

Bar Counsel Report

In Re: AARON BUSHUR
Bar No.: 10862
Case No.: SBN23-00898
Filed: 05/31/2024

REPRIMAND

To Aaron Bushur:

In November 2022 a Client retained you to oppose a Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt (the “Motion”) regarding custody of her minor child. You filed an opposition to the Motion and appeared at a hearing on the Motion on February 21, 2023.

According to the court’s published notes of the hearing, the Court ordered (i) the parties to continue with joint physical custody (week on/off basis) and (ii) the Client was to report the issue to her mental health provider and continue taking her medication. The Court ordered you to prepare the written order consistent with the oral decision. Over a year later, you still had not submitted the written order to the Court.

You contend that the failure to submit the written order to the Court is due to the Client’s failure to approve a proposed order. However, on July 26, 2023, the Client, unhappy with your failure to submit the written order, terminated the representation.

You did not withdraw from the representation prior to when the disciplinary matter was initiated, despite (i) your position that the Client was causing you to engage in misconduct and (ii) the Client’s termination of the representation. The Court did *sua sponte* issue an Order. As part of the resolution of this disciplinary matter, you did file a Notice of Withdrawal from the Client’s matter.

Violations of the Rules of Professional Conduct

You had a duty, pursuant to RPC 3.4(c) (Fairness to Opposing Party and Counsel) to comply with the Court’s directive to submit a written order following the February 21, 2023, hearing, absent an assertion that no valid obligation existed. In addition, RPC 8.4(d) (Misconduct) prohibits engaging in conduct that is prejudicial to the administration of justice.

In this instance, you knowingly violated RPC 3.4(c) and RPC 8.4(d) by failing to submit the written order for over a year. As an officer of the court, you have obligations to the tribunal, in addition to your obligations to a client. Further, your failure to provide a proposed order to the court left your client feeling in limbo in her custody matter. There were multiple other ways that you could have advanced your client’s matter and complied with your ethical responsibility to the court, such as filing a motion to withdraw or submitting a proposed order with an explanation. Your client and the efficiency of the judiciary were injured by your choice to avoid the matter for over a year.

Applicable ABA Standard for Imposing Lawyer Sanctions

Standard 6.22 of the ABA Standards for Imposing Lawyer Sanctions states “suspension is generally 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 a party or causes interference or potential interference with a legal proceeding.” ABA Standard 4.42 states “suspension is generally appropriate when a lawyer knowingly fails to

perform services for a client and causes injury or potential injury to a client.”

These are the appropriate Standards to apply in this instance because you knew of your obligation to the court and that a failure to submit the order violated it. Further, you knew that a failure to submit the order resulted in your client feeling in limbo regarding the custody of her child.

Aggravating and Mitigating Factors

Although you have substantial experience in the practice of law (SCR 102.5(3)(i)), it is mitigating that you (i) have no prior discipline (SCR 102.5(4)(a)), (ii) had no dishonest or selfish motive (SCR 102.5(4)(b)), (iii) cooperated with disciplinary authority (SCR 102.5(3)(e)) in this matter including submitting a Conditional Guilty Plea, and (iv) you ultimately attempted to remedy the consequences of your violation (SCR 102.5(3)).

The balance of these aggravating and mitigating factors warrant a downward deviation from the baseline sanction of suspension to issuance of a reprimand.

REPRIMAND

In light of the foregoing, you violated Rule of Professional Conduct (“RPC”) 3.4(c) (Fairness to Opposing Party and Counsel) and RPC 8.4(d) (Misconduct-prejudicial to the administration of justice) and are hereby REPRIMANDED and ordered to pay \$1,500 plus the hard costs of the disciplinary proceedings within 60 days of the filing of the Hearing Panel’s Order.

In Re: SUSANA SANTANA
Bar No.: 13753
Case No.: SBN23-00007
Filed: 04/03/2024

LETTER OF REPRIMAND

To Susana Santana:

A Formal Hearing Panel of the Southern Nevada Disciplinary Board convened on April 3, 2024, to consider the above-referenced grievance against you. The Panel concluded that you violated Nevada Rule of Professional Conduct (“NRPC”) 8.4(b) (Misconduct) and reprimanded you for your role in mishandling of a package belonging to your adjoining neighbor, under your general professional duty owed to the public. This letter constitutes delivery of the Hearing Panel’s reprimand.

