



FILED

FEB 06 2014

1 Case No. SG13-0140

2 STATE BAR OF NEVADA

STATE BAR OF NEVADA  
BY: *[Signature]*  
OFFICE OF BAR COUNSEL

3 SOUTHERN NEVADA DISCIPLINARY BOARD

4 STATE BAR OF NEVADA, )  
5 Complainant, )  
6 vs. )  
7 SEAN P. FLANAGAN, ESQ., )  
8 Bar No. 5304, )  
9 Respondent. )

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10 LETTER OF REPRIMAND

11 TO: SEAN P. FLANAGAN, ESQ.  
12 7251 W. Lake Mead Boulevard  
13 Las Vegas, Nevada 89128

14  
15 1. Respondent represented JMS Contractors, Inc., and Shawn Elfberg in *Thomas*  
16 *Fries v. JMS Contractors, Inc., and Shawn Elfberg*, Case No. 60638, pending before the  
17 Supreme Court of Nevada ("Supreme Court").

18 2 On November 6, 2012, the Supreme Court issued a Notice to Respondent to  
19 file the Answering Brief in the appeal.

20 3. On December 21, 2012, as Respondent had not responded to the Supreme  
21 Court's Notice, it issued an Order directing Respondent to pay \$500 to the Supreme Court  
22 Law Library within fifteen (15) days and provide the Court with proof of payment.

23 4. The December 21, 2012, Order advised Respondent that if he filed and served  
24 the Answering Brief within eleven (11) days, the sanction would be vacated. The Order also  
25 put Respondent on notice that if he failed to file the Answering Brief, the Court might treat the

1 failure as a confession of error pursuant to Nevada Rules of Appellate Procedure ("NRAP")  
2 31(d).

3 5. On January 30, 2013, as Respondent had failed to file an Answering Brief or  
4 pay the sanction, the Supreme Court issued an Order dismissing the appeal. The Order  
5 gave Respondent seven (7) days to pay the sanction, and referred the matter to the State  
6 Bar for investigation.

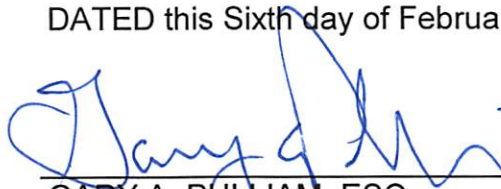
7 6. Respondent explained to the State Bar that his initial failure to pay the \$500  
8 sanction was the result of a calendaring error, as he had mistakenly calendared the sanction  
9 as being due on February 7, 2013, instead of January 7, 2013. Respondent also stated that  
10 he did not file the Answering Brief at the instruction of his client.

11 7. Respondent has acknowledged that he should have requested to withdraw  
12 from the representation rather than ignoring directives of the Supreme Court.

13 8. Respondent paid the sanction to the Supreme Court Law Library on February  
14 5, 2013.

15 9. 16. In light of the foregoing, you violated Rule of Professional Conduct  
16 ("RPC") 1.3 (Diligence), RPC 3.4(c) (Fairness to Opposing Party and Counsel: Knowingly  
17 disobeying an obligation under the rules of a tribunal), and RPC 8.4(d) (Misconduct:  
18 Engaging in conduct that is prejudicial to the administration of justice), and are hereby  
19 PRIVATELY REPRIMANDED.

20  
21 DATED this Sixth day of February, 2014.

22  
23 

24 GARY A. PULLIAM, ESQ.  
25 Formal Hearing Panel Chair  
Southern Nevada Disciplinary Board