

IN THE SUPREME COURT FOR THE STATE OF NEVADA

IN THE MATTER OF THE GUARDIANSHIP
OF THE PERSON AND ESTATE OF
KATHLEEN JUNE JONES, PROTECTED
PERSON.

KATHLEEN JUNE JONES,

Appellant,

vs.

ROBYN FRIEDMAN; DONNA SIMMONS;
AND ELIZABETH BRICKFIELD,
GUARDIAN AD LITEM FOR KATHLEEN
JUNE JONES,

Respondents.

Supreme Court No. 84655

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APPEAL

From the Eighth Judicial District Court, Clark County
The Honorable Linda Marquis, District Judge
District Court Case No. G-19-052263-A

APPELLANT'S REPLY BRIEF

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NRAP 26.1 DISCLOSURE STATEMENT

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

Appellant Kathleen June Jones (“June”), is an individual.

Legal Aid Center of Southern Nevada, Inc., appeared on appellant’s behalf in the district court, and is representing her on appeal.

Dated: December 15, 2022

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SUMMARY OF ARGUMENT

As Respondents have done before the district court and in a separate appeal before this Court, they attempt to distract from the merits of the case, and instead spend much of their brief demonizing June's counsel for zealously advocating for her. This Court should disregard Respondents' attempts to weaponize allegations about June's capacity to diminish her legal rights, and disregard personal attacks against June's counsel. June's counsel has adhered to their duty under Statewide Rules of Guardianship Rule 9 to advocate for her expressed wishes and ensure her statutory and due process rights are protected.

As to the merits of this appeal, Respondents would have this Court believe that the district court can simply award attorney fees outright for fiduciary services provided by the guardian ad litem ("GAL"). However, a GAL provides fiduciary services that are distinct from typical attorney services. NRS 159.344(5)(g) reflects such a distinction by giving the district court the authority to only award "[c]ompensation at an attorney rate for time spent performing services that require an attorney" and "[c]ompensation at a fiduciary rate for time spent performing fiduciary services." Nonetheless, the district court here awarded the GAL attorney

fees for her fiduciary services provided in her role as GAL for June, even though such services do not require an attorney. In doing so, the district court also misinterpreted NRS 159.0455 and Statewide Rule of Guardianship Rule 8 by concluding that they both require the district court to appoint an attorney as GAL when there is no court-approved volunteer program in the court's judicial district.

Further, the district court here relied on nothing when it determined that the GAL's rate was at or below the "usual and customary fees charged" by GAL's. Respondents provided nothing to the district court regarding the "usual and customary fees," or market rate, for GAL services, and the district court did not state what, if anything, it relied on to support its finding. The only information in this regard that was provided to the district court was from June, who provided information showing that the GAL's rate was far above the "usual and customary fees," or "market rate" charged by GAL's. Thus, the district court's finding regarding the GAL's rate is not supported by substantial evidence.

Based on the foregoing, this Court should reverse the district court's Findings of Fact, Conclusions of Law, and Order Granting Guardian Ad Litem's Fees ("March 18, 2022 Order").

ARGUMENT¹²

I. June's Counsel Has Followed Their Obligations Under Statewide Rules of Guardianship Rule 9 While Advocating for June.

Respondents allege that this appeal is frivolous because the district court included a finding in its Order Denying Motion to Stay that June lacks the capacity to direct her legal affairs. However, it is

¹ Respondents argue that NRS 159.375 is not enough to confer appellate jurisdiction, and that appellate jurisdiction must lie solely in NRAP 3A. However, that argument misunderstands how appellate jurisdiction works. This Court has authority to “consider appeals authorized by statute or court rule.” *Brown v. MHC Stagecoach*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013); *see also Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (stating that “the right to appeal is statutory”). Therefore, NRS 159.375 alone is enough to confer appellate jurisdiction. The order that June appeals from in this appeal authorized the payment of attorney’s fees to the GAL, which June argues was improper, and therefore, is appealable under NRS 159.375(5).

