

IN THE SUPREME COURT OF THE STATE OF
NEVADA

In the Matter of Guardianship of
The Person and Estate of:

KATHLEEN JUNE JONES,

Electronically Filed
May 13 2022 01:51 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 84655

DOCKETING STATEMENT CIVIL APPEALS

1. Judicial District Eighth Judicial District Department B
County Clark County Judge Linda Marquis
District Ct. Case No. G-19-052263-A

2. Attorney filing this docketing statement:

Attorney Elizabeth Mikesell, Esq. (#8034) Telephone 702-386-1533

Telephone _____

Telephone _____

Firm Legal Aid Center of Southern Nevada, Inc.
Address 725 East Charleston, Blvd., Las Vegas, Nevada 89104

Client(s) Kathleen June Jones

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Elizabeth Brickfield Telephone 702-476-6440

Firm Dawson & Lordahl

Address 9130 West Post Road, Suite 200, Las Vegas, NV 89148

Client(s) Elizabeth Brickfield (Guardian ad litem)

Attorney John Michaelson Telephone 702-731-2333

Firm Michaelson Law

Address 1746 West Horizon Ridge Parkway, Henderson, NV 89012

Client(s) Robyn Friedman, Donna Simmons

4. Nature of disposition below (check all that apply):

- | | |
|-------------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | |

X Other disposition (specify): Findings of Fact,
Conclusions of Law, and Order Granting
Guardian Ad Litem Fees

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

In re Guardianship of Jones, Case No. 81414; In re Guardianship of Jones, Case No. 81799; In re Guardianship of Jones, Case No. 81799-COA; Jones v. Dist. Ct., Case No. 83967; In re Guardianship of Jones, Case No. 83967.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

In the Matter of the Guardianship of Kathleen June Jones, G-19-052263-A, Eighth Judicial District Court, Clark County, Nevada.

8. Nature of the action. Briefly describe the nature of the action and the result below:

This appeal centers on the fees and costs that were awarded to the guardian ad litem from Appellant's estate. The guardian ad litem was appointed by the district court during an ongoing dispute regarding visitation, communication, and interaction. Appellant's daughters, Robyn Friedman and Donna Simmons, were arguing that the guardian, Kimberly Jones, was restricting their access to Appellant. However, Appellant made clear throughout the proceedings that the guardian was not restricting access to her, and was simply adhering to Appellant's wishes. Appellant opposed Robyn and Donna's petition regarding visitation and communication, and opposed the appointment of the guardian ad litem. Additionally, Appellant opposed the guardian ad litem's notice of intent to seek fees from Appellant's estate.

Nonetheless, the district court ultimately awarded \$5,710.00 in fees and \$3.50 in costs from Appellant's estate to the guardian ad litem. Despite the fact that Appellant opposed the guardian ad litem's appointment and the fact that the guardian ad litem issued a report that was in direct conflict with Appellant's expressed wishes, Appellant's estate was still forced to pay for these services. To make matters worse, the district court awarded the guardian ad litem fees and costs at her attorney rate (\$400.00/hour) even though she was conducting non-attorney work as a guardian ad litem.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. Did the district court err when it awarded the guardian ad litem fees and costs at her attorney rate for non-attorney work?
2. Did the district court misinterpret NRS 159.0455?

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

N/A.

11. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. **Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

Whether the district court has the discretion to award fees under NRS 159.344 at an attorney rate for non-attorney work from the protected person's estate and over the protected person's objection.

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This case is presumptively retained by the Supreme Court under NRAP 17(a)(12) because it raises as a principal issue a question of statewide public importance that will affect future guardianship cases, namely, whether the district court in a guardianship matter can award fees and costs from the protected person's estate for non-attorney work at an attorney rate.

14. Trial. If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? N/A

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from March 31, 2022

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served March 31, 2022

☐ Deliver

X Mail/electronic

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. *See AA Primo Builders v. Washington*, 126 Nev._____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed April 28, 2022

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, *e.g.*, NRAP 4(a) or other

NRS 159.375.

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|----------------------------------------|---------------------------------------|
| <input type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| X Other (specify) | <u>NRS 159.375(5)</u> |

(b) Explain how each authority provides a basis for appeal from the judgment or order:

Under NRS 159.375(5), Appellant has an express statutory right to appeal an order awarding attorney's fees, and the district court here awarded fees to the guardian ad litem under NRS 159.344 at the guardian ad litem's attorney rate.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Kathleen June Jones;
Kimberly Jones;
Robyn Friedman;
Donna Simmons; and
Elizabeth Brickfield

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

This appeal is for fees that were awarded from Appellant's estate to the guardian ad litem only. Fees were not awarded to the other parties involved in the case.

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Appellant: N/A.

Respondent: Petition for Approval of Guardian Ad Litem Fees; approved by order of the court on March 18, 2022.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):

N/A

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Kathleen June Jones

Name of appellant

Elizabeth Mikesell, Esq.

Name of counsel of record

05/13/2022

Date

/s/ Elizabeth Mikesell

Signature of counsel of record

Clark County, Nevada

State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 13th day of May 2022, I served a copy of this completed docketing statement upon all counsel of record:

✓ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Michaelson Law
Attn: John Michaelson
1746 W. Horizon Ridge Pkwy.
Henderson, NV 89012
john@michaelsonlaw.com

Dawson and Lordahl PLLC
Attn: Elizabeth Brickfield
9130 W. Post Rd. Suite 200
Las Vegas, NV 89148
ebrickfield@dlnevalaw.com

Sylvester & Polednak, Ltd.
Attn: Jeffrey R. Sylvester
1731 Village Center Circle
Las Vegas, NV 89134
jeff@sylvesterpolednak.com

Dated this 13th day of May 2022.

/s/ Jennifer Bocek-Dobijanski

An Employee of Legal Aid Center of Southern Nevada

INDEX OF EXHIBITS

Exhibit 1: Order Appointing Guardian Ad Litem

Exhibit 2: Notice of Intention to Seek Attorney's Fees and Costs from Guardianship Estate Pursuant to NRS 159.344(3).

Exhibit 3: Kathleen June Jones's Notice of Objection to Guardian Ad Litem's Written Notice of Intention to Seek Attorney Fees and Costs from Guardianship Estate Pursuant to NRS 159.344(3).

Exhibit 4: Petition for Approval of Guardian Ad Litem's Fees and Costs

Exhibit 5: Objection to Petition for Approval of Guardian Ad Litem's Fees and Costs

Exhibit 6: Findings of Fact, Conclusions of Law, and Order Granting Guardian Ad Litem Fees

Exhibit 7: Notice of Entry of Order for Findings of Fact, Conclusions of Law, and Order Granting Guardian Ad Litem Fees

Exhibit 1

1 **OGAL**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 In the Matter of the Guardianship of:

6 Kathleen Jones,

7 Protected Person.

Case Number: G-19-052263-A

8 Department: B

9 Hearing: May 13, 2021
10 1:00 PM

11 **ORDER APPOINTING GUARDIAN AD LITEM**

12
13 This matter has been reviewed by the Court. The Court, having
14 jurisdiction of the subject matter, finds a guardian ad litem is required in this
15 matter.

16 **THE COURT FINDS** that the Protected Person or Proposed Protected
17 Person will benefit from the appointment and services of a guardian ad litem and
18 that a guardian ad litem will be beneficial in determining the best interest of the
19 Protected Person pursuant to NRS 159.0455 and Nevada Guardianship Rule 8.
20

21 **IT IS HEREBY ORDERED** that the following person, an attorney with
22 appropriate training and experience, shall be appointed the guardian ad litem:

23 Elizabeth Brickfield, Esq.
24 Dawson & Lordahl PLLC
25 8925 West Post Road Suite 210
26 Las Vegas, Nevada 89148
27
28

1 **IT IS FURTHER ORDERED** that the guardian ad litem is directed to
2 address the following issues:

3 Scheduled opportunities for Protected Person to elect to speak with
4 and/or visit in person with her adult daughters and whether the Guardian
5 has an obligation to facilitate, prompt, encourage, plan, schedule, and/or
6 create an environment that promotes an opportunity for continued
7 communication between Protected Person and her adult daughters based
8 upon the current level of care and needs of the Protected Person. See
9 Verified Petition for Communication, Visits, and Vacation Time with
10 Protected Person, filed December 30, 2020, Oppositions filed January 25,
11 2021; and hearing held on February 11, 2021.

12 **IT IS FURTHER ORDERED** that the guardian ad litem shall not offer
13 legal advice to the Protected Person or Proposed Protected Person, but shall
14 advocate for the best interest of the Protected Person in a manner that will
15 enable the court to determine the action that will be the least restrictive and in
16 the best interests of the Protected Person and provide any information required
17 by the court pursuant to NRS 159.0455 until relieved by order of the court.

18 **IT IS FURTHER ORDERED** that the guardian ad litem shall zealously
19 advocate for the best interest of the Protected Person in a manner that will
20 enable the court to determine the action that will be the least restrictive and in
21 the best interest of the Protected Person or Proposed Protected Person.

22 **IT IS FURTHER ORDERED** that the guardian ad litem is an officer of
23 the court and a representative of the Protected Persons or Proposed Protected
24 Persons and is not a party to the case.
25
26
27
28

IT IS FURTHER ORDERED that the guardian ad litem is an officer of the court and a representative of the protected person or proposed protected person and is not a party to the case.

IT IS FURTHER ORDERED that the guardian ad litem shall not have authority to waive any of the protected person's or proposed protected person's due process rights or protections, including, without limitation, the protected person's or proposed protected person's right to counsel, right to oppose the guardianship, right to oppose the choice of guardian, right to attend hearings, and right to object to any action or proposed action by the guardian.

IT IS FURTHER ORDERED that the guardian ad litem shall advocate for the best interest of the Protected Persons or Proposed Protected Persons based on admissible evidence available to the guardian ad litem. The guardian ad litem shall conduct independent investigation and assessment of the facts to carry out the directives of the appointing order and may submit recommendations to the court that are based on admissible evidence.

IT IS FURTHER ORDERED that the guardian ad litem shall not be a witness and shall not testify or be cross-examined. The guardian ad litem shall not be subject to a subpoena, except to the extent an attorney representing the Protected Persons or Proposed Protected Persons would be subject to a subpoena.

IT IS FURTHER ORDERED that a guardian ad litem that seeks compensation for the services provided is only entitled to compensation upon compliance with NRS 159.344 et al., and the request for payment, whether or not payment is to be from the guardianship estate or from any third party, shall be

1 subject to the requirements and analysis as set forth in NRS 159.344. The
2 guardian ad litem may request fees from the guardianship estate or a third party.

3
4 **IT IS FURTHER ORDERED** that an attorney that serves as a guardian ad
5 litem is bound by the Nevada Rules of Professional Conduct to the extent those
6 rules are applicable.

7
8 **IT IS FURTHER ORDERED** that the guardian ad litem shall not
9 communicate with any party represented by counsel outside the presence of the
10 party's attorney without first obtaining the attorney's consent.

11
12 **IT IS FURTHER ORDERED** that the guardian ad litem shall provide a
13 copy to all parties of any written report of the guardian ad litem that is filed with
14 the court.

15
16 **IT IS FURTHER ORDERED** that the role of the guardian ad litem is
17 separate and distinct from the role of an attorney for a protected person or
18 proposed protected person appointed pursuant to NRS 159.0485 and separate and
19 distinct from an investigator appointed pursuant to NRS 159.046. A guardian ad
20 litem for a protected person or proposed protected person shall not serve as an
21 attorney for a protected person or proposed protected person, as an attorney for a
22 guardian(s) or as an investigator in the same case or in a related matter.

23
24 **IT IS FURTHER ORDERED** that the guardian ad litem shall ensure the
25 rights set forth in the Protected Persons Bill of Rights are upheld and the guardian
26 ad litem shall immediately report to the court any transgressions of said rights.
27
28

IT IS FURTHER ORDERED that the guardian ad litem who represents siblings or spouses in a guardianship shall be alert to potential conflicts and request that the court appoint a separate guardian ad litem in the event that a conflict or potential conflict should arise.

IT IS SO ORDERED.

Dated this ____ day of _____, 2021.

