

1                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2   JOSEPH S. GILBERT, ESQ.

3                   Petitioner,

4   vs.

5   STATE BAR OF NEVADA,

6                   Respondent.

) Supreme Court Case No. 84113

)

) OBC21-0136

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Electronically Filed  
Mar 18 2022 04:45 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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8                   **STATE BAR OF NEVADA’S MOTION TO SEAL PARTS OF THE**

9                   **RECORD**

10           The State Bar of Nevada, by and through Assistant Bar Counsel R. Kait

11   Flocchini hereby moves for an Order immediately redacting the last name of

12   the Grievant in all documents publicly available in this matter.

13           This Motion is made and based upon the following Points and

14   Authorities, the record in this matter, and any oral argument requested by

15   the Court.

16                   **POINTS AND AUTHORITIES**

17           Although they are publicly available, most disciplinary matters receive

18   little publicity. The drive behind Petitioner Joseph Gilbert’s (“Gilbert”)

19   request for Writ of Mandamus is that the media has expressed an interest in

20   the disciplinary proceeding because Gilbert is a candidate in the Republican

21   Gubernatorial primary.

1 The Grievant's full name is collateral to the issue before this Court and  
2 not necessary to fully analyze the subject of the Writ. However, continued  
3 publication of the Grievant's full name may jeopardize his, and his family's,  
4 safety. Absent redaction of the Grievant's full name, he is faced with the awful  
5 choice of endangering his family or accepting sub-par legal representation.  
6 This is not the goal, or intention, of disciplinary matters. In fact, exposing  
7 the Grievant to harm through this process may deter others from bringing  
8 matters to the State Bar's attention in the future.

9 Legal Authority

10 "Any person may request that the court seal or redact court records for  
11 a case . . . by filing a written motion . . ." SRCR 3(1). "The court may order  
12 the court files and records, or any part thereof, in a civil action to be sealed  
13 or redacted, provided the court makes and enters written findings that the  
14 specific sealing or redaction is justified by identified compelling privacy or  
15 safety interests that outweigh the public interest in access to the court  
16 record." SRCR 3(4).

17  
18 The public interest in privacy or safety interests that  
19 outweigh the public interest in open court records include  
20 findings that:

21 . . .  
22 (d) [t]he redaction includes only restricted personal  
information contained in the court record;  
. . .

1 (f) [t]he sealing or redaction includes medical, mental  
2 health, or tax records;

3 . . . or

4 (h) [t]he sealing or redaction is justified by another  
5 compelling circumstance.

6 SRCR 3(4).

7 Once a motion to seal or redact is pending, “the information to be  
8 sealed or redacted remains confidential for reasonable period of time until  
9 the court rules on the motion.” SRCR 3(2).

10 In *Clark Cty. Sch. Dist. V. Las Vegas Review-Journal*, 134 Nev. 700,  
11 429 P.3d 313 (2018) this Court adopted a two-part balancing test to evaluate  
12 requests to seal or redact information in public records. In that matter, the  
13 Review-Journal newspaper requested disclosure of numerous documents  
14 related to Clark County School District’s (“CCSD”) investigation of, and  
15 response to, allegations of harassment by an elected school board trustee.  
16 The request was made pursuant to the Nevada Public Records Act (“NPRA”).  
17 Initially, CCSD sought to protect numerous investigative documents to  
18 protect the complaining parties, teachers, and administrative staff involved.  
19 The district court ordered disclosure of the documents with redaction of only  
20 victims, students, and support staff names. CCSD appealed the decision,  
21 arguing that the documents were covered by an exception to the NPRA  
22 and/or that privacy interests warranted additional redactions. *See Clark Cty.*  
*Schl. Dist.*, 134 Nev. at 707-708.