² Respondents argue that this appeal should be assigned to the Court of Appeals because it addressed a similar issue in *Jones v. Friedman (In re Jones)*, 507 P.3d 598 (Nev. App. 2022). However, that is untrue. The prior appeal considered the general presumption against awarding fees from the protected person’s estate and whether the fees awarded were excessive. Whereas, this appeal addresses whether a GAL in an adult guardianship case can be awarded attorney’s fees at their attorney rate, rather than fees at a fiduciary rate as required under NRS 159.344(5)(g)(3). This is a distinct issue from the ones raised in *In re Jones*. Moreover, this appeal centers on the narrow litigation concerning the GAL’s involvement in June’s case, which the Court of Appeals would not be familiar with considering that the prior appeal did not deal with the facts presented here. Therefore, the Court of Appeals’s handling of the prior appeal should not weigh in favor of reassigning this appeal.

worth noting that that order was drafted by Robyn's counsel, and was signed by the district court judge without any review from June's counsel. Additionally, that finding in and of itself does not limit the scope of representation for June's counsel. Rather, it is Statewide Rules of Guardianship Rule 9 that governs the scope of representation.

At its core, Statewide Rules of Guardianship Rule 9 insists that counsel for the protected person advocate for their client's expressed wishes (whether or not those wishes conflict with what is in their purported best interest), and mandates that counsel ensure that all due process and statutory requirements are respected. For instance, Rule 9(C) requires that counsel maintain a normal attorney-client relationship "as far as reasonably possible" and that counsel advocate for the protected person's expressed wishes even when they are in conflict with their best interests. Also, under Rule 9(E)(1) counsel has a duty to advocate for the protected person's expressed wishes, including those contained in estate planning documents or advanced directives.³

³ While not relevant to the facts in this appeal, counsel for June has consistently advocated for wishes reflected in her estate planning documents, like her power of attorney and will, in addition to wishes expressed directly by June to counsel.

Rule 9(E)(10) mandates that counsel has a duty to file “petition, motions, briefs, and appeals on behalf of the protected person.” And Rule 9(E)(13) requires that counsel ensure “proper due process procedure is followed and relevant statutes complied with.”

Accordingly, Rule 9 commands that June’s counsel advocate for her expressed wishes, which were contained in prior estate planning documents, as her counsel did here. It also requires that counsel ensure that relevant statutes are complied with, which is the thrust of this entire appeal. While NRS 159.344(5)(g) distinguishes between the rate for attorney services and fiduciary services, the district court here made no such distinction and instead outright awarded attorney fees to the GAL. The finding in the district court’s Order Denying Motion for Stay that Respondents reference does not alter the scope of representation for June’s counsel. Moreover, Respondents’ argument and request for sanctions on this point is made half-heartedly. There is no cogent argument or authority provided supporting this request, and that alone provides a basis for this Court to disregard their argument and request for sanctions. *See Edwards v. Emperor’s Garden Restaurant*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (stating that court need

not consider claims that are not cogently argued nor supported by relevant authority).

With that said, it is worth briefly discussing the dangerous precedent that Respondents want this Court to set. By their account, any time a protected person is deemed to lack capacity, counsel for the protected person would automatically lose the ability to zealously advocate for their client. However, that completely contradicts the plain language of Statewide Rules of Guardianship Rule 9.⁴ Moreover, because almost every proposed protected person and/or protected person either lacks capacity or has diminished capacity, Respondents novel argument would affect almost every guardianship case. Under this interpretation of counsel's role, there would be countless guardianship cases in which counsel would have no role to play for the protected person, rendering the appointment of counsel under NRS 159.0485 meaningless. This interpretation would strip most protected persons of a zealous advocate, leading to the deprivation of rights for

⁴ It would also contradict Nevada Rule of Professional Conduct Rule 1.14, which provides that when a client has diminished capacity, counsel "shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client."

many protected persons, contrary to the legislature's intent when it overhauled NRS Chapter 159 in 2017.

Therefore, this Court should disregard Respondents' attempt to distract from the actual issues on appeal.

II. June Repeatedly Raised Objections to the Payment of GAL Fees from Her Estate.

Respondents argue that June failed to raise the issue of the district court not including the GAL's rate in its appointing order pursuant to Statewide Rules of Guardianship Rule 8(I).⁵ However, June raised objections to the GAL's fees that were based on Statewide Rules of Guardianship Rule 8. Therefore, June urged this point to the district court such that the doctrine espoused in *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) should not apply. *See Chuck v. Signature Flight Support of Nevada, Inc.*, 126 Nev. 434, 437, 245 P.3d

⁵ Respondents argue that June failed to appeal the Order Appointing Guardian Ad Litem. *See* RAB, 10. However, the Order Appointing Guardian Ad Litem is not independently appealable. It does not fall into a category outlined in NRAP 3A, nor a category in NRS 159.375. Therefore, June could not have appealed that order. Moreover, June does not challenge the substance of the Order Appointing Guardian Ad Litem, rather June simply argues that the omission of a rate for the GAL's services in that order stripped the district court of the authority to award fees from her estate in a subsequent order.

