

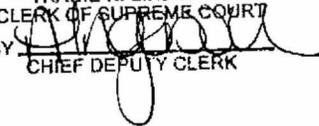
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
JOHN S. ROGERS, BAR NO. 4730.

No. 66912

FILED

MAR 20 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve a conditional guilty plea in exchange for a stated form of discipline pursuant to SCR 113 for attorney John Rogers. Under the plea agreement, Rogers admits to one violation each of RPC 1.3 (diligence), RPC 1.16 (declining or terminating representation), RPC 3.1 (meritorious claims and contentions), RPC 4.4 (respect for right of third persons), RPC 5.3 (responsibilities regarding non lawyer assistants), and RPC 5.5 (unauthorized practice of law), and two violations of RPC 8.4 (misconduct).¹ These violations arise from Rogers' conduct during representation of three clients.

The agreed-upon discipline provides that Rogers be (1) suspended from the practice of law for six months and 1 day, stayed with

¹In consideration of the plea, the State Bar agreed to dismiss the allegation that Rogers violated RPC 3.4 (fairness to opposing party and counsel).

90 days of actual suspension, and a public reprimand at the end of the probationary period; (2) to serve the actual suspension, Rogers will transfer to inactive status and cease practicing law for 90 days; and (3) Rogers will be placed on probation for one year during which he shall continue attending AA meetings and submit evidence of attendance on a quarterly basis to the Office of Bar Counsel, refrain from engaging in solo practice of law or managing a law practice, cease professional association with Carmela De Vera, promptly and completely respond to any grievances filed against him or any information requests from the State Bar, and refrain from engaging in professional misconduct that results in the imposition of disciplinary sanctions. Any violations of the stated conditions will result in further disciplinary proceedings and a recommendation to the Supreme Court that the stayed suspension be imposed. Further, Rogers shall pay all costs of the disciplinary proceedings (excluding staff salaries) and costs of publication or establish a repayment plan with the State Bar within 30 days of the State Bar submitting its memorandum of costs in accordance with SCR 120.

Having reviewed the record, we conclude that the conditional guilty plea agreement should be approved. See SCR 113(1). Accordingly, Rogers is suspended from the practice of law for 6 months and 1 day. That suspension is stayed and Rogers shall begin serving a 90-day actual suspension from the date of this order. At the completion of the term of his actual suspension, Rogers shall be placed on probation for one year, subject to the conditions listed above. Rogers shall pay the costs of the disciplinary proceedings (excluding staff salaries) or establish a payment plan with the State Bar, within 30 days of receipt of the State Bar's bill of

costs. Rogers shall comply with SCR 115 and the State Bar shall comply with SCR 121.1.

It is so ORDERED.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

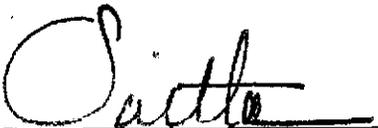
Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

SAITTA, J., dissenting:

I believe that Rogers's misconduct warrants more severe punishment than that provided in the conditional guilty plea and would therefore reject the plea and remand to the disciplinary board for further proceedings. Accordingly, I dissent.


_____, J.
Saitta

cc: David Clark, Bar Counsel
Jeffrey Albregts, Chair, Southern Nevada Disciplinary Board
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Michael J. Warhola, LLC
State Bar of Nevada/Las Vegas
Perry Thompson, Admissions Office, United States Supreme Court