



LETTER OF REPRIMAND

November 18, 2022

Byron Thomas, Esq.
Bar No. 8906
3275 S. Jones Boulevard, Suite 104
Las Vegas, NV 89146

RE: Grievance / Supreme Court of Nevada
Reference No. SBN22-00261

Dear Mr. Thomas:

Tracy Lee Castl filed a *pro se* Notice of Appeal in the Nevada Supreme Court in January 2021. She was appealing an Eighth Judicial District Court judgment.

Ms. Castl requested, and received, two extensions to file opening briefs. She then hired you to represent her in the appeal. On October 4, 2021, you filed a Notice of Appearance and a third motion for an extension to file the opening brief. The Nevada Supreme Court granted the extension and directed you to file and serve the opening brief by December 3, 2021.

On December 3, 2021, you filed a fourth motion for an extension to file the opening brief. The Nevada Supreme Court granted the extension and directed you to file and serve the transcript request form by December 23, 2021, and to file and serve the opening brief by January 28, 2022.

On February 14, 2022, you filed an untimely fifth motion for an extension of thirty days to file the opening brief. On February 22, 2022, the Nevada Supreme Court denied the motion and directed you to file and serve the opening brief within seven days. The Nevada Supreme Court also warned you that failure to timely file the opening brief could result in sanctions, including dismissal of your client's appeal.

On March 1, 2022, you filed a sixth motion for an extension of thirty days to file the opening brief. On March 10, 2022, the Nevada Supreme Court denied the

3100 W. Charleston Blvd.
Suite 100
Las Vegas, NV 89102
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

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motion and directed you to file and serve the opening brief within seven days. The Nevada Supreme Court again warned you that failure to timely file the opening brief could result in sanctions, including dismissal of your client's appeal.

On March 17, 2022, you filed a seventh motion for an extension of thirty days to file the opening brief. On March 29, 2022, the Nevada Supreme Court denied the motion and directed you to file and serve the opening brief by April 5, 2022. The Nevada Supreme Court also warned you that failure to timely file the opening brief could result in sanctions, including dismissal of the appeal.

On April 7, 2022, you filed an eighth motion for an extension of thirty days to file the opening brief. On April 18, 2022, the Nevada Supreme Court denied the motion and imposed a conditional sanction. You were directed to pay \$250 to the Supreme Court Law Library and provide proof of payment to the Nevada Supreme Court by May 2, 2022. The sanction would automatically be vacated if you filed the opening brief and any appendix by April 25, 2022. The Nevada Supreme Court warned you that failure to file by opening brief by the April 25, 2022, deadline would result in dismissal of the appeal and possible referral of you to the State Bar of Nevada for a disciplinary investigation.

On April 27, 2022, the respondent's counsel in this appellate matter filed a motion to dismiss based in part on your failure to file an opening brief. The respondent referenced the Nevada Supreme Court's order of April 18, 2022, which stated that failure to timely file the opening brief would result in dismissal of the appeal.

On May 2, 2022, you filed proof of payment of \$250 to the Supreme Court Law Library. On May 4, 2022, you obtained a telephonic extension of time, until May 18, 2022, to respond to the respondent's motion to dismiss.

You filed neither the opening brief nor a response to the motion to dismiss.


On May 13, 2022, the Nevada Supreme Court entered an order which dismissed Ms. Castl's appeal and referred you to the State Bar for investigation.

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Accordingly, you are hereby Reprimanded for violating Rule of Professional Conduct 1.3 (Diligence), RPC 3.2 (Expediting Litigation), RPC 3.4(c) (Fairness to Opposing Party and Counsel), and RPC(d) (Misconduct: Engaging in conduct

prejudicial to the administration of justice). Finally, in accordance with Nevada Supreme Court Rule 120 (Costs) you are assessed costs in the amount of \$1,500.

Sincerely,



Jacob Villani (Nov 16, 2022 14:18 PST)

Jacob Villani, Esq.
Screening Panel Chair
Southern Nevada Disciplinary Board