

1 Case Number: OBC20-0451



2 FILED

3 NOV 05 2020

4 STATE BAR OF NEVADA
BY [Signature]
5 OFFICE OF BAR COUNSEL

6
7 STATE BAR OF NEVADA

8 SOUTHERN NEVADA DISCIPLINARY BOARD

9 STATE BAR OF NEVADA,)

10 Complainant,)

11 vs.)

12 ERIC JORGENSON, ESQ.,)
13 BAR NO. 1802)

14 Respondent.)

PUBLIC REPRIMAND

15 TO: Eric Jorgenson, Esq.
16 1148 S. Maryland Pkwy
Las Vegas, Nevada 89014

17 In 2016, you were appointed to represent Rosemary Vandecar to appeal a post-
18 conviction order related to her 2012 conviction for second-degree murder. Vandecar has
19 been incarcerated during the entire representation.

20 November 8, 2019 was the first deadline by which you could have reasonably filed the
21 Opening Brief.¹ You filed the Appendix on November 8, 2019 but did not file the Opening
22 Brief or request an extension of time in which to file the brief.

23 _____
24 ¹ The deadline to file the Opening Brief in Vandecar's appeal was previously extended
25 five times because the court reporter had not properly submitted the official transcript for
the underlying proceeding.

1 On November 26, 2019, the Court issued an Order to File Opening Brief directing you
2 to file the brief by December 3, 2019.

3 On December 4, 2019, you filed an untimely motion for an extension of time stating
4 that you had "miscalculated the time that was required to draft and file the opening brief."
5 The Court denied your request for an extension of time and directed that a brief must be
6 filed by January 2, 2020.

7 You failed to file the Opening Brief by the January 2, 2020 deadline or to request an
8 extension of time.

9 On February 4, 2020, the Court entered an Order Conditionally Imposing Sanctions
10 and directing you to file the brief by February 18, 2020. The Order imposed a sanction of
11 \$250, which would be waived if the brief was filed by the new deadline. The Court cautioned
12 that a failure to comply with the Court's order would result in removal as counsel and referral
13 to the State Bar.

14 You did not file the Opening Brief by the February 18, 2020 deadline. On February
15 24, 2020, you filed proof of paying the \$250 fine. On February 28, 2020, you filed another
16 untimely request to extend the time to submit the Opening Brief. The Court denied the
17 motion and directed you to file the brief on or before March 17, 2020.

18 You did not file the Opening Brief on or before March 17, 2020. On April 9, 2020,
19 the Court entered an order removing you as counsel and referring you to the State Bar.

20 Violations of the Rules of Professional Conduct

21 You had a duty to diligently and promptly represent your client in her criminal
22 appellate matter, pursuant to RPC 1.3 (Diligence). You knowingly violated RPC 1.3
23 (Diligence) when you failed to timely file the Opening Brief in this matter, despite multiple
24 directives from the Nevada Supreme Court.

25

1 RPC 3.4 (Fairness to Opposing Party and Counsel) prohibits a lawyer from
2 “knowingly disobey[ing] an obligation under the rules of a tribunal except for an open
3 refusal based on as assertion that no valid obligation exists.” You knowingly violated RPC
4 3.4 (Fairness to Opposing Party and Counsel) when you failed to file the appellate brief
5 after the Court issued four separate order directing you to file the brief.

6 Your client, the efficiency of the judiciary and the integrity of the profession was
7 injured by your misconduct, particularly since the Court removed you as counsel in the
8 matter and new counsel had to be appointed.

9 Application of ABA Standards for Imposing Lawyer Sanctions

10 Pursuant to Standard 4.42 of the ABA Standards for Imposing Lawyer Sanctions,
11 the appropriate baseline sanction for Respondent’s misconduct is suspension.

12 The Panel has considered the aggravating factor of your substantial experience in
13 the practice of law (SCR 102.5(1)(i)) and the mitigating factors of (i) your absence of prior
14 discipline (SCR 102.5(2)(a)), (ii) the absence of dishonest or selfish motive (SCR
15 102.5(2)(b)), (iii) your personal or emotional problems (SCR 102.5(2)(c)), (iv) cooperative
16 attitude towards the disciplinary proceeding (SCR 102.5(2)(e)), and (v) your expressed
17 remorse for your misconduct (SCR 102.5(2)(m)).

18 In light of the mitigating factors it is appropriate to deviate downward from the
19 baseline sanction of suspension to the sanction of a Public Reprimand.

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Therefore, you are hereby PUBLICLY REPRIMAND for violation of Rule of Professional Conduct ("RPC") 1.3 (Diligence) and RPC 3.4 (Opposing Party and Counsel) and required to pay SCR 120 Costs of \$1,500 plus hard costs of the proceeding.

DATED this 4th day of November, 2020.

By: Robert J. Caldwell
ROBERT J. CALDWELL, ESQ.
Formal Hearing Panel Chair
Southern Nevada Disciplinary Board






proposed Public Reprimand

Final Audit Report

2020-11-05

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"proposed Public Reprimand" History

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