In August 2021, FedEx misdelivered a package with \$291.48 worth of supplements to your residence occupied by you and your husband, despite the package being properly labeled for your adjoining neighbor’s residence. After your efforts to return the package to your neighbors were rejected, you ultimately shipped the package back to the sender. In the meantime, your neighbors filed a report with the local police. Your neighbors were reimbursed for the package cost. However, your role in the mishandling of their package resulted in your neighbor’s filing a report with local law enforcement and with the State Bar of Nevada (“State Bar”). On September 29, 2022, the Henderson Municipal Court considered evidence against you at a bench trial and found you guilty of misdemeanor Theft (value less than \$1,200), a violation of

Nevada Revised Statutes (“NRS”) 205.0832, NRS 202.0833, NRS 205.0835.2A, and Henderson City Code (“HCC”) section 2.140. You timely satisfied all fines, fees and conditions associated with your conviction.

On October 21, 2022, you timely self-reported your conviction to the State Bar as required by Supreme Court Rule (“SCR”) 111. Thereafter, your neighbors also made a report to the Nevada State Bar. Prior to and following your self-report, your post-conviction challenges were declined by the Henderson Municipal Court and the Eighth Judicial District Court. On August 3, 2023, the State Bar filed a criminal conviction notice petition with the Nevada Supreme Court; SCR 111(6) defined your misdemeanor criminal act as a “serious crime.” On October 13, 2022, the Nevada Supreme Court stayed an otherwise rule-mandatory temporary suspension of your license to practice law. Nonetheless, our court directed the matter be directed to the Southern Nevada Disciplinary Board for further proceedings.

On November 22, 2023, based upon your misdemeanor theft conviction, the State Bar filed a single charge of NRPC 8.4(b) citing: “It is professional misconduct for a lawyer to ... (b) Commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects; ...” Here, your conduct caused injury or potential injury and violated a professional duty owed to the public despite the lack of any attorney-client relationship with the Washingtons.

The baseline sanction for your conduct here is practice suspension. ABA Standards for Imposing Lawyer Sanctions (2nd Ed. 2019), Section 5.12 (Duties Owed to the Public) states: “Suspension 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.”

A downward deviation from the suspension baseline is warranted. You had no discipline history since being barred in Nevada in 2015 nor any subsequent grievances. You made a timely good faith effort to make restitution, provided timely and full disclosure to the State Bar and demonstrated remorse for your involvement. You also voluntarily sold her [sic] home and moved out of the neighborhood to avoid any further issues.

Based on the foregoing, you are hereby REPRIMANDED for a violation of NRPC 8.4(b). Please promptly conclude this matter by remitting the sanction cost of \$1,500 within 30 days of the issuance of this letter and thereafter timely remit the costs of the Formal Hearing proceeding upon proof of costs by the State Bar. SCR 120.

Please allow this Reprimand to serve as a thoughtful reminder of your professional ethical obligations. We wish you well in your practice and trust that no similar problems will arise in the future.

Case No.: SBN23-00916
Filed: 03/07/2024

ADMONITION

To [Attorney]:

A Screening Panel of the Southern Nevada Disciplinary Board reviewed the above-referenced grievance and voted to

issue you an ADMONITION for violating 1.3 (Diligence) and 5.3(b) (Responsibilities Regarding Nonlawyer Assistants) of the Nevada Rules of Professional Conduct (“RPC”).

UNDERLYING FACTS

Around or about March 2023, a client retained you for an immigration matter. An immigration officer ordered your client to appear in a foreign state, but you stated to your client that you would file a Motion for Change of Venue since the client now lived in Nevada and you could both attend the hearing here. Filing the Motion for Change of Venue was then included in your retainer with the client.

After representation began, your paralegal failed to file the Motion for Change of Venue. Since the immigration court did not receive this motion, it concluded that your client failed to appear for the hearing and removal proceedings began. You then filed a Motion to Reopen Proceedings in Absentia (“Motion to Reopen”) and attached an affidavit from your paralegal where she acknowledged failing to file the motion. When denying your Motion to Reopen, the immigration court noted that the actions or inactions of your paralegal were attributed to the entire firm, including counsel of record, since the paralegal was an employee of the firm.

VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

The Screening Panel concludes that you violated the following rules:

RPC 1.3 (Diligence) states that “[a] lawyer shall act with reasonable diligence and promptness in representing a client.”

Your client retained you to file a Motion for Change of Venue. You failed to file this motion and upon your client’s failure to appear for immigration court in a foreign state, removal proceedings began in your client’s absence. You failed to act with reasonable diligence and promptness while representing your client.

RPC 5.3(b) (Responsibilities Regarding Nonlawyer Assistants) states that “[w]ith respect to a nonlawyer employed or retained by or associated with a lawyer ... [a] lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyer.

You did not make reasonable efforts to ensure that your paralegal acted with reasonable diligence and promptness by drafting and filing the Motion for Change of Venue. By your own admissions to the immigration court, you acknowledged your paralegal’s mistake, but her actions or inactions are ultimately attributed to you.

APPLICATION OF ABA STANDARDS

Pursuant to Annotated Standards for Imposing Lawyer Sanctions (2019 ed.) (hereinafter “ABA Standard”) 3.0, when imposing a sanction after a finding of lawyer misconduct, the Screening Panel should consider the following factors: (1) the duty violated; (2) the lawyer’s mental state; (3) the actual or potential injury caused by the lawyer’s misconduct; and (4) the existence of aggravating or mitigating circumstances.

ABA Standard 4.43 states that REPRIMAND is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client and causes injury or potential injury to a client.

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ABA Standard 7.3 states that REPRIMAND is generally appropriate when a lawyer negligently 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.

Rule 102.5(1) of the Nevada Supreme Court Rules defines aggravating circumstances as any considerations or factors that may justify an increase in the degree of discipline to be imposed. SCR 102.5(2) defines mitigating circumstances as any considerations or factors that may justify a reduction in the degree of discipline to be imposed

CONCLUSION

The Screening Panel concludes that the following mitigating circumstances justify a reduction in the degree of discipline to be imposed: (1) Absence of a prior disciplinary record, (2) full and free disclosure to disciplinary authority or cooperative attitude toward proceeding, and (3) inexperience in the practice of law.

Based on the foregoing, you are hereby **ADMONISHED** for violating RPC 1.3 (Diligence) and RPC 5.3(b) (Responsibilities Regarding Nonlawyer Assistants). You are hereby ordered to complete the State Bar of Nevada's Handle | BAR program, specifically the "Start Your Practice," "Manage Your Practice," and "Protect Your Practice" sections. You shall review the Guides & Checklists, Forms, and Articles for each section and then file an affidavit with the State Bar of Nevada certifying your review of these online materials within twelve (12) months of this Admonition. Due to your inexperience in the practice of law and misconduct here, this condition is intended to protect the public and increase the integrity of the legal profession. SCR 102(2). Please conclude this matter by also remitting the cost of \$750 within thirty (30) days of the issuance of this Admonition. SCR 120(3).

Please allow this Admonition to serve as a thoughtful reminder of your professional and ethical obligations. We wish you well in your practice of law and trust that no similar problems arise in your future.

Case No.: SBN23-00888
Filed: 03/15/2024

ADMONITION

To [Attorney]:

A Screening Panel of the Southern Nevada Disciplinary Board reviewed the above-referenced grievance and voted to issue you an **ADMONITION** for violating 1.3 (Diligence), 1.15(d) (Safekeeping Property), and 1.15(e) (Safekeeping Property) of the Nevada Rules of Professional Conduct ("RPC").

UNDERLYING FACTS

You represented a client with a personal injury matter that occurred on May 7, 2017. On June 3, 2017, your client executed a valid lien with a medical professional (the "third-party"). The third-party faxed the lien to your office and sought updates from you. You settled with one defendant October 2022 and a second defendant December 2022.

On November 30, 2022, your client instructed you to pay all medical bills with a lien and that she would pay "all other medical bills." On December 21, 2022, you requested your client's balance from the third-party, a copy of the lien, and asked the third-party to accept a lien reduction. On January 27, 2023, your client then signed a settlement breakdown that instructed you not to pay three medical providers or professionals, including the third-party. Notably, the breakdown states "(Negotiated but no lien)" next to one of these parties. The same note regarding the absence of a lien is not present next to the other two providers or professionals, including the third-party.

