

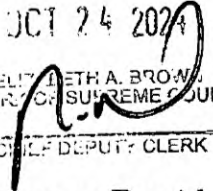
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
DAVID L. GOLDFARB, BAR NO. 10356.

No. 88126

FILED

OCT 24 2024

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

ORDER OF DISBARMENT

This is a petition to reciprocally discipline attorney David L. Goldfarb pursuant to SCR 114. Goldfarb was disbarred from the practice of law in Arizona and he timely reported the same to the Nevada State Bar. See SCR 114(1). Goldfarb has opposed the State Bar's petition. See SCR 114(3).

Goldfarb, whose practice includes family law, self-reported to the Arizona bar that he had engaged in a single consensual sex act with a female client. Thereafter, in May, 2023, he disclosed additional inappropriate and sexual conduct occurring on a consistent basis between 2016 and 2023 with seven other female clients. Separate from the originally disclosed sex act with a female client, Goldfarb admitted to engaging in oral sex twice with a client in 2017 or 2018, as well as to conducting explicit video chats and text messages with this client, whom Goldfarb represented in three matters between 2016 and 2021. Their personal relationship only ended when the client remarried. During late 2021 or early 2022, Goldfarb became improperly involved with three other clients. One client he represented in post-decree matters involving the father of her children. They kissed during an after-hours meeting and engaged in conversations and text message exchanges of a personal and/or sexual nature. Goldfarb kissed another client and received photos of her in her lingerie, and he

admits to having crossed professional boundaries with a third client while representing her on a paternity or modification matter. Goldfarb further disclosed crossing professional boundaries with yet another client in 2023, and he admitted to having had inappropriate conversations with two other female clients, one of whom he was representing in a modification and later contempt case, though he did not provide dates for those instances.

During the Arizona proceedings Goldfarb acknowledged this conduct violated various Arizona Ethics Rules. He first stipulated to an interim suspension, which established that Goldfarb repeatedly engaged in inappropriate and sexual conduct with his clients and that this conduct “caused substantial harm to his clients, and damage to the public, the legal profession or the administration of justice.” Goldfarb thereafter filed a request and consent for an order of disbarment, and Arizona disbarred him in September 2023. That order conclusively establishes Goldfarb’s misconduct for purposes of reciprocal discipline. *See* SCR 114(5).

Goldfarb notified the Nevada State Bar of his Arizona disbarment, and the Bar petitions for reciprocal discipline, arguing Goldfarb’s violations of Nevada’s Rules of Professional Conduct 1.7(a)(2), 1.8(j), and 8.4(d) warrant disbarment. In support, the Bar points to Goldfarb’s pattern of misconduct, his multiple offenses, the victims’ vulnerability, Goldfarb’s selfish motive, and his substantial experience in the practice of law. Goldfarb opposes the petition, arguing that an exception to SCR 114(4)’s reciprocal discipline rule is appropriate here because disbarment in Arizona is not permanent and such misconduct generally warrants suspension instead of disbarment. He also contends that while no mitigating factors were introduced into the record because of the summary

nature of the Arizona proceedings, mitigating factors exist that would support a sanction less than disbarment.

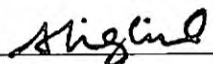
SCR 114(4) requires us to impose identical reciprocal discipline unless the attorney demonstrates, or we determine, that one of four exceptions applies. We conclude that none of the four exceptions are present in this case. Goldfarb does not raise a due process argument, and he admits to the facts establishing the misconduct, precluding the exceptions in SCR 114(4)(a), (b) and (d). That Arizona's disbarment permits reinstatement does not require us to find SCR 114(4)(c)'s exception applies here. *Cf. In re Discipline of Parsa*, No. 71158, 2016 WL 6662268 (Nev. Nov. 10, 2016) (Order Imposing Reciprocal Discipline and Disbarring Attorney) (imposing reciprocal disbarment after the attorney was disbarred in California); Cal. State Bar R. Proc. 5.442(B) (allowing a disbarred attorney to apply for reinstatement). The record clearly shows that Goldfarb had a pervasive pattern of inappropriate and often sexual conduct with his female clients, at least some of whom Goldfarb was representing in family court matters. As an attorney, Goldfarb held a position of trust and authority over his female clients, and his improper and unprofessional conduct was self-serving, exploitative, and highly injurious to his clients and/or the legal profession, and violated Nevada's Rules of Professional Conduct 1.7(a)(2) (conflicts of interest with a client), 1.8(j) (lawyer shall not have sexual relations with a client), and 8.4(a) & (d) (professional misconduct for a lawyer to knowingly violate the rules or engage in conduct prejudicial to the administration of justice). Goldfarb consistently engaged in repeated inappropriate and sexual conduct with multiple female clients over the course of seven years and he admitted in his stipulation that his conduct was intentional and inappropriate, demonstrated "a serious disregard for

the ethical rules,” substantially harmed his clients, and damaged the public, legal profession, or the administration of justice. Even taking as true that mitigating factors exist,¹ disbarment is appropriate where, as here, the lawyer has engaged in misconduct with the intent to obtain a benefit for himself or another and causes serious or potentially serious injury to his client, the public, or the legal system. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 7.1.