Dated this 16th day of February, 2021

Juda Marguís

DISTRICT COURT JUDGE

F58 915 7598 0A23
Linda Marquis
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of the Guardianship of: CASE NO: G-19-052263-A
7 Kathleen Jones, Protected DEPT. NO. Department B
8 Person(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Appointing Guardian Ad Litem was served via the court's
13 electronic eFile system to all recipients registered for e-Service on the above entitled case as
14 listed below:

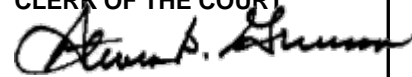
15 Service Date: 2/16/2021

16 Kelly Easton	kellye@sylvesterpolednak.com
17 Cheryl Becnel	cbecnel@maclaw.com
18 Laura Deeter, Esq.	laura@ghandilaw.com
19 Faydra Ross	fr@ghandilaw.com
20 Lenda Murnane	lenda@michaelsonlaw.com
21 James Beckstrom	jbeckstrom@maclaw.com
22 Ty Kehoe	TyKehoeLaw@gmail.com
23 Jeffrey Sylvester	jeff@sylvesterpolednak.com
24 Maria Parra-Sandoval, Esq.	mparra@lacs.org
25 Kate McCloskey	NVGCO@nvcourts.nv.gov
26 Sonja Jones	sjones@nvcourts.nv.gov

27
28

1	LaChasity Carroll	lcarroll@nvcourts.nv.gov
2	Matthew Piccolo	matt@piccololawoffices.com
3	Penny Walker	pwalker@lacs.n.org
4	John Michaelson	john@michaelsonlaw.com
5	John Michaelson	john@michaelsonlaw.com
6	David Johnson	dcj@johnsonlegal.com
7	Geraldine Tomich	gtomich@maclaw.com
8	Matthew Whittaker	matthew@michaelsonlaw.com
9	Ammon Francom	ammon@michaelsonlaw.com
10	Matthew Whittaker	matthew@michaelsonlaw.com
11	Ammon Francom	ammon@michaelsonlaw.com
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Exhibit 2



NOTC
DAWSON & LORDAHL PLLC
Elizabeth Brickfield, Esq. NSB #6236
8925 West Post Road, Suite 210
Las Vegas, Nevada 89148
Telephone: (702) 476-6440
Facsimile: (702) 476-6442
ebrickfield@dlnevadalaw.com
Guardian ad Litem for Kathleen Jones

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Guardianship of:

KATHLEEN JONES

Protected

Person.

Case No.: G-19-052263-A

Dept. No.: B

Hearing Date: May 13, 2021

Hearing Time: 1:00 p.m.

**NOTICE OF INTENTION TO SEEK ATTORNEY'S FEES AND COSTS FROM
GUARDIANSHIP ESTATE PURSUANT TO NRS 159.344(3)**

<input type="checkbox"/> TEMPORARY GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate	<input checked="" type="checkbox"/> GENERAL GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Summary Admin. <input type="checkbox"/> Person and Estate
<input type="checkbox"/> SPECIAL GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Summary Admin. <input type="checkbox"/> Person and Estate	<input type="checkbox"/> NOTICES/SAFEGUARDS <input type="checkbox"/> Blocked Account Required <input type="checkbox"/> Bond Required

PLEASE TAKE NOTICE that pursuant to NRS 159.344.(3), DAWSON & LORDAHL PLLC, intends to petition the Court for an order authorizing attorney's fees and costs incurred by, Guardian ad Litem of the Protected Person, Kathleen Jones, on a future date. The terms of the engagement are as follows:

1. **Compensation Arrangement.** As Court appointed Guardian ad Litem, Elizabeth Brickfield of Dawson & Lordahl PLLC on an hourly basis, plus actual costs and takes personal responsibility for the legal fees and costs incurred under this appointment. Compensation will be calculated by multiplying the number of hours spend (using one-tenth of an hour increments) by the hourly rate of the timekeeper providing services. Billing detail shall be itemized by task and date.

Periodically, and in compliance with NRS 159.344(3), Dawson & Lordahl PLLC may petition the Court for payment of fees and costs and shall not be paid from the guardianship estate until and unless the Court authorizes such payment.

2. Timekeepers. The following timekeeper are expected to bill this matter:

- a. Elizabeth Brickfield, at \$400.00 per hour.
- b. Melissa R. Douglas, at \$350.00 per hour.
- c. Barbara Morelli, at \$225.00 per hour.
- d. Karen Friedrich at \$75.00 per hour.

See Dawson & Lordahl PLLC's Standard Hourly Rates Schedule attached hereto and incorporated herein as "Exhibit 1".

3. Services of any attorney are necessary to advance the best interests of the protected person.

DATED this 22 day of February 2020.

DAWSON & LORDAHL, PLLC


Elizabeth Brickfield, Esq.
Guardian ad Litem

**SUBMITTED BY:
DAWSON & LORDAHL PLLC**

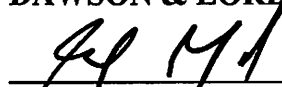

Elizabeth Brickfield, Esq. NSB #6236
8925 West Post Road, Suite 210
Las Vegas, Nevada 89148
Telephone: (702) 476-6440,
Facsimile: (702) 476-6442
ebrickfield@dlnevadalaw.com
Guardian ad Litem for Kathleen Jones

Exhibit "1"

Dawson & Lordahl PLLC's Standard Hourly Rates Schedule

Standard Hourly Rates Schedule

Attorney Name	Standard Hourly Rate
John E. Dawson	\$500.00
Elizabeth Brickfield	\$400.00
Var E. Lordahl	\$360.00
Michelle Hauser	\$400.00
Melissa Douglas	\$350.00

Staff Name	Standard Hourly Rate
Tracey E. Fiedler	\$225.00
Barbara Morelli	\$225.00
Susan Pinjuv	\$175.00
Natalie Spencer	\$160.00
Hannah Bock	\$75.00
Alison Schwertfeger	\$75.00
Karen Friedrich	\$75.00

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the day of 22nd day of February 2021, I caused a true and
3 correct copy of the *NOTICE INTENTION TO SEEK ATTORNEY'S FEES AND COSTS FROM*
4 *GUARDIANSHIP ESTATE PURSUANT TO NRS 159.344(3)* filed on February 22, 2021, to be
5 served through the Court's electronic filing system or by depositing the same in the United
6 States mail in Las Vegas, Nevada, first class postage prepaid, address to the following parties:
7

8
9 Maria L. Parra-Sandoval, Esq.
10 LEGAL AID OF SOUTHERN NEVADA
11 725 E. Charleston Blvd.
12 Las Vegas, NV 89104
mparra@lasn.org
Attorney for Protected Person

Tiffany O'Neal
177 N. Singingwood Street, Unit 13
Orange, CA 92869

13 Jen Adamo
14 14 Edgewater Drive
15 Magnolia, DE 19962

Ampersand Man
2824 High Sail Court
Las Vegas, Nevada 89117

16 Courtney Simmons
17 765 Kimbark Avenue
18 San Bernardino, CA 92407

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

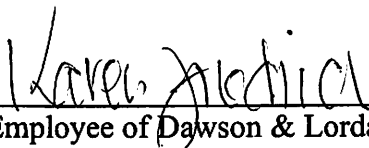
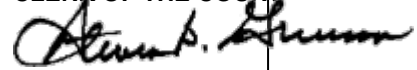
19
20
21
22 
23 An Employee of Dawson & Lordahl PLLC
24
25
26
27
28

Exhibit 3



1 **NOTC**

2 Maria L. Parra-Sandoval, Esq.

3 Nevada Bar No. 13736

4 mparra@lacsns.org

5 **LEGAL AID CENTER OF**
6 **SOUTHERN NEVADA, INC.**

7 725 E. Charleston Blvd

8 Las Vegas, NV 89104

9 Telephone: (702) 386-1526

10 Facsimile: (702) 386-1526

11 *Attorney for Kathleen June Jones, Adult Protected Person*

12
13
14 **EIGHTH JUDICIAL DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 In the Matter of the Guardianship of the Person
17 and Estate of:

18 KATHLEEN JUNE JONES,

19 Adult Protected Person.

20 **Case No.: G-19-052263-A**

21 **Dept. No.: B**

22
23 **KATHLEEN JUNE JONES' NOTICE OF OBJECTION TO**
24 **GUARDIAN AD LITEM'S WRITTEN NOTICE OF INTENTION TO SEEK**
25 **ATTORNEY'S FEES AND COSTS FROM GUARDIANSHIP ESTATE PURSUANT TO**
26 **NRS 159.344(3)**

27 Kathleen June Jones, the protected person herein, ("June"), by and through her counsel,
28 Maria Parra-Sandoval, Esq., of Legal Aid Center of Southern Nevada, Inc., hereby submits her
notice of objection to the written Notice of Intention to Seek Attorney's Fees and Costs From
the Guardianship Estate Pursuant to NRS 159.344(3) filed by Elizabeth Brickfield, Esq, the
court-appointed guardian ad litem (GAL). June files this Notice of Objection to preserve her
right to raise these and any other objections she may have when/if the GAL files a petition for
fees.

1. June Objects to the GAL's Rate For Her Services.

Nowhere in Chapter 159 of the Nevada Revised Guardianship Statutes or Statewide
Guardianship Rules does it state that a guardian ad litem must have a legal background to serve

1 as a guardian ad litem. Under Rule 8 (H): “A guardian ad litem *may be* a trained volunteer from
2 a court-approved advocate program, an attorney, or *any other person* that the court finds has
3 appropriate training and experience (emphasis added).¹ This Rule allows any person in the
4 community to serve as a guardian ad litem without the need to have legal experience.
5 Additionally, NRS 159.0455(4) provides that a guardian ad litem “shall not” provide legal
6 services.² Therefore, the appointed GAL is not entitled to the hourly attorney rate that she
7 typically charges for her attorney services.
8

9 Under the Order of Appointment, the guardian ad litem is directed to address the
10 following issues. These issues do not require legal expertise to fulfill:

11 Scheduled opportunities for Protected Person to elect to speak with
12 and/or visit in person with her adult daughters and whether the Guardian
13 has an obligation to facilitate, prompt, encourage, plan, schedule, and/or
14 create an environment that promotes an opportunity for continued
15 communication between Protected Person and her adult daughters based
16 upon the current level of care and needs of the Protected Person. See
Verified Petition for Communication, Visits, and Vacation Time with
Protected Person, filed December 30, 2020, Oppositions filed January 25,
2021; and hearing held on February 11, 2021.³

17 The Court further ordered that the guardian ad litem:

18 *shall not offer legal advice* to the Protected Person or Proposed Protected Person,
19 but shall advocate for the **best interest** of the Protected Person in a manner that will
20 enable the court to determine the action that will be the **least restrictive** and in
the best interests of the Protected Person and provide any information required
by the court pursuant to NRS 159.0455 until relieved by order of the court
21 (emphasis added).⁴
22

23 While the court-appointed GAL may be entitled to fees for her services regarding the
24 issues she has been specifically appointed to address, she is not entitled to fees at the attorney
25 rate (for herself and others at her firm) that she is proposing in her Notice of Intent. In her Notice
26

27 ¹ See Statewide Rules for Guardianship, Rule 8.

28 ² See NRS 159.0455(4).

³ See Order Appointing Guardian ad Litem, p. 2

⁴ Id.

1 of Intent, the GAL states her intention to seek fees at the rate of \$400 per hour for herself; \$350
2 per hour for other associates; \$225 per hour and \$75 per hour for possible paralegals or other
3 administrative staff assistance, without labeling any such positions.⁵ Clearly, the \$400 per hour
4 rate is the GAL's attorney rate.⁶ In light of the specific duties the GAL has been ordered to
5 address while "not offer[ing] legal advice to the Protected Person," the GAL is not entitled to an
6 attorney rate for performing her duties which do not require her legal skills and legal expertise.
7 Furthermore, June puts the GAL on notice that she will object to fees incurred as a result of the
8 GAL involving herself in any other matters outside the scope of the limited duties outlined in
9 the Court's Order Appointing Guardian ad Litem.
10

11 The GAL should be compensated based on what other comparable GAL's charge on an
12 hourly basis. According to a search of compensation websites, the national average GAL hourly
13 rates range from approximately \$22.00 per hour to \$48.00 per hour.⁷ Accordingly, the rate
14 which the GAL is seeking for her services in this matter is clearly outside the norm.
15

16 2. June Objects to Paying the GAL's Fees.

17 Finally, June should not have to pay for the court-appointed GAL when she objected to
18 the appointment of the GAL in the first instance. The petitioners, Robyn Friedman and Donna
19 Simmons, requested that a GAL should be appointed.⁸ Since it was their request, they should be
20 the ones paying for the GAL's fees.
21

22 3. June Objects to the GAL's Associates' Rates and Their Involvement in Her Case.
23
24
25

26 ⁵ See Notice of Intention to Seek Attorney's Fees and Costs from the Guardianship Estate
Pursuant to NRS 159.344(3), Section 2 "Timekeepers", p. 2.

27 ⁶ Id., at p. 3, Exhibit 1, Dawson & Lordahl PPLC's Standard Hourly Rates Schedule.

28 ⁷ See zippia.com/guardian-ad-litem-jobs/; glassdoor.com/Salaries/guardian-ad-litem-salary;
ziprecruiter.com/Salaries/Guardian-Ad-Litem-Attorney-Salary.

⁸ See Verified Petition for Communication, Visits, and Vacation Time with Protected Person, filed
December 30, 2020, p. 5, para. 17.

