

SUPREME COURT OF NEVADA

In re: Gerry G. Zobrist
Bar No.: 7223
Docket No.: 67471
Filed: April 10, 2015

ORDER OF DISBARMENT BY CONSENT

Attorney consented to disbarment following guilty plea of one felony count of conspiracy to commit wire fraud and bank fraud in the United States District Court.

The Southern Nevada Disciplinary Board and attorney Gerry G. Zobrist, Bar No. 7223, have filed a joint petition for Zobrist's disbarment by consent pursuant to SCR 112. The petition acknowledges that Zobrist recently pleaded guilty to one felony count of conspiracy to commit wire fraud and bank fraud in the U.S. District Court. The petition is supported by Zobrist's affidavit, in which he states that he consents to disbarment and does so freely and voluntarily; that he has not been subjected to any coercion or duress; and that he is fully aware of the implications of his consent. Zobrist concedes that the material facts in the state bar's formal complaint are true. He submits the affidavit with full knowledge that if the state bar were to prosecute his case, he could not successfully defend against the charges.

Pursuant to SCR 112(1), an attorney who is the subject of an investigation or proceeding involving allegations of misconduct may consent to disbarment by submitting the requisite affidavit. Zobrist's affidavit meets the requirements of SCR 112(1). Therefore, the petition for disbarment by consent is granted. Gerry Zobrist is hereby irrevocably disbarred. SCR 102(1); SCR 112. The parties shall comply with the applicable provisions of SCR 115 and SCR 121.1 regarding notice and publication.

It is so ORDERED.

In re: Paul Freitag
Bar No.: 216
Docket No.: 66973
Filed: April 21, 2015

ORDER OF TRANSFER TO DISABILITY INACTIVE STATUS

Attorney transferred to disability inactive status. Any disciplinary matters pending are stayed.

The Northern Nevada Disciplinary Board has petitioned this court for an order transferring attorney Paul Freitag to disability inactive status. See SCR 117(2). Having reviewed the petition, its attachments and supplemental

filings, we conclude that the relief requested in the petition is warranted under the circumstances. Accordingly, Paul Freitag is transferred to disability inactive status.¹ Freitag may resume the active practice of law only after he has complied with SCR 117(4) and (5). In light of this order, any pending disciplinary proceedings against Freitag are suspended.

Pursuant to SCR 117(7), Freitag shall comply with SCR 115. The state bar shall effect notice of this order as required under SCR 121.1. Bar Counsel shall provide this court with proof that notice has been served.

It is so ORDERED.

In re: Luis J. Rojas
Bar No.: 5107
Docket No.: 67612
Filed: May 1, 2015

ORDER OF TEMPORARY SUSPENSION AND REFERRAL TO DISCIPLINARY BOARD

Attorney temporarily suspended pursuant to SCR 111 for his felony conviction in the United States District Court on charges of making a false statement. He was also referred to the Southern Nevada Disciplinary Board for formal disciplinary proceedings.

The state bar has filed a petition under SCR 111(4) seeking the temporary suspension of attorney Luis J. Rojas. The petition is based on Rojas's conviction in the United States District Court for the District of Nevada, pursuant to a guilty plea, of making a false statement under 18 U.S.C. § 1001, a felony. Rojas timely informed the state bar of his conviction. See SCR 111(2).

When an attorney has been convicted of a serious crime, SCR 111 provides that this court shall enter an order suspending that attorney. SCR 111(7). A felony is explicitly a serious crime under SCR 111, and a guilty plea constitutes a conviction. SCR 111(1), (6). Rojas pleaded guilty to a felony count and has therefore been convicted of a serious crime for purposes of SCR 111.

Accordingly, we temporarily suspend Rojas from the practice of law and refer this matter to the Southern Nevada Disciplinary Board for the initiation of formal disciplinary proceedings in which the sole issue to be determined is the extent of discipline to be imposed. See SCR 111(7), (8).

It is so ORDERED.

In re: Jonathan R. Patterson
Bar No.: 9644
Docket No.: 63738
Filed: April 10, 2015

ORDER OF REINSTATEMENT

Attorney reinstated to the practice of law subject to conditions and two-year probationary period.

This is a petition for reinstatement to the practice of law by suspended attorney Jonathan R. Patterson. A hearing panel of the Southern Nevada Disciplinary Board recommended that Patterson be reinstated to the practice of law, subject to conditions.² The hearing panel found that Patterson fulfilled the requirements of SCR 116 for an attorney seeking reinstatement and demonstrated by clear and convincing evidence that he has the moral qualifications, competency and learning in law required for admission to the practice of law and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar, to the administration of justice or to the public interest.

