

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF JAMES
ANDRE BOLES, BAR NO. 3368.

No. 63748

FILED

MAR 21 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic review, pursuant to SCR 105(3)(b), of a Northern Nevada Disciplinary Board hearing panel's findings that attorney James Andre Boles violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.3 (candor to the tribunal), RPC 8.4(a) (misconduct: violating the Rules of Professional Conduct), RPC 8.4(c) (misconduct: engaging in conduct involving misrepresentation), and RPC 8.4(d) (misconduct: conduct that is prejudicial to the administration of justice), and its recommendation that he be suspended from practicing for one year.¹

This matter arises from Boles' representation of three former clients and his conduct before a tribunal. With respect to his conduct

¹Boles is currently serving a one-year suspension imposed by this court in June 2013 for violations of RPC 1.4 (communication) and RPC 1.3 (diligence) in a separate matter. *In re Discipline of Boles*, Docket No. 61170 (Order of Suspension, June 7, 2013).

before a tribunal, Boles and a former client were sanctioned for failure to satisfy discovery requests and orders, inadequate communication with opposing counsel or the tribunal, and making misrepresentations to the tribunal. The sanction order referred Boles' conduct to the State Bar.

During Boles' representation of the remaining two clients, he was affected by an alleged medical condition, which caused him to take a self-imposed and indefinite medical leave. Prior to and during this time, these clients made numerous attempts to contact Boles regarding the status of their pending cases. However, Boles failed to adequately communicate with them regarding the status of their cases or his indefinite medical leave, and failed to propel their pending matters forward. The clients submitted grievances to the State Bar, resulting in a formal complaint against Boles.

Following a disciplinary hearing, the panel found that Boles violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.3 (candor to the tribunal), RPC 8.4(a) (misconduct: violating the Rules of Professional Conduct), RPC 8.4(c) (misconduct: engaging in conduct involving misrepresentation), and RPC 8.4(d) (misconduct: conduct that is prejudicial to the administration of justice). The panel found that clear and convincing evidence had not been provided to support the remaining allegations of violating RPC 1.5 (fees), RPC 3.4 (fairness to opponents), or RPC 8.1 (bar admission and disciplinary matters: knowingly making a false statement of material fact). The panel recommended that Boles be suspended from the practice of law for one year.

The findings and recommendations of a disciplinary board hearing panel are persuasive; however, our automatic review of a panel

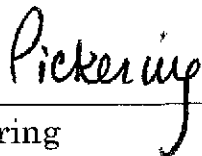
decision recommending a suspension is conducted de novo, requiring the exercise of independent judgment by this court. SCR 105(3)(b); *In re Discipline of Stuhff*, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992). Having reviewed the briefs filed in this matter and the record of the disciplinary proceedings, we conclude that clear and convincing evidence supports the findings that Boles violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.3 (candor to the tribunal), RPC 8.4(a) (misconduct: violating the Rules of Professional Conduct), RPC 8.4(c) (misconduct: engaging in conduct involving misrepresentation), and RPC 8.4(d) (misconduct: conduct that is prejudicial to the administration of justice). SCR 105(2)(f). We deviate from the disciplinary panel's findings and determine that Boles also violated RPC 3.4 (fairness to opponents) when he failed to comply with discovery requests and orders before the U.S. District Court, District of Nevada. We also approve the panel's recommendation that Boles be suspended. However, we determine that a suspension of two years is appropriately tailored to the violations here. We therefore reject the recommended suspension term of one year and instead direct that Boles be suspended for two years.

Accordingly, Boles is hereby suspended from the practice of law for two years to run consecutively to the suspension imposed by order of this court in June 2013. *See In re Discipline of Boles*, Docket No. 61170 (Order of Suspension, June 7, 2013). Boles shall pay the costs of the disciplinary proceedings within 30 days of receipt of the Nevada State

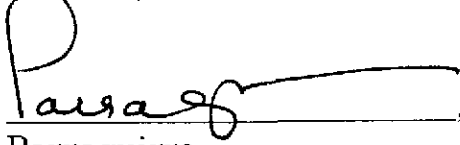
Bar's bill of costs. See SCR 120. Boles and the state bar shall comply with the applicable provisions of SCR 115 and SCR 121.1.

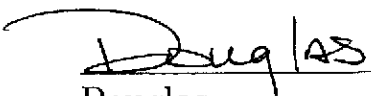
It is so ORDERED.

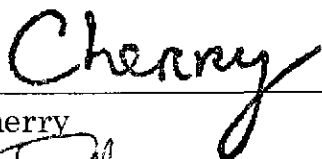

Gibbons, C.J.



Pickering, J.


Hardesty, J.


Parraguirre, J.


Douglas, J.


Cherry, J.


Saitta, J.

cc: Thomas Susich, Chair, Northern Nevada Disciplinary Panel
David Clark, Bar Counsel
James Andre Boles, Esq.
Kimberly Farmer, Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, U.S. Supreme Court