

JUL 19 2006

2 STATE BAR OF NEVADA

3 SOUTHERN NEVADA DISCIPLINARY BOARD

4 STATE BAR OF NEVADA, )  
 5 Complainant, )  
 6 vs. )  
 7 JOHN S. ROGERS, ESQ., )  
 8 Respondent. )

  
 STATE BAR OF NEVADA

9 PUBLIC REPRIMAND

10 TO: JOHN S. ROGERS, ESQ.:

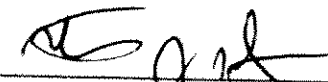
11  
 12 On or about September 19, 2005, Carmela De Vera, a non-lawyer assistant in your  
 13 employ, signed and sent a settlement demand letter to an insurance company on behalf of a  
 14 client you represented. The letter provided legal analysis of the client's case and demanded a  
 sum certain in order to compromise and settle the client's legal claims against the company's  
 insured. The foregoing conduct by your non-lawyer assistant was performed in accordance with  
 office policies and practices.

15 Communicating to third persons that you represent someone and asserting a demand to  
 16 settle someone's legal claims is *per se* the practice of law. *In re Jackman*, 761 A.2d 1103 (N.J.  
 17 2000) (Non-licensed attorney engaged in practice of law when he interviewed and counseled  
 18 clients, prepared and signed documents to or on behalf of clients, and negotiated with lawyers on  
 merger and acquisition matters he handled); *In re Howard*, 721 N.E.2d 1126 (Ill. 1999) (The  
 "practice of law" encompasses not only court appearances, but also services rendered out of  
 19 court, and includes the giving of any advice or rendering of any service requiring the use of legal  
 knowledge.); *Florida Bar v. Beach*, 675 So.2d 106 (Fla.1996) (concluding that unlicensed person  
 is not authorized to act as "conduit for giving legal advice by obtaining and relaying, without  
 supervision, case-specific information to persons whom [the lawyer] never actually met or  
 consulted.").

20 In aggravation, while there was little or no client harm in this case, the misconduct is  
 21 compounded by your prior discipline dealing with the same issues of nonlawyer activity that  
 included the unauthorized practice of law.

22 Based upon the foregoing, you violated Supreme Court Rule 189 (Unauthorized practice  
 23 of law) and are hereby **PUBLICLY REPRIMANDED**.

24 DATED this 19 day of July 2006.

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 Martin Kravitz, Esq., Chair  
 Southern Nevada Disciplinary Panel