

FILED

AUG 14 2012

Case No. SG11-1033

STATE BAR OF NEVADA

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SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
)
vs.)
)
MARK P. CHAKSUPA, ESQ.,)
Bar No. 10537,)
)
Respondent.)
_____)

PUBLIC REPRIMAND

TO: MARK P. CHAKSUPA, ESQ.

In a criminal case which underlies the above-referenced disciplinary matter, you represented a client in the Eighth Judicial District Court whose conviction ultimately was appealed to the Nevada Supreme Court ("Supreme Court"), which subsequently referred the instant matter to the State Bar of Nevada ("State Bar") pursuant to Supreme Court Rule ("SCR") 105.

You initially represented Elante Hines ("Hines") in a criminal case, *State of Nevada vs. Elante Hines*, wherein Hines was charged with five (5) felony counts: conspiracy to commit robbery; robbery with use of a deadly weapon; first-degree kidnapping with use of a deadly weapon; coercion with force or threat of force; and possession of a stolen vehicle.

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1 The prosecution of Hines, who was a teen-ager when the crimes allegedly occurred in
2 2010, originated in Juvenile Court. You negotiated a plea bargain in which Hines would
3 waive certification proceedings, submit to adult prosecution, and plead guilty to one (1) count
4 of robbery with use of a deadly weapon.

5 Hines subsequently pleaded guilty in the Eighth Judicial District Court. In November
6 2010, Hines was sentenced to five (5) years in prison for the robbery conviction, plus a
7 consecutive five (5) years for the deadly weapon enhancement. In exchange for his plea, the
8 remaining charges were dismissed.

9 On December 14, 2010, according to court records, Hines filed a *pro per* fast track
10 appeal with the Supreme Court. Apparently on the same day, the Supreme Court sent a
11 notice to you informing you that (1) the appeal had been docketed; (2) the appeal was
12 subject to Nevada Rule of Appellate Procedure ("NRAP") 3C; and (3) the fast track statement
13 and appendix had to be filed within forty (40) days.

14 The Supreme Court's notice also directed you to file a rough draft transcript request
15 form within ten (10) days. However, the court's docket indicated that its letter was returned
16 because you were not at that address. The Court then updated your address and re-mailed
17 its previous order.

18 You did not file a rough draft transcript form and, therefore, the Supreme Court
19 entered an Order on January 18, 2011, which imposed a "conditional sanction" of \$500 upon
20 you and again directed you to file the rough draft transcript form.

21 On February 9, 2011, you filed a rough draft transcript form with the Supreme Court
22 and paid the \$500 "conditional sanction." However, by early March 2011, you had not yet
23 filed a fast track statement and appendix. Therefore, in an Order filed on March 3, 2011, the
24 Supreme Court directed you to file the required documents within ten (10) days. The order
25 also cautioned you that failure to comply could result in imposition of further sanctions.

1 On March 29, 2011, because you still had not filed documents as directed by the
2 March 3 Order, the Supreme Court entered an Order which again imposed "conditional
3 sanctions" of \$500. The Order explained that if you filed the fast track statement and
4 appendix within ten (10) days, the sanctions would automatically be vacated.

5 You did not file the required documents as ordered, so the Supreme Court imposed
6 an additional \$1,000 sanction on May 4, 2011, and directed you to (1) pay the entire \$1,500
7 to the Supreme Court Law Library within fifteen (15) days, and (2) file the fast track
8 statement and appendix within ten (10) days.

9 The Supreme Court's Order of May 4, 2011, also cautioned you that continued failure
10 to comply with its Orders would result in the imposition of additional sanctions, including
11 referral to the State Bar for investigation.

12 On July 14, 2011, the State Bar received a referral from the Nevada Supreme Court
13 for an investigation of you pursuant to Supreme Court Rule 105 (Procedure on receipt of
14 complaint).

15 In its July 14, 2011, referral of this matter to the State Bar, the Supreme Court stated
16 that "[t]o date, Mr. Chaksupa has not complied or otherwise responded to our orders."
17 Therefore, the Supreme Court imposed an additional \$1,000 sanction, and directed you to
18 pay the entire \$2,500 in sanctions within ten (10) days to the Supreme Court Law Library.
19 The Court also removed you as counsel-of-record for Hines and remanded the case back to
20 District Court for the limited purpose of securing appellant counsel for Hines.

21 The Supreme Court docket in the *Hines* matter indicates that you paid the sanctions
22 on or about August 1, 2011.

23 On July 19, 2011, the State Bar sent you a Letter of Investigation.

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1 In your response to the State Bar, you acknowledged that you failed to follow the
2 Supreme Court's directives and, in part, placed some of the blame on your now-terminated
3 office assistant. You stated, "I must concede that, aside from paying the Court-ordered
4 sanctions, I have not complied with the Nevada Supreme Court's directives regarding the
5 filing of Mr. Hines' fast track appeal."

6 You have acknowledged that in retrospect, you did not adequately supervise your
7 office assistant, whom apparently incorrectly told you in or about February 2011 that the
8 Supreme Court had relieved you as counsel-of-record in the *Hines* appeal. You currently
9 believe that your now-former office assistant lied and, in fact, destroyed your office file
10 regarding the *Hines* matter.

11 Since initiation of the instant disciplinary matter, you looked for, but have been unable
12 to locate, the file for the *Hines* appeal.

13 In August 2011, a District Court Judge appointed substitute appellate counsel to
14 Hines' matter.

15 Failure to comply, or at least properly reply, to any court orders, especially from the
16 Nevada Supreme Court, is inappropriate and unacceptable.

17 In mitigation, you ultimately cooperated with the State Bar's investigation and
18 accepted responsibility for your action. You also have paid the sanctions imposed by the
19 Supreme Court. The Panel expects that there will be no replication of this behavior. For
20 these reasons, the Panel is issuing only a Public Reprimand rather than recommending more
21 severe discipline.


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1 In light of the foregoing, you violated Rule of Professional Conduct ("RPC") 1.3
2 (Diligence), RPC 3.4(c) (Fairness to Opposing Party and Counsel: Knowingly disobeying an
3 obligation under the rules of a tribunal), RPC 5.3 (Responsibilities Regarding Nonlawyer
4 Assistants), and RPC 8.4(d) (Misconduct: Engaging in conduct that is prejudicial to the
5 administration of justice), and are hereby PUBLICLY REPRIMANDED.

6
7 DATED this 13th day of August, 2012.

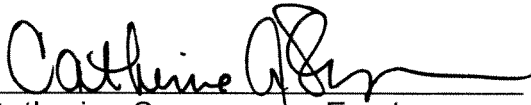
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10 _____
11 GARY BRANTON, ESQ.
12 Formal Hearing Panel Chair
13 Southern Nevada Disciplinary Board
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing:
PUBLIC REPRIMAND was placed in a sealed envelope and sent by U.S. regular mail
and certified in Las Vegas, Nevada, postage fully prepaid thereon for first class regular
mail and certified mail addressed to:

Mark P. Chaksupa, Esq.
The Law Offices of Mark Chaksupa, Esq.
1428 S. Jones Blvd.
Las Vegas NV 89146
CERTIFIED MAIL: 7011 3500 0003 1679 1914

DATED this 15th day of August, 2012.


Catherine Seymour, an Employee
of the State Bar of Nevada

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