The panel recommended that Patterson be reinstated, subject to the following conditions:

1. Patterson shall provide the state bar with quarterly reports for the two-year probationary period. These reports shall address each condition described below.
2. Patterson shall continue with the Sexual Addicts Anonymous (SAA) meetings during the next two years, and participate in at least 50 meetings per year. Patterson shall provide copies of the SAA sign-in sheets to the state bar every quarter.
3. Patterson shall continue meeting with his therapist, Dr. Owens, at least once a month during the next two years. Owens shall inform the state bar of any specific behavioral concerns exhibited by Patterson. Owens shall provide to the state bar, at Patterson's expense, a psychosexual evaluation report at the end of the two year probation period.
4. Patterson shall not practice in the area of family law or any area of law directly involving juveniles during the two year probationary period.
5. Patterson shall provide any employer during the probationary period with a copy of the final order of the Supreme Court in this matter.

6. Should Patterson enter into solo practice or be employed as general counsel, he shall obtain a mentor approved by Bar Counsel. The mentor shall submit quarterly reports to the state bar detailing his contacts with Peterson, his impressions of Patterson and any concerns that the Mentor believes that bar counsel should know regarding Patterson's practice of law.
7. Patterson shall pay all outstanding child support and alimony within three years.
8. That Patterson shall pay the costs of these proceedings within 30 days of an Order from the Supreme Court directing him to do so.

SCR 116(2) requires that an attorney seeking reinstatement demonstrate, by clear and convincing evidence, that he or she "has the moral qualifications, competency and learning in law required for admission to practice law in this state," and that the attorney's "resumption of the practice of law will not be detrimental to the integrity and standing of the bar, to the administration of justice or to the public interest."

Having reviewed the record, we conclude that clear and convincing evidence supports the panel's findings and conclusions. We therefore approve the panel's recommendation that the petition for reinstatement be granted. In doing so, we adopt the above-listed conditions, although with one clarification. Specifically, the condition requiring Patterson to provide a copy of this order to his employers shall be limited in duration to the two-year probationary period following reinstatement.

Accordingly, Patterson is hereby reinstated to the practice of law in Nevada subject to the above conditions.³ Patterson shall pay the costs of the reinstatement proceedings within 30 days of this order. See SCR 120.

It is so ORDERED.

SAITTA, J, dissenting:

I dissent. I am concerned about the appearance of the unauthorized practice of law. Patterson lists his state bar number on his motion to expedite this proceeding, and lists his name on the motion as "Jonathan Paterson, Esq." In addition, he appears to use an email "jpattlaw@yahoo.com" that suggests an appearance of the unauthorized practice of law.

While the state bar does not indicate that it intends to take action with respect to the issue, I am concerned about a possible violation of RPC 5.5(d)(2)(iii): therefore, I respectfully dissent.

RESIGNATIONS (VOLUNTARY, NO DISCIPLINE PENDING)

S.C.R. 98(5)(a) states:

Any member of the state bar who is not actively engaged in the practice of law in this state, upon written application on a form approved by the state bar, may resign from membership in the state bar if the member: (1) has no discipline, fee dispute arbitration, or clients' security fund matters pending and (2) is current on all membership fee payments and other financial commitments relating to the member's practice of law in Nevada. Such resignation shall become effective when filed with the state bar, accepted by the board of governors and approved by the Supreme Court.

The following members resigned pursuant to this Rule:

Kenneth Hoch	Bar No. 6681
Order 67644	Filed 4/21/15
James Forman	Bar No. 496
Order 67648	Filed 4/21/15
Winifred Jacob	Bar No. 6354
Order 67647	Filed 4/21/15
Lisa Holmes	Bar No. 4650
Order 67645	Filed 4/21/15
Patrick Lee Hinton	Bar No. 6341
Order 67646	Filed 4/21/15

SOUTHERN NEVADA DISCIPLINARY BOARD

In re: Robert Glennen
Bar No.: 4250
File Nos.: SG13-1568
Filed: April 24, 2015

PUBLIC REPRIMAND

Attorney publicly reprimanded for representing a private client, creating a conflict of interest in his role as prosecutor for Esmeralda County.

TO: Robert Glennen, Esq.

This public reprimand is issued pursuant to a conditional guilty plea in exchange for a stated form of discipline. SCR 113.

In June 2013, you were working as the district attorney for Esmeralda County, Nevada. This position placed you in the role of lead criminal prosecutor for Esmeralda County but allowed you to take private clients as long as those representations did not conflict with your role as a prosecutor. On June 7, 2013, you agreed to represent Client in a child custody dispute against Defendant. This representation had nothing to do with your role as district attorney.

Also on June 7, 2013, an arrest warrant was sworn out by Deputy Kirkland of the Esmeralda County

Sherriff's Office, charging Defendant, the baby's mother, with kidnapping and grand theft auto. While the warrant was dictated to an employee of the Esmeralda DA's office there is no evidence that you personally reviewed it before it was signed by the Justice of the Peace.

On June 8, 2013, Defendant was arrested in Texas on the Esmeralda County Warrant and extradited back to Nevada. She spent a total of 23 days in custody. On June 11, 2013, a complaint was issued charging Defendant, the baby's Aunt and the baby's Grandmother with felony kidnapping and grand larceny motor vehicle. The essence of the charges was that Defendant had taken the child she had with her ex-boyfriend (your client) to Texas using a vehicle that she had taken from Client. The theory of the charges against Aunt and Grandmother was that they acted as a principal in aiding and abetting Defendant in absconding with her child.

