1 Case No.: SBN24-00017
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6 SO
7 STATE BAR OF NEVAD.
8 Complaina
9 vs.
10 THOMAS J. GIBSON, ESBAR
11 Responder
12 TO: Thomas J. Gibson

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STATE BAR OF NEVADA

OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

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) <u>REPRIMAND</u>
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TO: Thomas J. Gibson, Esq. 1601 E. Basin Ave. Suite 302 Pahrump, NV 89060 thomas@nyelegal.com

A disciplinary panel of the Southern Nevada Disciplinary Board reviewed this matter against you. We unanimously find that you violated rules 1.3, 3.2(a), and 8.4(d) of the Nevada Rules of Professional Conduct ("RPC"). This misconduct, your mental state, the degree of injury, and a balancing of aggravating and mitigating circumstances requires us to issue you a Reprimand. This discipline is to ensure your professionalism and adherence to our ethical standards as attorneys in the State of Nevada. We encourage you to take appropriate action to prevent similar misconduct in the future.

VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

RPC 1.3 (Diligence) states that "[a] lawyer shall act with reasonable diligence and promptness in representing a client." In this matter, we find you violated RPC 1.3 after you

failed to timely file a docketing statement, transcript request form, opening brief, and appendix with the Nevada Supreme Court.

RPC 3.2(a) (Expediting Litigation) states that "[a] lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client." In this matter, we find you violated RPC 3.2(a) after you failed to follow applicable appellate rules and failed to timely file a docketing statement, transcript request form, opening brief, and appendix.

RPC 8.4(d) (Misconduct) states that "[i]t is professional misconduct for a lawyer to . . . [e]ngage in conduct that is prejudicial to the administration of justice. . ." In this matter, we find you violated RPC 8.4(d) after you repeatedly failed to comply with the Court's orders regarding the filing of a docketing statement, transcript request form, opening brief, and appendix, thus failing to expedite litigation consistent with the interests of the client.

MENTAL STATE

You are an experienced attorney. You know or should know the Nevada Rules of Professional Conduct, Nevada Supreme Court Rules, and the Nevada Rules of Appellate Procedure if you are handling criminal appeals. In this matter, however, we find you were negligent handling this appeal. A respondent acts negligently if he fails "to heed a substantial risk that circumstances exist or that a result will follow, which failure is a deviation from the standard of care that a reasonable lawyer would exercise in this situation." ABA Standards for Imposing Lawyer Sanctions (2d ed. 2019), p. xxi ("ABA Standard").

We recognize that a fellow attorney and member of the defense team initially agreed to assist you with this appeal but then declined. However, this attorney declined to assist you long before the Court first sanctioned you. Difficulties obtaining the transcript from the court reporter later troubled your ability to timely file an opening brief and appendix. By your own admissions to the State Bar, you "had not prepared an appeal to the Nevada Supreme Court

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in many years and his office staff of two had no experience in appeal work." You did apologize

to the Court for the late filings in your motion for enlargement of time.

INJURY

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An injury can range from "serious or potentially serious" to "little or no" actual or

potential injury. In this matter, we find you caused an injury or potential injury to (1) your

client by failing to provide diligent representation and (2) the legal system by engaging in

conduct prejudicial to the administration of justice by failing to expedite litigation. The

degree of injury or potential injury to your client and the legal system was moderate.

APPLICATION OF ABA STANDARDS

Pursuant to Annotated Standards for Imposing Lawyer Sanctions (2019 ed.)

(hereinafter "ABA Standard") 3.0, when imposing a sanction after a finding of lawyer

misconduct, the Screening Panel should consider the following factors: (1) the duty violated;

(2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's

misconduct; and (4) the existence of aggravating or mitigating circumstances.

Based upon the conduct above, your state of mind, and the injury, the baseline

sanction for this matter is a Reprimand.

ABA Standard 4.43 (Lack of Diligence) states that a Reprimand is generally

appropriate when a lawyer is negligent and does not act with reasonable diligence in

representing a client and causes injury or potential injury to a client.

ABA Standard 6.23 (False Statements, Fraud, and Misrepresentation) states that a

Reprimand is generally appropriate when a lawyer negligently fails to comply with a court

order or rule and causes injury or potential injury to a client or other party or causes

interference or potential interference with a legal proceeding.

Prior disciplinary offenses and your substantial experience in the practice of law are

aggravating circumstances. Your absence of a dishonest or selfish motive and remorse are

mitigating circumstances. However, a balancing of these aggravating and mitigating circumstances does not justify an increase or decrease to the ABA baseline sanction. **CONCLUSION** In light of the foregoing, you violated RPC 1.3 (Diligence), RPC 3.2(a) (Expediting Litigation), and RPC 8.4(d) (Misconduct) and are hereby REPRIMANDED. You are ordered to pay costs, provided for in SCR 120, in the amount of \$1,500 plus the hard costs of these proceedings within thirty (30) days after the filing of an order accepting this Reprimand. DATED this day of December, 2024. SOUTHERN NEVADA DISCIPLINARY BOARD Africa Sanchez (Dec 20, 2024 09:45 PST) Africa A. Sanchez, Esq. Bar No. 7503 Formal Hearing Panel Chair

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **REPRIMAND** was served via electronic mail to:

- 1. Thomas J. Gibson, Esq. (Respondent): thomas@nyelegal.com
- 2. Brian J. Vasek, Esq. (Assistant Bar Counsel): brianv@nvbar.org

DATED this 20th day of December 2024.

By:___

Tiffany Bradley, an employee of the State Bar of Nevada.