The third-party attempted to contact you from April to June 2023 about the unpaid lien. On July 26, 2023, your nonlawyer assistant stated to the third-party that you had received the third-party's phone calls, email, and the lien. However, your nonlawyer assistant stated to the third-party that your client had instructed you not to pay "this account" and that the third-party should contact your client directly.

On August 8, 2023, the third-party sent a demand to you regarding your failure to pay the lien and provided you until August 22, 2023, to respond. You did not respond, and the third-party filed a grievance with the State Bar. After receiving the State Bar's letter of inquiry, you quickly paid the third-party the full lien. In your response to the State Bar, you claim to have paid the third-party's lien from an "additional discount" you received after negotiating with another lienholder. You further acknowledged receipt of the third party's demand but failed to respond to it because you were conducting "full-day evidentiary hearings." You also claimed that you never refused to pay the third-party, only that the third-party needed to contact your client directly for payment.

VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

The Screening Panel concludes that you violated the following rules:

RPC 1.3 (Diligence) states that "[a] lawyer shall act with reasonable diligence and promptness in representing a client."

You failed to act with reasonable diligence and promptness in representing a client after your client instructed you to pay all medical bills with a signed lien. You thereafter requested a copy of the lien from the third-party; asked the third-party to accept a lien reduction; executed a settlement breakdown that did not pay the third-party; and then failed to respond to the third-party for seven months about the status of the unpaid lien.

RPC 1.15(d) (Safekeeping Property) states that "[u]pon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property."

You failed to promptly deliver funds that the third-party was entitled to receive after you received a copy of the third-party's lien and your client instructed you to pay all medical bills with a signed lien. You thereafter fully settled your client's matter and executed a settlement breakdown with your client that did not pay the third-party. You then failed to respond to the third-party for seven months about the status of the unpaid lien. The third-

party then sent you a demand regarding your failure to pay the lien, which you did not acknowledge and only paid the third-party after the State Bar began its investigation.

RPC 1.15(e) (Safekeeping Property) states that “[w]hen in the course of representation a lawyer is in possession of funds or other property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the funds or other property as to which the interests are not in dispute.”

You failed to keep funds separate so that your client and the third-party claimed an interest until any dispute was resolved. Despite receiving a copy of the third-party’s lien and your client instructing you to pay all medical bills with a signed lien, you executed a settlement breakdown with your client to not pay several medical providers and professionals, including the third-party. You then issued your client a settlement check and failed to respond to the third-party about the status of the unpaid lien. Your nonlawyer assistant then stated to the third-party that your client had instructed you not to pay “this account.”

APPLICATION OF ABA STANDARDS

Pursuant to Annotated Standards for Imposing Lawyer Sanctions (2019 ed.) (hereinafter “ABA Standard”) 3.0, when imposing a sanction after a finding of lawyer misconduct, the Screening Panel should consider the following factors: (1) the duty violated; (2) the lawyer’s mental state; (3) the actual or potential injury caused by the lawyer’s misconduct; and (4) the existence of aggravating or mitigating circumstances.

ABA Standard 4.14 states that ADMONITION is generally appropriate when a lawyer is negligent in dealing with client property and causes little or no actual or potential injury to a client.

ABA Standard 4-44 states that ADMONITION is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client and causes little or no actual or potential injury to a client.

CONCLUSION

Based on the foregoing, you are hereby ADMONISHED for violating RPC 1.3 (Diligence), RPC 1.15(d) (Safekeeping Property), and RPC 1.15(e) (Safekeeping Property). Please promptly conclude this matter by remitting the cost of \$750 within thirty (30) days of the issuance of this Admonition. SCR 120(3).

Please allow this Admonition to serve as a thoughtful reminder of your professional and ethical obligations. We wish you well in your practice of law and trust that no similar problems arise in your future.

Case No.: SBN22-00562
Filed: 03/21/2024

ADMONITION

To [Attorney]:

You represented Mohajer MD in 2022 before the Nevada Supreme Court. You actually filed two appeals regarding the same client’s civil case in the Eighth Judicial Court.

Despite multiple notices from the Supreme Court directing you to file a docketing statement in one of the appeals, you failed to do so.

Standard 4.44 of the ABA Standards for Imposing Lawyer Sanctions states that an Admonition is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client and causes little or no actual injury or potential injury to a client.