Aunt was ultimately arrested and extradited to Nevada on the Esmeralda warrant. She spent 15 days in custody.

On June 14, while Defendant was still in custody, you filed a child paternity and custody petition on behalf of Client. Defendant was served with this petition while she was still in jail.

While in custody, Defendant was interviewed by Deputy Kirkland of the Esmeralda County Sherriff's office and told that if she signed over custody of the child she shared with Client and agreed to plead guilty that the charges against her sister and mother would be dropped. Additionally, at some point while this was going on, Defendant's brother received a phone call from Client. According to Brother, Client threatened that "if [he] had to go all the way there [his] lawyer (meaning you) is not going to drop the charges against [Aunt and Grandmother]."

On June 24, you told Defendant's Public Defender, Chris Arabia, you would withdraw from the case and that, if Defendant would plead guilty to misdemeanor charges, he would have the replacement prosecutor sign off on the deal.

On June 26, while Defendant was still in jail you filed a motion regarding the custody of the child on behalf of Client. On this same date you finally filed a motion pursuant to NRS 245.0435(2) acknowledging that there was a conflict of interest and that you must be disqualified from prosecuting the case.

NRS 245.0435(2) specifically states that: "A district attorney who is permitted to engage in the private practice of law shall disqualify himself or herself from any criminal prosecution of a person who has been involved in a matter related to the

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district attorney's private practice of law."

On July 1, 2013, Defendant had a court date wherein she was released on her own recognizance and the arrest warrant against Aunt was quashed. Thereafter, on July 8, 2013, the Justice of the Peace dismissed the arrest warrant and the criminal complaint specifically finding that:

After having thoroughly reviewed and considered Defendant's motions to dismiss, motions to disqualify the district attorney's office for conflict and the State's answers, as well as applicable statutes, I believe this case is yet another example of law enforcement putting the cart before the horse in their haste to initiate criminal proceedings before conducting a thorough investigation.

Defendant's forth [sic] motion to dismiss, specifically Page 6 beginning on line 20 and continuing to page 7, line 20, the reference to critical, relevant information being omitted from the affidavit and application for warrant of arrest, when an affidavit under oath requesting a warrant is filed the judge considers the request based on the truthfulness of the assertions. Going to the second degree kidnapping charge pursuant to Nevada Revised Statute 245.0345, the district attorney knew or should have known that he could not represent the natural father, in a civil custody matter while prosecuting the natural mother, Defendant.

The judge then dismissed all charges against the Defendant, Aunt and Grandmother. An order reflecting this decision was filed on July 19, 2013.

As mentioned above, the warrant was signed on June 7, 2013, and it was also on this day that Client retained you for the custody matter.

On June 11, 2013, affidavits for arrest warrants were prepared and probable cause determined by the Justice of Peace regarding Aunt and Grandmother. You confirmed that you did in fact review these affidavits and warrants, but indicate that when doing so you did not realize that they pertained to the same matter. While it is your position that you did not realize that all these matters were interrelated until you reviewed the criminal file on June 25, 2013, it is undeniable that you should have known of the relationship between the family and Client and, pursuant NRS 245.0435(2), should have withdrawn from the case.

Indeed in your own Motion to Withdraw you acknowledged that there was a potential conflict of interest and asserted:

On June 7, 2013, Client retained you to begin family court proceedings to return the child and vehicle. On or about June 11, 2013, a criminal complaint was filed against Defendant and her family, two of whom had been arrested.

You believed that there was a potential, but not actual, conflict of interest between the civil and criminal case, and had Client sign a conflict waiver.

On June 25, 2013, you reread NRS 245.0435(2), and it became clear that statute creates an actual conflict of interest which requires this court to disqualify the DA from prosecuting [this case], and that the court appoint a special prosecutor at the DA's expense to prosecute the above case.

As such it is apparent that you either knew, or should have known, of the conflict on June 11, 2013, when you had Client sign the conflict waiver, and should have withdrawn.

Your conduct as stipulated herein violates RPC 1.7 (conflict of interest: current clients), and RPC 1.11 (special conflict of interest for former and current government officers and employees). Based upon the foregoing you are hereby **PUBLICLY REPRIMANDED.**

1. In some of the documents filed in this court Freitag has mentioned a desire to continue working on a small number of pending cases until they are completed. We deny any such request.
2. Patterson's underlying suspension was the result of a conditional guilty plea in exchange for a stipulated form of discipline, wherein the state bar and Patterson agreed that Patterson be suspended for two years, retroactive to November 15, 2010, with conditions. We approved this conditional guilty plea and stipulated discipline. See *In re Discipline of Patterson*, Docket No. 597 45 (Order Approving Conditional Guilty Plea Agreement and Suspension from the Practice of Law, February 22, 2013). The present matter is before this court based on Patterson's petition for reinstatement following his suspension.
3. We deny as moot Patterson's motion to expedite resolution of this matter.

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

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.