542, 544 (2010) (stating that the *Old Aztec Mine* doctrine is not intended to be “harsh” or “overly formalistic”).

For instance, in June’s 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), June raised objections under Statewide Rules of Guardianship Rule 8 regarding the GAL’s rate shortly after the GAL was appointed. *See* 1 AA 0160. Further, June broadly objected to the payment of GAL fees at all from her estate. *See* 1 AA 162. June placed the requirements under Statewide Rules of Guardianship Rule 8 squarely at issue.⁶ Months later, June continued to object once the GAL filed her Petition for Approval of Guardian Ad Litem’s Fees and Costs. 2 AA 0333–38.

Moreover, Statewide Rules of Guardianship Rule 8(I) speaks directly to the district court’s authority to even award fees to a GAL. It

⁶ *See Moretto Trustee of the Jerome F. Moretto 2006 Trust v. ELK Point Country Club Homeowners Association, Inc.*, 507 P.3d 199, 203 n.1, 138 Nev. Adv. Op. 24 (2022) (concluding that a party “urged an issue” in the trial court when it raised an argument regarding the Restatement before the trial court that was different than the argument regarding the Restatement that it raised on appeal). June placed the requirements under Statewide Rule of Guardianship Rule 8 at issue in her arguments before the district court.

states that if the GAL will seek compensation in the case, then “the appointing order shall state the hourly rate to be charged by the guardian ad litem . . .” Statewide Rules of Guardianship Rule 8(I) (emphasis added). While the appointing order mostly recites language from Statewide Rules of Guardianship Rule 8, it omits the portion of the rule stating the hourly rate shall be included in the appointing order. Because the appointing order does not state the hourly rate for the GAL in this case, the district court did not even have the authority to award the GAL fees from June’s estate.

Accordingly, because June based her objections to the GAL’s fees in Statewide Rules of Guardianship Rule 8 before the district court, June is not raising this issue for the first time on appeal.

III. Respondents Acknowledge that the District Court’s Order Failed to Comply with Statewide Rules of Guardianship Rule 8.

Respondents concede that the district court failed to include the hourly rate in its Order Appointing Guardian Ad Litem. *See* RAB 20 (LACSN is correct that the District Court did not state the specific hourly rate to be charged by the guardian ad litem in its Order Appointing Guardian Ad Litem.”). However, they seem to believe that the GAL’s Notice of Intention to Seek Fees and Costs from the Guardianship Estate

Pursuant to NRS 159.344(3) filed on February 22, 2021 rectifies that error. Such a reading would contradict the plain language of Statewide Rules of Guardianship Rule 8.

As this Court is aware, it has a duty to interpret statutes and court rules in a manner that does not render any language meaningless or superfluous. *Williams v. State Department of Corrections*, 133 Nev. 594, 596, 402 P.3d 1260, 1262 (2017). Here, under Statewide Rules of Guardianship Rule 8(I), the district court must include the GAL's rate in the appointing order if the GAL is seeking compensation. Then, in addition to that requirement, under Statewide Rules of Guardianship Rule 8(J), a GAL who seeks compensation for their services must comply with NRS 159.344, which includes filing a notice of intent to seek fees. Thus, the GAL's duty to comply with NRS 159.344 is separate and distinct from the district court's duty to include the GAL's rate in the appointing order. Yet, Respondents wrongly hope that this Court will conclude that the GAL's notice of intent somehow corrects the district court's omission of the GAL's rate from the Order Appointing Guardian Ad Litem that preceded the notice of intent. However, such a reading

would render superfluous Statewide Rules of Guardianship Rule 8(I)'s requirement that the district court include a rate in its appointing order.

The district court's duty to include the GAL's rate in its appointing order is separate and distinct from the GAL's duty to comply with NRS 159.344 if they are seeking compensation, and therefore, this Court should disregard Respondents' interpretation that conflates the two requirements together.

IV. The District Court Misinterpreted NRS 159.0455 and Statewide Rules of Guardianship Rule 8 When It Concluded that Non-Attorney Guardian Ad Litem's Cannot be Paid.

