

1 Case No. SG14-0946



FILED

FEB 17 2015

2 STATE BAR OF NEVADA

3 SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA
BY: *[Signature]*
OFFICE OF BAR COUNSEL

4 STATE BAR OF NEVADA,)
5 Complainant,)
6 vs.)
7 JONATHAN POWELL, ESQ.,)
8 Bar No. 9153,)
9 Respondent.)

11 PUBLIC REPRIMAND

12 TO: JONATHAN POWELL, ESQ.
13 2030 E. Flamingo Road, Suite 115
14 Las Vegas, Nevada 89119

15 Nevada Supreme Court Docket No. 63460

16 1. On or about June 25, 2013, you filed a Notice of Appeal/Fast Track in the
17 Supreme Court on behalf of your client, Rodney John Smith, in Docket No. 63460. However,
18 you did not file the rough draft transcript request form with the Notice of Appeal. Therefore,
19 on the same day, the Supreme Court issued a Notice to Request Rough Draft Transcripts
20 which directed you to, within ten (10) days, file the rough draft form or, alternatively, a
21 certificate that preparation of transcripts was not requested.

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1 2. In an Order filed on July 24, 2013, the Supreme Court noted that although you
2 had filed the rough draft transcript request form in District Court, you failed to file two (2) file-
3 stamped copies of the form, and proof of service of the form, with the Supreme Court as
4 required by the Nevada Rules of Appellate Procedure (“NRAP”). The Order of July 24, 2013,
5 directed you to file these documents within ten (10) days. The Order also warned you that
6 failure to comply would result in sanctions.

7 3. On August 9, 2014, you filed a Motion to Extend Time for filing the Fast Track
8 Statement. However, on August 16, 2014, the Supreme Court filed an Order Denying Motion
9 which noted that your motion neither stated any basis – particularly extreme need or merit –
10 to justify the extension, nor stated the length of time for which an extension was sought.

11 4. The Supreme Court also noted that you (1) still had not provided the
12 documents referenced in its prior Order, and (2) the Fast Track Statement and appendix
13 were due to be filed on September 3, 2013. The Supreme Court again warned you that
14 failure to comply with its directives would result in sanctions.

15 **Nevada Supreme Court Docket No. 63501**

16 5. On or about June 28, 2013, your client, Gabriel Steven DeValle, filed a *pro per*
17 Notice of Appeal, Docket No. 63501, in the Supreme Court. Because a rough draft transcript
18 request form was not filed with the Notice of Appeal, the Supreme Court – on June 28, 2013
19 – directed you to file it within ten (10) days or face sanctions.

20 6. On July 24, 2013, because it appeared that the transcript request form might
21 have been filed in District Court, the Supreme Court filed an order which directed you to file
22 the document. This Order also reminded you that the Fast Track Statement and appendix
23 were due to be filed by August 7, 2013. The Supreme Court again warned you that failure to
24 comply with its directives would result in sanctions.
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1 **Docket Nos. 63460 and 63501**

2 7. On November 15, 2013, the Supreme Court filed an Order regarding both of
3 the above-referenced dockets, and stated that you had failed to comply with its prior orders
4 and directives. Therefore, the Supreme Court scheduled a hearing for December 11, 2013,
5 for you to appear and show cause why sanctions, including referral to the State Bar, should
6 not be imposed.

7 8. On November 19, 2013, you filed a motion requesting an extension of time to
8 file the Fast Track Statement, and to vacate the Supreme Court's Order to appear at the
9 show cause hearing. The Supreme Court granted the request for an extension of time, but
10 refused to vacate the Order to Appear.

11 9. In Docket No. 63460, the Fast Track Statement ultimately filed by you was
12 rejected by the Supreme Court because it was not formatted pursuant to NRAP
13 requirements. Similarly, in Docket No. 63501, your Fast Track Statement was rejected for
14 the same formatting violations.

15 10. You appeared before the Supreme Court for the show cause hearing on
16 December 11, 2013.

17 11. On February 11, 2014, the Supreme Court entered an Order which (1) removed
18 you as counsel-of-record in the above-referenced appellate matters and (2) suspended you
19 from practicing in the Supreme Court for a minimum of two (2) years.

20 12. On February 28, 2014, you filed a Motion to Reconsider Sanctions in the
21 Supreme Court. In your motion, you discussed the "exceptional circumstances" which you
22 were dealing with during the pendency of the appeals underlying this matter. You also
23 accepted responsibility for your actions, and described "significant changes" to your law
24 practice which would ensure that such actions would not be repeated.
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