

STATE BAR OF NEVADA

February 21, 2019

LETTER OF REPRIMAND

Robert C. Bell, Esq.
326 W. Liberty Street, 2nd Flr
Reno, NV 89501

Re: Grievance / Matthew Johnson, Esq.
Reference No. OBC18-1045

Dear Mr. Bell:

On February 21, 2019, a Screening Panel of the Northern Nevada Disciplinary Board considered the above-referenced grievance. Based on the evidence presented, the Panel concluded that you violated the Rules of Professional Conduct and should be issued a Letter of Reprimand. This letter shall constitute a delivery of that reprimand.

The State Bar received a grievance reporting that you attempted to enter a guilty plea in a traffic violation matter pending in East Fork Justice Court but had failed to first consult with your client to confirm that such a plea was what your client wanted. You admitted that you did not communicate with your client prior to trying to enter into the guilty plea on his behalf. In addition, you submitted a waiver of your client's constitutional right to a speedy trial in the justice court matter which purported to be signed by your client, but was not in fact signed by him. All of this came to light with the Court when the client appeared at the pre-trial conference, but you did not and you sent in a document advising the Court that the matter was not contested.

You were retained to represent the client in the traffic violation matter via a company called TVC Pro-Driver, Inc., ("TVC") which finds attorneys in local jurisdictions to address traffic citations for long-haul truckers. TVC provided you with a "Limited Power of Attorney" from the client indicating that he was willing to "allow attorney to enter into a plea agreement (negotiate for a reduction, amendment or dismissal of charge)." You incorrectly assumed that this Limited Power of Attorney authorized you to dispose of the case without first consulting with the client and abiding by his decision regarding any specific plea to be entered.

You negotiated the traffic citation with the approval of the client after a Show Cause Hearing requiring your personal attendance with the client in the East Fork Justice Court.



600 East Charleston Blvd.
Las Vegas, NV 89104-1563
phone 702.382.2200
toll free 800.254.2797
fax 702.385.2878

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
phone 775.329.4100
fax 775.329.0522

www.nvbar.org

RPC 1.2(a) (Scope of Representation and Allocation of Authority Between Client and Lawyer) requires that “in a criminal case, the lawyer shall abide by the client’s decision, after consultation with the lawyer, as to a plea to be entered.” In this instance, you knowingly failed to directly consult with your client regarding the plea to be entered. Your failure to consult with your client resulted in potential injury to him, which would have been the entry of a traffic violation against the him and a fine.

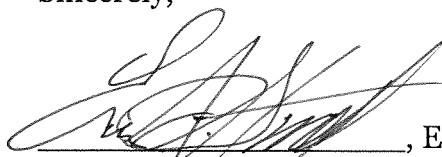
RPC 3.3 (Candor Toward the Tribunal) states that “a lawyer shall not knowingly (1) make a false statement of fact or law to a tribunal.” In this instance, you submitted a waiver of the client’s right to a speedy trial that was purportedly signed by the client, but you knew the client had, in fact, not signed the waiver. Your false statement to the tribunal resulted in a potential injury to the client, which was avoided by the client’s own appearance. Admittedly, any injury would have still been minimal because the waiver was only regarding the adjudication of a traffic violation. Nonetheless, the document was not what it purported to be.

Pursuant to Standard 7.2 of the American Bar Association’s Standard for Imposing Lawyer Sanctions “suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violated of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.” In addition, pursuant to Standard 6.12 “suspension is appropriate when a lawyer knows that false statements or documents are being submitted to the court . . . takes no remedial action, and causes injury or potential injury to a party to the legal proceedings, or causes an adverse or potentially adverse effect on the legal proceeding.” Thus, your violations of RPC 1.2 (a) and RPC 3.3 warrant a suspension.

However, the Panel has considered that had the client been injured in this instance, such injury would have been minimal, you were forthcoming in your response to the State Bar’s investigation, and you have engaged in the practice of law for approximately 39 years without any instance of prior discipline. The Panel concludes that these mitigating factors warrant a downward deviation from the presumptive sanction of a suspension to the issuance of a Letter of Reprimand.

Accordingly, you are hereby REPRIMANDED for violating RPC 1.2 (a) (Scope of Representation and Allocation of Authority Between Client and Lawyer) and RPC 3.3 (Candor Toward the Tribunal) and assessed the SCR 120 cost of \$1,500. The SCR 120 cost shall be paid no later than 30 days after the issuance of this letter. I trust that this reprimand will serve as a reminder to you of your ethical obligations, and that no such problems will arise in the future.

Sincerely,


_____, Esq.
Eric Stoyall, Esq.
Screening Panel Chair