

bar counsel report

SUPREME COURT OF NEVADA

In re: Charles H. Odgers
Bar No.: 8596
Docket No.: 61441
Filed: June 20, 2014

ORDER APPROVING CONDITIONAL GUILTY PLEA

Attorney suspended for two years, stayed, with conditions such as: prohibition on engaging in the private practice of law; obtain a mentor and provide semi-annual reports to Bar Counsel; comply with all requests from the state bar; refrain from engaging in activity that results in public discipline; pay restitution; and pay costs of disciplinary proceedings. If all conditions have been satisfied after two-year period, a Public Reprimand will be issued.

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve, pursuant to SCR 113, a conditional guilty plea in exchange for a stated form of discipline for attorney Charles H. Odgers. Under the agreement, Odgers admitted to violations of RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.2 (expediting litigation), RPC 5.4 (professional independence of a lawyer), RPC 5.5 (unauthorized practice of law), RPC 7.1 (communications concerning a lawyer's services), RPC 7.2 (advertising), RPC 7.2A (advertising filing requirements), RPC 8.1 (b) (bar admission and disciplinary matters), and RPC 8.4(c) (misconduct).

The agreement provides for a public reprimand and a two-year suspension, with the suspension stayed pending compliance with the conditions that Odgers (1) is prohibited from engaging in the private practice of law during the two-year period, with the exception of his representation in *Liberty Site Control v Quon*; (2) obtain a mentor approved by the state bar, who is responsible for submitting semi-annual reports to bar counsel for the two-year period; (3) promptly comply with all requests for information from the state bar; (4) refrain from engaging in any activity which results in public discipline during the term of his probation; (5) pay restitution totaling \$3,900 to three former clients, as set forth in the agreement; and (6) pay the costs of the disciplinary proceedings in the instant matter.

Based on our review of the record, we conclude that the plea agreement should be approved. See SCR 113(1). Accordingly, Odgers is hereby suspended from the practice of law in Nevada for two years from the date of this order; that suspension is stayed subject to Odgers' compliance with the conditions set forth above. The parties shall comply with the applicable provisions of SCR 115 and SCR 121.1.

It is so ORDERED.

SAITTA, J., dissenting:

I respectfully dissent. I am concerned that the condition prohibiting Odgers from engaging in the private practice of law during his stayed suspension does not sufficiently protect the public and the integrity of the bar. See *In re Discipline of Schaefer*, 117 Nev. 496; 518-19, 25 P.3d 191, 206 (2001). Odgers admitted to violations of RPC 1.3 (diligence), RPC 1.4 (communication), and RPC 3.2 (expediting litigation), among others, as well as to repeatedly failing to communicate with the state bar regarding client grievances. The record demonstrates that Odgers inadequately represented numerous clients; he failed to ever even meet with some of the clients who engaged his services, became unresponsive in the midst of representing others, and failed to prepare and file necessary documents.

The prohibition on Odgers engaging in the *private* practice of law was designed to allow Odgers to act as a deputy public defender

in a rural part of the state. As noted by Bar Counsel in explaining this condition to the panel, there is a sincere need in the rural areas of this state for lawyers who will represent indigent persons in criminal matters. However, such persons need and deserve adequate, focused representation as much as any clients. I recognize that Odgers's stayed suspension is designed to work as an incentive for him to provide zealous representation for the clients he represents through the public defender's office, but it is incongruent to prevent him from engaging in the private practice of law, presumably to protect potential clients who have the ability to choose and the means to pay for an attorney, while allowing him to represent a vulnerable population with the most serious interests at stake. In light of this incongruity, I would reject the conditional guilty plea agreement and remand for further proceedings before the panel.

In re: Travis Chandler
Bar No.: 8778
Docket No.: 62790, 64798
Filed: September 24, 2014

ORDER OF DISBARMENT

Attorney disbarred after failure to pursue a patent application on behalf of his client, resulting in an abandonment, and failure to communicate with the state bar for purposes of its investigation, after receiving prior discipline from the state bar for the same misconduct. Attorney is also to pay restitution to the client.

Docket number 64798 is an automatic review, SCR 105(3)(b), of a Southern Nevada Disciplinary Board hearing panel's findings of fact, conclusions of law and recommendation that attorney Travis Chandler be disbarred. Docket number 62790 is a petition for reciprocal discipline pursuant to SCR 114, based on the Decision on Default and Exclusion of Chandler from practice before the U.S. Patent and Trademark Office. We approve the hearing panel's recommendation, and we disbar Chandler from the practice of law in Nevada.