Although, the district court was quite clear in its March 18, 2022 Order that it believed it was mandated to compensate the GAL at her attorney rate, Respondents nonetheless argue that June's argument is nothing more than a "poor implication i.e. assumption." RAB 27 (internal quotation marks omitted). However, Respondents argument completely ignores the language in the district court's March 18, 2022 Order.

In addressing June's argument before the district court that the GAL should be compensated at the typical rate for a GAL, the district court stated:

Protected Person argues that an attorney Guardian Ad Litem should be paid at the rate of [sic] non-attorney Guardian Ad

Litem However, under Nevada law non-attorney Guardian Ad Litem's [sic] do not get paid. Pursuant to NRS 159.0455(4) only a *volunteer* non-attorney Guardian Ad Litem may be appointed, under specific circumstances that do not exist in this judicial district.

2 AA 0350 (emphasis in original). The district court was quite clear that it believed "non-attorney Guardian Ad Litem's do not get paid" in guardianship cases. Based on that incorrect interpretation of law, the district court concluded that an attorney GAL must be appointed and paid at their attorney rate. The district court viewed GAL's as only falling into two categories: 1) volunteer GAL's and 2) attorney GAL's. *See* 2 AA 349–50 ("Protected Person's statement that Nevada law allows ' . . . any person in the community to serve as a GAL without the need to have legal experience' is inaccurate and intentionally ignores NRS 159.0455(3) and the language of Nevada Guardianship Rule 8."). The district court's conclusion ignores Statewide Rules of Guardianship Rule 8's language that contemplates a third category of GAL's, which is "any other person that the court finds has appropriate training and experience." The district court assumed that because no volunteer guardianship advocate program existed in its jurisdiction, it was required to appoint an attorney GAL. *See* 2 AA 349 (stating that "this Court may not utilize its discretion

to appoint a non-attorney to serve as a Guardian Ad Litem for a Protected Person in a guardianship proceeding in this judicial district”).

The district court improperly concluded that its discretion was limited, which itself is an abuse of discretion. *See Wilmes v. Reno Mun. Court*, 118 Nev. 831, 835, 59 P.3d 1197, 1200 (2002) (holding that a district court abuses its discretion when it fails to exercise, or limits, its own jurisdiction). Moreover, the district court’s conclusion that it was required to appoint an attorney GAL led to it subsequently concluding that it was required to provide the GAL fees at her attorney rate. These are clear errors of law on the face of the district court’s March 18, 2022 Order, and not simply “poor implications” as Respondents argue.

V. Respondents Believe that the District Court Can Disregard NRS 159.344(5)(g), and Award Attorney’s Fees for the GAL’s Fiduciary Services.

A. The district court can only award a fiduciary rate for the GAL’s fiduciary services.

Most of Respondents’ “arguments” to this point consist of copying and pasting the applicable statutes and various rules of professional conduct without actually addressing June’s argument that GAL’s serve in a fiduciary, not attorney, capacity. Respondents do not even address the authority showing that GAL’s are universally viewed as fiduciaries

when serving in their role as GAL. *See* AOB, at 27.

Respondents' argument that GAL's do not serve in a fiduciary capacity contradicts clear case law stating otherwise, and the common understanding of what a "fiduciary" is. *See Fiduciary*, Black's Law Dictionary (11th ed. 2019) ("Someone who is required to act for the benefit of another person on all matters within the scope of their relationship."); *see also* NRS 162.020 (defining "fiduciary" as including "a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assigned for the benefit of creditors, partner, agent, officer of corporation, public or private, public officer, or any other person acting in a fiduciary capacity for any person, trust or estate"). As this Court is aware, words in a statute must be given their "plain and ordinary meanings unless the context requires a technical meaning or a different meaning is apparent from the context." *Lofthouse v. State*, 136 Nev. 378, 380, 467 P.3d 609, 611 (2020).

