Bar Counsel Report

In Re: BRENT A. BLANCHARD
Bar No.: 7605
Case No.: 87722
Filed: 03/20/2024

ORDER OF PUBLIC REPRIMAND

This is a petition to reciprocally discipline attorney Brent A. Blanchard pursuant to SCR 114. Blanchard has been publicly reprimanded in Utah. Blanchard did not self-report the Utah discipline as required by SCR 114(1) and has not responded to this petition.[1]

Blanchard knowingly failed to respond to the Utah Office of Professional Conduct's multiple inquiries concerning a client grievance. This violated Utah Rule of Professional Conduct 8.1(b) (bar admission and disciplinary matters), which is the equivalent of RPC 8.1(b) (bar admission and disciplinary matters). As a result of this violation, the Utah Supreme Court entered an order publicly reprimanding Blanchard.

Under SCR 114(4), we must impose identical reciprocal discipline unless the attorney demonstrates or we determine that (1) the other jurisdiction failed to provide adequate notice, (2) the other jurisdiction imposed discipline despite a lack of proof of misconduct, (3) the established misconduct warrants substantially different discipline in this jurisdiction, or (4) the established misconduct does not constitute misconduct under Nevada's professional conduct rules. We conclude that none of the exceptions apply.

Accordingly, we hereby publicly reprimand attorney Brent A. Blanchard for violating RPC 8.1(b) (bar admission and disciplinary matters). The State Bar shall comply with SCR 121.1.

It is so ORDERED.

In Re: SEAN DAVID LYTTLE
Bar No.: 11640
Case No.: 87215
Filed: 03/22/2024

ORDER OF SUSPENSION

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

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

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3)(b). Although we "must … exercise independent judgment," the panel's recommendation is persuasive. *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001). In determining the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

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

Considering all the factors, we conclude that a suspension is appropriate. But those factors do not support the length of the recommended suspension (six months and one day). In particular, Lyttle has only one prior discipline matter over more than 10 years as a licensee of the Nevada bar. That matter resulted in diversion and a letter of reprimand. The record also shows that Lyttle responded to the State Bar's initial inquiries in the investigation at issue here. Under these circumstances, we conclude that a three-month suspension is sufficient to serve the purpose of attorney discipline. *See In re Discipline of Arabia*, 137 Nev. 568, 571, 495 P.3d 1103, 1109 (2021) (stating the purpose of attorney discipline).

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

It is so ORDERED.

In Re: CHRISTOPHER M. HENDERSON
Bar No.: 10078
Case No.: 87624
Filed: 03/22/2024

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT AND ORDER OF REINSTATEMENT

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 guilty plea agreement in exchange for a stated form of discipline for attorney Christopher M. Henderson and reinstate Henderson to the practice of law in Nevada. On February 17, 2023, pursuant to SCR 111, we temporarily suspended Henderson pending a disciplinary proceeding. Under the conditional guilty plea agreement, Henderson admitted to violating RPC 8.4 (misconduct) and agreed to a six-month-and-one-day suspension retroactive to the February 17, 2023, temporary suspension.

Henderson admitted to the facts and violations as part of the guilty plea agreement. The record therefore establishes that Henderson violated RPC 8.4 (misconduct) when he brandished a firearm at his wife in a threatening manner resulting in a conviction for conspiracy to commit assault with a deadly weapon. Henderson has since completed his probation sentence for the conviction. He also completed a rehabilitation program and voluntarily enrolled and successfully participated in a second rehabilitation program. He has been sober since his arrest. Henderson offered numerous witnesses at the disciplinary hearing that testified as to their shock that the criminal incident even occurred and Henderson's sobriety and the steps he has taken to address what led to the criminal incident. One of those witnesses was his now ex-wife, who testified that they have rekindled their relationship because of the significant progress Henderson has made through therapy. Henderson testified about his remorse, his progress through therapy, and his relapse plan.

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). Henderson admitted to knowingly violating a duty owed to the public (misconduct). The baseline sanction for such misconduct, before considering the aggravating or mitigating circumstances, is suspension. *Standards for Imposing Lawyer Sanctions*, *Compendium of Professional Responsibility Rules and Standards*, Standard 5.12 (Am. Bar Ass'n 2017) (providing that "[s]uspension 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"). The record supports the panel's findings of one aggravating circumstance (substantial experience in the practice of law) and 10 mitigating circumstances (absence of prior discipline, absence of dishonest or selfish motive, personal or emotional problems, a timely good faith effort to make restitution or rectify consequences of misconduct, full and free disclosure to the disciplinary authority and cooperative attitude toward the proceeding, character or reputation, mental disability or chemical dependence, interim rehabilitation, imposition of other penalties or sanctions, and remorse). Considering all four factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, we hereby suspend Christopher M. Henderson from the practice of law for six months and one day commencing from the date of the temporary suspension imposed on February 17, 2023. Henderson shall pay the costs of the disciplinary proceedings, including $2,500 under SCR 120, within 30 days from the date of this order, if he has not done so already.

