10          327, Vol. 2; JA000472-483, Vol. 3. There is no indication the District Court ever  
11          considered the merits of the conflicts of interests other than noting that Mr. Stanton  
12          argued conflicts existed and that Conflicted Counsel argued no conflict of interest  
13          existed “if Twyla does not understand the proceedings.” JA000665:3, Vol. 4;  
14          JA000666:13, Vol. 4; JA000671:18-19, Vol. 4; *see also* JA000245-273, Vol. 2;  
15          JA000658-675, Vol. 4.

16          As discussed *ad nauseum* in Mr. Stanton’s Opening Brief, the District Court  
17          never held an evidentiary hearing to determine whether Mrs. Stanton had any

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19          JA000325-327, Vol. 2. Conflicted Counsel was also admonished by the Honorable  
20          Bryce C. Duckworth for an improper *ex parte* communication in the Stantons’ third  
21          divorce proceeding, Eighth Judicial District court case number D-18-568604-Z  
22          (“Third Divorce Action”), wherein Conflicted Counsel did not represent any parties.  
23          *See* JA000348-351, Vol. 2; *see also* JA000287-288, Vol. 2. The Stantons stipulated  
to dismiss the Third Divorce Action shortly thereafter. *See* JA000287, Vol. 2;  
JA000329-344, Vol. 2. Conflicted Counsel’s continued interference in the Third  
Divorce Action is the reason why the Stantons’ dismissed their Third Divorce Action  
and filed the instant divorce proceeding with the District Court below. *See*  
JA000288, Vol. 2.

1 diminished capacity. Mrs. Stanton’s Answering Brief likewise cites to the District  
2 Court’s failure to hold an evidentiary hearing to determine Mrs. Stanton’s mental  
3 capacity as reversible error. *See* Resp’t Br., Dkt. No. 21-13313, pp. 5-7, 9.

4 Based upon the foregoing, the District Court manifestly abused its discretion  
5 by failing to address the merits of the conflicts of interests, especially when the  
6 conflicts appeared to be the motivating factor for the Crawfords seeking to set aside  
7 the Stantons’ Joint Petition.<sup>2</sup>

8 DATED this 9th day of June 2021.

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19  
20 <sup>2</sup> *See Kabase v. Eighth Jud. Dist. Ct.*, 96 Nev. 471, 472, 611 P.2d 194, 195 (1980)  
21 (“in civil cases, the district judge has the inherent power to enjoin an attorney from  
22 representing conflicting interests in order to prevent injustice and to preserve the  
23 integrity of the judicial process”) (citing *Wait v. District Court*, 81 Nev. 612, 407  
P.2d 912 (1965); *Boyd v. Second Judicial District Court*, 51 Nev. 264, 274 P. 7  
(1929)); *see also Rodriguez v. Disner*, 688 F.3d 645, 655 (9th Cir. 2012) (“The  
representation of clients with conflicting interests and without informed consent is a  
particularly egregious ethical violation that may be a proper basis for complete  
denial of fees.”).





5. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 9th day of June, 2021

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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of the law firm of Holley Driggs,  
3 and that on this 9th day of June, 2021, I served the above and foregoing  
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