

IN THE SUPREME COURT OF THE STATE OF NEVADA

L. EARL HAWLEY,  
Petitioner,

vs.

RICHARD POCKER, CHAIRMAN,  
SOUTHERN NEVADA DISCIPLINARY  
BOARD, STATE BAR OF NEVADA;  
AND SOUTHERN NEVADA  
DISCIPLINARY BOARD, STATE BAR  
OF NEVADA,  
Respondents.

No. 39152

**FILED**

**MAR 13 2002**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION

This petition for a writ of mandamus or, alternatively, prohibition, challenges on due process grounds the state bar's informal screening procedures in lawyer discipline matters. We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Due process requires that a person in jeopardy of serious loss be given notice of the case against him and an opportunity to meet it; all that is necessary is that the procedure be tailored, in light of the decision to be made, to the capacities and circumstances of those who are to be heard, to ensure that they are given a meaningful opportunity to present their case.<sup>1</sup> Here, petitioner had the opportunity to respond to the grievance against him before the matter was informally screened.<sup>2</sup> In addition, no discipline may be

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<sup>1</sup>See Mathews v. Eldridge, 424 U.S. 319 (1976).

<sup>2</sup>See SCR 105(1)(c).


imposed upon petitioner until after formal proceedings under SCR 105, of which petitioner is entitled to notice and in which petitioner may participate and present any argument or evidence in his defense.<sup>3</sup>

Accordingly, we deny the petition.<sup>4</sup>

It is so ORDERED.

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Becker

cc: Richard J. Pocker, Chair,  
Southern Nevada Disciplinary Board  
Rob W. Bare, Bar Counsel  
Allen W. Kimbrough, Executive Director  
Edward G. Marshall

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<sup>3</sup>See SCR 105(2).

<sup>4</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).