1 The Court appointed the GAL on February 16, 2021.⁹ Subsequently, on February 22, 2021, the
2 GAL filed both a Notice of Appearance¹⁰ and a written Notice of Intention to Seek Attorney's
3 Fees and Costs From Guardianship Estate Pursuant to NRS 159.344(3).¹¹ As noted, it is
4 inappropriate for the GAL to seek "attorney" fees when she will not be acting in a legal capacity
5 in this matter. The GAL's written notice of intent to seek fees states that the principal attorney
6 bills at an hourly rate of \$400.00 and that other attorneys (without labeling their position such as
7 associate or senior) bill at hourly rates of \$350.00 to \$500 per hour.¹² There should be no cause
8 for an associate or other attorney working with the GAL to be involved in this matter and June
9 objects to the notice on this basis. The GAL was appointed to address one issue for the Court
10 and it is straight-forward and will only require interviewing with June and family members.¹³
11 Thus, this case will simply not require any lawyer working with the GAL to be involved or to
12 have reason to charge fees.
13

14 4. June Objects to Other Staff Rates Identified in the Notice.
15

16 Further, the GAL's notice includes hourly rates of other "staff" members in her firm
17 without labeling their positions (paralegal, etc.). Assuming the list includes paralegals, the
18 paralegals at the firm bill at the following rates: \$75, \$160, \$175, and \$225 per hour.¹⁴
19 According to the GAL, the "expected timekeepers" on this matter bill at \$75 and \$225 per hour.¹⁵
20 At the outset, June objects to any other person, other than the appointed GAL to carry out the
21 specific duties of the GAL. Furthermore, according to a 2016 report issued by the National
22

23 ⁹ See Order Appointing Guardian Ad Litem, February 16, 2021.

24 ¹⁰ See Notice of Appearance

25 ¹¹ See Notice of Intention to Seek Attorney's Fees and Costs from Guardianship Estate
Pursuant to NRS 159.344(3), filed February 22, 2021.

26 ¹² Id. at p. 3.

27 ¹³ See Order Appointing Guardian ad Litem.

28 ¹⁴ See Notice of Intention to Seek Attorney's Fees and Costs from the Guardianship
Estate Pursuant to NRS 159.344(3), p. 3.

¹⁵ Id. at p. 2.

1 Association of Legal Assistants, the leading paralegal association in the U.S., “the Far West
2 region continues to report the highest hourly billing rate [for paralegals] averaging \$136.00 an
3 hour, which includes states like California, Oregon, and Nevada.”¹⁶ Indeed, even paralegals with
4 over twenty-five years of experience bill at a rate of only \$145.00 per hour on average.¹⁷
5 Assuming the list of “staff” members are paralegals, guardian ad litem’s stated hourly rates of
6 \$160, \$175, and \$225 per hour, for whom no information regarding education or experience has
7 been provided, is much higher than the average rate for very experienced paralegals in Nevada.
8

9 Finally, if any administrative assistants have been included under the “staff” list and as
10 “expected timekeepers”, undersigned objects to their hourly rates as any clerical/administrative
11 tasks are not billable under NRS 159.344.

12 5. The GAL Failed to Properly Serve Those Entitled to Service.

13 NRS 159.344 requires that the Notice of Intent be served on all person entitled to notice
14 pursuant to NRS 1529.034 and 159.047. This requirement has not been satisfied. Teri Butler
15 (586 N Magdalena St., Dewey, AZ 86327), June’s daughter, who is not represented by any
16 attorney, is not listed on the Certificate of Service. Other grandchildren seem to be missing as
17 well from the service list. Undersigned also requests that an amended Certificate of Service
18 include all attorneys who were electronically served so as to ensure that all of June’s family
19 members were properly served.
20

21 ///

22 ///

23 ///

24
25 ¹⁶ See National Association of Legal Assistants, *2016 National Utilization &*
26 *Compensation Survey Report*, at 3, available at
27 <https://www.nala.org/sites/default/files/files/banner/2016%20NALA%20Utilization%20Compensation%20Survey%20Report.pdf>.
28

¹⁷ Id. at 22 (Hourly Billing Rates by Total Years Legal Experience).

1 DATED this 26th day of February, 2021.

2
3 **LEGAL AID CENTER OF**
4 **SOUTHERN NEVADA, INC.**

5 /s/ Maria Parra-Sandoval
6 Maria Parra-Sandoval, Esq.
7 Nevada Bar No. 13736

8 **LEGAL AID CENTER OF**
9 **SOUTHERN NEVADA, INC.**

10 725 E. Charleston Blvd
11 Las Vegas, NV 89104
12 Telephone: (702) 386-1526
13 Facsimile: (702) 386-1526

14 mparra@lacsnsn.org

15 *Attorney for Adult Protected Person*
16 *Kathleen June Jones*
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of February, 2021, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **KATHLEEN JUNE JONES' NOTICE OF OBJECTION TO GUARDIAN AD LITEM'S WRITTEN NOTICE OF INTENTION TO SEEK ATTORNEY'S FEES AND COSTS FROM GUARDIANSHIP ESTATE PURSUANT TO NRS 159.344(3)** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Teri Butler
586 N Magdalena St.
Dewey, AZ 86327

Jen Adamo
14 Edgewater Dr.
Magnolia, DE 19962

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Jon Criss
804 Harkness Lane, Unit 3
Redondo Beach, CA 90278

Ryan O'Neal
112 Malvern Avenue, Apt. E
Fullerton, CA 92832

Tiffany O'Neal
177 N. Singingwood Street, Unit 13
Orange, CA 92869

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

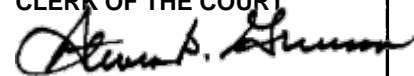
AND I FURTHER CERTIFY that on the same date I electronically served the same document to the following via ODYSSEY, the Court's electronic filing system, pursuant to EDCR 8.05:

John P. Michaelson
john@michaelsonlaw.com
Jeffrey R. Sylvester, Esq.
jeff@SylvesterPolednak.com
Attorneys for Robyn Friedman and Donna Simmons
Geraldine Tomich, Esq.
gtomich@maclaw.com
James Beckstrom, Esq.
jbeckstrom@maclaw.com
Attorneys for Guardian Kimberly Jones

/s/ Penny Walker

Employee of Legal Aid Center of Southern Nevada, Inc.

Exhibit 4



PET
DAWSON & LORDAHL PLLC
Elizabeth Brickfield, Esq., NSB #6236
8925 West Post Road, Suite 210
Las Vegas, Nevada 89148
Telephone: (702) 476-6440, Facsimile: (702) 476-6442
ebrickfield@dlnevada.law.com
Guardian ad Litem for Kathleen Jones

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of the Guardianship of:

KATHLEEN JUNE JONES,

Protected Person.

Case No: G-19-052263-A

Department No: B

HEARING REQUESTED

PETITION FOR APPROVAL OF GUARDIAN AD LITEMS' FEES AND COSTS

Elizabeth Brickfield, Esq., ("**Petitioner**") of the law firm of Dawson & Lordahl, PLLC, as the duly appointed Guardian Ad Litem for Kathleen June Jones, a Nevada adult protected person, hereby petition this Court for approval of fees and costs incurred as Guardian ad Litem for Kathleen June Jones.

Procedural History

1. Kathleen June Jones ("**Protected Person**") was born on January 20, 1937 and is 84 years old.
2. On February 16, 2021, this Court entered an Order appointing Elizabeth Brickfield as Guardian ad Litem for Kathleen June Jones, the protected person, pursuant to NRS 159.0455.
3. On February 22, 2021, Petitioner filed a Notice of Intent to Seek Fees and Costs from the Guardianship.
4. On March 29, 2021, the Guardian ad Litem filed her Report regarding her meeting and conversations with Ms. Jones.



1 **A. The Requested Fees Are Permitted by Nevada Statute.**

2 Under NRS 159.0455(3) and NRS 159.344(10), the Guardian Ad Litem is entitled to
3 reasonable compensation from the estate of the ward or proposed ward. Compensation and expenses
4 must be paid from the adult ward's estate unless compensation and expenses are provided by a third
5 party voluntarily or by court order.

6 Elizabeth Brickfield, Esq., is the Court appointed Guardian ad Litem for Ms. Kathleen June
7 Jones. Subject to the discretion and approval of this Court, Ms. Brickfield is entitled to reasonable
8 compensation and fees from the Protected Person's estate. Accordingly, Nevada Statute permits
9 the requested compensation for the Guardian Ad Litem and costs.

10 **B. The Requested Fees Are Reasonable and Justified Under the Brunzell Factors.**

11 Elizabeth Brickfield is entitled to compensation for her services provided as Guardian Ad
12 Litem and costs from the Guardianship. Between the periods of 02/16/2021 and 10/26/2021, Ms.
13 Brickfield incurred \$5,710.00 in fees and \$3.50 in costs for a total of \$5,713.50 for her work
14 performed at Dawson & Lordahl PLLC. *See* Brickfield Declaration as **Exhibit "1"**, and **Exhibit**
15 **"1-A"**.

16 The Nevada Supreme Court organizes the Brunzell factors under four headings:

- 17 (1) the qualities of the advocate: his ability, his training, education, experience,
18 professional standing and skill;
19 (2) the character of the work to be done: its difficulty, its intricacy, its importance,
20 time and skill required, the responsibility imposed and the prominence and
21 character of the parties where they affect the importance of the litigation;
22 (3) the work actually performed by the lawyer: the skill, time and attention given to
23 the work; and
24 (4) the result: whether the attorney was successful and what benefits were derived.

25 The Court should consider each factor without giving any one factor undue weight.

26 The first Brunzell factor requires the Court to consider the qualities of the advocate,
27 specifically his or her ability, training, education, experience, professional standing and skills.
28 Elizabeth Brickfield is the Guardian ad Litem for the protected person, Kathleen June Jones. Ms.
Brickfield's declaration shows that her experience and professional standing justifies her hourly
compensation rate of \$400.00 per hour.

Ms. Brickfield has significant litigation, probate and guardianship experience. Ms.



1 Brickfield was a Member in Dickinson Wright's Estate Planning & Administration Department and
2 is now a Partner with Dawson & Lordahl PLLC. She practices in guardianship matters, tax law,
3 trusts and estate, and trust and probate litigation. She has been appointed by the Court in a number
4 of matters to serve as Guardian ad Litem. She has presented seminars for the State of Bar of Nevada,
5 the Southern Nevada Association of Women Attorneys, Clark County Bar Association, and private
6 legal education associations. She is a member of the Southern Nevada Council of Estate Planners,
7 the State Bar of Nevada's Elder Law Section, Taxation Section and the State Bar of Nevada's Trust
8 and Probate Section. She is the former Chair of the State Bar of Nevada's Trust and Probate Section
9 and was a member of the State Bar of Nevada's Board of Governors from 2010 to 2014. The Desert
10 Companion magazine named her one of the Nevada's Top Lawyers, and she is an AV Preeminent
11 Rated attorney by Martindale-Hubbell. She is listed as a 2015 through 2019 Mountain State Super
12 Lawyer. Ms. Brickfield received her LL.M. in Taxation from the New York University School of
13 Law, which, according to U.S. News & World Reports, has the best Taxation LL.M. program in the
14 country since 1992.

15 The second Brunzell factor requires the Court to consider the character of the work to be
16 done, including the difficulty and intricacy of the work, the skill required, the responsibility imposed
17 and prominence and character of the parties. Here, the character of the work to be done was detailed
18 and complex, which required intricate attention to detail. This matter required time and skill of the
19 attorneys handling this matter, and each acknowledged the responsibility imposed. The fee
20 requested is reasonable and proper under the circumstances.

21 The third Brunzell factor requires the Court to consider the work actually performed
22 including the skill, time and attention given to the work. Under this factor, the Court should consider
23 whether "the time rendered, would have been undertaken by a reasonable and prudent lawyer to
24 advance or protect his client's interest." The billing invoices describe the particular time
25 commitments in more detail. Furthermore, Ms. Brickfield expended reasonable effort proportional
26 to the magnitude of the case, and Ms. Brickfield devoted the time, skill and attention of a reasonable
27 and prudent guardian ad litem to this matter.

28 Ms. Lamprea's declaration shows that her experience and professional standing as a



1 paralegal justifies her hourly compensation rate of \$155.00 per hour. Ms. Lamprea has family and
2 probate experience, and she has been an active family and probate paralegal for a continuous period
3 of four (4) years. Ms. Lamprea earned her college degree of International Business in the University
4 of Colombia in 2016 with a focus on Marketing and Accounting. *See* Lamprea's Declaration as
5 **Exhibit "2"**. Throughout the billings presented by the Guardian ad Litem, Ms. Brickfield
6 supervised all of Ms. Lamprea's work to be as efficient and cost-effective as a possible while
7 achieving the best work product possible for the benefit of Ms. Jones. Accordingly, the work actually
8 performed, and the time, skill and attention required, support the reasonableness of the requested fee
9 award.
10

11 The final Brunzell factor requires the Court to consider the results obtained. "Whether the
12 attorney was successful and what benefits were derived" can bear on the "reasonableness of the fees
13 incurred by a party." Ms. Jones benefited from the Guardian ad Litem's representation.
14

15 Accordingly, the total fees requested are \$5,710.00 and \$3.50. total costs for the services
16 provided by Dawson & Lordahl PLLC. Additionally, Petitioner requests that this Court award any
17 fees and costs incurred until the hearing of this Petition.

