

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
ROY LAVERNE NELSON, III, BAR NO.
7842.

No. 90457

FILED

AUG 07 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Roy Laverne Nelson, III be suspended from the practice of law in Nevada for 24 months, based on violations of RPC 3.3(a) (candor toward the tribunal) and RPC 8.4(a)-(d) (misconduct). The panel recommends the suspension run consecutive to the 18-month suspension imposed on Nelson by this court in *Matter of Discipline of Nelson*, No. 88415, 2024 WL 5051419 (Nev. Dec. 9, 2024) (Order of Suspension).

The State Bar has the burden of demonstrating by clear and convincing evidence that Nelson committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). Here, however, the facts and charges alleged in the complaints are deemed admitted because Nelson failed to answer the complaints and a default was entered against him.¹ SCR 105(2). The record therefore establishes that

¹The State Bar served Nelson with the complaints, as well as a notice of intent to default as to the first complaint, by certified mail at Nelson's SCR 79 address and emailed those documents to Nelson's SCR 79 email address. Nelson attended multiple case conferences and ultimately stated he would not be filing responsive pleadings to either complaint. Nelson also attended the disciplinary hearing.

Nelson violated the above-referenced rules. Nelson was charged with two misdemeanor counts of driving under the influence (DUI). Before a scheduled proceeding on the charges, Nelson told his attorney he would be unable to appear in court due to a significant health condition, knowing the attorney would make such representations to the court. The attorney did so, and the court continued the matter. Nelson, however, attended a different hearing as a spectator in the same building at the same time as the criminal proceeding. Nelson then did not attend the rescheduled proceeding, which was again continued, and Nelson was also absent at the following rescheduled date. Each time, Nelson misstated to his attorney that he was unable to attend due to a significant health condition, which the attorney represented to the court. Nelson also misstated to the attorney that Nelson would provide the attorney with proof of the health condition, and the attorney consequently represented to the court that such proof would be timely provided. No such proof was provided to the attorney or the court. Nelson was subsequently convicted of both DUI counts.

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3)(b). In determining the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).


Nelson intentionally violated duties owed to the legal system (candor toward the tribunal, misconduct) and knowingly violated duties owed to the public (misconduct). Nelson's conduct in connection with the misstatements caused actual, moderate harm to the legal system, and Nelson's conduct in connection with the DUIs caused potential, serious

harm to the public. The baseline sanction for the misconduct, before consideration of aggravating and mitigating circumstances, is suspension. See Standards for Imposing Lawyer Sanctions, *Compendium of Pro. Resp. Rules and Standards*, Standard 6.12 (Am. Bar Ass'n 2023) ("Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court . . . takes no remedial action, and . . . causes an adverse or potentially adverse effect on the legal proceeding."); Standard 7.2 ("Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.").

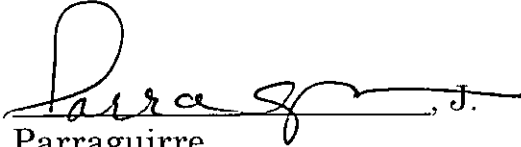
The panel found and the record supports four aggravating circumstances: prior disciplinary history, pattern of misconduct, multiple offenses, and substantial experience in the practice of law. Among the aggravating circumstances found by the hearing panel and supported by the record, the most significant is Nelson's prior disciplinary history. In particular, Nelson was suspended for eighteen months in 2024 for violations of RPC 1.3 (diligence), RPC 1.4(a) (communication), RPC 1.16(a) (terminating representation), RPC 8.1(b) (bar disciplinary matters), and SCR 115(3) (duty to notify clients and forums when suspended). The violations arose from Nelson's representation of a client, where, among other things, Nelson failed to appear at multiple court hearings, provided false information to the client, and failed to respond to several of the State Bar's requests for information about the client's grievance. *Matter of Discipline of Nelson*, No. 88415, 2024 WL 5051419 (Nev. Dec. 9, 2024) (Order of Suspension). Thus, Nelson's recent misconduct displays a pattern of dishonesty. The panel found no mitigating circumstances.

Considering all the factors, we agree with the panel's recommendation of a 24-month suspension, running consecutive to Nelson's current suspension. See *In re Discipline of Arabia*, 137 Nev. 568, 571, 495 P.3d 1103, 1109 (2021) (stating the purpose of attorney discipline is "to protect the public, the courts, and the legal profession," not to punish the attorney). Accordingly, we hereby suspend attorney Roy Laverne Nelson, III from the practice of law in Nevada for 24 months, consecutive to the 18-month suspension imposed in *Matter of Discipline of Nelson*, No. 88415, 2024 WL 5051419 (Nev. Dec. 9, 2024) (Order of Suspension). Additionally, Nelson shall pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order.

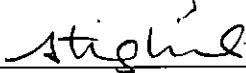
It is so ORDERED.



_____, C.J.
Herndon



_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Bell


_____, J.
Stiglich


_____, J.
Cadish


_____, J.
Lee

cc: Roy L. Nelson, III
Chair, Southern Nevada Disciplinary Board
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court