

# bar counsel report

## SUPREME COURT OF NEVADA

**In re:** Jonathan R. Patterson  
**Bar No.:** 9644  
**Docket No.:** 56939  
**Filed:** November 15, 2010

### ORDER OF TEMPORARY SUSPENSION

*Temporary suspension warranted following respondent's criminal conviction.*

Bar Counsel for the State Bar of Nevada filed an SCR 111 petition asking this court to refer attorney Jonathan R. Patterson for formal disciplinary proceedings and/or to temporarily suspend Patterson from the practice of law. On October 22, 2010, we issued an order referring Patterson to the Southern Nevada Disciplinary Board for commencement of formal disciplinary proceedings and directing Patterson to show cause why he should not be temporarily suspended from the practice of law pending resolution of the formal disciplinary proceedings against him. Patterson filed a timely response to our order.

Patterson first contends that he has not sustained a conviction pursuant to SCR 111. We disagree. For purposes of the rule, "a 'conviction' shall include a plea of guilty" (SCR 111(1)). Patterson admits that, even if he complied fully with the conditions of his stayed adjudication, he will still be guilty of a crime. Accordingly, he has sustained a "conviction" for purposes of SCR 111(1).

Patterson next contends that he had demonstrated good cause why he should not be temporarily suspended. We disagree. Receiving treatment, lack of client contact and financial obligations are insufficient to overcome the fact that the crime to which he pleaded guilty reflects adversely on his fitness to practice law.

Accordingly, pursuant to SCR 111(9), we hereby temporarily suspended attorney Jonathan R. Patterson from the practice of law in Nevada.

It is so ORDERED.

CHERRY, J., dissenting:

I would not issue an order temporarily suspending Jonathan R. Patterson from the practice of law in the State of Nevada.

I base my dissent on the following factors: Patterson's argument that he had good cause why he should not be temporarily suspended during

the pendency of his disciplinary proceedings has merit. Specifically, Patterson is under treatment for sex addiction, including psychological therapy, participation in Sex Addicts Anonymous for over one year where he now sponsors two other addicts, attendance at a religious-based pornography addiction group, regular church attendance, and voluntary sex offender treatment. Further his present employment situation – answering calls over the phone at a prepaid legal services organization – does not require him to physically interact with clients, and likewise a suspension would be a financial hardship because Patterson's court-ordered child and spousal support of \$2,200 per month requires that he continue to work.

For the above reason, I would not temporarily suspend Jonathan R. Patterson.

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**In re:** Richard Crane  
**Bar No.:** 9536  
**Docket No.:** 57121  
**Filed:** November 15, 2010

### ORDER OF TEMPORARY SUSPENSION AND REFERRAL TO DISCIPLINARY BOARD

*Temporary suspension warranted following respondent's criminal conviction.*

Bar Counsel for the State Bar of Nevada had filed a petition with this court pursuant to SCR 111 to report that attorney Richard Crane has been convicted of a serious crime. The petition is supported by documentation indicating that on October 4, 2010, Crane was adjudicated and sentenced, pursuant to his guilty plea, for one count of sexually motivated coercion, a felony.<sup>1</sup>

Pursuant to SCR 111, temporary suspension and referral to the appropriate disciplinary board are mandatory when an attorney has been convicted of a serious crime, which includes felonies (See SCR 111(6)-(8)). Accordingly, pursuant to SCR 111(7), we hereby temporarily suspend attorney Richard Crane from the practice of law in Nevada. Furthermore, pursuant to SCR 111(8), we refer this matter to the Southern Nevada Disciplinary Board for the initiation of formal disciplinary proceedings in which the sole issue to be determined shall be the extent of the discipline to be imposed.

## SOUTHERN NEVADA DISCIPLINARY BOARD

### LETTER OF REPRIMAND

**File No.: 10-060-2740**

*Letter of Reprimand imposed for failure to comply with Nevada Supreme Court orders.*

Attorney represented himself in a breach-of-contract case which was initially filed in 2008. The civil matter, originally litigated in the Eighth Judicial District Court, was dismissed in 2009. Attorney subsequently appealed this case to the Nevada Supreme Court.

On or about September 1, 2009, Attorney filed a Notice of Appeal with the Supreme Court. On the same day, the Supreme Court issued Attorney a notice to pay the appropriate filing fee, \$250, within 10 days.

As the appellant, the Nevada Rules of Appellate Procedure (NRAP) required that by September 16, 2009, Attorney was to have filed Attorney's transcript request form or a notice explaining that no transcripts were needed. In addition, NRAP procedural deadlines required Attorney to file a docketing statement by September 21, 2009.

On October 1, 2009, the Supreme Court filed a letter received from Attorney which requested an additional 20 days to file the docketing statement.

On November 16, 2009, the Supreme Court issued an order denying Attorney's request for an extension of time. The Supreme Court's order also directed Attorney to file (1) the docketing statement and (2) the transcript request form within 10 days.