1 In analyzing the privacy interest argument, this Court applied a two-  
2 part balancing test from *Cameranesi v. U.S. Dep't of Defense*, 856 F.3d 626,  
3 637 (9<sup>th</sup> Cir. 2017). The test requires (1) the government “establish a personal  
4 privacy interest at stake to ensure that disclosure implicated a personal  
5 privacy interest that is nontrivial or more than *de minimus*” and, thereafter,  
6 (2) “the requester must show that the public interest sought to be advanced  
7 is a significant one and that the information sought is likely to advance that  
8 interest.” *See Clark Cty. Schl. Dist.*, 134 Nev. at 707-708 (citations omitted).  
9 This Court found the *Cameranesi* test was consistent with Nevada’s  
10 established protection of personal privacy interests. *Id.* at 708.

11 In a unanimous decision, the district court was ordered to apply the  
12 *Cameranesi* test and consider the privacy interests of “teachers or witnesses  
13 who may face stigma or backlash for coming forward or being part of the  
14 investigation” before ordering disclosure of their names or other identifying  
15 information. *Id.*

16 In *Las Vegas Metro. Police Dep't. v. Las Vegas Review-Journal*, 136  
17 Nev. Adv. Rep. 86, 478 P.3d 383, 385 (Nev. 2020), this Court opined that the  
18 *Cameranesi* test applied “whenever the government asserts a nontrivial  
19 privacy interest.” In that matter, this Court found that ‘nontrivial’ privacy  
20 interests must be more than *de minimus* but need not be ‘substantial.’ *Id.* at  
21 388. It also recognized “[t]he avoidance of harassment is a cognizable  
22

1 privacy interest." *Id.* In that matter, this Court found that the officers had a  
2 privacy interest in having certain information, although not all their  
3 information, withheld from disclosure.

#### 4 Argument

5 The Grievant is concerned for his and his family's safety if his full  
6 name, or image, is published in any story related to Respondent's  
7 disciplinary matter. *See* Declaration of James C, a true and correct copy of  
8 which is attached hereto as **Exhibit A**.

9 The Grievant sought Gilbert's representation in trying to pro-actively  
10 address a prior conviction. Gilbert's short representation of Grievant did not  
11 include any appearances or other indicia of the attorney-client relationship.  
12 Thus, absent Grievant feeling compelled to file a grievance with the State Bar  
13 and the subsequent disciplinary proceedings, he would never have been  
14 exposed to the risk of his name being published.

15 Grievant understood that there was a potential for his name to be part  
16 of the public disciplinary record, but prior to the media's report of  
17 Respondent's pending disciplinary matter, he did not understand the  
18 potential breadth of that publication. *Id.* This is in no small part because  
19 Gilbert had not publicly declared his intent to run for public office when  
20 Grievant submitted the grievance to the State Bar in January 2021.  
21 Grievant's fear of identification has increased, and he now feels that he must  
22

1 choose between publicity that would negatively affect his life or participating  
2 in this proceeding. Grievant's fear is very real and reasonable in this era of  
3 'doxing.' This is substantially similar to the privacy interest recognized in  
4 *Clark Cty. Sch. Dist. V. Las Vegas Review-Journal*. Moreover, the requested  
5 redaction of only Grievant's last name is consistent with this Court's  
6 direction in *Clark Cty. Schl. Dist.* Grievant has a personal privacy interest in  
7 keeping his plight out of the national news. His interest is nontrivial and  
8 more than *de minimus*.

9 Admittedly, the Bar included the Grievant's name in the initial  
10 documents. At the time, the undersigned also did not know of Gilbert's intent  
11 to run for election or consider the potential publicity related to Gilbert (nor  
12 the potential effect on the Grievant from issued discipline). The Bar's  
13 miscalculation should not be used to penalize the Grievant.

14 The Grievant's name has not heretofore been disseminated to anyone  
15 outside the disciplinary proceeding. *See* Declaration of Louise Watson, a true  
16 and correct copy of which is attached hereto as **Exhibit B**. Grievant's name  
17 was not included in any of the media articles about Respondent that were  
18 published in or about December 2021. *See e.g. This is Reno* article, a true and  
19 correct copy of which is attached hereto as **Exhibit C** (This is believed to be  
20 the original article on which, it appears, all other articles were based.) Thus,  
21  
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1 Grievant has not yet been harmed and any potential harm to, or harassment  
2 of, Grievant can still be avoided.

3 For these reasons, an order sealing Grievant's full name and redacting  
4 it from the publicly available documents in this matter would protect  
5 Grievant from the potential harm.

