



FILED

MAR 01 2023

STATE BAR OF NEVADA  
BY [Signature]  
OFFICE OF BAR COUNSEL

1 Case Number: SBN22-00260

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STATE BAR OF NEVADA

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NORTHERN NEVADA DISCIPLINARY BOARD

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STATE BAR OF NEVADA, )

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Complainant, )

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vs. )

PUBLIC REPRIMAND

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BRIAN GREEN, ESQ., )

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BAR NO. 4621 )

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Respondent. )

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TO: Brian Green, Esq.  
575 Fifth St.  
Elko, Nevada 89801

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You were appointed to handle the appeal of an incarcerated person conviction of a crime before the Nevada Supreme Court, identified by Case No. 83666. You appeared in the appellate matter and filed a Case Statement on October 11, 2021.

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The Opening Brief for your client's case was due on or about February 11, 2022. You were aware of the deadline, however, you failed to file the Opening Brief by the initial deadline. You did receive one telephonic fourteen-day extension of time to file the brief, however you still didn't file it by the extended deadline.

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1 On March 8, 2022, the Nevada Supreme Court issued a Notice to File Opening Brief  
2 and Appendix. The notice required the documents to be filed within seven days. You were  
3 aware of the new deadline to file the Opening Brief, however you again failed to file the  
4 documents by the deadline.

5 Therefore, on April 8, 2022, the Court issued an Order conditionally imposing  
6 sanctions and setting a new deadline for filing the Opening Brief and Appendix. If the  
7 documents were filed within 14 days of the Order, then the sanctions would be waived. You  
8 were aware of the final deadline to file the Opening Brief. Again, you failed to file the  
9 Opening Brief or Appendix by the Nevada Supreme Court's new deadline- April 22, 2022—  
10 or otherwise.

11 You have represented that you started the Opening Brief but could not finish it or  
12 file a motion to request an extension of time to file the brief because of increasing severity  
13 of your cardiopulmonary disease. However, you did not attempt to withdraw from the  
14 representation because of your health issues.

15 On May 26, 2022, the Nevada Supreme Court issued an Order Removing Counsel,  
16 Referring Counsel to State Bar of Nevada for Investigation, Remanding for Appointment  
17 of Counsel, and Suspending Briefing. The Opening Brief was filed on September 14, 2022,  
18 by appointed successor counsel.

19 Your failure to file the Opening Brief delayed consideration of your client's appeal  
20 by approximately six months.

#### 21 Violations of the Rules of Professional Conduct

22 You had a duty to diligently and promptly represent your client in her criminal  
23 appellate matter, pursuant to RPC 1.3 (Diligence). You knowingly violated RPC 1.3  
24 (Diligence) when you failed to timely file the Opening Brief in this matter, despite multiple  
25 directives from the Nevada Supreme Court.

1           RPC 3.4 (Fairness to Opposing Party and Counsel) prohibits a lawyer from  
2 “knowingly disobey[ing] an obligation under the rules of a tribunal except for an open  
3 refusal based on as assertion that no valid obligation exists.” You knowingly violated RPC  
4 3.4 (Fairness to Opposing Party and Counsel) when you failed to file the appellate brief  
5 after the Court issued multiple separate orders directing you to do so.

6           RPC 1.16 (Declining or Terminating Representation) requires that you withdraw  
7 from a representation, seeking court permission if necessary, if you are physically unable  
8 to complete the representation. You knowingly violated RPC 1.16 (Declining or  
9 Terminating Representation) when you failed to attempt to withdraw from the  
10 representation when your health issues rendered you unable to complete the  
11 representation.

12           Your client, the efficiency of the judiciary and the integrity of the profession was  
13 injured by your misconduct, particularly since the Court removed you as counsel in the  
14 matter and new counsel had to be appointed.

15 Application of ABA Standards for Imposing Lawyer Sanctions

16           Pursuant to Standard 4.42 of the ABA Standards for Imposing Lawyer Sanctions,  
17 the appropriate baseline sanction for Respondent’s misconduct is suspension.

18           The Panel has considered the aggravating factor of your substantial experience in  
19 the practice of law (SCR 102.5(1)(i)) and the mitigating factors of (i) your absence of prior  
20 relevant discipline (SCR 102.5(2)(a)), (ii) the absence of dishonest or selfish motive (SCR  
21 102.5(2)(b)), (iii) your personal or emotional problems (SCR 102.5(2)(c)), (iv) cooperative  
22 attitude towards the disciplinary proceeding (SCR 102.5(2)(e)), and (v) your expressed  
23 remorse for your misconduct (SCR 102.5(2)(m)).

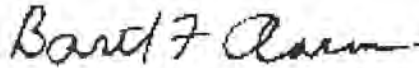
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1 In light of the mitigating factors it is appropriate to deviate downward from the  
2 baseline sanction of suspension to the sanction of a Public Reprimand and the imposition  
3 of conditions.

4 Therefore, you are hereby PUBLICLY REPRIMANDED for violation of Rule of  
5 Professional Conduct ("RPC") 1.3 (Diligence), RPC 3.4 (Opposing Party and Counsel), and  
6 RPC 1.16 (Declining or Terminating Representation), and required to designate another  
7 attorney, with whom you maintain contact for the next two years, who can inform clients  
8 and courts if your physical health prevents you from representing a client, and required to  
9 pay SCR 120 Costs of \$1,500 plus hard costs of the proceeding.

10 DATED this March 1 day of February, 2023.

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13 By: \_\_\_\_\_  
14 BARTH AARON, ESQ.  
15 Formal Hearing Panel Chair  
16 Northern Nevada Disciplinary Board  
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