

STATE BAR OF NEVADA



October 23, 2018

LETTER OF REPRIMAND

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RE: Grievance File No. OBC18-0672 / Nevada Supreme Court, Esq.

Dear Mr. Matsuda:

A Formal Hearing Panel of the Southern Nevada Disciplinary Board has considered the above-referenced grievance initiated by the Nevada Supreme Court's referral of you to the State Bar of Nevada. The Panel concluded that you failed to comply with the Rules of Professional Conduct and that a Letter of Reprimand is appropriate. This letter shall constitute delivery of that reprimand.

In September 2017, you were retained to represent Daniel Klein ("Klein") in his appeal in the Nevada Supreme Court ("Supreme Court") of his criminal conviction.

On October 11, 2017, the Supreme Court entered an Order Setting Briefing Schedule for Klein's appeal. You were directed to, within twenty days, file and serve a transcript request form or certificate that no transcripts would be requested, and a docketing statement. You also were directed to, within 120 days, file and serve the Opening Statement and Appendix.

On November 20, 2017, the Supreme Court entered a Notice to File Docketing Statement and Request Transcripts which noted that you had not filed the Docketing Statement and transcript request form. You were directed to file the required documents within ten days, and warned that failure to comply could result in imposition of sanctions and dismissal of Klein's appeal.

On January 3, 2018, the Supreme Court entered an Order to File Documents which noted that you still had not filed the Docketing Statement and transcript request form. The Order directed you to file the required documents within eleven days, and again cautioned you that failure to comply could result in imposition of sanctions.

On February 23, 2018, the Supreme Court entered an Order Conditionally Imposing Sanctions which stated that you still had failed to file the Docketing Statement and transcript request form. The Supreme Court also noted that the Fast Track Statement and Appendix were overdue.

Therefore, you were directed to pay a \$250 sanction to the Supreme Court Law Library within eleven days. However, the sanction would be vacated automatically if, within eleven days, you filed the Docketing Statement, transcript request form, and the Opening Brief and Appendix. The Supreme Court cautioned you that failure to file the required documents would result in your removal as counsel-of-record and referral to the State Bar for investigation.

On or about March 9, 2018, you filed a Motion for Extension of Time to file the Docketing Statement, transcript request, Opening Brief and Appendix. In your Motion, you stated that you missed the Supreme Court-imposed deadlines because of “a calendaring error.”

On March 15, 2018, the Supreme Court entered an Order which referred to your Motion for Extension of Time as “untimely.” Nonetheless, the Supreme Court vacated the conditional sanctions and directed you to file and serve the Docketing Statement and transcript request within fifteen days, and file and serve the Opening Brief and Appendix within sixty days. The Order stated that “[a]ny future requests for an extension of time will not be viewed favorably.” You again were warned that failure to timely file the Opening Brief and Appendix could result in sanctions, including removal as counsel-of-record and referral to the State Bar for investigation.

On March 15, 2018, you filed the transcript request form.

On May 15, 2018, you filed another Motion for Extension of Time to file the Opening Brief and Appendix. In your Motion, you stated that believed that additional transcripts – from the hearing on the Motion to Withdraw Guilty Plea in the Eighth Judicial District Court – were now necessary and needed to be requested.

On March 20, 2018, you filed the Docketing Statement. However, you did not file an Opening Brief or Appendix.

On June 1, 2018, the Supreme Court entered an Order which noted that although you had filed a second request to extend time, you again had failed to comply with procedural rules regarding requests for extensions to file briefs. Your motion was denied.

In its Order of June 1, 2018, the Supreme Court removed you from the appeal and referred him to the State Bar for a disciplinary investigation. The appeal was remanded to District Court for the appointment of another appellate counsel.

Accordingly, you are hereby Reprimanded for violating Rule of Professional Conduct 1.3 (Diligence) and RPC 3.4(c) (Fairness to Opposing Party and Counsel). You also are assessed costs of \$1,500 pursuant to Supreme Court Rule 120 (Costs).

Sincerely,

A handwritten signature in blue ink that reads "Robert Caldwell, Esq." The signature is written in a cursive style with a large, stylized initial "R".

Robert Caldwell, Esq.
Formal Hearing Panel Chair
Southern Nevada Disciplinary Board