6 Further, the redaction of Grievant's last name does not hinder the fair  
7 and thorough examination of the allegations and defenses in this matter. The  
8 Grievant's identity is irrelevant to whether he received fair and ethical  
9 representation. The Grievant's identity is certainly collateral to Gilbert's  
10 allegation that the State Bar has violated its confidentiality obligations.

### 11 Conclusion

12 The State Bar's request to redact Grievant's last name<sup>1</sup> is narrowly  
13 tailored to protect that person's privacy interest and safety without hindering  
14 Respondent's due process or the clarity of this proceeding. Therefore, the  
15 State Bar respectfully requests that Grievant's last name be redacted from all  
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21 <sup>1</sup> This request includes the last name of Grievant's spouse, which is the same as Grievant.  
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1 documents subject to public disclosure, including without limitation, the  
2 pleadings, the appendices, and any transcript of proceedings created.

3 DATED this 18th day of March 2022.

4 STATE BAR OF NEVADA  
5 DANIEL M. HOOGE, Bar Counsel

6 By: 

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7 R. Kait Flocchini, Assistant Bar Counsel  
8 Nevada Bar No. 9861  
9 9456 Double R Boulevard  
10 Reno, Nevada 89521  
11 (775) 329-4100  
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**Exhibit A**

**Exhibit A**

1                                   **DECLARATION OF JAMES C.**

2           I, JAMES C., under penalty of perjury in the State of Nevada that the  
3 following is true and correct:

4           1.     I was convicted of a crime for which I have reporting  
5 requirements.

6           2.     I am very cautious about who I disclose this information to  
7 because regardless of how long, or how well, the person has known me, the  
8 reaction is always negative.

9           3.     My wife convinced me to meet with Carlos Salmoran of the Joey  
10 Gilbert Law Firm in early September 2020 to discuss trying to reduce my  
11 reporting requirements, as I believe the law allows. I was extremely reticent  
12 to meet with Gilbert Law because I was concerned that I would have to  
13 experience all the hurt that comes with exposing this painful part of my past  
14 for no good reason.

15           4.     I met with Salmoran on September 11, 2020 and signed a  
16 contract for representation with Gilbert Law. No attorney was present at the  
17 meeting. No attorney appeared for the meeting by telephone.

18           5.     My wife and I assisted Gilbert Law in obtaining the underlying  
19 criminal conviction documents.

1       6. I went through the painful process of asking family and friends  
2 for letters in support of the petition Gilbert Law was supposed to be  
3 preparing for me. Those letters were provided to Gilbert Law.

4       7. After months of promising that the petition would be, and was  
5 filed, we were told that Gilbert Law had not filed a petition and was  
6 terminating the representation.

7       8. My wife and I felt frustration, worry, and anxiety over our  
8 treatment by the Joey Gilbert Law Firm.

9       9. We filed a State Bar grievance regarding Joey Gilbert because it  
10 seemed unfair to us that we were told a petition would be, and was, filed but  
11 then months later were told that nothing had been done. I did not want that  
12 to happen to another client.

13       10. I understood that the grievance was not private, but I did not  
14 understand until recently that media could attend the evidentiary hearing in  
15 this case.

16       11. I never anticipated that my grievance would receive media  
17 attention and I fear that the media will mention my name.

18       12. I know that my name and status is publicly available, but this is  
19 different than media calling attention to me in conjunction with someone  
20 running for office in Nevada.

1        13. I want to be able to tell what happened when I tried to get good  
2 legal advice and didn't, but I fear that if my name is mentioned by the media,  
3 then I, and my family, will be harassed or unsafe.