In April 2012, the state bar filed a formal complaint against Chandler, alleging that in November 2007, Russell Keller hired him to file a patent application to the United States Patent and Trademark Office. Over the next two years, Keller would ask Chandler about the progress of the application; Chandler's response was simply that "patents take time." However, in May of 2011, Keller received correspondence from the Patent and Trademark Office informing him that a Notice of Abandonment of his patent application had been sent to Chandler, and the letter asked if Keller was aware of, or had consented to, the abandonment. Chandler had not told Keller of the abandonment, and Keller never consented to it. After he received the letter from the Patent and Trademark Office, Keller made numerous attempts to contact Chandler. Chandler failed to respond or to take any corrective action. Keller filed his grievance against Chandler in August 2011. Chandler also failed to respond to the state bar's attempts at contact and communication for purposes of its investigation. We have previously disciplined Chandler for the same type of misconduct. *In re Discipline of Chandler*, Docket No. 55625 (Order Imposing Public Reprimand, July 27, 2011); *In re Discipline of Chandler*, Docket No. 58956 (Order of Suspension, December 7, 2012).¹

The hearing panel conducted a formal hearing on October 28, 2013. Chandler, although represented by counsel, declined to file an answer to the complaint or to participate in the hearing.

The panel found that Chandler has had two prior disciplinary sanctions, as noted above, and, further, that in December 2011, he was excluded from practice before the U.S. Patent and Trademark Office for the same and similar misconduct. The panel found that

bar counsel report

the allegations of the state bar's complaint were supported by the evidence and testimony, and concluded that Chandler had committed the following violations of the Rules of Professional Conduct: RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.15 (safekeeping of property), RPC 8.1 (bar admission and disciplinary matters) and RPC 8.4 (misconduct).

The panel also found the following aggravators: prior disciplinary offenses, dishonest or selfish motive, a pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary process, refusal to acknowledge the wrongful nature of the conduct, vulnerability of the victim and substantial experience in the practice of law. The panel found no mitigating factors.

The findings and recommendations of a disciplinary board hearing panel, though persuasive, are not binding on this court. *In re Stuhff*, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992). Our automatic review of a panel recommendation is conducted *de novo*, requiring the exercise of independent judgment by this court. *Id.*; SCR 105(3)(b). The panel's findings must be supported by clear and convincing evidence. SCR 105(2)(e); *In re Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). In determining the proper disciplinary sanction, this court considers four factors: (1) the duty violated, (2) the lawyer's mental state, (3) the potential or actual injury caused by the lawyer's misconduct, and (4) the existence of aggravating or mitigating circumstances. *In re Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008) (citing American Bar Association Standards for Imposing Lawyer Sanctions 3.0, *Compendium of Professional Responsibility Rules and Standards*, 344 (1999)). The primary objective of attorney discipline is not further punishment of the attorney, but rather protection of the public and protection of the public's confidence in the legal profession. *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 129, 756 P.2d 464, 473 (1988).

We conclude that clear and convincing evidence in the record before us demonstrates that Chandler committed the misconduct and violations of the Rules of Professional Conduct as found by the hearing panel, and that protection of the public and the public's confidence in the legal profession is necessary. The panel's recommendation is an appropriate sanction.

Accordingly, attorney Travis Chandler is hereby disbarred from the practice of law in Nevada. Chandler is also ordered to pay restitution to Russell Keller in the amount of \$4,800 and the costs of the disciplinary proceedings within 90 days. The parties shall comply with the applicable provisions of SCR 115 and SCR 121.1.

It is so ORDERED.²

In re: Michael McDonnell
Bar No.: 333
Docket No.: 62114
Filed: September 24, 2014

ORDER IMPOSING RECIPROCAL DISCIPLINE

Reciprocal discipline imposed on an attorney who was suspended in California for one year, stayed, and placed on a three-year probation, subject to conditions, after he issued six checks from his trust account to pay for personal expenses.

This is a petition, under SCR 114, to reciprocally discipline attorney Michael B. McDonnell, based on discipline imposed upon him in California. McDonnell did not file a response to the petition.

McDonnell was disciplined for issuing six checks from his client trust account to pay for personal expenses. McDonnell pleaded *nolo contendere* to the charge of violating California Rule of Professional Conduct 4-100(A) (preserving identity of funds and property of a client).³

In May 2012, the California Supreme Court entered an order confirming the stipulated discipline of a stayed one-year suspension, along with a three-year probation subject to conditions, the most significant of which were passing the Multistate Professional Responsibility Examination (MPRE), successfully completing classes regarding ethics and client trust accounts at the Ethics School and submitting quarterly reports to the California State Bar regarding his compliance with the probation terms. McDonnell did not self-report this discipline to the State Bar of Nevada within 30 days, as required by SCR 114(1).