Because the six-month-and-one-day suspension is retroactive to February 17, 2023, Henderson has completed the term of the suspension. Given this circumstance, Henderson and the State Bar stipulated to address reinstatement in the same proceeding as the conditional guilty plea.[2] Based on our de novo review, we agree with the panel's conclusions that Henderson has satisfied his burden in seeking reinstatement by clear and convincing evidence. SCR 116(2); *Application of Wright*, 75, Nev. 111, 112-13, 335 P.2d 609, 610 (1959) (reviewing a petition for reinstatement de novo). Accordingly, Christopher M. Henderson is hereby reinstated to the practice of law in Nevada.

It is so ORDERED.

In Re: JOSEPH D. BUNIN
Bar No.: 5594
Case No.: 87783
Filed: 04/12/2024

ORDER OF REINSTATEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's unanimous recommendation to reinstate suspended attorney Joseph D. Bunin. As no briefs have been filed, this matter stands submitted for decision. SCR 116(2).

This court suspended Bunin from the practice of law for four years, six months, and one day, retroactive to January 1, 2013, based on violations of RPC 1.1 (competence), RPC 1.3 (diligence), RPC 1.15 (safekeeping property), RPC 1.4 (communication), RPC 5.3 (responsibilities regarding nonlawyer assistants), RPC 3.2 (expediting litigation), RPC 5.5 (unauthorized practice of law), and RPC 8.1 (bar admission and disciplinary matters). *In re Discipline of Bunin*, Nos. 60257, 61494, 62584, 2013 WL 7158272 (Nev. Nov. 21, 2013) (Order of Suspension). Bunin has completed the suspension and complied with the disciplinary order's conditions.

Based on our de novo review, we agree with the panel's conclusion that Bunin has satisfied the burden in seeking reinstatement by clear and convincing evidence. See SCR 116(2) (providing that an attorney seeking reinstatement must demonstrate compliance with certain criteria "by clear and convincing evidence"); *Application of Wright*, 75 Nev. 111, 112-13, 335 P.2d 609, 610 (1959) (reviewing a petition for reinstatement de novo). Accordingly, we hereby reinstate Joseph D. Bunin to the practice of law in Nevada subject to the following two conditions as recommended by the hearing panel. Bunin shall, for a minimum of two years following reinstatement, (1) have an approved mentor who must provide quarterly reports to the Office of Bar Counsel, and (2) continue to receive counseling. Additionally, Bunin shall pay the costs of the reinstatement proceeding, including $2,500 under SCR 120, within 90 days from the date of this order if he has not done so already.

It is so ORDERED.

Case No.: SBN23-00612
Filed: 02/03/2024

ADMONITION

To [Attorney]:

A Southern Nevada Disciplinary Board Screening Panel convened on January 16, 2024, to consider the above-referenced grievance against you. The Panel concluded that you violated the Nevada Rules of Professional Conduct ("NRPC") and reprimanded you for your failure to supervise an attorney in your firm. This letter constitutes delivery of the Panel's admonition.

CONTINUED ON PAGE 40

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You are a managing attorney of your law firm. Your firm does not practice in Bankruptcy Court. An associate attorney in your firm handled a matter in bankruptcy court and was not competent to do so. The Bankruptcy Court issued an order indicating, "[Attorney] is bound by ethical rules that among other responsibilities require competency. Without making a finding of a specific ethical violation, this court believes that [Attorney] overestimated his competency in bankruptcy law. While reprehensible, [Attorney's] actions do not rise to the type of reprehensible behavior that would support the amount Debtor requests in punitive damages."

The Bankruptcy Court made additional findings as to the firm's conduct indicating, "[I]t, too, has ethical obligations to which it must adhere, including an obligation to supervise the attorneys in its employ. Without making a finding of a specific ethical violation, this Court believes that the Firm's supervision of [Attorney] was lacking. But such failures, while unfortunate, are not so reprehensible to support Debtor's full request for punitive damages."

Here, you did not make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurances that all lawyers in the firm conform to the Rules of Professional Conduct.

NRPC 5.1 (Responsibilities of Partners, Managers, and Supervisory Lawyers) states in pertinent part:

a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.
b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.
c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:
    1) The lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or
    2) The lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

The baseline sanction for your conduct here is admonition. ABA Standards for Imposing Lawyer Sanctions (2nd Ed. 2019), Standard 7.4 states: "Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether the lawyer's conduct violates a duty owed as a professional and causes little or no actual or potential injury to a client, the public or the legal system."

