

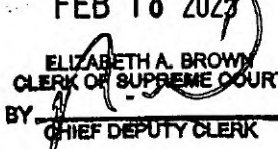
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
ATIF M. SHEIKH, BAR NO. 14617.

No. 89565

FILED

FEB 18 2025

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

ORDER APPROVING CONDITIONAL ADMISSION AGREEMENT

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 admission agreement in exchange for a stated form of discipline for attorney Atif M. Sheikh. Under the agreement, Sheikh admitted to violating RPC 1.2(a) (scope of representation and allocation of authority between client and lawyer); RPC 1.4(a) (communication); RPC 1.16(c), (d) (declining or terminating representation); RPC 3.4(c) (fairness to opposing party and counsel); RPC 8.1(b) (bar admission and disciplinary matters); and RPC 8.4(d) (misconduct) in the representation of two clients. Sheikh agreed to a suspension of six months and one day, stayed subject to a 24-month probationary period to be monitored by the State Bar.

Sheikh admitted to the facts and violations as part of the admission agreement. As to the first client grievance, Sheikh failed to communicate with the client after the client informed Sheikh that he was terminating Sheikh's services in an arbitration matter. Sheikh did not respond to the client's termination request or to the client's request for documents and other inquiries related to the client's case, which resulted in the district court striking the client's motion for a trial de novo. Sheikh further failed to respond to opposing counsel or the district court's attempts

to reach him regarding multiple hearings on the motion to strike, including a show cause hearing where the district court fined Sheikh \$500 for failing to appear.

As to the second client in this matter, Sheikh authorized the opposing parties to apply Sheikh's signature to a proposed stipulation and order to dismiss Sheikh's client's suit against them, despite Sheikh's client rejecting the settlement offer. The opposing parties filed the proposed order with the court, which the district court signed and dismissed the matter. The court electronically served Sheikh with the dismissal order, but Sheikh did not inform the client, who found out about the dismissal through an independent search of the court records. The client reached out to Sheikh, but Shiekh did not respond. Sheikh did not ensure receipt of the settlement proceeds and thus the client did not receive the funds.¹ Finally, Sheikh failed to respond to the State Bar's requests for information after the client filed a grievance with the State Bar, but Sheikh eventually entered into a conditional admission agreement and participated in the disciplinary hearing.

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).

¹This client has a pending legal malpractice lawsuit against Shiekh.

Sheikh admitted to knowingly violating duties owed to his clients (scope of representation and allocation of authority between client and lawyer, communication, and declining or terminating representation); and to the profession and legal system (fairness to opposing party and counsel, bar admission and disciplinary matters, and misconduct). Sheikh further admitted harm or potential harm to his clients. The baseline sanction for such violations, before considering the aggravating or mitigating circumstances, is suspension. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.42(a) (Am. Bar Ass'n 2023) (providing that suspension is appropriate when "a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client"); Standard 6.22 (providing that suspension is appropriate "when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or party, or causes interference or potential interference with a legal proceeding"); Standard 7.2 (providing that suspension is appropriate "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 supports two aggravating circumstances (pattern of misconduct and multiple offenses) and two mitigating circumstances (absence of prior discipline and inexperience in the practice of law). The evidence supports the panel's findings regarding aggravating and mitigating circumstances. Considering all four factors, we conclude that the agreed-upon discipline is appropriate.


Accordingly, we hereby suspend attorney Atif M. Sheikh from the practice of law for six months and one day from the date of this order,

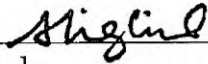
with the suspension stayed for twenty-four months subject to the conditions outlined in the panel's findings of fact, conclusions of law, and recommendation. Those conditions include the following: (1) Sheikh must not engage in further professional misconduct while on probation that results in a screening panel recommending new disciplinary charges be filed; (2) Sheikh must participate in any fee dispute arising from an allegation of further professional misconduct in good faith; (3) Sheikh must maintain current contact information with the Office of Bar Counsel; (3) Sheikh must inform the Office of Bar Counsel of any changes to his contact information within thirty (30) days of that change; (4) Sheikh must obtain an attorney mentor approved by the State Bar within thirty (30) days from the date of this order; (5) Sheikh must meet monthly with the attorney mentor regarding Sheikh's calendar, workload, stress, how Sheikh is managing these subjects, and any other issues related to the practice of law or law practice management; (6) the selected and approved attorney mentor must provide Sheikh with guidance on legal subjects, rules and procedure, and ethics, and timely provide monthly reports to the State Bar probation monitor no later than the first (1st) of each month; (7) Sheikh must sign the mentor's monthly reports, which shall address the monthly meetings, concerns, and Sheikh's compliance with the terms of the mentoring relationship; (8) Sheikh must file monthly audits with the Office of Bar Counsel, which address the list of his active cases, their procedural status, and a brief discussion of the next steps Sheikh intends to take with each case; and (9) Sheikh must complete the Transitioning into Practice (TIP) program within one year from the date of this order and submit proof of completion to the Office of Bar Counsel. Sheikh shall also pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30

days from the date of this order. The State Bar shall comply with SCR 121.1.

It is so ORDERED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Siglich

cc: Chair, Southern Nevada Disciplinary Board
Law Offices of Atif Sheikh, PLLC
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court