

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUTH L. COHEN, AN INDIVIDUAL,

APPELLANT,

VS.

**PAUL S. PADDA, AN INDIVIDUAL;
PAUL PADDA LAW, PLLC, A NEVADA
PROFESSIONAL LIMITED LIABILITY
COMPANY,**

RESPONDENTS.

Electronically Filed
Apr 30 2021 05:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 81018

**MOTION FOR LEAVE TO FILE AMICUS BRIEF
IN SUPPORT OF RESPONDENTS' ANSWERING BRIEF**

Pursuant to Nevada Rule of Appellate Procedure (“NRAP”) 29, proposed *amici curiae*, South Asian Bar Association of Las Vegas (“SABA-LV”), Veterans in Politics International, Inc. (“VIPI”) and Jay Bloom (an individual) respectfully request leave of this Court to file an amicus curiae brief in support of Respondents’ Answering Brief (filed March 10, 2021) and the legal positions set forth therein. Amici also support affirmance of the decision below.

Respondents, by and through their counsel, have indicated that they have no opposition to the instant motion. The amicus brief will be filed concurrently with this motion and subject to this Court granting this motion.

In compliance with NRAP 29(c), set forth below is a statement regarding the movants' interests and the reasons why an amicus brief is especially desirable in this appeal.

I. SABA-LV, VIPI AND MR. BLOOM EACH HAVE AN INTEREST AS PROSPECTIVE AMICUS CURIAE

The proposed amici curiae represent legal consumers and the public at large and have significant interests in the ethical rules governing attorneys in Nevada.

Amici are concerned that if Appellant, a lawyer who engaged in a "protest" of this Court's licensing rules and who voluntarily abandoned her clients on three separate occasions prior to claiming entitlement to a contingency fee, is permitted to redefine what it means to be an "attorney" under the provisions of Nevada Rule of Professional Conduct 5.4 and, in the process minimize the ethical rules governing attorneys, it

will invite gamesmanship, abuse, disrespect and chaos into both the practice and regulation of the legal profession. The result will be injury to the public interest, legal consumers and the legal profession in Nevada.

SABA-LV is a non-profit, voluntary bar organization which is the local chapter of the South Asian Bar Association of North America (“SABA-NA”).¹ SABA-NA, an organization with 29 chapters spread across the United States and Canada, represents the South Asian legal community and advocates for social justice, civil rights, consumer rights and access to justice issues. SABA-NA routinely gets involved in cases of public importance through its amicus committee which has filed “friend of the court” briefs in the United States Supreme Court as well as various federal and state courts throughout the United States. Like its parent organization, SABA-LV is also committed to civil and criminal justice issues albeit with a focus on Nevada. Prior to the great pandemic of 2019, SABA-LV held a number of community events and programs

¹ See www.sabanorthamerica.com

designed to educate, inform and enlighten the public about important legal issues. The local chapter has also assisted indigent members of the community locate pro bono counsel, learn more about the local judiciary and understand the legal process. In addition to its potential involvement in this case, SABA-LV plans to continue its involvement as amicus in cases of public importance in Nevada.

VIPI is a Las Vegas based organization dedicated to protecting the rights of veterans. To this end, VIPI has been actively involved in Nevada for more than a decade and has been involved with issues pertaining to access to justice, the judiciary and the legal system in general. VIPI routinely communicates with the large veterans' community in Nevada through informative emails and newsletters and serves as an advocate for their interests. Nevada has more than 200,000 veterans living in the state. Each veteran in Nevada is a potential legal consumer and a member of the public at large. VIPI has an interest in educating, protecting and advocating for the veteran community on important legal issues such as those presented in this appeal.

Jay Bloom is a Las Vegas businessman, philanthropist and former member of the State Bar of Nevada attorney disciplinary committee.

Mr. Bloom, the Chief Executive Officer of First 100, LLC, is an entrepreneur and someone that has been actively involved in attorney ethics issues.

II. DESIRABILITY OF THE AMICI'S AMICUS BRIEF

This appeal presents issues of importance pertaining to the legal profession and the public it serves. Among the issues and questions implicated are whether a suspended attorney can “contract” herself out of the prohibitions imposed by this Court’s rules and the Nevada Rules of Professional Conduct. Whether public policy favors Nevada’s licensing authorities adopting a rule, not embraced by any other jurisdiction in the United States, that permits suspended and/or disbarred lawyers that voluntarily abandon their clients to still receive full compensation under contingency fee contracts. These issues effect the public interest and legal consumers in Nevada.

