

IN THE SUPREME COURT OF THE STATE OF NEVADA

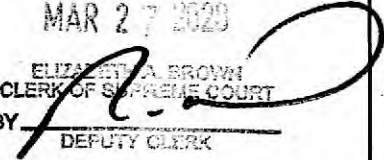
IN THE MATTER OF THE  
GUARDIANSHIP OF THE PERSON  
AND ESTATE OF LORETTA POWELL,  
AN ADULT PROTECTED PERSON.

WILLIAM J. POWELL, JR.,  
Appellant,  
vs.  
LORETTA POWELL,  
Respondent.

No. 80210

**FILED**

MAR 27 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER REGARDING PRO BONO COUNSEL AND DIRECTING  
TRANSMISSION OF RECORD*

This is an appeal from a district court order denying a petition for appointment of guardian over an adult. Having considered the documents transmitted by the district court, this court has determined that the appointment of pro bono counsel to represent both appellant and respondent would assist this court in reviewing this appeal.<sup>1</sup> By this order, the court expresses no opinion as to the merits of this appeal.

Pro bono counsel is an attorney who provides legal services without charge for the benefit of the public good. The appointment of pro bono counsel provides attorneys with an opportunity to volunteer legal services in furtherance of their professional responsibility and, at the same time, allows financially eligible litigants access to quality legal representation without cost. Counsel will be appointed for purposes of this

<sup>1</sup>A copy of the order appealed from is attached.

appeal only and will participate in oral argument. Currently, the Pro Bono Committee of the Appellate Litigation Section of the State Bar of Nevada (Pro Bono Committee), in conjunction with the Legal Aid Center of Southern Nevada, has developed a pro bono appellate program to assist the public and this court. This case is hereby referred to the program established by the Pro Bono Committee to evaluate whether appellant and/or respondent can benefit from the program.

Accordingly, the clerk of this court is directed to transmit a copy of this order and the attached case summary to the Legal Aid Center of Southern Nevada for financial eligibility screening. If appellant and/or respondent qualifies and does not object to pro bono counsel, the Legal Aid Center in cooperation with the Pro Bono Committee shall locate a volunteer attorney from the program to represent appellant and/or respondent. Once an attorney is located, the attorney shall file a notice of appearance in this court within 60 days from the date of this order. Briefing will be scheduled thereafter. Alternatively, if appellant and/or respondent is not financially eligible or objects to pro bono representation, or if a volunteer attorney cannot be located, the Legal Aid Center of Southern Nevada shall notify this court in writing within 60 days from the date of this order. The briefing schedule in this appeal shall be suspended pending further order of this court.

Further, review of the complete record is warranted. NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. G-19-052315-A. See NRAP 11(a)(2) (providing that the complete "record shall contain each and every paper, pleading and other document filed, or submitted for filing, in

the district court," as well as "any previously prepared transcripts of the proceedings in the district court"). The record shall not include any exhibits filed in the district court. NRAP 11(a)(1). The deadlines for filing documents in this appeal are suspended pending further order of this court.

It is so ORDERED.

Pickering, C.J.

cc: William J. Powell, Jr.  
Loretta Powell  
Legal Aid Center of Southern Nevada, Barbara E. Buckley,  
Executive Director  
Anne R. Traum, Coordinator, Appellate Litigation Section,  
Pro Bono Committee, State Bar of Nevada  
Kelly Dove  
Eighth District Court Clerk

Docket No. 80210

*In Re: Guardianship of Powell*

Appellant, in pro se, filed a petition for appointment of guardian over an adult. Respondent, the proposed protected person appeared in person and by and through her counsel, Katie M. Anderson, Esq., of Legal Aid Center of Southern Nevada, Inc. The district court found that appellant failed to meet the requirements of NRS 159.044 as he failed to file a certificate signed by a physician stating the need for a guardian; whether the proposed protected person presents a danger to herself or others; whether the attendance of the proposed protected person at a hearing would be detrimental to her; and whether the proposed protected person is capable of living independently with or without assistance. The district court also found that respondent was not incapacitated pursuant to NRS 159.019. The district court denied the petition and dismissed the case.

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1 danger to herself or others; whether the attendance of the proposed protected person at a hearing  
2 would be detrimental to her; whether the proposed protected person would comprehend the  
3 reason for a hearing; and whether the proposed protected person is capable of living  
4 independently with or without assistance.

5 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Loretta is not  
6 incapacitated pursuant to NRS 159.019 insomuch as Loretta was examined by Dr. Margaret  
7 Sweeney, who determined that Loretta had the capacity to execute a power of attorney. Further,  
8 Loretta has been examined by a neurologist, who noted that while Loretta should continue to  
9 take her medications, she is competent.

10 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the strict  
11 requirements for a guardianship have not been met, and the Petition for Appointment of Guardian  
12 Over an Adult is, therefore, **DENIED**.

13 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this case is hereby  
14 dismissed and Katie Anderson, Esq., appointed counsel for Loretta, is hereby discharged.

15 **IT IS SO ORDERED.**

16  
17 DATED 6<sup>th</sup> day of November 2019.

18   
19 **DISTRICT COURT JUDGE**

20  
21 *Submitted By:*

22 **LEGAL AID CENTER OF  
SOUTHERN NEVADA**

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Proposed Protected Person