4        Dated this \_\_\_\_\_ day of March 2022.

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7 \_\_\_\_\_  
8 JAMES C.  
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**Exhibit B**

**Exhibit B**

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Louise Watson, Legal Administrator  
Office of Bar Counsel

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1997-1998 1998-1999 1999-2000 2000-2001 2001-2002 2002-2003 2003-2004 2004-2005 2005-2006 2006-2007 2007-2008 2008-2009 2009-2010 2010-2011 2011-2012 2012-2013 2013-2014 2014-2015 2015-2016 2016-2017 2017-2018 2018-2019 2019-2020 2020-2021 2021-2022 2022-2023 2023-2024 2024-2025 2025-2026 2026-2027 2027-2028 2028-2029 2029-2030 2030-2031 2031-2032 2032-2033 2033-2034 2034-2035 2035-2036 2036-2037 2037-2038 2038-2039 2039-2040 2040-2041 2041-2042 2042-2043 2043-2044 2044-2045 2045-2046 2046-2047 2047-2048 2048-2049 2049-2050 2050-2051 2051-2052 2052-2053 2053-2054 2054-2055 2055-2056 2056-2057 2057-2058 2058-2059 2059-2060 2060-2061 2061-2062 2062-2063 2063-2064 2064-2065 2065-2066 2066-2067 2067-2068 2068-2069 2069-2070 2070-2071 2071-2072 2072-2073 2073-2074 2074-2075 2075-2076 2076-2077 2077-2078 2078-2079 2079-2080 2080-2081 2081-2082 2082-2083 2083-2084 2084-2085 2085-2086 2086-2087 2087-2088 2088-2089 2089-2090 2090-2091 2091-2092 2092-2093 2093-2094 2094-2095 2095-2096 2096-2097 2097-2098 2098-2099 2099-2100 2100-2101 2101-2102 2102-2103 2103-2104 2104-2105 2105-2106 2106-2107 2107-2108 2108-2109 2109-2110 2110-2111 2111-2112 2112-2113 2113-2114 2114-2115 2115-2116 2116-2117 2117-2118 2118-2119 2119-2120 2120-2121 2121-2122 2122-2123 2123-2124 2124-2125 2125-2126 2126-2127 2127-2128 2128-2129 2129-2130 2130-2131 2131-2132 2132-2133 2133-2134 2134-2135 2135-2136 2136-2137 2137-2138 2138-2139 2139-2140 2140-2141 2141-2142 2142-2143 2143-2144 2144-2145 2145-2146 2146-2147 2147-2148 2148-2149 2149-2150 2150-2151 2151-2152 2152-2153 2153-2154 2154-2155 2155-2156 2156-2157 2157-2158 2158-2159 2159-2160 2160-2161 2161-2162 2162-2163 2163-2164 2164-2165 2165-2166 2166-2167 2167-2168 2168-2169 2169-2170 2170-2171 2171-2172 2172-2173 2173-2174 2174-2175 2175-2176 2176-2177 2177-2178 2178-2179 2179-2180 2180-2181 2181-2182 2182-2183 2183-2184 2184-2185 2185-2186 2186-2187 2187-2188 2188-2189 2189-2190 2190-2191 2191-2192 2192-2193 2193-2194 2194-2195 2195-2196 2196-2197 2197-2198 2198-2199 2199-2200 2200-2201 2201-2202 2202-2203 2203-2204 2204-2205 2205-2206 2206-2207 2207-2208 2208-2209 2209-2210 2210-2211 2211-2212 2212-2213 2213-2214 2214-2215 2215-2216 2216-2217 2217-2218 2218-2219 2219-2220 2220-2221 2221-2222 2222-2223 2223-2224 2224-2225 2225-2226 2226-2227 2227-2228 2228-2229 2229-2230 2230-2231 2231-2232 2232-2233 2233-2234 2234-2235 2235-2236 2236-2237 2237-2238 2238-2239 2239-2240 2240-2241 2241-2242 2242-2243 2243-2244 2244-2245 2245-2246 2246-2247 2247-2248 2248-2249 2249-2250 2250-2251 2251-2252 2252-2253 2253-2254 2254-2255 2255-2256 2256-2257 2257-2258 2258-2259 2259-2260 2260-2261 2261-2262 2262-2263 2263-2264 2264-2265 2265-2266 2266-2267 2267-2268 2268-2269 2269-2270 2270-2271 2271-2272 2272-2273 2273-2274 2274-2275 2275-2276 2276-2277 2277-2278 2278-2279 2279-2280 2280-2281 2281-2282 2282-2283 2283-2284 2284-2285 2285-2286 2286-2287 2287-2288 2288-2289 2289-2290 2290-2291 2291-2292 2292-2293 2293-2294 2294-2295 2295-2296 2296-2297 2297-2298 2298-2299 2299-2300 2300-2301 2301-2302 2302-2303 2303-2304 2304-2305 2305-2306 2306-2307 2307-2308 2308-2309 2309-2310 2310-2311 2311-2312 2312-2313 2313-2314 2314-2315 2315-2316 2316-2317 2317-2318 2318-2319 2319-2320 2320-2321 2321-2322 2322-2323 2323-2324 2324-2325 2325-2326 2326-2327 2327-2328 2328-2329 2329-2330 2330-2331 2331-2332 2332-2333 2333-2334 2334-2335 2335-2336 2336-2337 2337-2338 2338-2339 2339-2340 2340-2341 2341-2342 2342-2343 2343-2344 2344-2345 2345-2346 2346-2347 2347-2348 2348-2349 2349-2350 2350-2351 2351-2352 2352-2353 2353-2354 2354-2355 2355-2356 2356-2357 2357-2358 2358-2359 2359-2360 2360-2361 2361-2362 2362-2363 2363-2364 2364-2365 2365-2366 2366-2367 2367-2368 2368-2369 2369-2370 2370-2371 2371-2372 2372-2373 2373-2374 2374-2375 2375-2376 2376-2377 2377-2378 2378-2379 2379-2380 2380-2381 2381-2382 2382-2383 2383-2384 2384-2385 2385-2386 2386-2387 2387-2388 2388-2389 2389-2390 2390-2391 2391-2392 2392-2393 2393-2394 2394-2395 2395-2396 2396-2397 2397-2398 2398-2399 2399-2400 2400-2401 2401-2402 2402-2403 2403-2404 2404-2405 2405-2406 2406