SCR 114(4) provides that this court shall impose identical reciprocal discipline unless the attorney demonstrates, or this court finds, that one of four exceptions applies. None of the exceptions is present in this case.

Accordingly, we grant the petition for reciprocal discipline.

Attorney Michael B. McDonnell is hereby suspended for one year, with that suspension stayed, and placed on probation for three years.⁴ Within 30 days of the date of this order, McDonnell shall provide the State Bar of Nevada with (1) proof that he has passed the MPRE; (2) proof that he has successfully completed the required Ethics School classes; and (3) copies of all completed quarterly reports submitted to the California state bar. Additionally, McDonnell shall furnish the State Bar of Nevada with copies of all future quarterly reports and any other proof of compliance with his probationary conditions requested by the state bar. McDonnell and the state bar shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

In re: Toni Christiani
Bar No.: 6597
Docket No.: 66116
Filed: September 24, 2014

ORDER GRANTING PETITION

Reciprocal discipline imposed on an attorney who was disbarred in California. Because disbarment is irrevocable in Nevada, attorney received a five-year suspension in Nevada.

This is a petition under SCR 114 for reciprocal discipline of attorney Toni L. Christiani, based on discipline imposed on her in California. Although permitted by the rules, Christiani did not file a response. SCR 114(3).

Christiani was disciplined based on her failure to comply with various requirements of her probation, previously imposed in California, in a prior attorney discipline matter. The California state bar filed a notice of disciplinary charges based on this conduct, but Christiani failed to file a response to the charges, even after contacting the state bar concerning the notice and requesting an extension of time to file a response. Based on her failure to respond, a motion for entry of default was filed, to which she also failed to respond. As a result, the default was entered. Under California rules of procedure, after a default is entered, the attorney has a period of time in which to seek to have the default set aside or vacated, and if they do not, then the California state bar must file a petition to have the attorney disbarred. Christiani did not respond to this petition and she was ultimately disbarred. Christiani did not self-report this discipline to the Nevada state bar as required by SCR 114.

SCR 114 mandates the imposition of identical reciprocal discipline unless one of four exceptions applies. We conclude that one of the four exceptions exists in this matter, specifically, that the misconduct warrants different discipline in this state. SCR 114(4)(c). In particular,

continued on page 38

we conclude that disbarment is not warranted because disbarment in Nevada is not equivalent to the disbarment imposed on Christiani in California, as disbarment in Nevada is irrevocable while in California an attorney may seek reinstatement after five years. See SCR 102(1); California Rules of Procedure of State Bar, Rule 5.442(B).

Accordingly, we grant the petition for reciprocal discipline, but instead impose discipline in Nevada that is equivalent to the disbarment discipline imposed in California. Therefore, Christiani is hereby suspended from the practice of law for five years.⁵ Christiani must petition this court for reinstatement pursuant to SCR 116.

It is so ORDERED.⁶

In re: James Andre Boles
Bar No.: 3368
Docket No.: 63748
Filed: March 21, 2014

ORDER OF SUSPENSION

Two-year suspension imposed on an attorney who failed to comply with discovery requests and orders, inadequate communication with opposing counsel or tribunal, and making misrepresentations to a tribunal.

This is an automatic review, pursuant to SCR 105(3)(b), of a Northern Nevada Disciplinary Board hearing panel's findings that attorney James Andre Boles violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.3 (candor to the tribunal), RPC 8.4(a) (misconduct: violating the Rules of Professional Conduct), RPC 8.4(c) (misconduct: engaging in conduct involving misrepresentation), and RPC 8.4(d) (misconduct: conduct that is prejudicial to the administration of justice), and its recommendation that he be suspended from practicing for one year.⁷

This matter arises from Boles' representation of three former clients and his conduct before a tribunal. With respect to his conduct before a tribunal, Boles and a former client were sanctioned for failure to satisfy discovery requests and orders, inadequate communication with opposing counsel or the tribunal, and making misrepresentations to the tribunal. The sanction order referred Boles' conduct to the state bar.

During Boles' representation of the remaining two clients, he was affected by an alleged medical condition, which caused him to take a self-imposed and indefinite medical leave. Prior to and during this time, these clients made numerous attempts to contact Boles regarding the status of their pending cases. However, Boles failed to adequately communicate with them regarding the status of their cases or his indefinite medical leave, and failed to propel their pending matters forward. The clients submitted grievances to the state bar, resulting in formal complaint against Boles.

