


IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
KENT VANDERSCHUIT, BAR NO.
6854.

No. 87175

FILED

OCT 19 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  CHIEF DEPUTY CLERK

*ORDER DENYING RECIPROCAL DISCIPLINE
AND SUSPENDING ATTORNEY*

This is a petition for reciprocal discipline of attorney Kent VanderSchuit pursuant to SCR 114. VanderSchuit has been disbarred from the practice of law in California. He has not opposed this petition.

VanderSchuit's California misconduct arises from his representation of one client. He failed to take any action on behalf of the client after February 2, 2021, and effectively withdrew from representation. VanderSchuit failed to respond to the California State Bar's disciplinary charges, resulting in a default. Pursuant to California State Bar Rule of Procedure 5.85, which requires disbarment when an attorney fails to have a default order set aside, VanderSchuit was disbarred.

Having considered the petition for reciprocal discipline, we conclude that discipline is warranted but "[t]hat the misconduct established warrants substantially different discipline in this state," SCR 114(4)(c), and thus deny the petition for reciprocal discipline. In particular, we conclude that disbarment is not warranted because it is irrevocable in Nevada, while

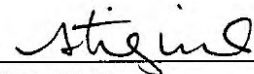
in California a disbarred attorney may seek reinstatement after five years. *Compare* SCR 102(1), *with* Cal. State Bar R. Proc. 5.442(B). Furthermore, Nevada does not require disbarment when an attorney fails to have a default order set aside in a discipline case.

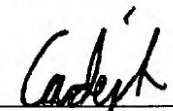
Thus, we must consider what discipline is more appropriate than disbarment based on the “duty violated, the lawyer’s mental state, the potential or actual injury caused by the lawyer’s misconduct, and the existence of aggravating or mitigating factors.” *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008) (setting out the factors to consider when determining the appropriate discipline). VanderSchuit knowingly violated duties owed to his client (termination of representation) and the profession (compliance with bar inquiries) and injured or potentially injured his client. The baseline sanction for the misconduct, before consideration of aggravating and mitigating circumstances, is suspension. *See* Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.42 (Am. Bar Ass’n 2017) (“Suspension is generally appropriate when . . . a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client.”). The record before this court does not include any aggravating or mitigating factors. Considering all the factors, we conclude that a six-month-and-one-day suspension achieves the purpose of attorney discipline. *In re Discipline of Arabia*, 137 Nev. 568, 571, 495 P.3d 1103, 1109 (2021) (providing that the purpose of attorney discipline “is to protect the public, the courts, and the legal profession”).

Accordingly, we deny the petition for reciprocal discipline, but suspend Kent VanderSchuit from the practice of law in Nevada for six


months 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.

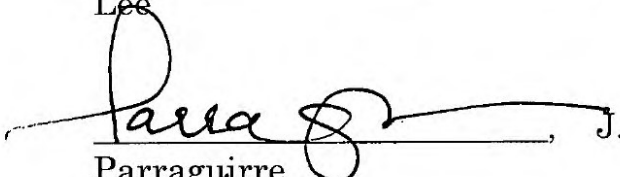

_____, C.J.
Stiglich

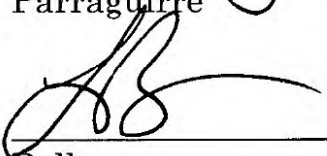

_____, J.
Cadish


_____, J.
Pickering


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre


_____, J.
Bell

cc: Bar Counsel, State Bar of Nevada
Kent VanderSchuit
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court