



IN THE SUPREME COURT OF THE STATE OF NEVADA

EDGAR VELAZQUEZ,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; PROBATE COMMISSIONER
JAMES FONTANO; PROBATE
COMMISSIONER RUSSEL GEIST; AND
THE HONORABLE GLORIA
STURMAN,
Respondents.

No. 91293

ORDER DENYING PETITION

This is an original petition for writ of mandamus challenging a district court order indefinitely suspending petitioner from administration of 23 probate cases.

Petitioner Edgar Velazquez, a third-party administrator for abandoned estates, petitions for a writ of mandamus (1) vacating a district court order suspending his letters of administration in 23 cases, and (2) reassigning his cases to different arbiters. He argues that the district court violated his due process rights by suspending his letters of administration without a hearing and cites several instances of alleged judicial misconduct that he asserts require reassignment of future proceedings to new arbiters. On the merits, Velazquez argues that there was no evidence of improper conduct or a conflict of interest that would support the suspensions.

A writ of mandamus may issue to compel a district court to perform a legally required act. NRS 34.160. Writ relief may be warranted where there is “clear legal error or manifest abuse of discretion by the

district court.” *McNamee v. Eighth Jud. Dist. Ct.*, 135 Nev. 392, 395, 450 P.3d 906, 908 (2019). “Writ relief is an extraordinary remedy,” and whether to entertain a writ petition is purely discretionary. *City of Mesquite v. Eighth Jud. Dist. Ct.*, 135 Nev. 240, 242, 445 P.3d 1244, 1248 (2019). It is the petitioner’s burden to demonstrate that writ relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). For the reasons below, we conclude that our discretionary intervention is not warranted here.

Velazquez has not demonstrated that he is clearly entitled to more process than he has received. Under NRS 141.090, “If a court has reason to believe, from its own knowledge or from credible information, that a personal representative” has committed certain acts, “the court may, by an order entered upon the minutes, suspend the powers of the personal representative” *See also Schwartz v. Labow*, 78 Cal. Rptr. 3d 838, 848 (Ct. App. 2008) (reviewing a court’s decision to suspend a probate administrator for an abuse of discretion). He or she is then entitled to a post-suspension hearing before any revocation takes place. NRS 141.110(1).

In *Wolzinger v. Eighth Judicial District Court*, we held that due process does not require a probate administrator to be provided a pre-suspension hearing. 105 Nev. 160, 166-67, 773 P.2d 335, 339 (1989); *see also Virgin Valley Water Dist. v. Paradise Canyon, LLC* 141 Nev., Adv. Op. 19, 567 P.3d 962, 975 (2025) (reviewing due process claims de novo). To the extent that Velazquez argues that he was entitled to pre-suspension process under NRCP 53 and EDCR 4.05-.07, he failed to present a cogent argument in his petition explaining how these rules apply or why they would overcome NRS 141.090 and *Wolzinger* such as to warrant an extraordinary writ. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987); *see also Casey v.*

Wells Fargo Bank, N.A., 128 Nev. 713, 715, 290 P.3d 265, 267 (2012) (applying de novo review to interpretations of court rules).

Nor has Velazquez shown the level of judicial bias that would constitute a clear due process violation or otherwise require reassignment. Many of the statements Velazquez finds objectionable amounted to factual commentary on public events. To the extent that some of the conduct was arguably improper, Velazquez has not shown that it meets the high bar that would warrant writ relief. *See Millen v. Eighth Jud. Dist. Ct.*, 122 Nev. 1245, 1254-55, 148 P.3d 694, 701 (2006) (“[D]isqualification for personal bias requires an extreme showing of bias [that] would permit manipulation of the court and significantly impede the judicial process and the administration of justice.”) (second alteration in original) (quotation marks omitted). Furthermore, one of the arbiters in the proceedings below has since retired, so Velazquez’s request for reassignment is partially moot.

Finally, Velazquez has not demonstrated that the district court wrongly suspended him in the 23 cases. *See Schwartz*, 78 Cal. Rptr. 3d at 848 (reviewing for abuse of discretion). A court may suspend an administrator under NRS 141.090 when it “has reason to believe” that the administrator “[h]as a conflict of interest with the estate.” NRS 141.090(5). Velazquez had an apparent conflict of interest with hiring his own employer, Compass Realty & Management LLC, to sell the Meraz estate’s property, with Compass receiving a commission. *See In re Est. of Westin*, 874 A.2d 139, 143 (Pa. Super. Ct. 2005) (“When a conflict of interest is apparent from the circumstances, bad faith or fraudulent intent on the part of the fiduciary need not be proven.”); *In re Palm Coast, Matanza Shores Ltd. P’ship*, 101 F.3d 253, 258 (2d Cir. 1996) (holding that a trustee generally may not hire his or her own real estate firm because doing so gives the trustee an interest

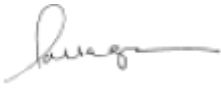
adverse to the estate). Given the concerns in the Meraz estate, the district court's decision to suspend Velazquez in the other cases pending further investigation and individual hearings does not warrant writ relief.

Accordingly, we

ORDER the petition DENIED.



Pickering, J.



Parraguirre, J.



Bell, J.

cc: Hon. Tierra Jones, Chief Judge
Greenberg Traurig, LLP/Las Vegas
James A. Fontano
Russel J. Geist
Attorney General/Las Vegas
Eighth District Court Clerk