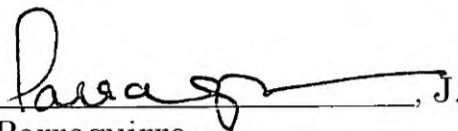
Accordingly, we grant the petition for reciprocal discipline and disbar David L. Goldfarb from the practice of law in Nevada. Such disbarment is irrevocable. SCR 102(1). The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.


_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Herndon


_____, J.
Parraguirre


_____, J.
Bell

¹SCR 114(4) requires us to evaluate reciprocal discipline “on the face of the record upon which the discipline is predicated,” and that rule does not provide an option to refer the matter to the State Bar’s Disciplinary Board for a hearing and findings on aggravating and mitigating evidence. *See In re Discipline of Peirce*, 122 Nev. 77, 80-81, 128 P.3d 443, 445 (2006).

PICKERING, J., with whom LEE, J., agrees, concurring in part and dissenting in part:

I would not disbar David Goldfarb but instead suspend him from the practice of law in Nevada for five years and one day, with any petition for reinstatement in Nevada conditioned on Goldfarb first being readmitted in Arizona. A five-year-and-one-day suspension rather than disbarment is proper for two reasons.

First, with certain specified exceptions, Nevada's Supreme Court Rule 114(4) requires that this court impose "identical" reciprocal discipline. In Arizona, a disbarred attorney may seek readmission after five years if the attorney can demonstrate their rehabilitation, whereas in Nevada, disbarment is permanent. *Compare* Ariz. R. Sup. Ct. 64(d) (permitting reinstatement after disbarment), *and* 65 (outlining application requirements and reinstatement proceedings), *with* SCR 102(1)(a) (providing for irrevocable disbarment). We have recognized this disparity between Nevada, where disbarment is forever, and other states, where a disbarred lawyer may apply for reinstatement after five or more years, in other reciprocal discipline cases. *Cf. In re Discipline of Cantor*, No. 83736, 2022 WL 419901, at *1 (Nev. Feb. 10, 2022) (Order Denying Petition for Reciprocal Discipline and Suspending Attorney) ("disbarment in Nevada is not equivalent to [disbarment] in California, as . . . in California a disbarred attorney may seek reinstatement after five years"). A five-year-and-one-day suspension in Nevada, with Goldfarb's ability to apply for reinstatement conditioned on him being readmitted in Arizona, would most closely approximate the "identical" reciprocal discipline SCR 114(4) generally requires. *See In re Discipline of VanderSchuit*, No. 87175, 2023 WL 6940752, at *1 (Nev. Oct. 19, 2023) (Order Denying Reciprocal

Discipline and Suspending Attorney) (addressing reciprocal discipline under SCR 114(4)(c) and concluding suspension rather than disbarment was warranted where in the other state the disbarred attorney could seek reinstatement after five years); *Cantor*, No. 83736, 2022 WL 419901, at *1 (same); *In re Discipline of Freedman*, No. 80276, 2020 WL 1972331, at *1 (Nev. Apr. 23, 2020) (Order Denying Petition for Reciprocal Discipline and Suspending Attorney) (same).

Second, the record is not sufficiently developed to depart from SCR 114(4)'s general rule that reciprocal discipline should be "identical." In Nevada discipline matters, we weigh not only the duty violated, but also "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 deciding the appropriate discipline. *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008). The Arizona proceeding was uncontested and based on Goldfarb's self-report and consent to disbarment, and thus the disciplinary board made no findings as to these additional considerations. Notwithstanding the seriousness of Goldfarb's misconduct, the record does not provide an adequate factual basis to increase the penalty beyond the equivalent of that imposed in Arizona. Accordingly, although I concur that discipline is warranted, I respectfully dissent from the majority's decision to impose permanent disbarment.

Pickering, J.
Pickering

I concur:

Lee, J.
Lee

cc: Bar Counsel, State Bar of Nevada
Glenn Machado
Rob W. Bare
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court