1. What is the purpose of the study?

                                             

1. Name of the company/organization	2. Address	3. City	4. State	5. Zip
6. Phone number	7. Fax number	8. E-mail address	9. Website	10. Other contact information

DATE: 10/10/1964

RECEIVED: 1997-01-27; REVISED: 1997-05-27; ACCEPTED: 1997-06-10

DATE	TIME	NAME	ADDRESS	TELEPHONE
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0980 13-14-76000

*Journal of Interpersonal Violence* 28(10) 1967-1984

100-443616-100

100-44361-100

*Journal of Management Education* 26(8)

1. *Chlorophyll a* (Chl *a*)

1. *Journal of the American Medical Association*, 1990; 263: 1099-1103.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

1. *Journal of the American Medical Association*, 1997; 278: 1039-1044.

1. *Chlorophyll a* (Chl *a*)

1. *Journal of the American Medical Association*, 1997; 277: 1033-1038.

1. *Journal of the American Medical Association*, 1997; 278: 1019-1024.

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1. *Journal of the American Medical Association*, 277: 1005-1006, 1997.

1. *Journal of the American Medical Association*, 1997; 278: 1039-1044.

**Exhibit C**

**Exhibit C**





## POLITICS

# Governor candidate Joey Gilbert fights Nev

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A billboard advertises legal services for Joey Gilbert, an attorney and former professional boxer, who is running for governor of Nevada in Reno, Nev., on Thursday, Dec. 16, 2021. A disciplinary panel sent Republican Joey Gilbert a draft letter of reprimand alleging he had harmed a client by not supervising a law student assigned to his case. The draft reprimand comes as Gilbert tours the state for his campaign and makes headlines for high-profile work challenging vaccine mandates and election procedures. (AP Photo/Sam Metz)

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By SAM METZ AP / Report for America

CARSON CITY, Nev. (AP) — On billboards throughout northern Nevada, Republican gubernatorial candidate Joey Gilbert can be seen with clenched fists and a promise: “Joey C Law, Fighting for Nevada.”

Now, Gilbert is fighting efforts to reprimand him by the State Bar of Nevada. Gilbert has ye disciplined, but a screening panel that reviewed his work sent him a draft letter of reprimar August alleging he harmed a client and violated the bar’s rules of professional conduct.