The amici identified herein, SABA-LV, VIPI and Mr. Bloom, will provide the perspectives of Nevada legal consumers and the general

public which will be adversely impacted should the Court accept the positions urged by Appellant. Indeed, while Appellant focuses all of her energy and efforts on advocating for her purported rights as a suspended attorney, the Court must consider the impact of her positions on her specific clients and, to a larger extent, the general public. Appellant is urging, among other things, an expansion of the plain language of NRPC 5.4 to recognize an exception for suspended/disbarred lawyers. The amici's perspectives in this appeal are valuable and important because they give expression to the concerns of legal consumers and the general public. Indeed, Appellant herself acknowledges the novelty of her arguments when she states on page four of her Reply Brief filed April 23, 2021 that "the Court is not handcuffed by the plain language of RPC 5.4(a) as the Rule is silent on the discrete fee-splitting issue presented here." If the Rule is "silent" as Appellant claims, and she is certainly urging the Court to adopt her views in the face of that purported silence, then surely the perspectives offered by amici's will provide the Court with a more balanced view of the issues. This by itself demonstrates the desirability of the amici's brief in this appeal.

As this Court is well aware, amicus briefs are especially helpful where they present unique perspectives and information that can help the Court beyond the help provided by the lawyers for the parties. *See* Ryan v. Commodity Futures Trading Commission, 125 F.3d 1062, 1063 (7th Cir. 1997); *see also* Funbus Systems, Inc. v. State of California Public Utilities Commission, 801 F.2d 1120, 1125 (1986) (perfectly acceptable for amicus to “take a legal position and present legal arguments in support of it” because “there is no rule amici must be totally disinterested”); Miller-Wohl Co., v. Commissioner of Labor and Industry, 694 F.2d 203, 204 (9th Cir. 1982) (amicus party can fulfill the classic role of amicus curiae by assisting in a case of general public interest, supplementing or assisting in a case of general public interest, supplementing the efforts of counsel and drawing the court’s attention to law that might otherwise escape consideration); Hoptowit v. Ray, 682 F.2d 1237, 1260 (9th Cir. 1982) (an amicus party need not be a disinterested party).

In light of the foregoing, the views of the amici herein (SABA-LV, VIPI and Mr. Bloom) will be especially helpful in this case. The central

issue raised by Appellant in this case, her entitlement to a full contingency fee, has been previously addressed and disposed of by a State Bar of Nevada Standing Committee on Ethics and Professional Responsibility Formal Opinion No. 18 that was issued on April 29, 1994. However, notably, while urging the trial judge below in a motion for reconsideration and now this Court on appeal to adopt a legal position articulated by a middle court of appeals in Texas, Appellant has conspicuously failed to bring the State Bar's Formal Opinion No. 18 to this Court's attention through either her Opening or Reply Briefs.² Thus, the perspectives of amici will aid the Court and add value to this appeal by assisting the Court in reaching a just and sensible decision.

III. THIS MOTION FOR LEAVE IS TIMELY

By Order filed April 16, 2021, this Court directed amici "to file and serve motions for leave to file briefs of amicus curiae as well as proposed briefs" within 14-days of the Order or on or before April 30,

² See Nevada Rule of Professional Conduct 3.3(a)(2).

2021. Accordingly, this motion and the accompanying proposed brief are timely submitted to the Court.

IV. CONCLUSION

For the foregoing reasons, the amici respectfully request that the Court grant this motion and issue an Order that the amicus brief filed concurrently with this motion can be considered in this case.

Respectfully submitted,

/s/ Milan Chatterjee

Milan Chatterjee, Esq.
Nevada Bar No. 15159
4030 South Jones Blvd., #30370
Las Vegas, Nevada 89173
Tele: (702) 538-3749

*Attorney for Amici Curiae
SABA-LV, VIPI and Jay Bloom*

Dated: April 30, 2021

CERTIFICATE OF SERVICE

I hereby certify that on this day, April 30, 2021, the foregoing **MOTION FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF RESPONDENTS' ANSWERING BRIEF** was filed with the Supreme Court of Nevada through its electronic filing system. Service of the foregoing document shall be made in accordance with the Master Service List upon all registered parties and/or participants and their counsel.

/s/ Milan Chatterjee

Milan Chatterjee, Esq.