

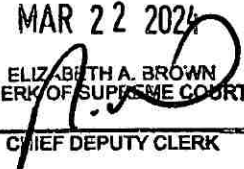
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
SEAN DAVID LYTTLE, BAR NO. 11640.

No. 87215

FILED

MAR 22 2024

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

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Sean David Lyttle be suspended for six months and one day based on one violation of RPC 8.1 (bar disciplinary matters). Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(b).

The State Bar has the burden of showing by clear and convincing evidence that Lyttle committed the violation charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). Here, however, the facts and charge alleged in the complaint are deemed admitted because Lyttle failed to answer the complaint and a default was entered. SCR 105(2). The record therefore establishes that Lyttle violated the above-referenced rule by failing to respond to several of the State Bar's requests for information.

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3)(b). Although we "must . . . exercise independent judgment," the panel's recommendation is persuasive. *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001). 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).


Lyttle knowingly violated a duty owed to the profession (bar disciplinary matters) because he failed to respond to several Bar communications during its investigation of suspicious activity involving his IOLTA account. Lyttle’s failure to cooperate with the State Bar’s investigation harmed the integrity of the profession, which depends on a self-regulating disciplinary system. The baseline sanction for Lyttle’s misconduct, before consideration of aggravating or mitigating circumstances, is suspension. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 7.2 (Am. Bar Ass’n 2017) (recommending suspension “when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system”). The record also supports two aggravating circumstances (pattern of misconduct and substantial experience in the practice of law) and no mitigating circumstances. *See* SCR 102.5(3) (stating aggravating circumstances).

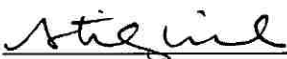
Considering all the factors, we conclude that a suspension is appropriate. But those factors do not support the length of the recommended suspension (six months and one day). In particular, Lyttle has only one prior discipline matter over more than 10 years as a member of the Nevada bar. That matter resulted in diversion and a letter of reprimand. The record also shows that Lyttle responded to the State Bar’s initial inquiries in the investigation at issue here. Under these circumstances, we conclude that a three-month suspension is sufficient to serve the purpose of attorney discipline. *See In re Discipline of Arabia*, 137

Nev. 568, 571, 495 P.3d 1103, 1109 (2021) (stating the purpose of attorney discipline).

Accordingly, we hereby suspend attorney Sean David Lyttle from the practice of law in Nevada for three months commencing from the date of this order. Lyttle shall also pay the costs of the disciplinary proceeding, including \$2,500 under SCR 120, within 30 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

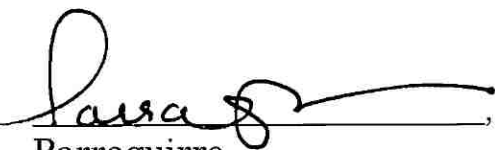

_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre


_____, J.
Bell

cc: Chair, Southern Nevada Disciplinary Board
The Law Office of Sean D. Lyttle, PC
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court