18 **WHEREFORE**, Petitioner prays that this Court enter its orders as follows:

19 1. Approving Petitioner's request for payment of \$5,713.50 in Guardian ad Litem fees
20 and costs Dawson & Lordahl PLLC incurred on behalf of Kathleen Jones as Guardian ad Litem with
21 such payments to be paid from the assets of the guardianship of Kathleen Jones;

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...



1
2 2. For such other and further relief as the Court may deem just and proper.

3 Dated this 27 day of October, 2021.
4

5 **DAWSON & LORDAHL PLLC**

6
7 
8 Elizabeth Brickfield, Esq. NSB #6236
9 8925 West Post Road, Suite 210
10 Las Vegas, Nevada 89148
11 Telephone: (702) 476-6440
12 Facsimile: (702) 476-6442
13 ebrickfield@dlnevadalaw.com
14 *Guardian ad litem for Kathleen Jones*
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CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of October, 2021, I caused copies of the foregoing **PETITION FOR APPROVAL OF GUARDIAN AD LITEM'S FEES AND COSTS** to be served through the Court's electronic filing system or by depositing the same in the United States mail in Las Vegas, Nevada, first class postage prepaid, addressed to the following parties:

John P. Michaelson, Esq.
Jeffrey R. Sylvester, Esq.
jeff@sylvesterpolednak.com
john@michaelsonlaw.com

*Co-Counsel for Petitioners, Robyn Friedman
and Donna Simmons*

Maria L. Parra-Sandoval, Esq.,
Legal Aid Center of Southern Nevada
mparra@lacs.nv.gov
pwalker@lacs.nv.gov

Counsel for Kathleen Junes Jones

James Beckstrom, Esq.
Geraldine Tomich, Esq.
jbeckstrom@maclaw.com
gtomich@maclaw.com
Attorneys for Kimberly Jones

Kate McCloskey
NVGCO@nvcourts.nv.gov
lcarrol@nvcourts.nv.gov
sjones@nvcourts.nv.gov

Terri Butler
586 N. Magdalena St.,
Dewey, AZ 86327

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Jen Adamo
14 Edgewater Drive
Magnolia, DE 19962

Jon Criss
804 Harkness Lane, Unit 3
Redondo Beach, CA 90278

Ryan O'Neal
112 Malvern Avenue, Apt. E
Fullerton, CA 92832

Tiffany O'Neal
177 N. Singing Wood Street, Unit 13
Orange, CA 92869

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

Paucic

An Employee of Dawson & Lordahl, PLLC



EXHIBIT 1

1 **DECLARATION OF ELIZABETH BRICKFIELD IN SUPPORT OF**
2 **REQUEST FOR PAYMENT OF FEES AND COSTS FOR HER SERVICES AS**
3 **GUARDIAN AD LITEM**

4 I, ELIZABETH BRICKFIELD, declare under penalty of perjury under the laws of the State
5 of Nevada:

6 1. I am the Guardian ad litem for Kathleen June Jones, the protected person, pending
7 before Department B of the District Court, Family Division, Clark County, Nevada.

8 2. I am familiar with the services provided during these proceedings.

9 3. I submit this Declaration in support of the Petition for Approval of Guardian ad
10 Litem's Fees and Costs.

11 4. I have been licensed to practice law in the State of Nevada since 1997.

12 5. Currently, I am a Partner with the law firm of Dawson & Lordahl, PLLC, where I
13 practice primarily in the Estate Planning & Administration Department; previously, I was a
14 member of the law firm of Dickinson Wright PLLC and a shareholder with the law firm of Lionel
15 Sawyer & Collins, where I practiced primarily in the Business Law Department.

16 6. My practice consists of tax law, family law, trusts and estate, guardianship matters
17 and trust and probate litigation.

18 7. I received my LL.M. in Taxation from the New York University School of Law,
19 which has been ranked as the #1 Taxation LL.M. program in the country by U.S. News & World
20 Reports since 1992.

21 8. I am a member of the Southern Nevada Counsel of Estate Planners, the State Bar
22 of Nevada's Elder Law Section and the State Bar of Nevada's Trust and Probate Law Section.

23 9. I am the former Chair of the State Bar of Nevada's Trust and Probate Section.

24 10. I am Martindale Hubble AV-Rated and was named one of Nevada's Top Lawyers
25 by *Desert Companion* magazine. I am also listed as a 2015-2019 Mountain State Super Lawyer.

26 11. I have reviewed the Petition, including the billing invoices for the services rendered
27 for fees and costs from the law firm of Dawson & Lordahl PLLC, attached hereto as **Exhibit "1A"**.

28 12. I have personally reviewed the fees and costs charged in this case and believe they

1 were actually and necessarily incurred and were reasonable for the benefit of Ms. Jones.

2 13. The work performed by Dawson & Lordahl PLLC was delegated so as to be as
3 efficient and cost-effective as possible while achieving the best work product possible for the
4 estate.

5 14. I make this declaration under penalties of perjury.

6 DATED this 27 day of October, 2021.

7
8 
9 _____
ELIZABETH BRICKFIELD, ESQ.

EXHIBIT 1-A

Dawson and Lordahl PLLC

8925 West Post Road, Suite 210
Las Vegas, NV 89148
United States
Phone: 702-476-6440
Fax: 702-476-6442

INVOICE

Invoice # 9523
Date: 10/25/2021
Due On: 11/24/2021

Jones, Kathleen

01955-Jones, Kathleen

Guardian ad Litem

Services

Date	Attorney	Description	Quantity	Rate	Total
02/22/2021	EB	t/c with counsel for Ms. K. Jones	1.00	\$400.00	\$400.00
02/24/2021	EB	t/c with June Jones and counsel. preparation for and email	1.00	\$400.00	\$400.00
03/05/2021	EB	t/c with John Michaelson	1.00	\$400.00	\$400.00
03/08/2021	EB	t/c and meetings with Robyn Friedman and Kimberly Jones	3.50	\$400.00	\$1,400.00
03/12/2021	EB	hearing; t/c with Donna (June's daughter)	1.50	\$400.00	\$600.00
03/16/2021	EB	t/c with Teri Brewer, t/c with Scott Simmons	1.50	\$400.00	\$600.00
03/25/2021	EB	travel to and visit with June Jones	1.50	\$400.00	\$600.00
03/26/2021	EB	t/c; review of filings	1.00	\$400.00	\$400.00
08/12/2021	EB	prepare for and attend hearing	1.50	\$400.00	\$600.00
09/03/2021	PL	Review matter and drafted Petition for payment of attorneys fees and costs for the guardian ad litem.	2.00	\$155.00	\$310.00
Services Subtotal					\$5,710.00

Expenses

Type	Date	Description	Quantity	Rate	Total
Expense	03/09/2021	Clark County Court - Filing fee	1.00	\$3.50	\$3.50
Expenses Subtotal					\$3.50

Subtotal	\$5,713.50
Total	\$5,713.50

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
9523	11/24/2021	\$5,713.50	\$0.00	\$5,713.50
Outstanding Balance				\$5,713.50
Total Amount Outstanding				\$5,713.50

Please make all amounts payable to: Dawson and Lordahl PLLC

Please pay within 30 days.

EXHIBIT 2

**DECLARATION OF PAULA LAMPREA IN SUPPORT OF
ELIZABETH BRICKFIELD'S PETITION FOR APPROVAL OF FEES AND COSTS AS
GUARDIAN AD LITEM**

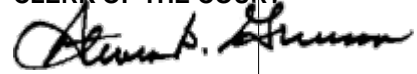
I, PAULA LAMPREA, declare under penalty of perjury under the laws of the State of Nevada:

1. I am a Paralegal employed by Dawson & Lordahl PLLC.
2. I am familiar with the services provided during these proceedings.
3. I have family and probate experience and have been and active family and probate paralegal for a continuous period of four (4) years.
4. I earned my college degree in International Business from the University of Colombia in 2016, with a focus on Marketing and Accounting.
5. I submit this Declaration in support of Elizabeth Brickfield's Petition for Approval of Guardian ad Litem's Fees and Costs.
6. I have assisted Ms. Brickfield in this proceeding in her capacity as Guardian ad Litem for Kathleen June Jones.
7. I have performed work for this matter under Ms. Brickfield's supervision as efficient and cost-effective as possible while achieving the best work product possible for this matter.
8. I make this declaration under penalties of perjury.

DATED this 27 day of October, 2021.

Paula Lamprea.

Exhibit 5



1 **OBJ**

2 Maria L. Parra-Sandoval, Esq.
3 Nevada Bar No. 13736

4 **LEGAL AID CENTER OF**
5 **SOUTHERN NEVADA, INC.**

6 725 E. Charleston Blvd.

7 Las Vegas, NV 89104

8 Telephone: (702) 386-1526

9 Facsimile: (702) 386-1526

10 mparra@lacsns.org

11 *Attorney for Kathleen June Jones,*
12 *Adult Protected Person*

13
14 **EIGHTH JUDICIAL DISTRICT COURT**
15 **FAMILY DIVISION**
16 **CLARK COUNTY, NEVADA**

17 In the Matter of Guardianship of the Estate of:

Case No. G-19-052263-A
Dept. No. B

18 KATHLEEN JUNE JONES,
19 Adult Protected Person.

20 **OBJECTION TO PETITION FOR APPROVAL OF GUARDIAN AD LITEMS' FEES**
21 **AND COSTS**

22 Kathleen June Jones ("June"), the protected person herein, by and through her counsel,
23 Maria L. Parra-Sandoval, Esq., hereby objects to the Petition for Approval of Guardian Ad
24 Litems' Fees and Costs, filed by Ms. Elizabeth Brickfield, Esq. ("GAL"), the Guardian Ad
25 Litem. June's Objection is based upon and supported by the following Memorandum of Points
26 and Authorities, the pleadings and papers on file in this case, and the argument of counsel as
27 allowed by the Court at the time of hearing.

28 ///

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **A. The GAL should be paid at a reasonable GAL rate, not an attorney rate, as the**
4 **tasks she performed were not legal tasks.**

5 As stated in June's Notice of Objection to Guardian Ad Litem's Written Notice of
6 Intention to Seek Attorney's Fees and Costs from Guardianship Estate Pursuant to NRS
7 159.344(3), filed on February 26, 2021, June objects to the GAL's attorney rate for her services.
8 The GAL is entitled to fees for her services performed as a GAL, but she is not entitled to
9 attorney fees incurred for performing duties as a GAL.
10

11 Neither the Nevada Revised Guardianship Statutes (NRS 159) nor the Statewide
12 Guardianship Rules state that a GAL must have a legal background to serve as a GAL. Rule 8
13 (H) states: "A Guardian ad litem *may be* a trained volunteer from a court-approved advocate
14 program, an attorney, or *any other person* that the court finds has appropriate training and
15 experience (emphasis added).¹ In other words, this Rule allows any person in the community to
16 serve as a GAL without the need to have legal experience. Additionally, NRS 159.0455(4)
17 provides that a GAL "shall not" provide legal services.² Even if the statute required an attorney
18 to act as a GAL, the GAL would not be entitled to her attorney rate because she did not perform
19 attorney tasks. Accordingly, the appointed GAL's attorney rate for the performance of non-
20 attorney services is not reasonable.
21
22

23 Under the Order of Appointment, the guardian ad litem was directed to address the
24 following issues. These issues do not require legal expertise to fulfill:

25 Scheduled opportunities for Protected Person to elect to speak with
26 and/or visit in person with her adult daughters and whether the Guardian
27 has an obligation to facilitate, prompt, encourage, plan, schedule, and/or

28 ¹ See Statewide Rules for Guardianship, Rule 8.

² See NRS 159.0455(4).

1 create an environment that promotes an opportunity for continued
2 communication between Protected Person and her adult daughters based
3 upon the current level of care and needs of the Protected Person. See
4 Verified Petition for Communication, Visits, and Vacation Time with
Protected Person, filed December 30, 2020, Oppositions filed January 25,
2021; and hearing held on February 11, 2021.³

5 The Court further ordered that the guardian ad litem:

6 *shall not offer legal advice* to the Protected Person or Proposed Protected Person,
7 but shall advocate for the **best interest** of the Protected Person in a manner that will
8 enable the court to determine the action that will be the **least restrictive** and in
9 the best interests of the Protected Person and provide any information required
by the court pursuant to NRS 159.0455 until relieved by order of the court
(emphasis added).⁴

10
11 The GAL's rate should be in line with rates charged by other GALs and tied to the
12 services she actually performed. According to a search of compensation websites, the national
13 average GAL hourly rates range from approximately \$22.00 per hour to \$48.00 per hour.⁵
14 Accordingly, the rate which the GAL is seeking for her services in this matter is grossly outside
15 the norm for GAL services.
16

17 June noticed all parties of her objection to the GAL's attorney rate for non-attorney
18 services at the time the GAL filed her notice of intent to seek those fees from her estate. Despite
19 this notice, the GAL submitted a request for fees at her attorney rate of \$400.00 per hour for all
20 of the tasks she performed as the GAL, plus two hours of paralegal work at a rate of \$155.00
21 per hour. Upon receipt of the GAL's request for fees, June attempted to negotiate a reduction
22 based on the previously stated objection to the hourly GAL rate but was not successful.⁶
23
24

25
26 ³ See Order Appointing Guardian ad Litem, p. 2

27 ⁴ Id.