Following a disciplinary hearing, the panel found that Boles violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.3 (candor to the tribunal), RPC 8.4(a) (misconduct: violating the Rules of Professional Conduct), RPC 8.4(c) (misconduct: engaging in conduct involving misrepresentation) and RPC 8.4(d) (misconduct: conduct that is prejudicial to the administration of justice). The panel found that clear and convincing evidence had not been provided to support the remaining allegations of violating RPC 1.5 (fees), RPC 3.4 (fairness to opponents) or RPC 8.1 (bar admission and disciplinary matters: knowingly making a false statement of material fact). The panel recommended that Boles be suspended from the practice of law for one year.

The findings and recommendations of a disciplinary board hearing panel are persuasive; however, our automatic review of a panel decision recommending a suspension is conducted de novo,

requiring the exercise of independent judgment by this court. SCR 105(3)(b); *In re Discipline of Stuhff*, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992). Having reviewed the briefs filed in this matter and the record of the disciplinary proceedings, we conclude that clear and convincing evidence supports the findings that Boles violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.3 (candor to the tribunal), RPC 8.4(a) (misconduct: violating the Rules of Professional Conduct), RPC 8.4(c) (misconduct: engaging in conduct involving misrepresentation), and RPC 8.4(d) (misconduct: conduct that is prejudicial to the administration of justice). SCR 105(2)(f). We deviate from the disciplinary panel's findings and determine that Boles also violated RPC 3.4 (fairness to opponents) when he failed to comply with discovery requests and orders before the U.S. District Court, District of Nevada. We also approve the panel's recommendation that Boles be suspended. However, we determine that a suspension of two years is appropriately tailored to the violations here. We therefore reject the recommended suspension term of one year and instead direct that Boles be suspended for two years.

Accordingly, Boles is hereby suspended from the practice of law for two years to run consecutively to the suspension imposed by order of this court in June 2013. See *In re Discipline of Boles*, Docket No. 61170 (Order of Suspension, June 7, 2013). Boles shall pay the costs of the disciplinary proceedings within 30 days of receipt of the Nevada state bar's bill of costs. See SCR 120. Boles and the state bar shall comply with the applicable provisions of SCR 115 and SCR 121.1.

It is so ORDERED.

In re: Peter Rinato
Bar No.: 8636
Docket No.: 64956
Filed: September 24, 2014

ORDER OF SUSPENSION

Six-month suspension, with conditions, and one-year probation, imposed on an attorney who mishandled his trust account and failure to communicate with the state bar.

This is an automatic de novo review, pursuant to SCR 105(3)(b), of a Southern Nevada Disciplinary Board hearing panel's findings of fact, conclusions of law, and recommendation for attorney discipline, arising from attorney Peter M. Rinato's handling of his trust account and communication with the State Bar of Nevada relating to this bar matter. After the hearing, the panel found that Rinato violated RPC 1.15 (safekeeping property), RPC 5.5 (unauthorized practice of law), RPC 8.1(b) (bar admission and disciplinary matters) and RPC 8.4 (misconduct).⁸ Based on these violations, the panel recommended that Rinato: (1) be suspended from the practice of law for six months; (2) be required to take ten additional hours of continuing legal education relating to law office management; (3) after his period of suspension is completed, be placed on probation for a period of one year under the supervision of a mentor who will be responsible for submitting quarterly reports to the state bar; and (4) be ordered to pay the fees and costs of the disciplinary proceedings.

The findings and recommendations of a disciplinary board hearing panel, though persuasive, are not binding on this court. *In re Discipline of Stuhff*, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992). The automatic review of a panel decision recommending discipline is conducted de novo, requiring the exercise of independent judgment by this court. *Id.*; SCR 105(3)(b). The panel's findings must be supported by clear and convincing evidence. SCR 105(2)(f); *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). In determining the proper disciplinary sanction, this court considers four factors: (1) the duty violated; (2) the lawyer's

bar counsel report

mental state; (3) the potential or actual injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating circumstances. *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008) (citing American Bar Association Standards for Imposing Lawyer Sanctions 3.0, *Compendium of Professional Responsibility Rules and Standards*, 344 (1999)).

Having reviewed the record, we conclude that clear and convincing evidence supports the panel's findings as to the rule violations committed by Rinato. We also conclude, based on the evidence presented, that the panel's recommended punishment is appropriate. Accordingly, Rinato is suspended from the practice of law for six months. During that time, Rinato must complete an additional ten hours of continuing legal education relating to law office management. Following the suspension, Rinato will be placed on probation for one year under the supervision of a mentor who will report to the state bar on a quarterly basis. Rinato shall pay the state bar's bill of costs within 90 days of receiving it.