In a footnote to its order of November 16, 2009, the Supreme Court noted that requests for extensions of time must be made through proper motions, not through an informal letter. The Supreme Court also cautioned Attorney that all documents filed with the Supreme Court must be served on all parties to an appeal.

On January 20, 2010, the Supreme Court issued an order which imposed a sanction of \$500 upon Attorney for Attorney's failure to comply with the above-referenced order and rules of appellate procedure. The order directed Attorney to file and serve (1) the docketing statement, (2) transcript request form and (3) the opening brief within seven days. The order also directed Attorney to provide the court, within the same time period, with proof of payment of the previously imposed \$500 sanction. Finally, the order warned Attorney that failure to comply with the Supreme Court's directives could result in (1) dismissal of the appeal, (2) imposition of further sanctions and (3) referral to the state bar for investigation.

However, Attorney did not comply with the Supreme Court's above-referenced orders regarding the filing of the referenced pleadings and providing proof that Attorney paid the sanction.

On March 10, 2010, the Supreme Court issued an order dismissing the appeal as abandoned and referred Attorney to the state bar for investigation and appropriate disciplinary action.

On or about March 25, 2010, Attorney filed with the Supreme Court proof that Attorney had paid the previously imposed sanction. On April 5, 2010, the Supreme Court closed its case.

In Attorney's response dated April 5, 2010, to the state bar, Attorney confirmed that Attorney failed to comply with directives from the Supreme Court. Attorney also expressed remorse for his actions and apologized to any persons "inconvenienced or offended" by Attorney's actions.

In Attorney's response, Attorney also stated that Attorney's failure to immediately comply with that Order meant "no disrespect" to the Supreme Court. Attorney essentially claimed that the underlying civil matter, which had involved former friends and law school classmates, left Attorney emotionally distressed and, therefore, Attorney focused on the Supreme Court's warning that the appeal might be dismissed.

Attorney contended that Attorney already had been considering dismissing the appeal, so Attorney experienced "a sort of relief that perhaps the Supreme Court would make the decision for me, as I was still not entirely decided to dismissing the appeal."

With Attorney's response, Attorney provided the state bar with proof that Attorney paid the sanction and a copy of Attorney's check to the Nevada Supreme Court Law Library.

In mitigation, Attorney cooperated with the state bar and accepted full responsibility for Attorney's actions in connection with the appeal underlying this disciplinary matter, and Attorney's failure to comply with procedures and multiple orders from the Supreme Court.

In light of the foregoing, Attorney violated Rule of Professional Conduct (RPC) 1.3 (Diligence), RPC 3.4(c) (Fairness to Opposing Party and Counsel: Knowingly disobeying an obligation under the rules of a tribunal) and RPC 8.4(d) (Misconduct: Engaging in conduct prejudicial to the administration of justice) and was PRIVATELY REPRIMANDED. ■

1. The record is silent as to whether Crane reported his conviction to bar counsel as required by SCR 111(2).

## DISCIPLINE KEY

*Resignation with charges pending: SCR 98(5)(b)*  
*Types of possible discipline listed generally: SCR 102*  
*Attorneys convicted of crimes: SCR 111*  
*Conditional guilty plea agreements*  
*(discipline by consent): SCR 113*  
*Reciprocal discipline: SCR 114*  
*Disbarred/Suspended attorneys: SCR 115*  
*Reinstatement: SCR 116*  
*Disability Inactive: SCR 117*

Supreme Court Rules (SCRs):  
[www.leg.state.nv.us/CourtRules/SCR.html](http://www.leg.state.nv.us/CourtRules/SCR.html)

**DISBARMENT** – License to practice revoked.

**SUSPENSION** – License suspended for a time certain, ineligible to practice. More than six months requires petition for reinstatement and court order.

**DISABILITY INACTIVE** – Ineligible to practice until further order of the court. In the interim, disciplinary proceedings held in abeyance.

**INTERIM TEMPORARY SUSPENSION** – Interim suspension based on showing of a substantial threat of serious harm to the public, in effect until further court order, usually after hearing.

**RESIGNATION WITH CHARGES PENDING** – Ineligible to practice. Requires Bar Counsel approval. Resignation is irrevocable, with readmission only possible upon application as a new admittee.

**PUBLIC REPRIMAND** – Misconduct found and public censure issued, including attorney's name and the underlying facts and charges. Published in *Nevada Lawyer* and made available to the press. Remains eligible to practice law.

**LETTER OF REPRIMAND** – Lowest level of discipline. Not published, but disclosed upon request under the new rules. May also include up to a \$1,000 fine and restitution. Remains eligible to practice.

**ADMINISTRATIVE SUSPENSION** – Attorneys may be administratively suspended for failure to pay bar fees (SCR 98(12)), and/or for failure to complete and report the required Continuing Legal Education hours (SCR 212). While these **are not disciplinary suspensions**, the attorney is **ineligible to practice law** until the deficiency is remedied and the procedures to transfer back to active status completed as set forth in the applicable rules.