

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
STEPHEN N. SCHEERER, ESQ.

No. 46633

FILED

MAY 04 2006

JANEY L. GLOVER
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER APPROVING PUBLIC REPRIMAND

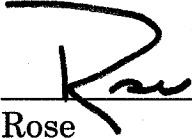
This is an automatic appeal from the Northern Nevada Disciplinary Board hearing panel's recommendation that attorney Stephen N. Scheerer be publicly reprimanded and assessed the costs of the disciplinary proceedings, based on its conclusion that Scheerer violated SCR 151 (competence), SCR 153 (diligence), SCR 173(3) (fairness to opposing party and counsel: knowingly disobeying an obligation under the rules of a tribunal), and SCR 203(4) (misconduct: engaging in conduct prejudicial to the administration of justice). Scheerer has filed a notice of no contest under SCR 105(3).


After reviewing the record, we conclude that clear and convincing evidence supports the panel's findings. In particular, the record demonstrates that, during the course of an appeal, Scheerer repeatedly failed to comply with this court's procedural rules or to otherwise communicate with this court. Further, Scheerer failed to adequately comply with the sanction this court imposed on him for these failures. We conclude that a public reprimand is appropriate in light of aggravating factors, including Scheerer's previous private reprimand, and


mitigating factors, including Scheerer's candor and cooperation with bar counsel throughout the disciplinary proceedings.

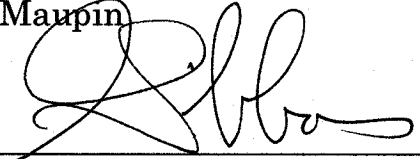
Accordingly, we approve the panel's recommendation in its entirety. We issue the public reprimand attached hereto as Exhibit 1, and Scheerer shall pay the costs of the disciplinary proceedings.

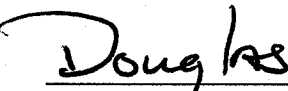
It is so ORDERED.¹

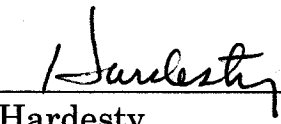
 _____, C.J.
Rose

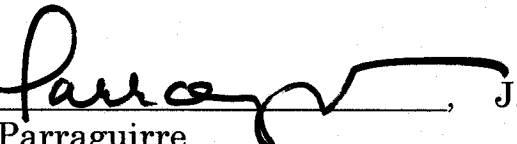
 _____, J.
Becker

 _____, J.
Maupin

 _____, J.
Gibbons

 _____, J.
Douglas

 _____, J.
Hardesty

 _____, J.
Parraguirre

¹This is our final disposition of this matter. Any new proceedings concerning Scheerer shall be docketed under a new docket number.

cc: Patrick V. Fagan, Chair, Northern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
James E. Wilson

1 Case No. N04-22-896

3 STATE BAR OF NEVADA

4 NORTHERN NEVADA DISCIPLINARY BOARD

6 STATE BAR OF NEVADA,)
)
 7 Complainant,)
)
 8 vs.)
)
 9 STEPHEN SCHEERER, ESQ.,)
)
 10 Respondent.)

PUBLIC REPRIMAND

11
 12 TO: Stephen Scheerer, Esq.
 c/o James Wilson, Jr., Esq.
 13 1000 E. William Street, Suite 104
 Carson City, NV 89706

15 You represented Jamie Handley, the appellant/cross-respondent in a civil matter that
 16 was appealed to the Supreme Court. On June 27, 2003, the Supreme Court entered an
 17 Order that imposed sanctions upon you for material violations of the Supreme Court's
 18 procedural rules. Specifically, as the Supreme Court noted in an Order dated October 24,
 2002, you (1) took more than three (3) months to file a docketing statement in the appeal; (2)
 failed to file an appendix to the opening brief; (3) did not include a single citation to the
 record-on-appeal in the opening brief; and (4) failed to include an attorney's certificate in the
 opening brief.

19 In an Order dated June 27, 2003, the Supreme Court ordered you to perform twenty
 (20) hours of *pro bono* service for Washoe Legal Services and file proof of completion with
 20 the Clerk of the Supreme Court within six (6) months.

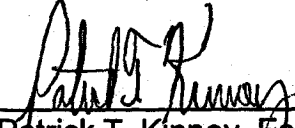
21 However, you did not file proof of completion within six (6) months as ordered and,
 accordingly, the Supreme Court entered an Order on March 15, 2004, which directed you to
 22 file proof of completion of the sanction within fifteen (15) days. On May 19, 2004, because
 you still had failed to file the required proof of completion or otherwise communicate with the
 Supreme Court, a third Order was filed directing you to file the proof of completion within
 23 fifteen (15) days. The Order of May 19 also cautioned you that failure to comply could result
 in the imposition of further sanctions and referral to the State Bar for investigation.

24 On October 12, 2004, because you still had not provided proof of the sanction, the
 Supreme Court entered the Order referring this matter to the State Bar. The Order of
 25 October 12 noted that fourteen (14) months had passed since the Supreme Court had
 entered its original Order imposing sanctions, and three (3) months had passed since its
 previous Order.

1 On July 1, 2005, you filed a Proof of Completion of Sanction with the Supreme Court
2 indicating that you actually performed thirty (30) hours of *pro bono* legal services in two (2)
3 unrelated cases. In this pleading, you stated that you deeply regretted the delay in
4 completing the sanction and apologized to the Supreme Court.

5 Based on the foregoing, you are hereby Publicly Reprimanded for violations of
6 Supreme Court Rule 151 (Competence), SCR 153 (Diligence), SCR 173(3) (Fairness to
7 opposing party and counsel: Knowingly disobeying an obligation under the rules of a
8 tribunal), and SCR 203(4) (Misconduct: Engaging in conduct prejudicial to the administration
9 of justice).

10 DATED this 5th day of January, 2006.

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12 _____
13 Patrick T. Kinney, Esq., Chair
14 Formal Hearing Panel
15 Northern Nevada Disciplinary Board
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