Based on the foregoing, you are hereby ADMONISHED for a violation of NRPC 5.1. Please promptly conclude this matter by remitting the cost of $750 within 30 days of the issuance of this sanction. 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.

Case No.: SBN23-00709
Filed: 02/22/2024

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), 3.2(a) (Expediting Litigation), 3.4 (Fairness to Opposing Party and Counsel), and 8.4(d) (Misconduct) of the Nevada Rules of Professional Conduct ("RPC").

UNDERLYING FACTS

Around or about September 2020, you were a "track" attorney and appointed to represent clients when a conflict existed with the public attorney. The court appointed you to represent a specific client charged with a felony. The court granted your client probation around or about April 2021. You thereafter terminated your track contract and accepted a new track contract elsewhere. Nonetheless, you remained the attorney of record for your client's case despite having your track "assigned" to a different attorney. The Department of Parole & Probation later issued a bench warrant for your client and he was arrested around or about March 2023.

A probation revocation hearing was set and notice was sent to you. At the revocation hearing, you failed to appear and the court continued the matter. The judge's Judicial Executive Assistant ("JEA") called you about the non-appearance and when you did not answer, she left a voicemail. Your client remained in custody. At the second setting for the revocation hearing, you neither appeared for the hearing nor had you contacted the court about the first non-appearance. The court continued the hearing again, and your client remained in custody. At the third setting for the revocation hearing, you failed to appear again, and the court's JEA attempted to call you a second time. The prosecuting attorney also attempted to contact you. The judge then called your cellphone on the record, you did not answer, and he left a voicemail advising of the consequences should you fail to appear again. The court continued the matter again, and your client remained in custody. At the fourth setting for the revocation hearing, another attorney appeared on your behalf and he requested to continue the matter for one week. The court continued the matter again, and your client remained in custody.

At the fifth setting for the revocation hearing, you failed to appear again, and the prosecuting attorney notified the court that

you had accepted a new track contract elsewhere. However, your client informed the court that you had visited him in custody days prior to this setting and was under the impression you were still his attorney. The judge then attempted to call your cellphone again on the record, you did not answer, and he then left a voicemail that if you failed to appear for the next court date, you may face a bench warrant for contempt of court or a grievance with the State Bar of Nevada. The court continued the matter again, your client remained in custody, and the court clerk emailed you a notice for the new court date.

At the sixth setting for the revocation hearing, you initially did not appear, and the JEA called you a third time about the non-appearance. When you did not answer, she left a voicemail again. The judge then appointed new counsel in your absence and the matter was resolved. You later appeared via the court's video conferencing system and explained how you had accepted a new track contract. You further claimed that you had logged into the conferencing system for the fifth setting of the revocation hearing but only after court had already concluded. You also confirmed that you had met with your client before the fifth setting of the revocation hearing.

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 remained the attorney of record for your client despite terminating your track contract. Before learning of the termination, the judge, the judge's JEA, the deputy district attorney, and other court staff all attempted to contact you unsuccessfully. You never replied to multiple voicemails or email despite warnings from the judge that you were facing contempt. You did not act with reasonable diligence and promptness to the detriment of your client who remained in custody throughout this time.

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

Days before the fifth setting of the violation hearing, you met with the client in custody. Your client thereafter believed you remained his attorney of record and made these representations to the court. You then subsequently failed to appear for your client's revocation hearing again. You did not make reasonable efforts to expedite litigation consistent with the interests of the client and your client remained in custody for six settings of the revocation hearing.

RPC 3.4(c) (Fairness to Opposing Party and Counsel) states that "[a] lawyer shall not ... [k]nowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists ..."

While you believed your obligation to the client and the court ended when you terminated your track contract, the judge placed you on notice of an existing obligation and—whether terminated or not—you had a duty to the court to explain why you believed your obligation no longer existed. You then disobeyed the judge's order to appear.

RPC 8.4(d) (Misconduct) states that "[i]t is professional misconduct for a lawyer to … engage in conduct that is prejudicial to the administration of justice …"

You failed to respond to multiple phone calls and emails instructing you to appear for six separate revocation hearings. While you sent another attorney to cover the fourth setting of the revocation hearing and met with your client days before the fifth setting, you still failed to timely appear for that fifth setting. Your conduct was prejudicial to the administration of justice.

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 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.

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

While your substantial experience in the practice of law may justify an increase in degree of discipline to be imposed, the Screening Panel concludes that the following mitigating circumstances justify a reduction in the degree of discipline to be imposed: (1) your absence of a prior disciplinary record, and (2) your full and free disclosure or cooperative attitude towards the State Bar of Nevada.

Based on the foregoing, you are hereby ADMONISHED for violating RPC 1.3 (Diligence), RPC 3.2(a) (Expediting Litigation), RPC 3.4 (Fairness to Opposing Party and Counsel), 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 and ethical obligations. We wish you well in your practice of law and trust that no similar problems arise in your future.

