

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF JOHN E.
"RING" SMITH, ESQ.

No. 40478

FILED

FEB 21 2003

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

ORDER APPROVING CONDITIONAL GUILTY PLEA
IN EXCHANGE FOR STATED FORM OF DISCIPLINE

This is an automatic appeal from a Southern Nevada Disciplinary Board hearing panel's decision in a disciplinary proceeding against attorney John E. "Ring" Smith. The panel recommends that we approve Smith's conditional guilty plea agreement in exchange for a stated form of discipline under SCR 113. The agreement provides that Smith shall be suspended for ninety days, complete six hours of continuing legal education in ethics, pay a \$300 refund to a former client and pay the costs of the disciplinary proceeding.

The plea agreement resolved a formal complaint filed against Smith. The facts underlying the formal complaint arise from Smith's representation of three clients, Scott Nellis, Laurie Trinneer and Gregory John Lopez, in separate criminal matters. First, Nellis retained Smith in 1996 to defend him against fraud-related felony charges. After the representation ended in 1999, Nellis complained about Smith's representation to the State Bar. The State Bar sent Smith a copy of

Nellis's letter and asked for a response. Smith did not respond, and did not respond to three subsequent State Bar requests for information. Based upon the foregoing, Smith violated SCR 200(2) (failure to respond to lawful disciplinary authority).

Second, in September 1999, Trinneer was arrested in Las Vegas, Nevada, on an outstanding South Dakota warrant. Informed that the bond was \$500, Trinneer contacted her employer, who retained Smith to represent her. Smith accepted the employer's \$500 retainer check, and an additional \$500 to finalize matters in Clark County. When the Clark County matter was completed, Smith stated that he was charging an additional \$200 from the second \$500 payment, but promised to refund the remaining \$300 to Trinneer or her employer. Smith failed to do so. Smith then failed to respond to numerous requests from Trinneer, her employer and the employer's attorney, and failed to account for or itemize his charges. Trinneer filed a grievance with the State Bar. Smith did not respond to the State Bar's two letters asking him to respond to the grievance. Based upon the foregoing, Smith violated SCR 154 (communication), SCR 165 (safekeeping property) and SCR 200(2) (failure to respond to lawful disciplinary authority).

Third, Mary Freeman retained Smith in 2000 to defend her son, Lopez, against several serious felony charges. Smith charged Lopez a \$12,000 legal fee, which was satisfied by a \$7,000 cash payment and Lopez's conveyance of his Clark County home to Smith. Smith did not provide Lopez with a written explanation of the terms and conditions

under which Smith obtained an ownership interest in the house, and did not notify Lopez that he was entitled to a reasonable opportunity to seek independent counsel in the transaction. After making six mortgage payments on the house, Smith defaulted, causing foreclosure proceedings that were adverse to Lopez's interest because the mortgage remained in his name.

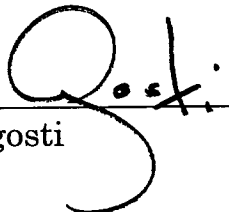
Freeman filed a grievance with the State Bar, and the State Bar asked Smith to respond. Smith acknowledged receipt of the grievance letter and promised to provide a response. Smith did not provide a response, however, and did not respond to three subsequent State Bar letters. In a personal meeting between Smith, his attorney and an assistant bar counsel, Smith promised to provide his response no later than the following week. Smith again did not provide a response, however, and did not respond to the State Bar's final notice that a grievance file had been opened and he had ten days within which to take action. Based upon the foregoing, Smith violated SCR 158 (conflict of interest: prohibited transactions) and SCR 200(2) (failure to respond to lawful disciplinary authority).

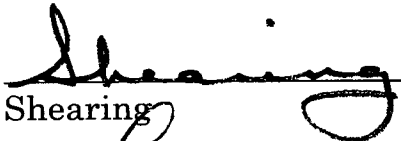
Smith was admitted to practice law in Nevada in 1973, and has been disciplined three times; he received private reprimands in March 1993 and November 2001, and a public reprimand in August 1997.


We conclude that the discipline set forth in the panel's recommendation is appropriate. Accordingly, we suspend attorney John E. "Ring" Smith for ninety days. In addition, Smith shall (1) complete six

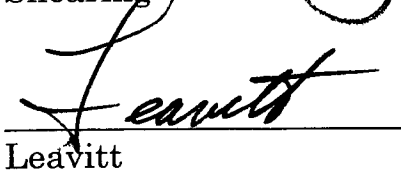
hours of continuing legal education in ethics, in addition to the annual credits required by SCR 210, within one year from the date of this order and submit proof of completion to the State Bar, (2) immediately refund \$300 to Trinneer through the State Bar, and (3) pay the State Bar the costs of the disciplinary proceeding within one hundred eighty days from the date of this order.

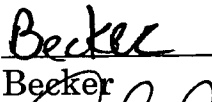
It is so ORDERED.¹


_____, C.J.
Agosti

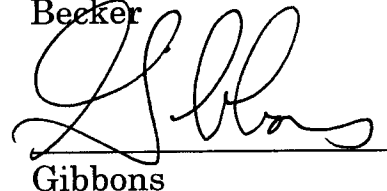

_____, J.
Shearing


_____, J.
Rose


_____, J.
Leavitt


_____, J.
Becker


_____, J.
Maupin


_____, J.
Gibbons

cc: Howard M. Miller, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
Perry Thompson, U.S. Supreme Court Admissions Office
Danny M. Winder

¹Smith and the State Bar shall comply with SCR 115.