

1 Case No.: OBC15-0843



FILED

MAR 03 2017

STATE BAR OF NEVADA
BY: *[Signature]*
OFFICE OF BAR COUNSEL

5 STATE BAR OF NEVADA
6 SOUTHERN NEVADA DISCIPLINARY BOARD

7 STATE BAR OF NEVADA,)
8 Complainant,)
9 vs.)
10 SCOTT M. HOLPER, ESQ.,)
Nevada Bar No. 9587)
11 Respondent.)

LETTER OF REPRIMAND

12 TO: Scott M. Holper, Esq.
13 c/o Joshua Tomsheck, Esq.
14 HOF LAND & TOMSHECK
228 S. Fourth Street, Second Floor
15 Las Vegas, NV 89101

16 This Letter of Reprimand is issued pursuant to a Conditional Guilty Plea you entered on March
17 3, 2017.

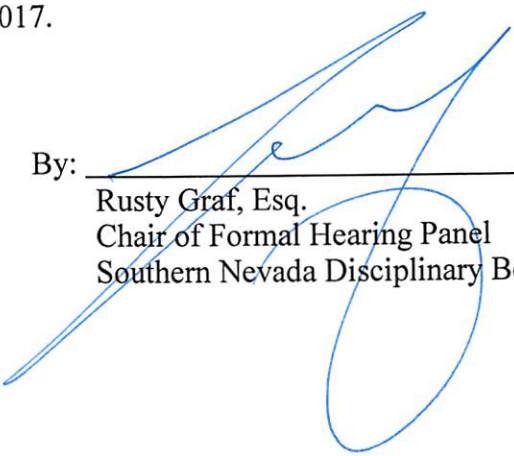
18 You represented a criminal client in the Eighth Judicial District Court, and on April 2, 2015
19 you filed a Notice of Appeal on his behalf with the Nevada Supreme Court. On April 7, 2015, the
20 Court sent two notices to you- a "Notice to Request Rough Draft Transcripts" and a "Notice to File
21 Case Appeal Statement." You were given ten days to respond or to file the appropriate pleadings, but
22 did not do so. On May 26, 2015, the Court filed an Order which imposed a conditional sanction of
23 \$250 to be paid to the Supreme Court Law Library. The Order stated that the sanction would be
24 vacated if you, within eleven days, filed and served (1) the Transcript Request Form or a certificate
25 that no transcripts were being requested; (2) a Case Appeal Statement; and (3) the Fast Track

1 Statement and Appendix, or a properly supported motion to extend time. You again failed to file the
2 appropriate pleadings, and your motion for an extension was untimely. On July 1, 2015, the Court
3 filed an Order removing you as counsel of record, and noting that you had failed to file the Rough
4 Draft Transcript Request Form, the Case Appeal Statement, and the Fast Track Statement. In addition,
5 you had not paid the \$250 sanction up to that point, although you later did so.

6 Rule of Professional Conduct 1.3 (Diligence) states that “[a] lawyer shall act with reasonable
7 diligence and promptness in representing a client.” In addition, Rule of Professional Conduct 3.2
8 states in part that “[a] lawyer shall make reasonable efforts to expedite litigation consistent with the
9 interests of the client.” In this matter, you failed to act with reasonable diligence by not filing the
10 documents necessary for your client’s appeal, despite Court orders to do so. In addition, your failure
11 to comply with appeal requirements and the directives of the Nevada Supreme Court- or even to
12 respond to the Court- needlessly delayed the processing of your client’s case.

13 As described above, this incident is a violation of Rules of Professional Conduct 1.3
14 (Diligence) and 3.2 (Expediting Litigation). Accordingly, you are hereby **REPRIMANDED** for these
15 violations. We trust that this reprimand will serve as a reminder to you of your ethical obligations, and
16 that no such problems will arise in the future.

17 DATED this 3rd day of March, 2017.

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19 By: 
20 Rusty Graf, Esq.
21 Chair of Formal Hearing Panel
22 Southern Nevada Disciplinary Board
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