28 ⁵ See zipppia.com/guardian-ad-litem-jobs/; [glassdoor.com/Salaries/guardian-ad-litem-](https://glassdoor.com/Salaries/guardian-ad-litem-salary)
ziprecruiter.com/Salaries/Guardian-Ad-Litem-Attorney-Salary.

⁶ See attached Exhibit A.

1 **B. June objected to the appointment of a GAL and further objected to paying the**
2 **GAL’s fees at the \$400 per hour attorney rate.**

3 June should not have to pay attorney rates for the court-appointed GAL when she
4 objected to those rates from the outset and to the appointment of the GAL in the first instance.⁷

5 Furthermore, the GAL provided no benefit to Ms. Jones. In determining the
6 reasonableness of the GAL’s fees, this court is to consider whether Ms. Jones benefitted from
7 the work performed by the GAL. More specifically, NRS 159.344(5)(b) considers: “Whether
8 the services conferred any actual benefit upon the protected person or attempted to advance the
9 best interests of the protected person.” While the GAL interviewed all the family members and
10 June herself, on more than one occasion, her work and subsequent report offered zero benefit
11 to June. In addition, *the GAL did not report her interview with June with accuracy—as brought*
12 *to this Court’s attention* in Junes’ Petition to Approve Kathleen June Jones’ Proposed Visitation
13 Schedule, filed on May 5, 2021:

14 On February 24, 2021, June told Ms. Elizabeth Brickfield, the court-appointed
15 Guardian ad Litem (“GAL”) that she did not want a schedule for visits and
16 telephone calls: “I don’t want a schedule, no set time; I want to do it when I feel
17 like it.”⁸ But the GAL kept insisting on a schedule and asking June in *different*
18 ways. The GAL asked, “What if your daughters agree on a schedule?”⁹ June
19 replied, “No, not really, no schedule at all.”¹⁰ GAL again asked, “How about
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21
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⁷ See Kathleen June Jones’ Opposition to Verified Petition for Communication, Visits,
25 and Vacation Time with Protected Person, filed January 25, 2021, p. 4, lines 19-25 and p. 5,
26 lines 1-4.

27 ⁸ Zoom Interview with GAL on February 24, 2021, Notes taken by Maria Parra-Sandoval,
28 Esq./LACNS Attorney for Kathleen June Jones.

⁹ *Id.*

¹⁰ *Id.*

1 phone calls at a certain time of a week?”¹¹ June replied, “I don’t like a schedule
2 at all.”¹² The GAL asked again, “Is there a day you prefer?”¹³ June replied, “They
3 can call any time.”¹⁴ On March 25, 2021, at the in-person meeting with the GAL,
4 the GAL was the one who raised the topic of a schedule and June once again
5 turned it down making it clear she did not want a schedule and that “They [her
6 kids] should just call.”¹⁵ June also stated she prefers calls to be short.¹⁶

8 If June had been telling her court-appointed attorney the same thing she told the GAL,
9 then how did June benefit from the GAL’s work? She did not. The GAL’s appointment provided
10 no benefit to June and the issue of a scheduled visitation agreement is yet to be resolved. June
11 should not have to pay for the GAL’s fees because they are unreasonable and, under NRS
12 159.344(5)(b), she did not benefit from the GAL’s appointment.

14 Under NRS 159.344(5)(j), the court may consider “The ability of the estate of the
15 protected person to pay, including, without limitation: (1) The value of the estate; (2) The
16 nature, extent and liquidity of the assets of the estate; (3) The disposable net income of the
17 estate; (4) The anticipated future needs of the protected person; and (5) Any other foreseeable
18 expenses. June has foreseeable expenses that should take precedence over any requested
19 attorney’s or GAL fees. The First Accounting has not been approved yet and a Second
20 Accounting is already due. The latter is needed to ascertain with accuracy June’s financial state
21
22
23

24 ¹¹ *Id.*

25 ¹² *Id.*

26 ¹³ *Id.*

27 ¹⁴ *Id.*

28 ¹⁵ In-person Interview with GAL on March 25, 2021, Notes taken by Elizabeth Mikesell,
Esq./LACSN attorney.

¹⁶ *Id.*

1 under 159.344(5)(j). The GAL's fees should be paid after June passes. Any GAL fees, if
2 approved by this Court, should be recorded as a lien on June's Anaheim property so that June
3 can continue to use her home during her lifetime.

4 If the Court approves the GAL's fees *despite there being no benefit to June*, the GAL
5 should be paid at a comparable GAL rate, not her attorney rate.
6

7
8 DATED this 18th day of November, 2021.

9
10 **LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**

11 /s/ Maria L. Parra-Sandoval, Esq.

12 Maria L. Parra-Sandoval, Esq.
13 Nevada Bar No. 13736

14 **LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**

15 725 E. Charleston Blvd

16 Las Vegas, NV 89104

17 Telephone: (702) 386-1526

18 Facsimile: (702) 386-1526

19 mparra@lacsncsn.org

20 *Attorney for Adult Protected Person Kathleen*
21 *June Jones*
22
23
24
25
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28

1 **CERTIFICATE OF SERVICE**

2
3 I HEREBY CERTIFY that on the 18th day of November, 2021, I deposited in the United
4 States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **OBJECTION**
5 **TO PETITION FOR APPROVAL OF GUARDIAN AD LITEMS' FEES AND COSTS** in
6 a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid,
7
8 addressed to the following:

9 Teri Butler
10 586 N Magdalena St.
Dewey, AZ 86327

Jen Adamo
14 Edgewater Dr.
Magnolia, DE 19962

11 Scott Simmons
12 1054 S. Verde Street
13 Anaheim, CA 92805

Jon Criss
804 Harkness Lane, Unit 3
Redondo Beach, CA 90278

14 Ryan O'Neal
15 112 Malvern Avenue, Apt. E
Fullerton, CA 92832

Tiffany O'Neal
177 N. Singingwood Street, Unit 13
Orange, CA 92869

16 Ampersand Man
17 2824 High Sail Court
18 Las Vegas, NV 89117

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

19
20 AND I FURTHER CERTIFY that on the same date I electronically served the same document
21 to the following via ODYSSEY, the Court's electronic filing system, pursuant to EDCR 8.05:

22 ///

23 ///

24 ///

25 ///

26 ///

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Jeffrey R. Sylvester, Esq.

Attorneys for Robyn Friedman

Jbeckstrom@maclaw.com

gtomich@maclaw.com

Attorneys for Guardian Kimberly Jones

ebrickfield@dlnevadalaw.com

Court-Appointed Guardian Ad Litem

/s/ Penny Walker
Employee of Legal Aid Center of Southern Nevada, Inc.

EXHIBIT A

From: Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>
Sent: Thursday, November 4, 2021 2:45 PM
To: Maria Parra-Sandoval <MParra@lacs.org>
Subject: RE: Kathleen June Jones

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

I will leave this to Judge Marquis' discretion. I consider my billing to be reasonable and necessary for the assignment. If LACSN does not want attorneys appointed as GALS then you should object at the time of appointment. Elizabeth Brickfield

DAWSON & LORDAHL IS MOVING

As of November 1, 2021, our new address is:
9130 West Post Road, Suite 200
Las Vegas, NV 89148



DAWSON & LORDAHL

Trust, Estate & Business Attorneys
Elizabeth Brickfield, Esq.,
Member
(p) 702.476.1119
(f) 702.476.6442

www.DLNevadaLaw.com

Trust, Estate & Business Attorneys
A Professional Limited Liability Company

From: Maria Parra-Sandoval <MParra@lacs.org>
Sent: Thursday, November 4, 2021 2:33 PM
To: Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>
Subject: Kathleen June Jones

Dear Elizabeth,

I was able to review your Petition for Approval of Guardian Ad Litem's Fees and Costs. I filed a Notice of Objection to GAL's Written Notice of Intent on February 25, 2021, so my email should not be a surprise to you.

This is not my favorite part of my job and I sincerely appreciate that you did not bill for a bunch of emails and other items that would have been beyond the scope of the Order Appointing Guardian Ad Litem. So, thank you.

However, I stand by the same argument in the Notice of Objection that a GAL is not entitled to an hourly attorney rate that is typically charged when the issues do not require legal expertise to fulfill. And the Order itself specifically ordered that the guardian ad litem "shall not offer legal advice to the Protected

Person...” Additionally, Rule 8(H) of the Statewide Rules for Guardianship allows for any person in the community to serve as GAL without the need to have legal experience.

So instead, you should be compensated based on what other comparable GAL’s charge on an hourly basis. The Notice of Objection specifically states that the national average GAL hourly rates range from \$22 to \$48 per hour. Given that you have significant experience, would you be willing to settle on \$100 per hour for your GAL work?

Total hours billed 15.5 x \$100 = \$1,550.00

Total Expenses: \$3.5

Total \$1,553.50.

Please let me know what you think and whether you have a counter-offer. If you find a different rate for GAL’s please let me know that too.

Respectfully,
Maria Parra-Sandoval



Maria Parra-Sandoval, Esq.
Attorney, Consumer Rights Project
Legal Aid Center of Southern Nevada, Inc.
725 E. Charleston Blvd.
Las Vegas, NV 89104
702-386-1526 direct/fax
702-386-1070 ext. 1526
mparra@lacsnsn.org
www.lacsnsn.org

Legal Aid Center of Southern Nevada, Inc. is a 501 (c) (3) organization and your [contribution](#) may qualify as a federally recognized tax deduction.



[Legal Aid Center E-Newsletter](#)

Please remember Legal Aid Center of Southern Nevada in your estate plan.

Exhibit 6

FFCL

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY NEVADA

In the Matter of the Guardianship of:) Case No.: G-19-052263-A
) Dept. No.: B
Kathleen June Jones,)
)
Protected Person(s).)
_____)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
GRANTING GUARDIAN AD LITEM FEES

Procedural History

In September 2019, two of the daughters of the Protected Person, Robyn Friedman and Donna Simmons, petitioned the District Court for guardianship of their mother alleging, in part, that the Proposed Protected Person's Power of Attorney and their sister, Kimberly Jones, was unwilling or unable to address serious issues effecting the health and welfare of the Proposed Protected Person.

Initially, Kimberly objected to the need for a guardian for her Mother. Later, Kimberly opposed Robyn and Donna's petition and filed her own petition for guardianship. Jerry, the husband of the Protected Person, objected and filed a counter petition for guardianship. The three competing petitions alleged: elder abuse; financial misconduct; exploitation; isolation; kidnapping; and many other things. *See* Robyn and Donna's Petition

1 Guardianship, filed September 19, 2019; Kimberly's Opposition and
2 Counter-Petition, filed October 2, 2019; Jerry's Opposition and Counter-
3 Petition, filed October 2, 2019.
4

5 Ultimately, Robyn and Donna withdrew their Petition and supported
6 Kimberly. Kimberly was appointed guardian of the person and estate of her
7 Mother on October 15, 2020.
8

9 After the appointment of Kimberly, the guardianship proceedings and
10 related civil proceedings remained actively contentious: over 400 pleadings
11 have filed, over twenty-five (25) hearings held, and at least three
12 investigations ordered. Throughout the guardianship proceedings, Robyn
13 and Donna have complained that the Guardian, Kimberly, has restricted their
14 ability to communicate and visit their Mother, the Protected Person. After
15 attempts to resolve the issue were unsuccessful, Robyn and Donna filed a
16 requests for visitation and communication.
17
18
19

20 This Court appointed Elizabeth Brickfield, Esq., as Guardian Ad Litem
21 for the Protected Person on February 16, 2021. Guardian Ad Litem Ms.
22 Brickfield filed a Notice of Intent to Seek Fees and Costs from the
23 Guardianship Estate on February 22, 2021.
24

25 The Protected Person filed an Objection to the Guardian Ad Litem's
26 Notice of Intent to Seek Fees on February 26, 2021, and objected to Ms.
27 Brickfield's hourly rate, \$400.00. Protected Person argued that the Guardian
28 Ad Litem is not entitled to an attorney's hourly rate. Protected Person

1 argues, based upon her review of websites, that the Guardian Ad Litem is
2 entitled to \$22.00 per hour to \$48.00 per hour.

