

A NEW LOOK AT DISCIPLINE: BAR COUNSEL STAN HUNTERTON EXAMINES WAYS TO ELIMINATE CASE BACKLOG

BY JIM SHILANDER, STATE BAR OF NEVADA

When Stan Hunterton joined the State Bar of Nevada as its newest Bar Counsel, he immediately knew his top priority: addressing the accumulation of cases. In his new role, Hunterton is head of the Office of Bar Counsel and establishes policy and procedures.

“Our biggest challenges are to cure the backlog of existing cases and to find ways to make sure it doesn’t just get rebuilt after that,” Hunterton said. “We have a backlog of [disciplinary] cases that, for a variety of reasons, has been around too long. We want to cut that list down.”

That effort, combined with the Nevada Supreme Court’s recent efforts to clear its own backlog of discipline cases, is part of an effort to reset the disciplinary efforts of both the bar and the court. For Hunterton and the bar counsel staff, that also means taking a hard look at its own investigative process.

“We need to figure out how we can make that more efficient and get the cases to the northern and southern disciplinary hearing panels more quickly,” Hunterton said. “The rules provide all kinds of important protections for lawyers who are the subject of complaints from clients or from other attorneys or judges. We will of course be respectful of those protections. However, it seems like there is some room for moving forward more quickly while respecting and enforcing those rules.”

Hunterton explained that this means adhering more closely to the Disciplinary Rules of Procedure as well as closely following up with attorneys who may not respond quickly. Attorneys are required to have a good phone number and address on file with the bar, he noted.

“If [attorneys] don’t answer that phone number or don’t respond to mail to that address, we, of course, want to know why,” Hunterton said. “We might send an investigator to that address or take some other steps, just in case that lawyer moved or changed offices and didn’t let us know. We’re not going to proceed to a hearing just because they moved and forgot to tell us. That’s not what we’re here for. But if they’ve left town or abandoned their practice, we do need to know that.”

Hunterton began his career with the Department of Justice, prosecuting organized crime cases in Detroit, before moving to Las Vegas, where he continued his work with the department’s organized crime strike force. He became Deputy Chief Counsel for the Presidential Commission on

Organized Crime before entering private practice in 1985. He has been a member of the Nevada bar since 1984.

In his private practice, Hunterton has worked in areas of business litigation, banking, criminal defense, boxing, securities, gaming, medical practice and property development. He has served as General Counsel for Sierra Pacific Resources (now NV Energy). He also served on the Nevada State Committee of the American College of Trial Lawyers, as well as the Standing Committee on Judicial Ethics and Election Practices.

Hunterton said he’s found bar counsel staff enthusiastic about trying to eliminate the backlog, just as the court has been. He’s found the support from his colleagues gratifying.

“They’ve been uniformly supportive and happy to hear I’m in this position,” Hunterton said. “I hope to justify those views. Everybody just wants the cases disposed of more quickly. There are lots of different opinions among lawyers and judges about the levels of sanctions imposed by the [disciplinary hearing] panels. Some think they run too light and others too heavy. ...I’d imagine we’ll always have that robust debate, because it’s an important issue. But there’s no debate we need to get the cases processed more efficiently.”

The bar is also redoubling efforts to provide more information on ethical concerns. The bar’s ethics hotline is staffed full-time by attorneys in the state bar’s office. Many frequently-asked questions will be compiled on the bar’s website as a resource for attorneys.

“If we find a place to publish that kind of question, the lawyers can save themselves and us some time by reading those,” Hunterton noted. “The calling attorneys are trying to do the right thing. They’re just not entirely sure what that is sometimes.” **NL**