It is so ORDERED.⁹

In re: Robert Weatherford
Bar No.: 7949
Docket No.: 63849
Filed: September 24, 2014

ORDER APPROVING CONDITIONAL GUILTY PLEA IN EXCHANGE FOR STATED FORM OF DISCIPLINE AND ORDER OF REINSTATEMENT

Two-year suspension, retroactive to date of temporary suspension, imposed on an attorney who received three separate DUI convictions. A reinstatement hearing was held immediately thereafter. Attorney was reinstated to practice of law, with conditions, for two years following his reinstatement.

A Southern Nevada Disciplinary Hearing Board hearing panel has recommended that this court approve a conditional guilty plea in exchange for a stated form of discipline under SCR 113 for attorney Robert W. Weatherford. In particular, the plea agreement provides for a two-year suspension effective from November 17, 2011, the date of Weatherford's temporary suspension pursuant to SCR 111. The State Bar of Nevada and Weatherford stipulated that his disciplinary proceeding would be combined with a reinstatement hearing under SCR 116, and the state bar recommended reinstatement upon the conclusion of his two-year suspension. The hearing panel unanimously approved the agreement with some conditions upon reinstatement. We approve the panel's recommendation.

Weatherford was convicted of three separate offenses for driving under the influence, with two of these incidents occurring in 2007 and one taking place in 2009. On November 17, 2011, this court temporarily suspended him from the practice of law pursuant to SCR 111, which governs the suspension of attorneys convicted of crimes. Thereafter, in June 2013, Weatherford and the state bar entered into a written conditional guilty plea agreement in accordance with SCR 113. Under its terms, Weatherford agreed to plead guilty to a violation of RPC 8.4(b) (providing that it is misconduct for an attorney to "[c]ommit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects"). The agreement provided for a two-year suspension, running from November 17, 2011, the effective date of Weatherford's SCR 111 temporary suspension.

With regard to Weatherford's reinstatement, the panel recommended that he be reinstated, subject to a number of conditions. First, the panel recommended that he be required to enroll

in a mentoring program approved by the Office of Bar Counsel for two years and that his mentor submit quarterly reports to the state bar regarding Weatherford's handling of cases and clients and whether he is maintaining his sobriety. Second, the panel recommended that he be required to attend Alcoholics Anonymous meetings at least once a week and that he submit proof of his attendance on a quarterly basis to the Office of Bar Counsel. Third, the panel recommended that he submit, at his expense, to four random urinalyses tests every year, preferably one test per quarter, to be coordinated by the Office of Bar Counsel. Fourth, it was recommended that Weatherford be required to seek treatment from a licensed mental health professional, if requested to do so by the Office of Bar Counsel, and that the treating professional provide regular reports, as needed, to the Office of Bar Counsel. Fifth, the panel recommended that, if Weatherford obtains a vehicle during the first two years of his reinstatement, he be required to install a breath interlock device. Sixth, and finally, the panel recommended that Weatherford be required to pay the actual costs of the hearing, minus staff salaries, within 30 days of receiving a billing statement for these costs from the state bar. Weatherford did not object to these conditions and had previously stated, at the hearing regarding his discipline and reinstatement, that he would not oppose any conditions that were put on his reinstatement.

Having reviewed the record before us, we conclude that the conditional guilty plea and stated form of discipline should be approved in its entirety. We also determine that Weatherford should be reinstated subject to the conditions recommended by the hearing panel, with these conditions to remain in effect for the first two years of his reinstatement. Accordingly, Weatherford is suspended for two years, effective November 17, 2011, and ending November 17, 2013. He is further hereby reinstated to the practice of law under the conditions detailed above.

It is so ORDERED.

In re: Walter P. Tambolini
Bar No.: 9206
Docket No.: 65226
Filed: September 24, 2014

ORDER OF SUSPENSION

Two-year suspension imposed on an attorney for engaging in the practice of law while suspended for failure to maintain his Continuing Legal Education requirements and failure to diligently pursue a personal injury matter on behalf of his client.

This is an automatic review, pursuant to SCR 105(3)(b), of a Southern Nevada Disciplinary Board hearing panel's findings that attorney Walter Tambolini violated multiple Rules of Professional Conduct and its recommendation that he be suspended from the practice of law in Nevada for six months and one day.

The state bar filed a complaint based on two grievances lodged against Tambolini. In the first, Tambolini engaged in the practice of law while he was suspended for failure to meet his Continuing Legal Education (CLE) requirements and, despite his suspended status, Tambolini filed an affidavit in a Nevada court swearing that he was a duly licensed attorney in Nevada. In the second, Tambolini failed to competently and diligently pursue a personal injury matter filed on behalf of his clients. Additionally, Tambolini failed to communicate with his clients regarding the status of their personal injury matter. Tambolini failed to respond to the state bar's inquiries regarding these grievances and failed to appear at the disciplinary hearing, despite receiving proper notice. As such, the hearing panel deemed the

continued on page 40

allegations in the complaint admitted, and the hearing proceeded on a default basis. See SCR 105(2).