3
4 The Guardian at the time, Kimberly Jones, filed a Joinder to the Protected
5 Person's Objection on March 1, 2021.¹

6 Elizabeth Brickfield, Esq., filed a Petition for Approval of Guardian
7 Ad Litem's Fees and Costs on October 27, 2021, supported by detailed
8 billing statement and declarations. Ms. Brickfield requests fees of \$5,710.00
9 and costs of \$3.50.

10
11 The Successor Guardian, Robyn Friedman, did not object and supported
12 the request for fees. The many interested and adverse parties did not object.

13
14 Protected Person filed her Objection on November 18, 2021.
15 Protected Person argues the Guardian Ad Litem's hourly rate (\$400.00) is
16 "grossly outside the norm for Guardian Ad Litem services" and should be
17 reduced from \$400.00 per hour to the range of \$22.00 - \$48.00 per hour,
18 based upon information obtained by Protected Person regarding national non-
19 attorney Guardian Ad Litem hourly rates from Glassdoor.com and
20 Ziprecruiter.com. See Protected Person's Objection at page 3.

21
22 Further, Protected Person argues that the Guardian Ad Litem
23 Brickfield provided "zero benefit" to the Protected Person and lied to the
24 Court. See Protected Person's Objection at page 4-5.

25
26
27
28

¹ Guardian Kimberly Jones was later removed and a Successor Guardian, Robyn Friedman, appointed by the Court.

1 The Court granted the requested Guardian Ad Litem fees at the December
2 9, 2021, Hearing and the instant written Order follows. The Protected
3 Person's Objection misrepresents both Nevada law regarding Guardians Ad
4 Litem and the circumstances of the instant case.

6 ***Findings of Fact and Conclusions of Law***

8 The District Court has discretion to appoint a Guardian Ad Litem to
9 represent a Protected Person in a guardianship proceeding at any time, if the
10 Court believes that the Protected Person will benefit from the appointment
11 and the services of the Guardian Ad Litem will be beneficial in determining
12 the best interests of the Protected Person. *See* NRS 159.0455(1).

14 The District Court has further discretion to appoint a non-attorney to serve
15 as Guardian Ad Litem, *only if* a court-approved volunteer advocate program,
16 which provides court approved training, for Guardians Ad Litem has been
17 established in the judicial district. *See* NRS 159.0455(3).

19 There is no volunteer, non-attorney, Guardian Ad Litem, adult
20 guardianship advocate program in the Eighth Judicial District Court.
21 Accordingly, this Court may not utilize its discretion to appoint a non-
22 attorney to serve as a Guardian Ad Litem for a Protected Person in a
23 guardianship proceeding in this judicial district.

25 Protected Person's statement that Nevada law allows ". . . any person in
26 the community to serve as a GAL without the need to have legal experience"
27
28

1 is inaccurate and intentionally ignores NRS 159.0455(3) and the language of
2 Nevada Guardianship Rule 8. *See* Objection at page 2.

3
4 Protected Person's representation that Nevada law prohibits a GAL from
5 providing legal services is also inaccurate. Protected Person states, "...
6 NRS 159.0455(4) provides that a GAL "shall not" provide legal services."
7
8 *See* Objection at page 2.

9 NRS 159.0455(4) does not prohibit a Guardian Ad Litem from
10 providing legal services. The statute prohibits a Guardian Ad Litem from
11 providing a specific type of legal service to a specific person. A Guardian
12 Ad Litem is prohibited from offering legal advice to the Protected Person.
13
14 *See* NRS 159.0455(4).

15
16 Protected Person argues that an attorney Guardian Ad Litem should be
17 paid at the rate of non-attorney Guardian Ad Litem. However, under Nevada
18 law non-attorney Guardian Ad Litem's do not get paid. Pursuant to NRS
19 159.0455(4) only a *volunteer* non-attorney Guardian Ad Litem may be
20 appointed, under specific circumstances that do not exist in this judicial
21 district.
22

23
24 Given the complexity of this matter and the issues presented, an attorney
25 Guardian Ad Litem was necessary. The potential impact of the
26 communication and visitation requests and the Adverse Parties' significant
27 inconsistencies regarding the Protected Person's abilities and desires, a
28

1 Guardian Ad Litem with considerable legal and professional experience was
2 necessary in this matter.

3
4 Guardian Ad Litem Brickfield was appointed by this Court *because of*
5 her extensive experience, legal abilities, and knowledge. This Court
6 expected Ms. Brickfield to bring the breadth of her legal experience and
7 knowledge to her role to benefit the Protected Person. The Court believed
8 the appointment of Ms. Brickfield as Guardian Ad Litem would benefit the
9 Protected Person and would be beneficial in determining best interests.
10

11
12 Protected Person's contention that the tasks assigned to Guardian Ad
13 Litem Brickfield were simple and required no legal training is incorrect.

14
15 The isolation of a Protected Person, through the restriction of
16 communication and visitation of family members, can have significant
17 consequences in guardianship matters.² The Protected Person's Bill of
18 Rights grants the Protected Person the right to receive telephone calls,
19 personal mail, and visitors, unless the Guardian and Court determine it will
20 cause harm to the Protected Person. *See* NRS 159.328. The method and
21 manner in which restrictions can or should be put in place requires legal
22 experience and skill. Therefore, discussions regarding communication and
23
24
25
26

27 ² A guardian can be removed for restricting communication, visitation, or interaction with a protected
28 person. *See* NRS 159.332. Generally, communication and visitation can only be restricted through Court
Order. In specific circumstances, the guardian may restrict communication and visitation, but is required to
file notice within ten days. The procedure required to request a Court Order to restrict communication is
governed by NRS 159.331 through NRS 159.338 and provides an independent statutory basis for attorney's
fees and sanctions.

1 visitation must be conducted balancing the intricate statutory legal
2 framework that governs potential restrictions.

3
4 The pleadings filed in regards to visitation and communication
5 requested the removal of the Guardian, Kimberly Jones. Ultimately, this
6 Court did remove Kimberly Jones and appointed a Successor Guardian based
7 upon Ms. Jones' restriction of visitation and communication and her failure
8 to comply with her statutory duties regarding the Guardianship Estate. The
9 Court relied, in part, on Guardian Ad Litem Brickfield's Report and
10 Recommendations in the Order removing the Guardian. The financial
11 forensic investigation of the Guardianship Estate, which includes Kimberly
12 Jones' personal finances, is ongoing.

13
14 Pursuant to NRS 159.0455, NRS 159.344, and Guardianship Rule 8(J) a
15 Guardian Ad Litem is entitled to reasonable compensation from the
16 Guardianship Estate.

17
18 If an attorney is appointed by the Court, she may petition for fees from the
19 Guardianship Estate in accordance with the procedures outlined in NRS
20 159.344. *See* NRS 159.344(10).

21
22 NRS 159.344 requires the attorney who intends to seek fees to file written
23 notice of intent to request fees when she first makes an appearance.

24
25 A Court appointed attorney may file a petition requesting payment of fees
26 and costs must include the following:
27
28

- 1 (a) A detailed statement as to the nature and extent of the services
2 performed by the attorney;
3 (b) An itemization of each task performed by the attorney, with
4 reference to the time spent on each task in an increment to the
5 nearest one-tenth of an hour and with no minimum billing unit in
6 excess of one-tenth of an hour;
7 (c) An indication of whether any time billed, including, without
8 limitation, any time spent traveling or waiting, benefited any clients
9 of the attorney other than the protected person and, if so, how many
10 other clients benefited from such time; and
11 (d) Any other information considered relevant to a determination of
12 whether attorney's fees are just, reasonable and necessary.

13
14 In determining whether attorney's fees are just, reasonable, and
15 necessary, the District Court may consider all of the approximately twenty-
16 three (23) enumerated, and sometimes compound, subsections of NRS
17 159.344(5).

18 As to NRS 159.344(5)(a), written notice of intent to filed and
19 approved.

20 As to subsection b, the services performed conferred an actual benefit
21 upon the protected person or attempted to advance the best interests of the
22 protected person. Guardian Ad Litem Brickfield attempted to advance the
23 best interests of the Protected Person by attempting to discuss and find
24 common ground between the Protected Person's family members that would
25 promote communication and visitation between the Protected Person and her
26 family without the financial and emotional cost of an evidentiary hearing.

27 Although Guardian Ad Litem Brickfield was unable to secure a settlement
28 agreement that would have allowed the Parties to forego an evidentiary

1 hearing, Ms. Brickfield's work did ultimately result in the removal of the
2 Guardian and allowed the Protected Person to enjoy communication and
3 visitation with her family.
4

5 After Evidentiary Hearing and Court Order, based in part upon GAL's
6 Recommendations, the Protected Person was able to have communication
7 and visitation with her family members, as guaranteed by the Protected
8 Person's Bill of Rights and argued by Guardian Ad Litem Brickfield.
9

10 Subsections c through f, represent the codification of the *Brunzell*
11 factors and states as follows:
12

13 (c) The qualities of the attorney, including, without limitation, his or
14 her ability, training, education, experience, professional standing and skill.
15

16 (d) The character of the work performed, including, without limitation,
17 the difficulty, intricacy and importance of the work, the time and skill
18 required to complete the work, the responsibility imposed and the nature of
19 the proceedings.
20

21 (e) The work actually performed by the attorney, including, without
22 limitation, the skill, time and attention given to the work.
23

24 (f) The result of the work, including, without limitation, whether the
25 attorney was successful and any benefits that were derived.
26

27 As to subsection c, Ms. Brickfield is an excellent advocate. She
28 possesses great ability, is specially trained, received superior education,

1 possesses a wealth of experience, and maintains the highest professional
2 standing and skill.

3
4 She has significant litigation, probate, and guardianship experience. Ms.
5 Brickfield was a Member in Dickinson Wright's Estate Planning and
6 Administration Department and is now a Partner with Dawson & Lordahl
7 PLLC. She practices in guardianship matters, tax law, trusts and estate, and
8 trust and probate litigation. She has been appointed by the District Court to
9 serve as a Guardian Ad Litem in several matters. Ms. Brickfield has
10 presented legal education classes for the State Bar of Nevada, the Southern
11 Nevada Association of Women Attorneys, Clark County Bar Association,
12 and private education associations.

13
14 Ms. Brickfield is a member of the Southern Nevada Council of Estate
15 Planners, the State Bar of Nevada's Elder Law Section, Taxation Section and
16 the State Bar of Nevada's Trust and Probate Section. She is the former Chair
17 of the State Bar of Nevada's Trust and Probate Section and was a member of
18 the State Bar of Nevada's Board of Governors from 2010 to 2014. Desert
19 Companion Magazine named her one of Nevada's Top Lawyers and she is an
20 AV Preeminent rated attorney by Martindale-Hubbell. She is listed as a 2015
21 through 2019 Mountain State Super Lawyer.

22
23 Ms. Brickfield received her LL.M. in Taxation from the New York
24 University School of Law, which U.S. News & World Reports has rated the
25 best taxation LL.M program in the United States since 1992.

1 As to subsection d, the work performed was detailed and complex,
2 requiring intricate attention to detail, especially given: the nature of the
3 controversy; the number of adverse parties; the historic family dynamic; the
4 unique abilities of the Protected Person; and concurrent civil proceedings.
5 The matter required the time and the skill of an experienced attorney well
6 versed in guardianship, probate, and trust litigation.
7

8
9 Relative to subsection e, the detailed billing invoices submitted by
10 Guardian Ad Litem Brickfield to support her request for fees reveal Ms.
11 Brickfield expended reasonable effort proportional to the magnitude of the
12 case, and that she devoted the time, skill, and attention of a reasonable and
13 prudent guardian ad litem in this matter. She further utilized and supervised
14 the services of her paralegal, Ms. Lamprea, in an efficient and cost-effective
15 manner, while still achieving a benefit to the Protected Person.
16

17
18 As to subsection f, Guardian Ad Litem Brickfield was ultimately
19 successful, and benefits were derived to the Protected Person. As detailed
20 further herein, the Protected Person was able to communicate and visit with
21 her family.
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1 As to subsection g and its four subsections, \$400 per hour is lower
2 than or equal to the usual and customary hourly fee charged in by Guardian
3 Ad Litem's in Clark County guardianship proceedings for each task
4 performed, regardless of who actually performed the task. The requested fees
5 represent compensation: at an attorney rate for time spent performing
6 services that require an attorney; compensation at a paralegal rate for time
7 spent performing paralegal services; compensation at a fiduciary rate for
8 time spent performing fiduciary services; and no compensation for time spent
9 performing secretarial or clerical services.
10
11
12

13 Relative to subsection h, there was no apportionment among multiple
14 clients of any billed time that benefited multiple clients of the attorney.
15

16 Subsection i, the services were provided in a reasonable, efficient and
17 cost-effective manner, including, without limitation, whether there was
18 appropriate and prudent delegation of services to Guardian Ad Litem
19 Brickfield's paralegal.
20

21 Relative to subsection j, the estate of the Protected Person is able to
22 pay the fees requested considering the five sub-factors. The current value of
23 the estate is unknown, due to failures of the Former Guardian to, among
24 other things: file timely annual accountings; to request timely annual
25 accounting hearings; to maintain receipts of expenditures; and manage the
26 Guardianship Estate. The general value of the estate is based upon the
27 Protected Person's regular monthly income and ownership, subject to
28

1 mortgage, of one residential property. Other assets may be identified through
2 the ongoing financial forensic investigation. The Estate has no disposable
3 income and the Protected Person will continue to need care in the future.
4 The Protected Person currently resides with Successor Guardian, Robyn
5 Freidman. The Protected Person's living expenses are minimized by the
6 Guardian.
7
8

9 As to subsections k, l, and m, Guardian Ad Litem made substantial
10 efforts to reduce and minimize any issues presented by attempting to resolve
11 and facilitate communication between the Parties that would promote
12 settlement. Guardian Ad Litem Brickfield spoke with all Parties and
13 examined their requests. Guardian Ad Litem Brickfield made no actions that
14 unnecessarily expanded issues or delayed or hindered the efficient
15 administration of the estate. Guardian Ad Litem Brickfield's work advanced
16 and protected the interests of only the Protected Person.
17
18
19

20 Subsection n, allows the District Court to consider any other factor that
21 is relevant in determining whether attorney's fees are just, reasonable and
22 necessary, including, without limitation, any other factor that is relevant in
23 determining whether the person was acting in good faith and was actually
24 pursuing the best interests of the Protected Person.
25
26
27
28

Orders

THE COURT HEREBY ORDERS that the ^{Dated this 18th day of March, 2020}Guardian Ad Litem Petition
for Approval of Fees is GRANTED.

