



# RECENT

## APPELLATE DECISIONS

### IMPACTING FAMILY COURTS

*Presented by:*

Nevada Court of Appeals

# NEVADA COURT OF APPEALS

## Our History

On November 4, 2014, Nevada voters approved the creation of a Court of Appeals by allowing an amendment to Article 6 of the Nevada Constitution. This unique court hears roughly one-third of all cases submitted to the Nevada Supreme Court in a deflative model, where the Supreme Court assigns cases to the three-judge Court of Appeals. This is similar to systems used in other states, including Iowa, Idaho, and Mississippi.

Prior to this change, the Supreme Court heard all appeals, including everything from murder convictions to appeals of driver's license revocations.





# CHIEF JUDGE BULLA

◆ Chief Judge Bonnie A. Bulla was appointed to the Nevada Court of Appeals in 2019. In November 2020, Judge Bulla was successfully elected to retain her seat on the court and in November 2022 was reelected for a six-year term commencing in January 2023.

◆ Judge Bulla was born in Phoenix, Arizona and raised in Tempe, home of Arizona State University. She graduated summa cum laude and Phi Beta Kappa from ASU in 1984 with a Bachelor of Science in economics and received her Juris Doctor from ASU College of Law in 1987 (now known as the Sandra Day O'Connor College of Law). Immediately after graduation, Judge Bulla moved to Las Vegas, Nevada, and became a licensed Nevada attorney in October 1987. For over nineteen years, Judge Bulla was in private practice handling complex civil cases, including those involving professional negligence, and received her AV rating from Martindale-Hubbell. Before serving on the Nevada Court of Appeals, Judge Bulla was the Discovery Commissioner for the Eighth Judicial District Court in Clark County, Nevada for twelve years, resolving a high volume of pre-trial discovery disputes.



# JUDGE GIBBONS

◆ Judge Michael Gibbons was one of the three judges Gov. Brian Sandoval selected to form the inaugural Nevada Court of Appeals in 2014. Judge Gibbons was elected twice thereafter. He was appointed as the first chief judge of the court and reappointed twice.

◆ Previously Judge Gibbons served as a general jurisdiction District Judge for 20 years. Judge Gibbons had an extensive family law caseload and was very active in this area serving on the governing board of the National Council of Juvenile and Family Court Judges for six years and was a founding board member of the Nevada State CASA Association. He also served as President of the NDJA.

◆ Judge Gibbons began his Nevada legal career in 1980 as a law clerk for District Judge Howard McKibben. Judge Gibbons was hired as a Douglas County Deputy District Attorney in 1981 and served until 1994. He advocated for victim rights and prosecuted many high-profile criminal cases such as the extortion bombing of Harvey's Hotel Casino in Lake Tahoe.

◆ Judge Gibbons received his bachelor's degree from UCLA and his law degree from the University of Idaho. Judge Gibbons was the only member of his law school class to be selected both as an editor for the Law Review and for the Moot Court team.





# JUDGE WESTBROOK

◆ Judge Deborah L. Westbrook was elected in November 2022 to serve a six-year term on the Nevada Court of Appeals that commenced in January 2023.

◆ Judge Westbrook was born in the Pacific Northwest and graduated valedictorian of Mercer Island High School. In 1998, she received her Bachelor of Science in psychology from the University of Washington, with honors, magna cum laude, and Phi Beta Kappa. In 2002, Judge Westbrook received her law degree from the University of Washington School of Law and was elected to the Order of the Coif. While in law school she also served on the Washington Law Review as both Topics Editor and an author.

◆ Prior to taking the bench, Judge Westbrook practiced law in Nevada for nearly two decades. She first developed a love of appellate practice when she clerked for Chief Judge Eric T. Washington on the District of Columbia Court of Appeals in 2003. After her clerkship, Judge Westbrook moved to Las Vegas, where she practiced labor and employment law, first at Kameron Zucker Abbott from 2004-2005, and then at Littler Mendelson from 2005-2013. She then transitioned from civil litigation to representing indigent defendants in criminal cases when she served as a chief deputy public defender in the appellate division of the Clark County Public Defender's Office from 2013-2022.