Further, Respondents argue that because a GAL is considered "an officer of the court," they cannot be viewed as providing fiduciary

services. While this argument is without merit,⁷ it is also a red herring because it focuses on the label for the person providing the services, rather than focusing on the services actually provided. NRS 159.344(5)(g)(3) makes clear that compensation must be “at a fiduciary rate for time spent performing fiduciary services.” The statutory language here clearly focuses on the nature of the services provided “regardless of who actually performed the task.” NRS 159.344(5)(g). It does not matter whether it is an attorney or not who is providing the services. If the services themselves are of a fiduciary, rather than attorney, nature, then those services must be compensated at a fiduciary rate. They do not become compensable at a higher rate simply because an attorney is providing the service. The legislature made a clear distinction in NRS 159.344(5)(g) between compensation for attorney services and fiduciary services, which cannot be ignored when determining the rate of compensation. Thus, because GAL’s serve in a

⁷ The term “officer of the court” refers to a broad range of individuals who take part in the case, not just attorneys. *See Officer of the Court*, Black’s Law Dictionary (11th ed. 2019) (“Someone who is charged with upholding the law and administering the judicial system.”). While attorneys are obviously officers of the court, they are not the only individuals who are considered as such. GAL’s must be considered officers of the court as well.

fiduciary capacity, under NRS 159.344(5)(g), their services must be compensated at a fiduciary, not attorney, rate. Respondents' argument disregards NRS 159.344(5)(g)'s clear distinction between compensation for attorney services and fiduciary services.

Additionally, both NRS 159.0455 and Statewide Rules of Guardianship Rule 8 draw a clear distinction between the role of GAL for the protected person and counsel for the protected person. *See* NRS 159.0455(4) ("A guardian ad litem appointed pursuant to this section shall not offer legal advice to the protected person or proposed protected person."); Statewide Rules of Guardianship Rule 8(F) (stating that the GAL has no authority to waive various rights for the protected person, Rule 8(L) (stating that the GAL cannot communicate with parties who are represented by counsel outside the presence of counsel without first obtaining consent from counsel, Rule 8(N) (stating the role of the GAL is "separate and distinct from the role of an attorney for a protected person[.]"). These clear distinctions are further evidence that a GAL serves in a fiduciary, rather than attorney, capacity.

Therefore, the district court erred when it awarded attorney fees

and costs for the GAL's fiduciary services in June's case.⁸

B. NRS 159.344(5)(g) requires that the district court determine the “usual and customary fees,” or market rate, for fiduciary services.

Respondents attempt to argue that June is asking this Court to rewrite NRS 159.344. RAB 39–40. However, that could not be further from the truth. NRS 159.344(5)(g) states the district court may consider the “usual and customary fees charged in the relevant professional communities for each task performed, regardless of who actually performs the task,” and then subsection 3 goes on to state that the district court may only award “[c]ompensation at a fiduciary rate for time spent performing fiduciary services.”

When a statute is clear and unambiguous, this Court has a duty to

⁸ Respondents' argument that June failed to raise this issue before the district court is without merit. RAB, at 11–12. June consistently objected to the GAL being paid at her attorney rate, and argued that instead, if the GAL were to be paid at all, it should be at a rate comparable to what other GAL's are paid. *See* 1 AA 0161–62; 2 AA 0334–35. June consistently argued before the district court that there is a distinction between attorney services and GAL services (which do not always require an attorney), and based on that, a different rate should apply. Moreover, June is the only person who presented any evidence to the district court regarding the appropriate rate for GAL services. Thus, the distinction in rates between attorney services and fiduciary services outlined in NRS 159.344(5)(g) is a point that June consistently urged before the district court. Accordingly, the *Old Aztec Mine* doctrine does not apply.

give effect to the plain and ordinary meaning of its words. *Williams v. United Parcel Servs.*, 129 Nev. 386, 391, 302 P.3d 1144, 1147 (2013). “Provisions are read as a whole, with effect given to each word and phrase.” *Id.* This Court must ensure that it does not render any provisions of a statute superfluous or meaningless. *Arguello v. Sunset Station, Inc.*, 127 Nev. 365, 370, 252 P.3d 206, 209 (2011).

NRS 159.344(5)(g) clearly states that when the court considers the rate for fees, the focus is on the nature of the work performed, “regardless of who actually performed the task.” That provision then goes on to command that “[t]he court may only award . . . an attorney rate for time spent performing services that require an attorney” and a “fiduciary rate for time spent performing fiduciary services.” NRS 159.344(5)(g)(1); NRS 159.344(5)(g)(3). The plain language of the statute differentiates between the rate that can be charged for attorney services and fiduciary services, regardless of who is performing the task.

