



FILED

FEB 15 2019

STATE BAR OF NEVADA
BY: S. D. R.
OFFICE OF BAR COUNSEL

Case No.: OBC18-1231

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

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| STATE BAR OF NEVADA, |) |
| |) |
| Complainant, |) |
| |) |
| vs. |) |
| |) |
| THOMAS D. BOLEY, ESQ., |) |
| Nevada Bar No. 11061, |) |
| |) |
| Respondent. |) |
| _____ |) |

PUBLIC REPRIMAND

TO: Thomas D. Boley, Esq.
1900 E. Bonanza Road
Las Vegas, Nevada 89101

You represented Jose Monay-Pina ("Monay-Pina") in a criminal matter in the Eighth Judicial District Court. In March 2017, a jury convicted Monay-Pina on multiple felony charges. In September 2017, a Judgment of Conviction was filed and Monay-Pina was sentenced to multiple prison terms.

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1 You agreed to represent Monay-Pina *pro bono* in his appeal. Your Notice of Appeal
2 was signed on October 3, 2017, and filed with the Nevada Supreme Court (“Supreme Court”)
3 on October 12, 2017. Accordingly, pursuant to Nevada Rule of Appellate Procedure
4 (“NRAP”) 9(a)(3)(A) and NRAP 14(b), you was required to file the transcript request form and
5 docketing statement by October 30, 2017, and November 1, 2017, respectively.

6 On November 16, 2017, because you had not filed the transcript request form and
7 docketing statement, the clerk of the Supreme Court issued a notice which directed you to
8 file and serve those documents by December 4, 2017.

9 On December 21, 2017, because you still had failed to file the documents, the
10 Supreme Court entered an Order to File Documents which directed you to file and serve the
11 documents within eleven (11) days. The Order cautioned you that failure to comply could
12 result in the imposition of sanctions.

13 On January 26, 2018, because you still had neither filed the transcript request form
14 nor docketing statement, the Supreme Court filed an Order Conditionally Imposing Sanctions
15 which directed you to, within eleven (11) days, pay \$250 to the Supreme Court Law Library
16 and provide proof of payment to Supreme Court.

17 The Order stated, however, that the sanction would be automatically vacated if you
18 filed and served the transcript request form and docketing statement, or a properly supported
19 motion to extend time, within the same time period. The Order – which also reminded you
20 that the appeal’s opening brief and appendix were due on February 9, 2018 – cautioned you
21 that continued failure to timely file the required documents would result in your removal as
22 counsel-of-record in Monay-Pina’s appeal and his referral to the State Bar for investigation
23 pursuant to SCR 104 (State bar counsel) and SCR 105 (Procedure on receipt of complaint).

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1 You filed the transcript request form and docketing statement on February 6, 2018.
2 Therefore, the previously imposed conditional sanctions were automatically vacated.

3 On February 22, 2018, you filed a motion for an extension of ninety (90) days to file
4 the opening brief.

5 In an Order filed on March 1, 2018, the Supreme Court denied your request for an
6 extension of time, and directed him to file and the opening brief and appendix within thirty
7 (30) days. The Order again warned you that failure to comply could result in imposition of
8 sanctions.

9 In an Order filed on April 30, 2018, the Supreme Court noted that you still had not filed
10 the opening brief and appendix. Therefore, the Supreme Court removed you as counsel-of-
11 record for the appeal and remanded the case back to the Eighth Judicial District Court for
12 appointment of another attorney to represent Monay-Pina. You were referred to the State
13 Bar for investigation pursuant to SCR 104 and SCR 105.

14 In light of the foregoing, you violated Rule of Professional Conduct 1.3 (Diligence) and
15 RPC 3.4(c) (Fairness to Opposing Party and Counsel), and are hereby PUBLICLY
16 REPRIMANDED.

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18 DATED this 15th day of February, 2019.

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22 Bryan Cox, Esq., Hearing Panel Chair
23 Southern Nevada Disciplinary Board
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