

1 Case Number: 08-191-1538,  
2 09-126-1538, and 09-045-1538



FILED

JUN 23 2017

STATE BAR OF NEVADA  
BY *J. P. [Signature]*  
OFFICE OF BAR COUNSEL

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8 STATE BAR OF NEVADA

9 SOUTHERN NEVADA DISCIPLINARY BOARD

10 STATE BAR OF NEVADA, )  
11 )

Complainant, )

12 vs. )

13 JOHN S. ROGERS, ESQ. )

STATE BAR NO. 4730 )

14 Respondent. )  
15 )

PUBLIC REPRIMAND

16 TO: **John S. Rogers, Esq.**  
17 700 Fourth Street  
Las Vegas, Nevada 89101

18 In September, 2008, your client lived in a condominium and was presented with a  
19 new lease agreement. On behalf of your client, you called the property manager four times  
20 between 3:30pm and 10:15pm on October 6, 2008. Each time you left voice messages  
21 that were intimidating, abusive, threatening and contained profanity.

22 Pursuant to Rule 4.4 (Respect for Rights of Third Persons) of the Nevada Rules of  
23 Professional Conduct ("RPC"), a lawyer, while representing a client, "shall not use means  
24 that have no substantial purpose other than to embarrass, delay, or burden a third person."  
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1 Your conduct on October 6, 2008, served no substantial purpose, except to embarrass  
2 and/or burden the property manager. Therefore, your conduct violated RPC 4.4.

3 On March 9, 2005, a client sought your representation in an immigration matter. He  
4 met with a nonlawyer in your office, who he believed to be an attorney. The nonlawyer  
5 advised the client to file for divorce, which was initiated, but not pursued. In the immigration  
6 matter, you failed to file a necessary petition on time. The petition was denied on this basis,  
7 but you were able to appeal the decision and the client was still able to pursue a legal  
8 immigration status. Then, the day before the client's next court appearance, you were  
9 suspended and your office referred the client to a new attorney. You then failed to provide  
10 the client his file in a timely manner, thereby impeding his new attorney's ability to represent  
11 him.

12 Finally, in 2007, you were retained to pursue a civil suit against your client's co-  
13 worker. You failed to inform your client of the potential that he would be required to pay  
14 the defendant's legal costs if the suit was unsuccessful. After the suit was heard in the  
15 short trial program, a jury returned a defense verdict and awarded the defendant legal fees  
16 and costs in the amount of \$14,879.11, plus interest. You failed to adequately explain the  
17 cost award to your client and instead told the client that it was just a matter of record and  
18 nothing more. The defendant filed a lien against the client's home. You told the client that  
19 you would investigate some recourse for him, but failed to communication with the client  
20 thereafter. You were then served with an order for a debtor's exam of the client. You made  
21 no effort to communicate with the client regarding the notice of the judgment debtor  
22 examination because the defendant's counsel told you that the client had been personally  
23 served with the notice and you believed your representation ended with the trial. The client  
24 stated that he was never informed of the debtor exam.

1 In light of the foregoing, you violated Rule of Professional Conduct ("RPC") 1.3  
2 (Diligence), RPC 1.16 (Declining or Terminating Representation), 3.1 (Meritorious Claims  
3 and Contentions), RPC 4.4 (Respect for Rights of Third Persons), RPC 5.3  
4 (Responsibilities regarding Non-lawyer Assistants, RPC 5.5 (Unauthorized Practice of  
5 Law), and RPC 8.4 (Misconduct).

6 In mitigation, all of this misconduct occurred prior to you being placed on disability  
7 inactive status in September, 2009, due to untreated alcoholism. You were reinstated in  
8 March, 2011 and have been actively engaged in recovery from alcoholism since then.

9 As a consequence of the foregoing violations of the Rules of Professional Conduct,  
10 the Supreme Court directed that you be suspended for six-months-and-one-day, with the  
11 last 91 days of the suspension stayed pending successful completion of a one-year  
12 probation. Upon successful completion of that probation, a Public Reprimand was to issue.

13 You have successfully completed the terms of the probation, and therefore, are  
14 hereby PUBLICLY REPRIMANDED.

15 DATED this 19 day of June, 2017.

16  
17 By: 

18 Frank A. Toddre, II Esq.  
19 Formal Hearing Panel Chair  
20 Southern Nevada Disciplinary Board  
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