The hearing panel found, by clear and convincing evidence, that Tambolini violated RPC 1.1 (competence), RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.15 (safekeeping property), RPC 5.5 (unauthorized practice of law), RPC 8.1 (bar admission and disciplinary matters) (two violations) and RPC 8.4 (misconduct) (two violations). The panel recommended that Tambolini be suspended for six months and one day and that he pay the costs of the disciplinary proceedings.

This court's automatic review of a disciplinary panel's findings and recommendations is de novo. SCR 105(3)(b); *In re Stuhff*, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992). "Although the recommendations of the disciplinary panel are persuasive, this court is not bound by the panel's findings and recommendation, and must examine the record anew and exercise independent judgment." *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001). Having reviewed the record, we conclude that clear and convincing evidence supports the panel's findings that Tambolini committed the violations alleged. See SCR 105(2)(f). Although we approve the panel's recommendation that Tambolini be suspended, we determine that a two-year suspension is more appropriately tailored to Tambolini's misconduct.

Accordingly, attorney Walter Tambolini is hereby suspended from the practice of law in Nevada for two years.¹⁰ Tambolini shall pay the costs of the disciplinary proceeding, excluding Bar Counsel and staff salaries, within 30 days of receipt of a bill of costs from the state bar. See SCR 120. Upon any attempted reinstatement, Tambolini shall comply with SCR 116. See SCR 116(1). Additionally, Tambolini shall comply with SCR 115 and the State Bar shall comply with SCR 121.1. It is so ORDERED.

THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF LYON

State Bar of Nevada v. Lezlie M. Lucas, a/k/a Northern Nevada Paralegal Service

Case No.: 14-CV-00502

Filed: September 17, 2014

CONSENT DECREE

A Consent Decree entered regarding a non-lawyer who has engaged in the unauthorized practice of law. The non-lawyer agreed to stop providing services or advertising for services that constitute the practice of law.

WHEREAS this cause has come before the court pursuant to the Settlement Agreement of Plaintiff State Bar of Nevada and Defendants LEZLIE M. LUCAS (in pro per), individually and on behalf of Defendant NORTHERN NEVADA PARALEGAL SERVICE (hereinafter "Defendants") have agreed to the entry of this Consent Decree;

1. This court has jurisdiction over the parties hereto and the subject matter hereof;
2. Defendants desire to resolve this matter without the burden and expense of additional litigation;

3. Defendant Lucas and any agent, employee, independent contractor or representative who acts on behalf of or under the direction of Defendant doing business as Northern Nevada Paralegal Service shall immediately stop advertising in Nevada for the services enjoined by this Consent Decree. The term advertising shall include Internet, television, radio and print mediums in, or accessible from, the state of Nevada. Defendant Lucas and any agent, employee, independent contractor or representative who acts on behalf of, or under the direction of, Defendant doing business as Northern Nevada Paralegal Service shall also immediately stop advertising for any of the enjoined services under any other name or business in Nevada, over which they have control, which provides law-related services other than straight notary, secretarial or translation service, and shall not operate any other business or service in the future which constitutes the unauthorized practice of law.
4. Defendant Lucas and any agent, employee, independent contractor or representative who acts on behalf of or under the direction of Defendant doing business as Northern Nevada Paralegal Service, shall immediately cease, and shall no longer in the future engage in, the following activities in the state of Nevada:
 - (a) Advertising, collecting fees for, or providing advice/ services that Defendants are not authorized to provide under Nevada law. Such services include, but are not limited to, any advice whereby Defendant Lucas and any agent, employee, independent contractor or representative who acts on behalf of or under the direction of Defendant doing business as Northern Nevada Paralegal Service provide independent judgment to a third party upon which that party relies in making a decision regarding his or her rights, duties or remedies under law, including but not limited to:
 - (1) Any contested legal issue, including contested divorces;
 - (2) Any divorces, contested or uncontested, which involve minor children;
 - (3) Bankruptcy petition preparation, unless done in accordance with applicable state and federal laws;
 - (4) Immigration matters, with the exception that Defendant Lucas and any agent, employee, independent contractor or representative who acts on behalf of or under the direction of Defendant doing business as Northern Nevada Paralegal Service may provide straight translation services of documents brought to them by another provided no additional advice or interpretation of substantive content is proffered by Defendants in performing this service; and
 - (5) Representing others in personal injury matters, including drafting demand letters and settlement documents, whether under the Defendants' signatures or drafted under the signature of the party-in-interest;
 - (b) Advertising under any name which may mislead the public to believe that Defendant Lucas and any agent, employee, independent contractor or representative who acts on behalf of or under the direction of Defendant doing business as Northern Nevada Paralegal Service may perform legal services;

