

FILED

JUL 16 2009

Jana Dueny

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD BAR OF NEVADA

Case No. 08-230-2143

STATE BAR OF NEVADA,)
)
Complainant,)
)
vs.)
)
RANDAL R. LEONARD, ESQ.)
)
Respondent.)
)

PUBLIC REPRIMAND

TO: RANDAL R. LEONARD, ESQ.

You represented Steven Taylor and Veronica Toro in a civil matter that was appealed to the Nevada Supreme Court ("Supreme Court") in September 2007. However, you failed to (1) file a case appeal statement and (2) submit the filing fee with the notice of appeal as required by the Nevada Rules of Appellate Procedure.

On September 25, 2007, the Supreme Court issued notices which directed you to file the case appeal statement and submit the filing fee by October 5, 2007. However, you did not comply with the Order of the Supreme Court.

Therefore, on February 21, 2008, the Supreme Court entered an Order that conditionally imposed sanctions upon you for failure to file the case appeal statement and submit the filing fee. The Order also noted that you had failed to file the required docketing statement, which had been due by October 10, 2007.

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1 The Supreme Court directed you to, within fifteen (15) days, pay \$500 to the Supreme
2 Court Law Library and provide proof of payment to the court. However, the sanction would
3 be automatically vacated if the appellants, within ten (10) days, submitted the filing fee or
4 filed a motion to extend time.

5 Finally, the Order noted that because the settlement judge had filed a report indicating
6 that the parties had agreed to a settlement of the pending appeal, you were directed to,
7 within thirty (30) days, file a motion or stipulation to dismiss the appeal, or to inform the court
8 of the appeal's status. The Supreme Court cautioned you that failure to provide information
9 regarding the appeal's status could result in it being dismissed as abandoned.

10 On August 22, 2008, the Supreme Court entered an Order which noted that you had
11 not submitted the filing fee, filed the appeal statement, or paid the sanction of \$500 to the
12 Supreme Court Law Library. However, you filed a motion to voluntarily dismiss the appeal.

13 The Supreme Court, citing Nevada Rule of Appellate Procedure 42(b), noted that an
14 appeal cannot be dismissed until all appropriate fees have been paid. Accordingly, the
15 Supreme Court deferred any ruling on the motion to dismiss and ordered you to pay the filing
16 fee of \$250 and the sanction of \$500 to the Supreme Court Law Library within fifteen (15)
17 days. The Supreme Court also warned you that failure to comply could result in additional
18 sanctions and referral to the State Bar for investigation.

19 On December 3, 2008, the Supreme Court entered an Order dismissing the appeal
20 and referring you to the State Bar for investigation. In its Order, the court noted that you
21 submitted the filing fee on October 14, 2008. However, the \$500 sanction had not been paid
22 to the Supreme Court Law Library.

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1 In your response to the State Bar, you stated that on or about August 28, 2008, your
2 office prepared separate checks to pay the above-referenced filing fee and sanctions.
3 However, Respondent claimed that the checks were not mailed until late September or early
4 October 2008.


5 You also stated that the check for \$250 was negotiated. However, you claimed that
6 the check for \$500 was not deposited and that you later discovered that it had been sent to
7 the wrong address.

8 You subsequently reissued a second check for \$500 and sent it to the Supreme Court
9 Law Library. The State Bar subsequently confirmed that on December 29, 2008, the
10 Supreme Court Law Library received your check.

11 In mitigation, you cooperated with the State Bar and, in a response to the State Bar,
12 you "accepted full responsibility" for your actions in connection with the appeal underlying
13 this disciplinary matter, and your failure to comply with procedures and multiple orders from
14 the Supreme Court.

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

19 Dated this 16th day of July, 2009.
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24 BERNARD ZADROWSKI, ESQ.
25 Formal Hearing Panel Chair
Southern Nevada Disciplinary Board