

1 Case No. 10-009-0619

**FILED**

2 **STATE BAR OF NEVADA**

3 **SOUTHERN NEVADA DISCIPLINARY BOARD**

FEB 10 2011  
*[Handwritten Signature]*

4 STATE BAR OF NEVADA, )  
5 Complainant, )  
6 vs. )  
7 JUDITH H. BRAECKLEIN, ESQ. )  
8 Respondent. )  
9 \_\_\_\_\_ )

STATE BAR OF NEVADA

10 **PUBLIC REPRIMAND**

11 TO: JUDITH H. BRAECKLEIN, ESQ.

12 You and Geraldine Kirk-Hughes were listed as counsel of record for the Appellant in  
13 an Appeal from District Court in the matter of *Brenda Macias v. Ramon Torres*. The Notice  
14 of Appeal was filed on February 24, 2009 and the matter subsequent proceeded through the  
15 Settlement Conference Program.

16 On June 1, 2009, the Supreme Court issued an Order removing the Appeal from the  
17 Settlement Conference Program and reinstated briefing pursuant to NRAP 3E. The Appeal  
18 was removed because Mr. Torres did not intend to retain counsel to appear on his behalf.  
19 You, on behalf of the Appellant, were ordered to submit a transcript request within 10 days  
20 and a Fast Track Statement and Appendix within 40 days.

21 As of August 25, 2009, you had failed to submit a Transcript Request and had not filed  
22 a Fast Track Statement or Appendix as required by the June 1, 2009 Order.

23 On August 25, 2009, the Supreme Court filed a Conditional Sanction Order for your  
24 failure to comply with the deadlines contained in the June 1, 2009 Order. [Exhibit "A"] The  
25 sanction of \$500.00 was to be paid within 15 days and proof of payment was to be filed with

1 the Court. The Court stated that the sanction would be automatically vacated if the  
2 Transcript Request, Fast Track Statement, and Appendix were filed within 10 days. You  
3 were also given the option, in the alternative, to file a Motion for an extension of time to file  
4 these documents.

5 On September 15, 2009, you filed a Transcript Request in violation of the Court's  
6 August 25, 2009. Pursuant to the Order, the request was actually due on September 9,  
7 2009. You did not file a Fast Track Statement or Appendix at this time, nor did you pay the  
8 \$500.00 sanction. You incorrectly assumed that the date the documents are mailed to the  
9 Supreme Court counts as the filing date.

10 On September 30, 2009, the Supreme Court issued an Order Regarding Sanctions  
11 and to Show Cause as to why the Appeal should not be dismissed as abandoned and why  
12 counsel should not be referred to the State Bar. [Exhibit "B"] You were given 20 days to file a  
13 response to the Order to Show Cause and was cautioned by the Court.

14 On October 23, 2009, you filed a Motion for Extension of Time to File Fast Track  
15 Statement and Appendix. The Supreme Court granted the Motion and provided you with a  
16 deadline of November 20, 2009 to file both the Statement and Appendix. You once again  
17 failed to file the Statement and the Appendix in compliance with the Order.

18 On January 8, 2010, the Supreme Court issued an Order removing you and Kirk-  
19 Hughes as counsel of record for repeatedly failing to comply with Court imposed deadlines  
20 and directives. [Exhibit "C"] The Supreme Court also referred both of you to the State Bar of  
21 Nevada for investigation and appropriate disciplinary action. Based upon this Order, the  
22 State Bar of Nevada opened a file concerning you and Kirk-Hughes.

23 On January 10, 2010, you filed a Request to Set Aside the January 8, 2010 Order.  
24 This Request was denied by the Court on March 10, 2010 on the basis that a fast track  
25 statement had never been filed. Your affidavit to the Supreme Court stated that you were the  
retained counsel for Appellant, not Kirk-Hughes. You also admitted in the affidavit that you

1 neglected to put the due date on the office calendar and that the matter subsequently slipped  
2 through the cracks.

3 On March 24, 2010, you filed a Response to the Court Order denying the request to  
4 set aside the January 8, 2010 Order.

5 On May 6, 2010, the Supreme Court issued an Order granting the Motion to Set  
6 Aside, In Part, the January 8, 2010 and March 10, 2010 Orders. You were given a ten day  
7 extension to file and serve a Fast Track Statement.

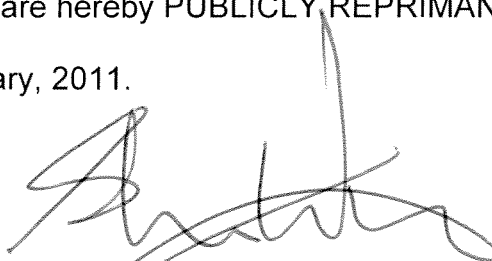
8 On May 26, 2010, you attempted to file a Fast Track Statement and Appendix 1-3 with  
9 the Clerk of the Supreme Court. Since you had violated the terms of the May 6, 2010 Order  
10 by nine days, the Clerk rejected the filing.

11 On May 28, 2010, the Court filed an Order Regarding Fast Track Statement and  
12 Appendices, Sealing the Record on Appeal and Directing Response. In the Order, the Court  
13 directed the Clerk to file the untimely Fast Track Statement and Appendices as of the date of  
14 the Order.

15 On July 30, 2010, the Supreme Court filed an Order of Affirmance affirming the  
16 judgment of the District Court. A Remittitur was issued on August 24, 2010 which was  
17 received by the District Court on August 30, 2010.

18 In light of the foregoing, you violated Rule of Professional Conduct ("RPC"), 1.1  
19 (Competence), RPC 1.3 (Diligence), RPC 3.2 (Expediting Litigation), RPC 3.4 (c) (Fairness  
20 to Opposing Party or Counsel) and are hereby PUBLICLY REPRIMANDED.

21 Dated this 10<sup>th</sup> day of February, 2011.



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23  
24 SHANN WINESETT, ESQ.  
25 Formal Hearing Panel Chair  
Southern Nevada Disciplinary Board