- (c) Interviewing prospective customers to elicit facts regarding their legal issues and reviewing those facts to advise the customers of the purported appropriate legal filing or remedy;
- (d) Selecting legal forms for customers;
- (e) Informing customers how to document representations asserted in legal forms;
- (f) Providing opinions and/or guarantees about a customer's potential legal outcome;
- (g) Preparing legal forms for customers, other than straight typing or translation services pertaining to pre-printed forms for simple and uncontested matters which the customer selects without input from the Defendants, provided the pre-printed forms are reviewed by an attorney and deemed legally sufficient for the purpose intended. Translation services may provide a plain meaning translation from one language to another only, without added explanation of the content and applicability to a customer's legal concern; and
- (h) Engaging in any other activity which constitutes the unauthorized practice of law.

Defendants also stipulate and agree to:

- (a) Clearly identify their status as non-attorneys in all business communications, both written and verbal, with customers and other interested parties; and
- (b) Comply with NRS 240A, *Document Preparation Services*.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. The Court finds that the Defendants' conduct as set forth in the Complaint constitutes the unauthorized practice of law.
2. Defendant Lucas and any agent, employee, independent contractor or representative who acts on behalf of or under the direction of Defendant doing business as Northern Nevada Paralegal Service, are permanently enjoined from engaging in the unauthorized practice of law in the state of Nevada, which activities include, but are not limited to, the activities identified herein on pages 3-4 under paragraph 4.
3. Defendant Lucas and any agent, employee, independent contractor or representative who acts on behalf of or under the direction of Defendant doing business as Northern Nevada Paralegal Service shall immediately cease advertising for the enjoined services as identified herein.
4. Defendant Lucas and any agent, employee, independent contractor or representative who acts on behalf of or under the direction of Defendant doing business as Northern Nevada Paralegal Service shall clearly identify their status as non-attorneys in all business communications, both written and verbal, with customers and other interested parties, and comply with NRS 240A, *Document Preparation Services*.
5. The terms of the settlement agreement executed between the parties are incorporated fully herein by reference and shall be enforced as set forth herein.
6. Defendant Lucas and any agent, employee, independent contractor or representative who acts on behalf of or under the direction of Defendant doing business as Northern Nevada Paralegal Service shall **not** be assessed any court costs or attorney's fees incurred by the Plaintiff in regard to this litigation.
7. This Consent Decree constitutes a final judgment with respect to the injunctive relief sought in Plaintiffs Complaint.

8. Plaintiff State Bar of Nevada reserves the right to pursue any available remedy to enforce this Consent Decree or seek sanctions for violations thereof.
It is so ORDERED.

RESIGNATIONS (VOLUNTARY, NO DISCIPLINE PENDING)

S.C.R. 98(5)(a) states:

Any member of the state bar who is not actively engaged in the practice of law in this state, upon written application on a form approved by the state bar, may resign from membership in the state bar if the member: (1) has no discipline, fee dispute arbitration or clients' security fund matters pending; and (2) is current on all membership fee payments and other financial commitments relating to the member's practice of law in Nevada. Such resignation shall become effective when filed with the state bar, accepted by the Board of Governors, and approved by the Supreme Court.

The following members resigned pursuant to this Rule:

Bruce T. McCarty	Bar No. 5418	Order 65213	Filed 6/20/14
Gary Barr	Bar No. 0726	Order 65953	Filed 7/31/14
Peter Beckwith	Bar No. 2027	Order 65943	Filed 7/31/14
Charles Burnett	Bar No. 1093	Order 65951	Filed 7/31/14
Margaret Evans	Bar No. 1020	Order 65956	Filed 7/31/14
Michael Goldman	Bar No. 2052	Order 65955	Filed 7/31/14
Karen Sue Green	Bar No. 3691	Order 65954	Filed 7/31/14
Erica Hollander	Bar No. 1524	Order 65944	Filed 7/31/14
Cheryl Johnson	Bar No. 6359	Order 65952	Filed 7/31/14
Joseph Long	Bar No. 4676	Order 65947	Filed 7/31/14
Marc Marmaro	Bar No. 6406	Order 65948	Filed 7/31/14
Roland Martin	Bar No. 0325	Order 65946	Filed 7/31/14
Jeannie Park	Bar No. 6082	Order 65942	Filed 7/31/14
Donald Saxon	Bar No. 2020	Order 65941	Filed 7/31/14
Steven Wang	Bar No. 7549	Order 7549	Filed 7/31/14

