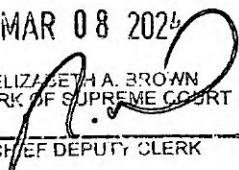


IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
JEFFREY GRAY THOMAS, BAR NO.
7538.

No. 87346

FILED

MAR 08 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  CHIEF DEPUTY CLERK

*ORDER DENYING PETITION FOR RECIPROCAL DISCIPLINE
AND SUSPENDING ATTORNEY*

This is a petition to reciprocally discipline attorney Jeffrey Gray Thomas pursuant to SCR 114. Thomas has been disbarred in California. Thomas did not self-report the California discipline as required by SCR 114(1). Although Thomas filed a brief responding to the State Bar's petition, that brief does not engage with the relevant inquiry under SCR 114.¹

In representing a client in a dispute concerning the sale of real property, Thomas willfully (1) filed and failed to withdraw an untimely motion to vacate a judgment, (2) filed and pursued a frivolous appeal related to that matter, (3) filed and failed to withdraw an improper motion for reconsideration in a second matter, (4) filed and pursued a frivolous appeal from the second matter, (5) failed to comply with and pay four separate sanction orders related to those matters, and (6) threatened opposing counsel that they would be convicted of federal crimes if they did not take

¹We decline Thomas' request to stay consideration of the State Bar's petition.

specific actions in a related civil lawsuit. These actions violated (1) California Business and Professions Code (CBPC) § 6068(c), which is similar to RPC 3.1 (meritorious claims and contentions) and RPC 8.4(d) (misconduct prejudicial to the administration of justice); (2) CBPC § 6103, which is similar to RPC 3.4(c) (fairness to opposing party and counsel—knowingly disobeying an obligation under the rules of a tribunal); and (3) former California Rule of Professional Conduct (CRPC) 5-100(A) (threatening charges to gain advantage in a civil suit). While Nevada does not have a direct equivalent to CRPC 5-100, Thomas’ actions in threatening opposing counsel implicate RPC 3.1 (meritorious claims and contentions) and RPC 4.4(a) (respect for rights of third parties). As a result of these violations, the California Supreme Court entered an order disbarring Thomas.²

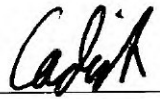
²To the extent that Thomas argues that this court should not give full faith and credit to the California Supreme Court’s order of disbarment, we reject the argument, as “a final adjudication in another jurisdiction that an attorney has engaged in misconduct conclusively establishes the misconduct for the purpose of a disciplinary proceeding in this state.” SCR 114(5). For this same reason, we reject Thomas’ argument that the underlying sanction orders were levied due to negligent and not willful misconduct. We also reject Thomas’ argument that the California State Bar disciplinary proceedings deprived him of due process of law, as he received notice of the proceedings and had “a meaningful opportunity to present [his] case.” *J.D. Constr., Inc. v. IBEX Int’l Grp.*, 126 Nev. 366, 376, 240 P.3d 1033, 1040 (2010) (quoting *Mathews v. Eldridge*, 424 U.S. 319, 349 (1976)). Finally, we have considered Thomas’ remaining constitutional arguments and determine that they do not warrant imposing “substantially different discipline,” SCR 114(4)(c), than that imposed in California. *Cf. Miller v. Burk*, 124 Nev. 579, 588-89, 188 P.3d 1112, 1118-19 (2008) (explaining that this court “will not decide constitutional questions unless necessary” to resolve the issues on appeal).

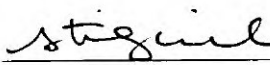
Under SCR 114(4), we must impose identical reciprocal discipline unless the attorney demonstrates or we determine that (1) the other jurisdiction failed to provide adequate notice, (2) the other jurisdiction imposed discipline despite a lack of proof of misconduct, (3) the established misconduct warrants substantially different discipline in this jurisdiction, or (4) the established misconduct does not constitute misconduct under Nevada's professional conduct rules. The first, second, and fourth exceptions do not apply here. We conclude, however, that "the misconduct warrants substantially different discipline in this state." SCR 114(4)(c).

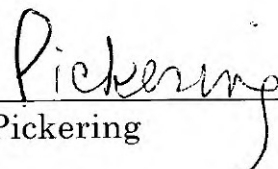
In particular, we conclude that disbarment is not warranted because disbarment in Nevada is not equivalent to the discipline imposed in California. Disbarment in Nevada is irrevocable whereas in California a disbarred attorney may seek reinstatement after five years. *Compare* SCR 102(1), *with* Cal. State Bar R. Proc. 5.442(B). Given the nature and pervasiveness of the misconduct at issue, we conclude that a five-year-and-one-day suspension is more appropriate than disbarment based on "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008) (listing factors to consider when determining appropriate discipline).

Accordingly, we deny the petition for reciprocal discipline but suspend Jeffrey Gray Thomas from the practice of law in Nevada for five years and one day commencing from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

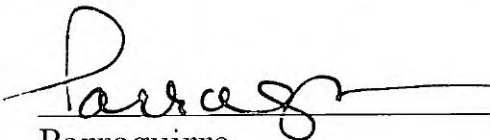

_____, C.J.
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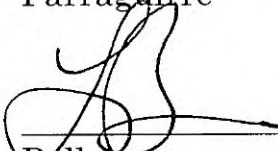

_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre


_____, J.
Bell

cc: Bar Counsel, State Bar of Nevada
Jeffrey Gray Thomas
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court