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“Your misconduct actually injured your client, albeit not substantially because he had no fo deadline for filing the petition. Your misconduct actually injured the integrity of the profess well,” Richard Williamson, the chair of a disciplinary panel convened by the bar, wrote in tl 27 letter to Gilbert.

Gilbert is an attorney and former professional boxer who in the last year has become one of Nevada’s most prominent voices calling into question the 2020 election result and decrying coronavirus vaccines. He was present in Washington, D.C., during the Jan. 6 insurrection b said he did not enter the Capitol. Gilbert is running in a crowded primary field of Republica hoping to unseat Democratic Gov. Steve Sisolak in 2022.

The letter obtained by The Associated Press was confirmed as authentic by the State Bar of Nevada.

The Nevada Bar appoints three-member panels to evaluate grievances lodged by clients cla harm against its attorneys. After deliberation, panels can impose sanctions, reprimand an attorney or dismiss the allegations. If the panel chooses sanctions or a reprimand, it must p the attorney an opportunity to review the allegations and file an objection within 14 days.

Gilbert filed a motion to dismiss the letter, which the disciplinary panel denied on Dec. 1, according to filings provided by his attorney, Dominic Gentile.

GILBERT\_000090

Gentile said Gilbert denied all the allegations in the letter and planned to continue to fight it over its process and conclusions. He said the draft letter was not a public record and the State should not have commented on it at this stage.

“There is no final determination as to the validity of any grievance against Mr. Gilbert. A lawyer is entitled to a live hearing at which witnesses must be called to testify and be subject to cross examination,” he said.

Bar counsel Daniel Hooge said the letter was unofficial and Gilbert would not be formally disciplined until the panel holds another hearing.

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“While the Supreme Court of Nevada retains ultimate authority to regulate the legal profession, the Office of the Bar Counsel serves as the Court’s arm to investigate and prosecute claims that a lawyer has violated the Rules of Professional Conduct. Our primary goal is to protect the public,” Hooge said.

The panel’s consideration comes as Gilbert campaigns throughout Nevada ahead of the Republican gubernatorial primary next June and files headline-grabbing lawsuits challenging vaccine and mask mandates.

To voters, Gilbert cites his legal work as evidence that he’s the best choice to be Nevada’s next governor and committed to fighting for the state.

In stump speeches he's made across the state and shared on his Facebook page, he says the work he's done throughout the pandemic prove his willingness to be "in the trenches, fighting" referencing cases such as Calvary Chapel Lone Mountain's ongoing challenges to Nevada's coronavirus-related capacity cap on religious gatherings.

Gilbert is part of the legal team representing that church in Las Vegas, which along with another in rural Nevada, won an appeal challenging a statewide capacity cap on religious gatherings. The 9th U.S. Circuit of Appeals ruled in favor of the church after the governor had rolled back the restrictions in question.

The State Bar letter claims Gilbert's firm allowed employees who weren't licensed attorneys to handle a case without supervision — a violation of professional standards and bar requirements. It alleges that a law student, who was supposed to be under Gilbert's supervision per bar rules, falsely implied to a client that a petition had been filed in court when it had not.

Though Gilbert's client had paid a \$3,500 retainer four months prior, the firm later dropped him as a client. The draft letter also reprimands Gilbert for violating a "diligence" rule by not promptly alerting the client that he did not want to represent him.

Gentile said Gilbert denied the allegations.

After speaking to employees mentioned in the letter, Gentile said he believes the disciplinary panel hadn't sufficiently investigated the incident. He said he was confident the reprimand would be dismissed.

"What Joey Gilbert is doing here is he's standing up for his integrity," Gentile said.



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The State Bar of Nevada said it has about 9,000 active members and prosecutes roughly 200 grievances annually. In 2021, it issued 24 reprimands, nine stayed suspensions and 15 suspensions. One attorney was disbarred.

Associated Press writer Scott Sonner contributed reporting from Reno. Metz is a corps member for the Associated Press/Report for America Statehouse News Initiative. Report for America is a nonprofit national service program that places journalists in local newsrooms to report on undercovered issues.