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1. The December 7, 2012, order notes that Chandler was fee suspended at the time for failure to pay his bar dues, and that the one-year suspension would not begin until he resolved his bar dues suspension. It appears that Chandler has yet to resolve his fee suspension and remains suspended under SCR 98(12), and his one-year suspension imposed in Docket No. 58956 has not commenced.
 2. Based on our decision in this matter, the matter pending against Chandler in Docket No. 62790 is closed.
 3. Nevada's counterpart is RPC 1.15 (safekeeping property).

continued on page 42

4. We note that McDonnell is currently suspended in Nevada for failure to pay bar dues. See SCR 98(12). The suspension in the instant matter is separate from and in addition to McDonnell's existing bar dues suspension. The suspension and probation in the instant matter shall not begin until McDonnell has resolved his bar dues suspension.
5. We note that Christiani is currently suspended in Nevada for failure to pay her bar dues and that we previously imposed a two-year suspension based on reciprocal discipline with a condition that the suspension would not commence until Christiani resolved her bar dues suspension. The five-year suspension we now impose will not commence until after Christiani's two-year suspension is completed.
6. This order constitutes our final disposition of this matter. Any additional proceedings concerning Christiani shall be filed under a new docket number.
7. Boles is currently serving a one-year suspension imposed by this court in June 2013 for violations of RPC 1.4 (communication) and RPC 1.3 (diligence) in a separate matter. *In re Discipline of Boles*, Docket No. 61170 (Order of Suspension, June 7, 2013).
8. In determining the extent of Rinato's discipline, the panel found by clear and convincing evidence that the aggravating factors included a pattern of misconduct and multiple offenses. SRC 102.5(1). In mitigation, the panel found that Rinato had no prior disciplinary record, that he experienced personal or emotional problems at the time and that he showed remorse. SCR 102.5(2).
9. We note that Rinato is currently suspended for failure to pay his state bar membership dues. The suspension imposed in this order is separate from and in addition to Rinato's dues suspension; the suspension imposed here shall not begin until Rinato has resolved his dues suspension. See SCR 98(13).
10. Tambolini is currently suspended for failure to meet his CLE requirements. See *In re Application of the Bd. of Continuing Legal Educ.*, Docket No. 61517 (Order Dismissing Petition as to Certain Respondent Attorneys and Granting Petition as to Certain Respondent Attorneys, December 28, 2012). Accordingly, the suspension imposed in the instant matter will not commence until after Tambolini resolves his CLE suspension. See SCR 213 ■

DISCIPLINE KEY

Resignation with charges pending: SCR 98(5)(b)
Types of possible discipline listed generally: SCR 102
Attorneys convicted of crimes: SCR 111
Conditional guilty plea agreements (discipline by consent): SCR 113
Reciprocal discipline: SCR 114
Disbarred/Suspended attorneys: SCR 115
Reinstatement: SCR 116
Disability Inactive: SCR 117

Supreme Court Rules (SCRs):
www.leg.state.nv.us/CourtRules/SCR.html

DISBARMENT – License to practice revoked.

SUSPENSION – License suspended for a time certain, ineligible to practice. More than six months requires petition for reinstatement and court order.

DISABILITY INACTIVE – Ineligible to practice until further order of the court. In the interim, disciplinary proceedings held in abeyance.

INTERIM TEMPORARY SUSPENSION – Interim suspension based on showing of a substantial threat of serious harm to the public, in effect until further court order, usually after hearing.

RESIGNATION WITH CHARGES PENDING – Ineligible to practice. Requires Bar Counsel approval. Resignation is irrevocable, with readmission only possible upon application as a new admittee.

PUBLIC REPRIMAND – Misconduct found and public censure issued, including attorney's name and the underlying facts and charges. Published in *Nevada Lawyer* and made available to the press. Remains eligible to practice law.

LETTER OF REPRIMAND – Lowest level of discipline. Not published, but disclosed upon request under the new rules. Decembaralso include up to a \$1,000 fine and restitution. Remains eligible to practice.

ADMINISTRATIVE SUSPENSION – Attorneys may be administratively suspended for failure to pay bar fees (SCR 98(12)), and/or for failure to complete and report the required Continuing Legal Education hours (SCR 212). While these **are not disciplinary suspensions**, the attorney is **ineligible to practice law** until the deficiency is remedied and the procedures to transfer back to active status completed as set forth in the applicable rules.