Linda Marquis

IT IS SO ORDERED.

7EA D3B 91EC 95C9
Linda Marquis
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of the Guardianship of: CASE NO: G-19-052263-A
7 Kathleen Jones, Protected DEPT. NO. Department B
8 Person(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Findings of Fact, Conclusions of Law and Judgment was served via the
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled
14 case as listed below:

15 Service Date: 3/18/2022

16 Heather Ranck	heather@michaelsonlaw.com
17 Kelly Easton	kellye@sylvesterpolednak.com
18 Monica Gillins	mlg@johnsonlegal.com
19 John Michaelson	john@michaelsonlaw.com
20 Lenda Murnane	lenda@michaelsonlaw.com
21 Rosie Najera	rnajera@lacs.org
22 Ty Kehoe	TyKehoeLaw@gmail.com
23 Jeffrey Sylvester	jeff@sylvesterpolednak.com
24 Maria Parra-Sandoval, Esq.	mparra@lacs.org
25 Kate McCloskey	NVGCO@nvcourts.nv.gov
26 Sonja Jones	sjones@nvcourts.nv.gov

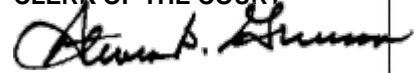
27
28

1	LaChasity Carroll	lcarroll@nvcourts.nv.gov
2	Melissa Romano	mdouglas@dlnevalaw.com
3	Elizabeth Brickfield	ebrickfield@dlnevalaw.com
4	Ammon Francom	ammon@michaelsonlaw.com
5	Ammon Francom	ammon@michaelsonlaw.com
6	Scott Simmons	scott@technocoatings.com
7	Cameron Simmons	Cameronnscott@yahoo.com
8	Robyn Friedman	vgsfun@hotmail.com
9	Perry Friedman	friedman@cs.stanford.edu
10	Donna Simmons	donnamsimmons@hotmail.com
11	Kimberly Jones	flyonthewall2you@gmail.com
12	Peter Pratt	peter@michaelsonlaw.com
13		
14		
15		

16 If indicated below, a copy of the above mentioned filings were also served by mail
17 via United States Postal Service, postage prepaid, to the parties listed below at their last
18 known addresses on 3/21/2022

18	Elizabeth Brickfield	Dawson & Lordahl PLLC
19		Attn: Elizabeth Brickfield, Esq
20		9130 West Post Road, Suite 200
21		Las Vegas, NV, 89148
22	Kimberly Jones	18543 Yorba Linda Blvd #146
23		Yorba Linda, CA, 92886
24		
25		
26		
27		
28		

Exhibit 7



1 **NEO**
2 **DAWSON & LORDAHL PLLC**
3 Elizabeth Brickfield, Esq. NSB #6236
4 9130 West Post Road, Suite 200
5 Las Vegas, Nevada 89148
6 Telephone: (702) 476-6440
7 Facsimile: (702) 476-6442
8 Ebrickfield@dlnevadalaw.com
9 *Guardian ad Litem for Kathleen June Jones*

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

10 In the Matter of the Guardianship of:

11 KATHLEEN JUNE JONES

12 Protected Person.

Case No.: G-19-052263-A

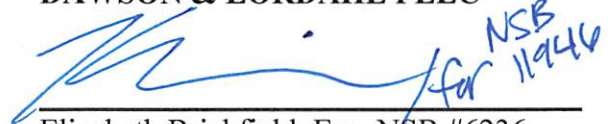
Department No.: B

13 **NOTICE OF ENTRY OF ORDER**

14 PLEASE TAKE NOTICE that a *Findings of Fact, Conclusions of Law, and Order Granting*
15 *Guardian Ad Litem Fees* was entered by this Court on March 18, 2022. A true and correct copy of
16 the Order is attached hereto.

17 Dated this 31st day of March 2022.

19 **DAWSON & LORDAHL PLLC**



20 *for NSB 11946*

21 Elizabeth Brickfield, Esq. NSB #6236
22 9130 West Post Road, Suite 200
23 Las Vegas, Nevada 89148
24 Telephone: (702) 476-6440
25 Facsimile: (702) 476-6442
26 ebrickfield@dlnevadalaw.com
27 *Guardian ad litem for Kathleen June Jones*



CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of March 2022, I caused copies of the foregoing **Notice of Entry of Order** to be served through the Court's electronic filing system or by depositing the same in the United States mail in Las Vegas, Nevada, first class postage prepaid, addressed to the following parties:

John P. Michaelson, Esq.
Jeffrey R. Sylvester, Esq.
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and Donna Simmons*

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Counsel for Kathleen Junes Jones

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Redondo Beach, CA 90278

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Fullerton, CA 92832

Tiffany O'Neal
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Orange, CA 92869

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

/s/ Deborah L. Pressley
An Employee of Dawson & Lordahl, PLLC



1 FFCL

2 EIGHTH JUDICIAL DISTRICT COURT
3 FAMILY DIVISION
4 CLARK COUNTY NEVADA

5 In the Matter of the Guardianship of:) Case No.: G-19-052263-A
6) Dept. No.: B
7 Kathleen June Jones,)
8 Protected Person(s).)
9 _____)

10 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**
11 **GRANTING GUARDIAN AD LITEM FEES**

12 ***Procedural History***

13
14 In September 2019, two of the daughters of the Protected Person, Robyn
15 Friedman and Donna Simmons, petitioned the District Court for guardianship
16 of their mother alleging, in part, that the Proposed Protected Person's Power
17 of Attorney and their sister, Kimberly Jones, was unwilling or unable to
18 address serious issues effecting the health and welfare of the Proposed
19 Protected Person.
20

21
22 Initially, Kimberly objected to the need for a guardian for her Mother.
23 Later, Kimberly opposed Robyn and Donna's petition and filed her own
24 petition for guardianship. Jerry, the husband of the Protected Person,
25 objected and filed a counter petition for guardianship. The three competing
26 petitions alleged: elder abuse; financial misconduct; exploitation; isolation;
27 kidnapping; and many other things. See Robyn and Donna's Petition
28

1 Guardianship, filed September 19, 2019; Kimberly's Opposition and
2 Counter-Petition, filed October 2, 2019; Jerry's Opposition and Counter-
3 Petition, filed October 2, 2019.
4

5 Ultimately, Robyn and Donna withdrew their Petition and supported
6 Kimberly. Kimberly was appointed guardian of the person and estate of her
7 Mother on October 15, 2020.
8

9 After the appointment of Kimberly, the guardianship proceedings and
10 related civil proceedings remained actively contentious: over 400 pleadings
11 have filed, over twenty-five (25) hearings held, and at least three
12 investigations ordered. Throughout the guardianship proceedings, Robyn
13 and Donna have complained that the Guardian, Kimberly, has restricted their
14 ability to communicate and visit their Mother, the Protected Person. After
15 attempts to resolve the issue were unsuccessful, Robyn and Donna filed a
16 requests for visitation and communication.
17
18
19

20 This Court appointed Elizabeth Brickfield, Esq., as Guardian Ad Litem
21 for the Protected Person on February 16, 2021. Guardian Ad Litem Ms.
22 Brickfield filed a Notice of Intent to Seek Fees and Costs from the
23 Guardianship Estate on February 22, 2021.
24

25 The Protected Person filed an Objection to the Guardian Ad Litem's
26 Notice of Intent to Seek Fees on February 26, 2021, and objected to Ms.
27 Brickfield's hourly rate, \$400.00. Protected Person argued that the Guardian
28 Ad Litem is not entitled to an attorney's hourly rate. Protected Person

1 argues, based upon her review of websites, that the Guardian Ad Litem is
2 entitled to \$22.00 per hour to \$48.00 per hour.
3

4 The Guardian at the time, Kimberly Jones, filed a Joinder to the Protected
5 Person's Objection on March 1, 2021.¹

6 Elizabeth Brickfield, Esq., filed a Petition for Approval of Guardian
7 Ad Litem's Fees and Costs on October 27, 2021, supported by detailed
8 billing statement and declarations. Ms. Brickfield requests fees of \$5,710.00
9 and costs of \$3.50.
10

11 The Successor Guardian, Robyn Friedman, did not object and supported
12 the request for fees. The many interested and adverse parties did not object.
13

14 Protected Person filed her Objection on November 18, 2021.
15 Protected Person argues the Guardian Ad Litem's hourly rate (\$400.00) is
16 "grossly outside the norm for Guardian Ad Litem services" and should be
17 reduced from \$400.00 per hour to the range of \$22.00 - \$48.00 per hour,
18 based upon information obtained by Protected Person regarding national non-
19 attorney Guardian Ad Litem hourly rates from Glassdoor.com and
20 Ziprecruiter.com. See Protected Person's Objection at page 3.
21

22 Further, Protected Person argues that the Guardian Ad Litem
23 Brickfield provided "zero benefit" to the Protected Person and lied to the
24 Court. See Protected Person's Objection at page 4-5.
25
26
27
28

¹ Guardian Kimberly Jones was later removed and a Successor Guardian, Robyn Friedman, appointed by the Court.

1 The Court granted the requested Guardian Ad Litem fees at the December
2 9, 2021, Hearing and the instant written Order follows. The Protected
3
4 Person's Objection misrepresents both Nevada law regarding Guardians Ad
5 Litem and the circumstances of the instant case.

6 ***Findings of Fact and Conclusions of Law***
7

8 The District Court has discretion to appoint a Guardian Ad Litem to
9 represent a Protected Person in a guardianship proceeding at any time, if the
10 Court believes that the Protected Person will benefit from the appointment
11 and the services of the Guardian Ad Litem will be beneficial in determining
12 the best interests of the Protected Person. *See* NRS 159.0455(1).
13

14 The District Court has further discretion to appoint a non-attorney to serve
15 as Guardian Ad Litem, *only if* a court-approved volunteer advocate program,
16 which provides court approved training, for Guardians Ad Litem has been
17 established in the judicial district. *See* NRS 159.0455(3).
18
19

20 There is no volunteer, non-attorney, Guardian Ad Litem, adult
21 guardianship advocate program in the Eighth Judicial District Court.
22 Accordingly, this Court may not utilize its discretion to appoint a non-
23 attorney to serve as a Guardian Ad Litem for a Protected Person in a
24 guardianship proceeding in this judicial district.
25

26 Protected Person's statement that Nevada law allows ". . . any person in
27 the community to serve as a GAL without the need to have legal experience"
28

1 is inaccurate and intentionally ignores NRS 159.0455(3) and the language of
2 Nevada Guardianship Rule 8. *See* Objection at page 2.

3
4 Protected Person's representation that Nevada law prohibits a GAL from
5 providing legal services is also inaccurate. Protected Person states, "...
6 NRS 159.0455(4) provides that a GAL "shall not" provide legal services."
7
8 *See* Objection at page 2.

9 NRS 159.0455(4) does not prohibit a Guardian Ad Litem from
10 providing legal services. The statute prohibits a Guardian Ad Litem from
11 providing a specific type of legal service to a specific person. A Guardian
12 Ad Litem is prohibited from offering legal advice to the Protected Person.
13
14 *See* NRS 159.0455(4).

