

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
JOHN S. ROGERS, BAR NO. 4730.

No. 61080

FILED

JUL 26 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

***ORDER REJECTING CONDITIONAL GUILTY PLEA AND
REMANDING FOR FURTHER DISCIPLINARY PROCEEDINGS***

This is an automatic review of a conditional guilty plea agreement under SCR 113 involving attorney John S. Rogers. A Southern Nevada Disciplinary Board hearing panel recommended approval of the agreement. In this agreement, Rogers pleaded guilty to violating RPC 1.3 (diligence), RPC 1.4 (communications), RPC 1.16 (declining or terminating representation), RPC 3.1 (meritorious claims and contentions), RPC 4.4 (respect for rights of third persons), RPC 5.3 (responsibilities regarding nonlawyer assistants), RPC 5.5 (unauthorized practice of law), and RPC 8.4 (misconduct) in exchange for a one-year suspension, stayed for a one-year probationary period.¹

Having reviewed the record of the disciplinary proceedings and the attached exhibits, we reject the conditional guilty plea agreement. See SCR 113(1); *In re Kenick*, 100 Nev. 273, 680 P.2d 972 (1984). Assuming evidence can be presented establishing that Rogers committed

¹Under the agreement, a charge that Rogers violated RPC 3.4 (fairness to opposing party and counsel) was dismissed, although the complaint does not contain an alleged violation of this rule.

the acts of misconduct admitted in the conditional guilty plea, we view such acts as a serious breach of the Nevada Rules of Professional Conduct warranting the imposition of discipline greater than a one-year, stayed suspension. Because the hearing before the disciplinary panel was based on the conditional plea, the record is insufficient to determine the proper amount of discipline. Accordingly, we remand this matter to the Southern Nevada Disciplinary Board for further proceedings.

It is so ORDERED.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Saitta, J.
Saitta

cc: Jeffrey D. Albregts, Chair, Southern Nevada Disciplinary Board
David Clark, Bar Counsel
Michael J. Warhola, LLC
Kimberly K. Farmer, Executive Director, State Bar of Nevada