

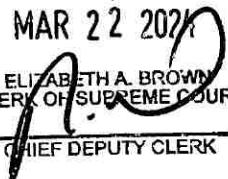
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
CHRISTOPHER M. HENDERSON, BAR
NO. 10078

No. 87624

FILED

MAR 22 2024

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

*ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT
AND ORDER OF REINSTATEMENT*

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Christopher M. Henderson and reinstate Henderson to the practice of law in Nevada. On February 17, 2023, pursuant to SCR 111, we temporarily suspended Henderson pending a disciplinary proceeding. Under the conditional guilty plea agreement, Henderson admitted to violating RPC 8.4 (misconduct) and agreed to a six-month-and-one-day suspension retroactive to the February 17, 2023, temporary suspension.

Henderson admitted to the facts and violations as part of the guilty plea agreement. The record therefore establishes that Henderson violated RPC 8.4 (misconduct) when he brandished a firearm at his wife in a threatening manner resulting in a conviction for conspiracy to commit assault with a deadly weapon. Henderson has since completed his

probation sentence for the conviction. He also completed a rehabilitation program and voluntarily enrolled and successfully participated in a second rehabilitation program. He has been sober since his arrest. Henderson offered numerous witnesses at the disciplinary hearing that testified as to their shock that the criminal incident even occurred and Henderson's sobriety and the steps he has taken to address what led to the criminal incident. One of those witnesses was his now ex-wife, who testified that they have rekindled their relationship because of the significant progress Henderson has made through therapy. Henderson testified about his remorse, his progress through therapy, and his relapse plan.

The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. *See In re Discipline of Arabia*, 137 Nev. 568, 571, 495 P.3d 1103, 1109 (2021) (stating the purpose of attorney discipline). In determining the appropriate discipline, we weigh four factors: "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). Henderson admitted to knowingly violating a duty owed to the public (misconduct). The baseline sanction for such misconduct, before considering the aggravating or mitigating circumstances, is suspension. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 5.12 (Am. Bar Ass'n 2017) (providing that "[s]uspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice"). The record supports the panel's findings of one aggravating circumstance (substantial experience in the practice of law) and ten

mitigating circumstances (absence of prior discipline, absence of dishonest or selfish motive, personal or emotional problems, a timely good faith effort to make restitution or rectify consequences of misconduct, full and free disclosure to the disciplinary authority and cooperative attitude toward the proceeding, character or reputation, mental disability or chemical dependence, interim rehabilitation, imposition of other penalties or sanctions, and remorse). Considering all four factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, we hereby suspend Christopher M. Henderson from the practice of law for six months and one day commencing from the date of the temporary suspension imposed on February 17, 2023. Henderson shall pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order, if he has not done so already.


Because the six-month-and-one-day suspension is retroactive to February 17, 2023, Henderson has completed the term of the suspension. Given this circumstance, Henderson and the State Bar stipulated to address reinstatement in the same proceeding as the conditional guilty plea.¹ Based on our de novo review, we agree with the panel's conclusions that Henderson has satisfied his burden in seeking reinstatement by clear and convincing evidence. SCR 116(2); *Application of Wright*, 75, Nev. 111, 112-13, 335 P.2d 609, 610 (1959) (reviewing a petition for reinstatement de

¹We acknowledge this procedure is unusual and note that it should be used sparingly and only in circumstances similar to this one. Additionally, if, in the future, the State Bar and an attorney agree to consider discipline and reinstatement in the same proceeding, a petition for reinstatement must be filed under SCR 116.

novo). Accordingly, Christopher M. Henderson is hereby reinstated to the practice of law in Nevada.


It is so ORDERED.

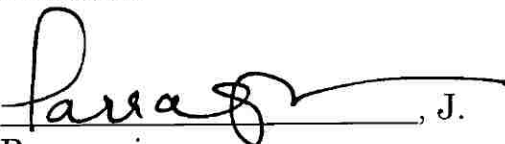

_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre


_____, J.
Bell

cc: Chair, Southern Nevada Disciplinary Board
Pitaro & Fumo, Chtd.
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court