Moreover, NRS 159.344(5)(g) clearly states that in setting a rate, the specific inquiry is “[t]he usual and customary fees charged,” which is another way for saying “market rate.” This Court has, in past cases, recognized the market rate as an appropriate measure for determining

the reasonableness of fees for non-attorney work. *See LVMPD v. Yeghiazarian*, 129 Nev. 760, 770, 312 P.3d 503, 510 (2013) (citing to *Trs. of Constr. Indust. & Laborers Health & Welfare Trust v. Redlands Ins. Co.*, 460 F.3d 1253, 1257 (9th Cir. 2006) (discussing billing for non-attorney work “at market rates”)); *Miller v. Wilfong*, 121 Nev. 619, 622, 119 P.3d 727, 729–30 (2005) (recognizing that the United States Supreme Court calculates awards of attorney fees to nonprofit legal services organizations based on the “prevailing market rate”); *Brochu v. Foote Enterprises, Inc.*, Nos. 55963, 56086, 2012 WL 5991571, at *9 n.2 (Nev. Nov. 29, 2012) (“When determining reasonable attorney fees, courts often reference community standards, also referred to as market rates.”).

Therefore, NRS 159.344(5)(g) makes clear that in considering a rate, the inquiry is the “usual and customary fees charged” for the specific tasks performed, and that the district court can only award a fiduciary rate for fiduciary services. Here, Respondents never provided any evidence to the district court regarding the usual and customary fees charged for GAL services, and the district court did not state in its order what, if anything, it considered in determining that “\$400 per hour is lower than or equal to the usual and customary hourly fee charged in [sic]

by Guardian Ad Litem's in Clark County." 2 AA 0357. The only evidence presented was from June supporting a rate of \$22.00 per hour to \$48.00 per hour. 2 AA 0162. Put simply, the district court failed to analyze what the "usual and customary fee," or market rate, is for GAL's in guardianship cases, and instead, simply awarded the GAL her attorney fees as if she were providing attorney services.

Finally, Respondents are confused about the substantial evidence standard of review. *See* RAB, at 39. June is not arguing that NRS 159.344 should be rewritten to include a substantial evidence standard. Rather, that standard is simply the standard of review that this Court must apply when examining the fees in this case. As this Court is aware, when examining a fee award it must ensure that the district court "considered the required factors, and the award must be supported by substantial evidence." *MEI-GSR Holdings, LLC v. Peppermill Casinos, Inc.*, 134 Nev. 235, 246, 416 P.3d 249, 259 (2018) (quoting *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015)). Because the Respondents presented nothing to the district court regarding the "usual and customary fee" for fiduciary GAL services and the district court cites to nothing supporting its finding regarding the "usual and customary fee" for fiduciary GAL

services, there is not substantial evidence to support its finding regarding the GAL's \$400 per hour rate in this case.

CONCLUSION

Accordingly, this Court should reverse the district court's March 18, 2022 Order and hold that the district court had no authority to award fees to the GAL because the GAL's rate was omitted from the appointing order. Alternatively, this Court should reverse the district court's March 18, 2022 Order and hold that it misinterpreted NRS 159.344(g)(5) when it awarded the GAL attorney fees at her attorney rate, rather than fees at a fiduciary rate; or hold that the district court's finding regarding the GAL's \$400 per hour rate is not supported by substantial evidence.

Dated: December 15, 2022

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ATTORNEYS' CERTIFICATE

1. This Reply Brief complies with the formatting requirements of NRS 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the typestyle requirements of NRAP 32(a)(6) because it has been prepared in proportionally-spaced typeface using Microsoft Word in Century Schoolbook in size 14-point font.
2. I further certify that this Reply Brief complies with the type-volume limitations of NRAP 32(a)(7) because, excluding parts of the brief exempted by NRAP 32(a)(7)(C), it contains approximately 4,527 words, which is less than the 7,000 word count available for a reply brief pursuant to NRAP 32(a)(7)(A)(ii).
3. Finally, I certify that I have read this Reply Brief and, to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this Reply Brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion regarding matters in the record to be supported by reference to the page of the record on appeal where the matter relied upon is to be found.

CERTIFICATE OF SERVICE

I certify that on 15th day of December, 2022, I submitted the foregoing **APPELLANT'S REPLY BRIEF** for filing through the Court's electronic filing system. Electronic notification of service will be sent to the following:

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/s/ Jennifer Bocek-Dobijanski
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