# STATISTICS

## FAMILY LAW APPEALS

**01** Court of Appeals decided 708 cases in 2024

---

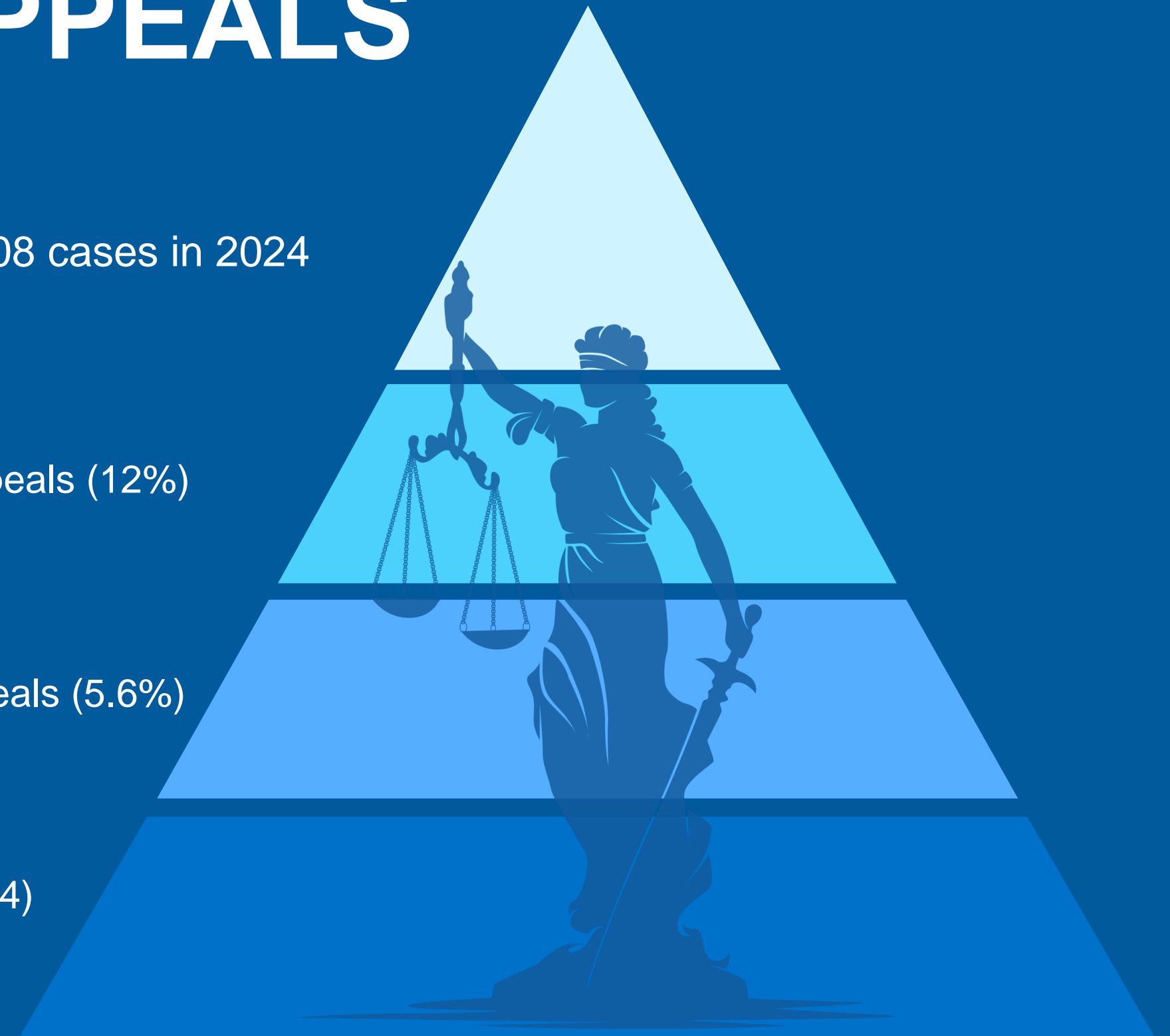
**02** 83 dispositions were family law appeals (12%)

---

**03** 40 dispositions were child custody appeals (5.6%)

---

**04** 3 published family law dispositions (FY 2024)



# STATISTICS

## 2024 FAMILY LAW APPEALS vs. ALL CIVIL APPEALS

Affirmed/Dismissed Appeals—District Ct. Judgments Stand

Family Law Appeals—67%  
All Civil Appeals—71%



Time to Disposition Family Law Appeals:

>3 months: 41%  
3-6 months: 37%  
6-12 months: 18%  
>12 months: 4%

Time to Disposition All Civil Appeals:

>3 months: 26.5%  
3-6 months: 45.8%  
6-12 months: 22%  
>12 months: 5.7%





## ***Soldo-Allesio v. Ferguson*, 141 Nev., Adv. Op. 9, --- P.3d ---- (Ct. App. 2025)**

---

- Two different evidentiary standards apply when evaluating domestic violence in child custody cases:
  - when evaluating the role of domestic violence as a best interest factor, the standard is preponderance of the evidence;
  - when using domestic violence to apply a rebuttable presumption against awarding custody, the standard is clear and convincing evidence.
- NRCP 16.205(g) and NRCP 37(c) apply in child custody cases.





## ***Backman v. Gelbman*, 141 Nev., Adv. Op. 8, --- P.3d ---- (Ct. App. 2025)**

---

- When determining whether changed circumstances exist that would warrant a review of a child support obligation under NRS 125B.145(4), the controlling order is the most recent substantive order setting forth the child support obligation.
- Prima facie evidence is the applicable standard when determining if sufficient evidence exists to warrant a review.



## ***Nester v. Eighth Judicial Dist. Ct.*, 141 Nev., Adv. Op. 4, 562 P.2d 1071 (2025)**

---

- Supreme Court granted a petition for writ of mandamus directing the district court to vacate an order denying a motion to close a hearing in a family law matter where the district court failed to apply the *Falconi* test to determine if closure was warranted.



## ***Martinez v. Martinez*, 140 Nev., Adv. Op. 73, 559 P.3d 863, 865 (2024)**

---

- “In this case of first impression, we clarify that transportation costs incurred in ensuring a child spends time with both parents must be considered in determining a parent’s child support obligation under NAC 425.150.”





## ***In re Matter of N.R.R. and N.I.R.*, 140 Nev., Adv. Op. 77, 559 P.3d 870 (2024)**

---

- Supreme Court granted a petition for writ of mandamus directing the district court to vacate an order requiring DFS to pay rental assistance to a foster parent because the order was without statutory authority and usurped DFS's discretionary control over its own budget.



## ***Kragen v. Eighth Judicial Dist. Ct.*, 140 Nev., Adv. Op. 49, 553 P.3d 1218 (Ct. App. 2024)**

---

- Court of Appeals denied a petition for writ of mandamus challenging a district court order assuming jurisdiction over child custody issues.
- We adopted the “totality of the circumstances” test to determine whether an absence is temporary for purposes of the UCCJEA.



*Thank you!*





## 2025 Family Law Conference & District Court Judges Seminar

Session Evaluation

Tuesday, April 15th - Friday, April 18th

Help us ensure that these conferences meet your educational needs. . .

**Please take a moment to  
evaluate this session!**

**SCAN THE QR CODE!**

Or check your email for the website link.