Accordingly, you are hereby Admonished for violating Rule of Professional Conduct RPC 3.4(c) (Fairness to Opposing Party and Counsel). Finally, in accordance with Nevada Supreme Court Rule 120 (Costs) you are assessed costs in the amount of \$750.

Case No.: SBN23-00915
Filed: 04/12/2024

ADMONITION

To [Attorney]:

A Screening Panel of the Southern Nevada Disciplinary Board reviewed the above-referenced grievance and voted to issue you an ADMONITION for violating 1.1, 1.3, 1.16(c), 3.2(a), and 8.4(d) of the Nevada Rules of Professional Conduct (“RPC”).

UNDERLYING FACTS

You represented a criminal law client in district court. A jury convicted the client at trial and the court sentenced the client to prison. Your retainer with the client did not include appellate services but you filed a timely Notice of Appeal with the district court as required by 3C(b)(2) the Nevada Rules of Appellate Procedure (“NRAP”). Your Notice of Appeal with the district court did not fully comply with NRAP 3(f)(1). NRAP 3C(b)(2) also required you file a rough draft transcript request form and fast track statement.

The Nevada Supreme Court issued you two notices to file a rough draft transcript request and case appeal statement. You instead filed a motion to appoint counsel in district court. The Court then ordered you to file the requisite documents or face sanctions. You again filed a motion to appoint counsel in district court. The Court then issued an order conditionally imposing sanctions and ordered you again to file the requisite documents. The Court cautioned that failure to comply with this order may result in a referral to the State Bar of Nevada (“State Bar”). You did not comply with the Court’s order, and the Court removed you as attorney of record. You then filed a motion for reconsideration, but the Court denied your motion and referred this matter to the State Bar.

You did not dispute these facts during the State Bar’s investigation. You instead blamed the district court for not ruling on your motions to appoint counsel. However, you did not follow local rules regarding submitting the motions for decision. SCR 46 permitted you to withdraw as attorney of record at any time after final judgment but pursuant to NRAP 3C(3), but the court would only consider your motion to withdraw after you filed the notice of appeal, rough draft transcript request, and fast track statement. You sought to

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have counsel appointed instead but either way, you did not file the requisite documents pursuant to NRAP 3C(3) and disregarded multiple Court orders.

VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

The Screening Panel concludes that you violated the following rules:

RPC 1.1 (Competence) states that “[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.”

You did not demonstrate the legal knowledge, skill, thoroughness, and preparation reasonably necessary to file an appeal and then withdraw from representation by failing to adhere to SCR, NRAP, and local rules.

RPC 1.3 (Diligence) states that “[a] lawyer shall act with reasonable diligence and promptness in representing a client.”

You did not act with reasonable diligence and promptness while representing a client by failing to adhere to applicable appellate rule and not filing a rough draft transcript request form and fast track statement. Had you complied with the applicable appellate rule, you were permitted to withdraw from representation. You instead filed motions to appoint counsel in district court but then failed to notify the filing office for decision.

RPC 1.16(c) (Declining or Terminating Representation) states that “[a] lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.”

You failed to comply with all applicable law regarding terminating representation by not complying with SCR and NRAP. You instead filed two motions in district court to appoint counsel and then failed to notify the filing office for decision, which also did not comply with appellate rule. Your repeated failure to file a rough draft transcript request and fast track statement did not comply with applicable law to withdraw from this case.

RPC 3.2(a) (Expediting Litigation) states that “[a] lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.”

You failed to make reasonable efforts to expedite litigation consistent with the interests of your client after failing to follow applicable appellate rule, reply to the Court’s orders regarding deficient documents, and file the appropriate motion to withdraw from representation and contact the filing office for decision.

RPC 8.4(d) (Misconduct) states that “[i]t is professional misconduct for a lawyer to ... [e]ngage in conduct that is prejudicial to the administration of justice ...”

You engaged in conduct prejudicial to the administration of justice by not expediting litigation and repeatedly failing to comply with the Court’s orders regarding the deficient documents or reply to the Court regarding the deficiency.

APPLICATION OF ABA STANDARDS

Pursuant to Annotated Standards for Imposing Lawyer Sanctions (2019 ed.) (hereinafter “ABA Standard”) 3.0, when imposing a sanction after a finding of lawyer misconduct, the Screening Panel should consider the following factors: (1) the duty violated; (2) the lawyer’s mental state; (3) the actual or potential injury caused by the lawyer’s misconduct; and (4) the existence of aggravating or mitigating circumstances.

