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

CLERK OF SUPREME COURT
BY
OHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR PROHIBITION

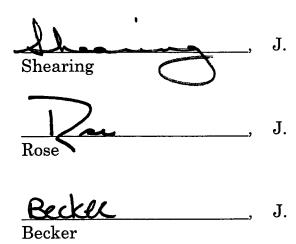
This petition for a writ of mandamus or, alternatively, prohibition, challenges on due process grounds the state bar's informal screening procedures in lawyer discipline matters. We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is 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. Here, petitioner had the opportunity to respond to the grievance against him before the matter was informally screened. In addition, no discipline may be

¹See Mathews v. Eldridge, 424 U.S. 319 (1976).

 $^{^{2}}$ 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.³ Accordingly, we deny the petition.⁴

It is so ORDERED.



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

³See SCR 105(2).

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