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FEB 13 2014

STATE BAR OF NEVADA  
OFFICE OF BAR COUNSEL

*[Handwritten Signature]*

1 Case No. SG12-1954

2 STATE BAR OF NEVADA

BY

3 SOUTHERN NEVADA DISCIPLINARY BOARD

4 STATE BAR OF NEVADA, )  
5 Complainant, )  
6 vs. )  
7 DEAN Y. KAJIOKA, ESQ., )  
8 Bar No. 5030, )  
9 Respondent. )

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11 LETTER OF REPRIMAND

12 TO: DEAN Y. KAJIOKA, ESQ.  
13 8530 W. Charleston Boulevard, Suite 100  
14 Las Vegas, Nevada 89117

15 1. On or about July 18, 2011, you were appointed to represent Darrel Barnes  
16 ("Barnes") in *State v. Barnes*, Case No. C-11-271878-1, which was pending in Department  
17 23 of the Eighth Judicial District Court.

18 2. At the time that you were appointed, Barnes had already pleaded guilty to one  
19 (1) count of Attempted Lewdness With a Minor. Barnes had been represented by the Public  
20 Defender's office at the time he pleaded guilty.

21 3. On or about October 17, 2011, Barnes filed a *pro per* Notice of Appeal with the  
22 Supreme Court of Nevada ("Supreme Court") to appeal his conviction. At that time, you were  
23 listed as Barnes' attorney-of-record in the District Court case.<sup>1</sup>

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25 <sup>1</sup> Indeed, records of the Eighth Judicial District Court still currently list you as Barnes' counsel.

1           4.     On or about October 19, 2011, the Supreme Court electronically sent you a  
2 Notice to Request Rough Draft Transcripts.

3           5.     On November 17, 2011, as you had not filed the rough draft transcript request  
4 form, the Supreme Court entered an Order Conditionally Imposing Sanctions, and ordered  
5 you to pay \$500 to the Supreme Court Law Library unless you timely filed the required  
6 documents.

7           6.     The November 17, 2011, Order also reminded you that the fast track statement  
8 and appendix were due by November 28, 2011.

9           7.     On November 28, 2011, you filed a Response to Order Conditionally Imposing  
10 Sanctions in which you advised the Supreme Court that you had been unable to make  
11 contact with Barnes, had no information regarding the basis for Barnes' claims related to the  
12 appeal, and, therefore, were unable to prepare and file the required documents.

13          8.     During the initial period that you represented Barnes, he resided in the Clark  
14 County Detention Center. However, Barnes was released after the sentencing hearing on  
15 September 19, 2011, and did not communicate further with you after his release.

16          9.     On December 28, 2011, the Supreme Court entered an Order Vacating  
17 Conditional Sanctions and Directing Filing of Documents. The Supreme Court stated that it  
18 recognized the difficult position that you were in, but declined to relieve you of your  
19 obligations pursuant to Nevada Rule of Appellate Procedure ("NRAP") 3C (Fast Track  
20 Criminal Appeals).

21          10.    The Supreme Court also noted that pursuant to the conditions of Barnes'  
22 probation, Barnes had to keep the Division of Parole and Probation apprised of his current  
23 address, and it was counsel's duty to determine what issues to raise on appeal based on  
24 counsel's exercise of professional judgment.

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1           11.    The December 28, 2011, Order gave you an additional ten (10) days to file the  
2 rough draft transcript request form, and fifty (50) days to file and serve the fast track  
3 statement and appendix.

4           12.    On May 11, 2012, as you had not complied with the Order of December 28,  
5 2011, the Supreme Court issued an Order to Appear and Show Cause for you to appear on  
6 June 13, 2012.

7           13.    On May 18, 2012, you filed an affidavit filed in the Supreme Court in which  
8 denied receiving this Court's December 28, 2011, Order.

9           14.    On June 20, 2012, the Supreme Court issued an Order following the hearing on  
10 June 13, 2012. In its Order, the Supreme Court recognized your difficult position, but stated  
11 again that it was counsel's responsibility to decide what issues to raise.

12           15.    The Supreme Court further noted that there are several issues that may be  
13 raised on appeal from a judgment of conviction entered pursuant to a guilty plea.

14           16.    The June 20, 2012, Order gave you forty-five (45) days to file the rough draft  
15 transcript request form, fast track statement, and appendix, and cautioned you that failure to  
16 timely file the required documents would result in additional sanctions.

17           17.    On August 6, 2012, you filed a Fast Track Appeal Statement, Request for  
18 Rough Draft Transcript and Appendix. However, you did not support your legal argument for  
19 the appeal with citation to any legal authority, nor include a single citation to the appendix.

20           18.    The appendix submitted by you also did not contain copies of the transcripts  
21 necessary for the Supreme Court's review.

22           19.    On December 12, 2012, the Supreme Court filed an Order referring the matter  
23 to the State Bar for investigation, and sanctioned you \$500 to be paid to the Supreme Court  
24 Law Library in twenty (20) days. According to Supreme Court records, your payment for the  
25 sanctions was received by the Supreme Court in January 2013.