ABA Standard 4.43 states that REPRIMAND is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client and causes injury or potential injury to a client.

ABA Standard 4.53 states that REPRIMAND is generally appropriate when a lawyer (a) demonstrates a failure to understand relevant legal doctrines or procedures and causes injury or potential injury to a client; or (b) is negligent in determining whether he or she is competent to handle a legal matter and causes injury or potential injury to a client.

ABA Standard 6.23 states that REPRIMAND is generally appropriate when a lawyer negligently fails to comply with a court order or rule and causes injury or potential injury to a client or other party or causes interference or potential interference with a legal proceeding.

ABA Standard 7.3 states that REPRIMAND is generally appropriate when a lawyer negligently 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.

Rule 102.5(1) of the Nevada Supreme Court Rules defines aggravating circumstances as any considerations or factors that may justify an increase in the degree of discipline to be imposed. SCR 102.5(2) defines mitigating circumstances as any considerations or factors that may justify a reduction in the degree of discipline to be imposed.

CONCLUSION

Your absence of a prior disciplinary record and absence of a dishonest or selfish motive justify a reduction in the degree of discipline to be imposed. Based on the foregoing, you are hereby ADMONISHED for violating RPC 1.1 (Competence), RPC 1.3 (Diligence), RPC 1.16(c) (Declining or Terminating Representation), RPC 3.2(a) (Expediting Litigation), and RPC 8.4(d) (Misconduct). Please promptly conclude this matter by remitting the cost of \$750 within thirty (30) days of the issuance of this Admonition. SCR 120(3).

Please allow this Admonition to serve as a thoughtful reminder of your professional ethical obligations. We wish you well in your practice and trust that no similar problems will arise in the future.

TIP

FROM THE BAR COUNSEL

Attorney Nolo Contendre Pleas Must be Reported to Office of Bar Counsel

In 1974, the Maryland Supreme Court stated, “[a] court has the duty, since attorneys are its officers, to insist upon the maintenance of the integrity of the bar and to prevent the transgressions of an individual lawyer from bringing its image into disrepute.” *Md. State Bar Asso. v. Agnew*, 271 Md. 543, 549, 318 A.2d 811, 814 (1974).

The early 1970s was a time of great upheaval in the U.S., and the Maryland court’s statement of unwavering professional obligation was pivotal to its decision to disbar then-resigned Vice President Spiro Agnew. Agnew pled *nolo contendere* to committing federal tax fraud in October 1973, and the Maryland State Bar filed a complaint against him in November 1973. Similar to the Maryland rules governing attorneys, the Nevada Supreme Court Rules state that a plea of *nolo contendere* is considered a conviction that an attorney must report to the Office of Bar Counsel. Also similar to Maryland, the Nevada Supreme Court Rules provide for an expedited process when an attorney is convicted of a crime.

SCR 111 defines “conviction” as a final judgment of conviction and “a plea of guilty or nolo contendere, a plea under *North Carolina v. Alford*, 400 U.S. 25 (1970), or a guilty verdict following either a bench

or jury trial.” The attorney must report the conviction within 30 days of the verdict or plea “regardless of whether a sentence is suspended or deferred or whether a final judgment of conviction has been entered” or a pending appeal. In addition, the court clerks are obligated to send a certified copy of proof of the conviction to the Nevada Supreme Court and the Office of Bar Counsel within 10 days of its entry. This broad definition and redundant reporting requirement reflects Nevada’s own disciplinary principles of maintaining the integrity of the bar and protecting the public from lawyers unfit to serve it.

Finally, SCR 111 provides that the Nevada Supreme Court must temporarily suspended any attorney “convicted” of (i) a felony, or (ii) “any crime less than a felony that adversely reflects on the attorney’s fitness to practice law, or involves improper conduct as an attorney, interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file an income tax return, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit any such acts.” Such suspension can be set aside only after the attorney shows good cause for it, such as a showing that the attorney does not pose a significant danger to the public or client and can be sufficiently monitored to avoid any remaining risk of danger.

It is a privilege and honor to serve as a member of the bar and with that privilege comes additional constraints, such as a swift response to, and stringent treatment of, the commission of crimes.