ENDNOTES:

1. Blanchard is currently suspended from the practice of law in Nevada. *See In re Discipline of Blanchard*, No. 85666, 2023 WL 3000652 (Nev. Apr. 18, 2023) (Order of Suspension).
2. We acknowledge this procedure is unusual and note that it should be used sparingly and only in circumstances similar to this one. Additionally, if, in the future, the State Bar and an attorney agree to consider discipline and reinstatement in the same proceeding, a petition for reinstatement must be filed under SCR 116.

TIP FROM THE BAR COUNSEL

BREAKING THE SILENCE

Nevada Supreme Court Rule 106(1) states in relevant part "[a]ll participants in the discipline process, including grievants … and witnesses, shall be absolutely immune from civil liability. No action may be predicated upon the filing of a … grievance or any action taken in connection with such a filing by any of the participants."

There is one exception to SCR 106(1). Grievants and witnesses have absolute immunity within the disciplinary process, but less protection may exist for actions taken *outside* the disciplinary process. SCR 121(16).

In *Shimrak v. Garcia-Mendoza*, 112 Nev. 246 (1996), the Nevada Supreme Court noted that a prior iteration of SCR 106 was unclear whether it provided grievants and witnesses absolute or qualified immunity. This earlier version of the rule simply stated, "[a] complaint filed in good faith and any investigations, testimony, hearing, or reprimand related to it are absolutely privileged, and no action may be predicated on such matters." The court noted that the dependence on "good motive" created "something more akin to a conditional privilege, which will protect the speaker or publisher unless actual malice and knowledge of the falsity of the statement is shown." (citations omitted).

The court declined in *Shimrak* to determine whether this earlier version of SCR 106 provided absolute or qualified immunity. Declining to reach this conclusion was likely—in part—because the court adopted the absolute immunity language of our modern SCR 106 on January 2, 1996, mere months before *Shimrak* via ADKT 170. However, regardless of whether this earlier version of the rule provided absolute or qualified immunity, the court found, "there are good policy reasons for granting privilege to statements made in relation to bar complaints." Citing the New York Supreme Court in *Klapper v. Guria*, 153 Misc. 2d 726, 582 N.Y.S.2d 892 (N.Y. Sup. Ct. 1992), the court adopted the following sentiment regarding the importance of protecting witnesses:

> This privilege is necessary to encourage the cooperation of witnesses and is based upon public policy that a witness' testimony be privileged in order that the witness feel free to perform a public duty with knowledge that he or she will be insulated from harassment and financial burdens resulting from subsequent litigation.

After the 1996 amendment to SCR 106 and the court's willingness to adopt such unambiguous language alongside *Shimrak*, there is no confusion: Grievants and witnesses are "absolutely immune" from civil litigation from the attorneys they report to the state bar *so long as* their disclosures and participation are contained to the disciplinary process.

Nevada Rule of Professional Conduct 8.3(a) states "[a] lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority."

This is not simply a "see something, say something" suggestion. Mandatory reporting is essential to a self-regulating industry and applies equally to all licensees of the State Bar of Nevada, including our judiciary pursuant to Rule 2.15 of the Revised Nevada Code of Judicial Conduct. While attorneys and judges may encounter a single act of misconduct, further investigation may uncover a web of illicit conduct, misappropriation, and other misconduct. Misconduct is especially difficult to detect without a readily identifiable grievant or a vulnerable victim, such as the exploitation of an elderly or isolated person. Vulnerability of a victim is an aggravating circumstance that may justify increased attorney discipline for this reason. SCR 102.5(3).

Fear of retaliation is a common excuse for failing to report attorney misconduct. However, pursuant to the unambiguous language of SCR 106(1) and SCR 121(16), grievants and witnesses should not fear reporting attorney misconduct or testifying at a disciplinary proceeding. So long as their disclosures and participation are contained to the disciplinary process, grievants and witnesses are "absolutely immune" from burdensome civil litigation intended to harass and discourage cooperation with the state bar.

Pursuant to *State Bar of Nevada vs. Claiborne,* 104 Nev. 115 (1988), the fundamental objective to attorney discipline is not to punish an attorney but "to protect the public from persons unfit to serve as attorneys … and to maintain public confidence in the bar as a whole." The state bar cannot achieve that objective without the help of its licensees. Do not gossip and be wary of sharing unsubstantiated rumors in group chats and amongst other professional organizations. Simply stated, if a lawyer's actions raise substantial questions regarding his or her honesty, trustworthiness, or fitness to practice, please report the alleged misconduct to the state bar. You have a mandatory duty to disclose your concerns and have absolute immunity from civil litigation.