15
16 Protected Person argues that an attorney Guardian Ad Litem should be
17 paid at the rate of non-attorney Guardian Ad Litem. However, under Nevada
18 law non-attorney Guardian Ad Litem's do not get paid. Pursuant to NRS
19
20 159.0455(4) only a *volunteer* non-attorney Guardian Ad Litem may be
21 appointed, under specific circumstances that do not exist in this judicial
22 district.

23
24 Given the complexity of this matter and the issues presented, an attorney
25 Guardian Ad Litem was necessary. The potential impact of the
26 communication and visitation requests and the Adverse Parties' significant
27 inconsistencies regarding the Protected Person's abilities and desires, a
28

1 Guardian Ad Litem with considerable legal and professional experience was
2 necessary in this matter.

3
4 Guardian Ad Litem Brickfield was appointed by this Court *because of*
5 her extensive experience, legal abilities, and knowledge. This Court
6 expected Ms. Brickfield to bring the breadth of her legal experience and
7 knowledge to her role to benefit the Protected Person. The Court believed
8 the appointment of Ms. Brickfield as Guardian Ad Litem would benefit the
9 Protected Person and would be beneficial in determining best interests.

10
11
12 Protected Person's contention that the tasks assigned to Guardian Ad
13 Litem Brickfield were simple and required no legal training is incorrect.

14 The isolation of a Protected Person, through the restriction of
15 communication and visitation of family members, can have significant
16 consequences in guardianship matters.² The Protected Person's Bill of
17 Rights grants the Protected Person the right to receive telephone calls,
18 personal mail, and visitors, unless the Guardian and Court determine it will
19 cause harm to the Protected Person. *See* NRS 159.328. The method and
20 manner in which restrictions can or should be put in place requires legal
21 experience and skill. Therefore, discussions regarding communication and
22
23
24
25
26

27 ² A guardian can be removed for restricting communication, visitation, or interaction with a protected
28 person. *See* NRS 159.332. Generally, communication and visitation can only be restricted through Court
Order. In specific circumstances, the guardian may restrict communication and visitation, but is required to
file notice within ten days. The procedure required to request a Court Order to restrict communication is
governed by NRS 159.331 through NRS 159.338 and provides an independent statutory basis for attorney's
fees and sanctions.

1 visitation must be conducted balancing the intricate statutory legal
2 framework that governs potential restrictions.

3
4 The pleadings filed in regards to visitation and communication
5 requested the removal of the Guardian, Kimberly Jones. Ultimately, this
6 Court did remove Kimberly Jones and appointed a Successor Guardian based
7 upon Ms. Jones' restriction of visitation and communication and her failure
8 to comply with her statutory duties regarding the Guardianship Estate. The
9 Court relied, in part, on Guardian Ad Litem Brickfield's Report and
10 Recommendations in the Order removing the Guardian. The financial
11 forensic investigation of the Guardianship Estate, which includes Kimberly
12 Jones' personal finances, is ongoing.

13
14 Pursuant to NRS 159.0455, NRS 159.344, and Guardianship Rule 8(J) a
15 Guardian Ad Litem is entitled to reasonable compensation from the
16 Guardianship Estate.

17
18 If an attorney is appointed by the Court, she may petition for fees from the
19 Guardianship Estate in accordance with the procedures outlined in NRS
20 159.344. *See* NRS 159.344(10).

21
22 NRS 159.344 requires the attorney who intends to seek fees to file written
23 notice of intent to request fees when she first makes an appearance.

24
25 A Court appointed attorney may file a petition requesting payment of fees
26 and costs must include the following:
27
28

- 1 (a) A detailed statement as to the nature and extent of the services
2 performed by the attorney;
3 (b) An itemization of each task performed by the attorney, with
4 reference to the time spent on each task in an increment to the
5 nearest one-tenth of an hour and with no minimum billing unit in
6 excess of one-tenth of an hour;
7 (c) An indication of whether any time billed, including, without
8 limitation, any time spent traveling or waiting, benefited any clients
9 of the attorney other than the protected person and, if so, how many
10 other clients benefited from such time; and
11 (d) Any other information considered relevant to a determination of
12 whether attorney's fees are just, reasonable and necessary.

13 In determining whether attorney's fees are just, reasonable, and
14 necessary, the District Court may consider all of the approximately twenty-
15 three (23) enumerated, and sometimes compound, subsections of NRS
16 159.344(5).

17 As to NRS 159.344(5)(a), written notice of intent to filed and
18 approved.

19 As to subsection b, the services performed conferred an actual benefit
20 upon the protected person or attempted to advance the best interests of the
21 protected person. Guardian Ad Litem Brickfield attempted to advance the
22 best interests of the Protected Person by attempting to discuss and find
23 common ground between the Protected Person's family members that would
24 promote communication and visitation between the Protected Person and her
25 family without the financial and emotional cost of an evidentiary hearing.
26 Although Guardian Ad Litem Brickfield was unable to secure a settlement
27 agreement that would have allowed the Parties to forego an evidentiary
28

1 hearing, Ms. Brickfield's work did ultimately result in the removal of the
2 Guardian and allowed the Protected Person to enjoy communication and
3 visitation with her family.
4

5 After Evidentiary Hearing and Court Order, based in part upon GAL's
6 Recommendations, the Protected Person was able to have communication
7 and visitation with her family members, as guaranteed by the Protected
8 Person's Bill of Rights and argued by Guardian Ad Litem Brickfield.
9

10 Subsections c through f, represent the codification of the *Brunzell*
11 factors and states as follows:
12

13 (c) The qualities of the attorney, including, without limitation, his or
14 her ability, training, education, experience, professional standing and skill.
15

16 (d) The character of the work performed, including, without limitation,
17 the difficulty, intricacy and importance of the work, the time and skill
18 required to complete the work, the responsibility imposed and the nature of
19 the proceedings.
20

21 (e) The work actually performed by the attorney, including, without
22 limitation, the skill, time and attention given to the work.
23

24 (f) The result of the work, including, without limitation, whether the
25 attorney was successful and any benefits that were derived.
26

27 As to subsection c, Ms. Brickfield is an excellent advocate. She
28 possesses great ability, is specially trained, received superior education,

1 possesses a wealth of experience, and maintains the highest professional
2 standing and skill.

3
4 She has significant litigation, probate, and guardianship experience. Ms.
5 Brickfield was a Member in Dickinson Wright's Estate Planning and
6 Administration Department and is now a Partner with Dawson & Lordahl
7 PLLC. She practices in guardianship matters, tax law, trusts and estate, and
8 trust and probate litigation. She has been appointed by the District Court to
9 serve as a Guardian Ad Litem in several matters. Ms. Brickfield has
10 presented legal education classes for the State Bar of Nevada, the Southern
11 Nevada Association of Women Attorneys, Clark County Bar Association,
12 and private education associations.

13
14
15
16 Ms. Brickfield is a member of the Southern Nevada Council of Estate
17 Planners, the State Bar of Nevada's Elder Law Section, Taxation Section and
18 the State Bar of Nevada's Trust and Probate Section. She is the former Chair
19 of the State Bar of Nevada's Trust and Probate Section and was a member of
20 the State Bar of Nevada's Board of Governors from 2010 to 2014. Desert
21 Companion Magazine named her one of Nevada's Top Lawyers and she is an
22 AV Preeminent rated attorney by Martindale-Hubbell. She is listed as a 2015
23 through 2019 Mountain State Super Lawyer.

24
25
26 Ms. Brickfield received her LL.M. in Taxation from the New York
27 University School of Law, which U.S. News & World Reports has rated the
28 best taxation LL.M program in the United States since 1992.

1 As to subsection d, the work performed was detailed and complex,
2 requiring intricate attention to detail, especially given: the nature of the
3 controversy; the number of adverse parties; the historic family dynamic; the
4 unique abilities of the Protected Person; and concurrent civil proceedings.
5 The matter required the time and the skill of an experienced attorney well
6 versed in guardianship, probate, and trust litigation.
7

9 Relative to subsection e, the detailed billing invoices submitted by
10 Guardian Ad Litem Brickfield to support her request for fees reveal Ms.
11 Brickfield expended reasonable effort proportional to the magnitude of the
12 case, and that she devoted the time, skill, and attention of a reasonable and
13 prudent guardian ad litem in this matter. She further utilized and supervised
14 the services of her paralegal, Ms. Lamprea, in an efficient and cost-effective
15 manner, while still achieving a benefit to the Protected Person.
16

18 As to subsection f, Guardian Ad Litem Brickfield was ultimately
19 successful, and benefits were derived to the Protected Person. As detailed
20 further herein, the Protected Person was able to communicate and visit with
21 her family.
22
23
24
25
26
27
28

1 As to subsection g and its four subsections, \$400 per hour is lower
2 than or equal to the usual and customary hourly fee charged in by Guardian
3 Ad Litem's in Clark County guardianship proceedings for each task
4 performed, regardless of who actually performed the task. The requested fees
5 represent compensation: at an attorney rate for time spent performing
6 services that require an attorney; compensation at a paralegal rate for time
7 spent performing paralegal services; compensation at a fiduciary rate for
8 time spent performing fiduciary services; and no compensation for time spent
9 performing secretarial or clerical services.
10
11

12
13 Relative to subsection h, there was no apportionment among multiple
14 clients of any billed time that benefited multiple clients of the attorney.
15

16 Subsection i, the services were provided in a reasonable, efficient and
17 cost-effective manner, including, without limitation, whether there was
18 appropriate and prudent delegation of services to Guardian Ad Litem
19 Brickfield's paralegal.
20

21 Relative to subsection j, the estate of the Protected Person is able to
22 pay the fees requested considering the five sub-factors. The current value of
23 the estate is unknown, due to failures of the Former Guardian to, among
24 other things: file timely annual accountings; to request timely annual
25 accounting hearings; to maintain receipts of expenditures; and manage the
26 Guardianship Estate. The general value of the estate is based upon the
27 Protected Person's regular monthly income and ownership, subject to
28

1 mortgage, of one residential property. Other assets may be identified through
2 the ongoing financial forensic investigation. The Estate has no disposable
3 income and the Protected Person will continue to need care in the future.
4 The Protected Person currently resides with Successor Guardian, Robyn
5 Freidman. The Protected Person's living expenses are minimized by the
6 Guardian.
7
8

9 As to subsections k, l, and m, Guardian Ad Litem made substantial
10 efforts to reduce and minimize any issues presented by attempting to resolve
11 and facilitate communication between the Parties that would promote
12 settlement. Guardian Ad Litem Brickfield spoke with all Parties and
13 examined their requests. Guardian Ad Litem Brickfield made no actions that
14 unnecessarily expanded issues or delayed or hindered the efficient
15 administration of the estate. Guardian Ad Litem Brickfield's work advanced
16 and protected the interests of only the Protected Person.
17
18
19

20 Subsection n, allows the District Court to consider any other factor that
21 is relevant in determining whether attorney's fees are just, reasonable and
22 necessary, including, without limitation, any other factor that is relevant in
23 determining whether the person was acting in good faith and was actually
24 pursuing the best interests of the Protected Person.
25
26
27
28

1 **Orders**

2 THE COURT HEREBY ORDERS that the ^{Dated this 18th day of March, 2020} Guardian Ad Litem's Petition
3
4 for Approval of Fees is GRANTED.

Linda Marquis

5 IT IS SO ORDERED.

6 7EA D3B 91EC 95C9
7 Linda Marquis
8 District Court Judge

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 In the Matter of the Guardianship of: CASE NO: G-19-052263-A
7 Kathleen Jones, Protected DEPT. NO. Department B
8 Person(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Findings of Fact, Conclusions of Law and Judgment was served via the
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14 case as listed below:

15 Service Date: 3/18/2022

16 Heather Ranck	heather@michaelsonlaw.com
17 Kelly Easton	kellye@sylvesterpolednak.com
18 Monica Gillins	mlg@johnsonlegal.com
19 John Michaelson	john@michaelsonlaw.com
20 Lenda Murnane	lenda@michaelsonlaw.com
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27
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2		
3	Melissa Romano	mdouglas@dlnevadalaw.com
4	Elizabeth Brickfield	ebrickfield@dlnevadalaw.com
5	Ammon Francom	ammon@michaelsonlaw.com
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9	Robyn Friedman	vgsfun@hotmail.com
10		
11	Perry Friedman	friedman@cs.stanford.edu
12	Donna Simmons	donnamsimmons@hotmail.com
13	Kimberly Jones	flyonthewall2you@gmail.com
14	Peter Pratt	peter@michaelsonlaw.com
15		

16 If indicated below, a copy of the above mentioned filings were also served by mail
17 via United States Postal Service, postage prepaid, to the parties listed below at their last
18 known addresses on 3/21/2022

18	Elizabeth Brickfield	Dawson & Lordahl PLLC
19		Attn: Elizabeth Brickfield, Esq
20		9130 West Post Road, Suite 200
21		Las Vegas, NV, 89148
22	Kimberly Jones	18543 Yorba Linda Blvd #146
23		Yorba Linda, CA, 92886
24		
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