

1 MOT
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DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA

10	,)	
11	Plaintiff,)	Case No.:
12	vs.)	Dept.:
13	,)	
14	Defendant.)	Date of Hearing: _____
15)	Time of Hearing: _____

16 ORAL ARGUMENT REQUESTED: YES X NO

17 NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK
18 OF THE COURT AND TO PROVIDE THE UNDER-SIGNED WITH A COPY OF YOUR RESPONSE WITHIN
19 TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE
20 WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION
MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING
PRIOR TO THE SCHEDULED HEARING DATE.

21 **COUNSEL’S MOTION TO ADJUDICATE THE RIGHTS OF COUNSEL, FOR**
22 **ENFORCEMENT OF ATTORNEY’S LIEN AND FOR JUDGMENT OF ATTORNEY’S**
FEES

23 COMES NOW, [Attorney/Firm Name] , hereafter, “Counsel”, former counsel for [Name
24 Of Client] (hereinafter “Client”), and pursuant to NRS 18.015, moves this Court for Enforcement of
25 Attorney’s Lien, Adjudication of Rights of Counsel and for a Judgment of Attorney’s Fees against
26 [Client].

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This Motion is made and based upon the Memorandum of Points and Authorities set forth herein, the Affidavit of Counsel submitted herewith, and oral argument of Counsel to be adduced at the time of the hearing of this matter.

DATED this ____ day of _____, 20_____.

[NAME OF FIRM]

By: _____

[NAME OF ATTORNEY]

[BAR NUMBER]

[ADDRESS OF LAW FIRM]

[CITY], Nevada

[PHONE NUMBER]

Attorneys for Plaintiff/Defendant

NOTICE OF MOTION

TO: [Name Of Client],

TO: [Name Of Opposing Party];

TO: [Name Of Opposing Party's Attorney],

PLEASE TAKE NOTICE that Counsel will bring the above and foregoing Motion on for hearing before the Court ____ on the ____ day of _____, 20____, at the hour of _____ .m., or as soon thereafter as counsel can be heard.

DATED this ____ day of _____, 20_____.

[NAME OF LAW FIRM]

By: _____

[NAME OF ATTORNEY]

[BAR NUMBER]

[ADDRESS OF LAW FIRM]

[CITY], Nevada 89

[PHONE NUMBER]

I.

POINTS AND AUTHORITIES

Client retained Counsel, to represent Client in the above-entitled action. A written retainer agreement was executed by Client, a copy of which is attached hereto as Exhibit "1". During the period of time in which Counsel represented Client, fees were incurred and/or costs were advanced which are still outstanding pursuant to the terms of said retainer agreement.

A Notice of Claim of Lien has been filed prior to or contemporaneously with the filing of this Motion. A file-stamped copy of said Notice together with this Motion will be served upon all interested parties, including Client.

NRS 18.015 states, in part, as follows:

1. An attorney at law shall have a lien:
 - (a) . . .
 - (b) In any civil action, upon any file or other property properly left in the possession of the attorney by a client.
2. A lien pursuant to subsection 1 is for the amount of any fee which has been agreed upon by the attorney and client. In the absence of an agreement, the lien is for a reasonable fee for the services which the attorney has rendered for the client.
3. An attorney perfects a lien described in subsection 1 by serving notice in writing, in person or by certified mail, return receipt requested, upon his or her client and, if applicable, upon the party against whom the client has a cause of action, claiming the lien and stating the amount of the lien.
4. A lien pursuant to:
 - (a) . . .
 - (b) Paragraph (b) of subsection 1 attaches to any file or other property properly left in the possession of the attorney by his or her client, including, without limitation, copies of the attorney's file if the original documents received from the client have been returned to the client, and authorizes the attorney to retain any such file or property until such time as an adjudication is made pursuant to subsection 6, from the time of service of the notices requested by this section.
5. A lien pursuant to paragraph (b) of subsection 1 must not be construed as inconsistent with the attorney's professional responsibilities to the client.
6. On motion filed by an attorney having a lien under this section, the attorney's client or any party who has been served with notice of the lien, the court shall, after 5 days' notice to all interested parties, adjudicate the rights of the attorney, client or other parties and enforce the lien.

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7. Collection of attorney's fees by a lien under this section may be utilized with, after or independently of any other method of collection.

Section 2. The amendatory provisions of this act apply to any fee for the services of any attorney incurred by a client for services rendered before, on or after July 1, 2013.

Section 3. This act becomes effective on July 1, 2013.

In the State of Nevada it is clear that an attorney's right to compensation is not based upon or limited to his lien; such right is based upon an express or implied contract and the lien is but security for the attorney's right. Gordon v. Stewart, 74 Nev. 115, 324, P.2d 234, 235 (1958).

Pursuant to the above statute and case law, Counsel requests this Court to enter a Judgment in favor of Counsel in the amount of \$ _____, as and for attorney's fees and costs due and owing by [Client] to Counsel.

DATED this ____ day of _____, 20 ____.

[NAME OF LAW FIRM]

By: _____

[NAME OF ATTORNEY]

[BAR NUMBER]

[ATTORNEY ADDRESS]

[CITY], Nevada 89

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**AFFIDAVIT OF [NAME OF COUNSEL] IN SUPPORT OF COUNSEL'S MOTION TO
ADJUDICATE THE RIGHTS OF COUNSEL, ENFORCEMENT OF ATTORNEY'S LIEN
AND FOR JUDGMENT OF ATTORNEY'S FEES**

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

[NAME OF COUNSEL], being duly sworn, deposes and says;

That Affiant is an attorney duly licensed to practice law in the State of Nevada (hereinafter, "Counsel") and formerly represented _____, (hereinafter, "Client") in the above-entitled matter. Counsel has personal knowledge of the matters contained herein and is competent to testify thereto.

Client entered into a written fee agreement for payment of fees and costs with Counsel, and currently owes a balance of \$ _____. Considering the fact that Counsel advanced work for Client, and Counsel's billing remains unpaid, it is fair that a Judgment for these monies be entered so that Counsel can proceed to collect payment. [Optional: "A copy of Counsel's redacted billing statements is attached hereto as Exhibit ____].

The granting of Counsel's Motion herein will not delay the trial or hearing of any matter in this case.

Further your affiant sayeth naught.

[ATTORNEY NAME]

SUBSCRIBED to and SWORN before me
this _____ day of _____, 20____.

NOTARY PUBLIC in and for said
County and State

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CERTIFICATE OF SERVICE BY MAIL

I, the undersigned, hereby certify that I am employed in the County of [_____], State of Nevada, am over the age of 18 years and not a party to this action. My business address is that of _____[FIRM NAME], _____[FIRM ADDRESS]

On ___ day of _____, 20____, I served the within **COUNSEL’S MOTION TO ADJUDICATE THE RIGHTS OF COUNSEL ENFORCEMENT OF ATTORNEY’S LIEN AND FOR JUDGEMENT OF ATTORNEY’S FEES** on the parties and counsel in said action or proceeding by placing a true copy thereof enclosed in a sealed envelope, addressed as follows:

and placing the envelope in the mail bin at the firm’s office.

I am readily familiar with the firm’s practice of collection and processing correspondence for mailing. Under that practice, it is deposited with the U.S. Postal service on the same day it is placed in the mail bin, with postage thereon fully prepaid at [_____], Nevada, in the ordinary course of business.

An Employee of [FIRM NAME]