In Re: ROY L. NELSON
Bar No.: 7842
Case No.: 88415
Filed: 12/09/2024

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Roy L. Nelson, III be suspended for three years for violating RPC 1.3 (diligence), RPC 1.4(a) (communication), RPC 1.16(a) (terminating representation), RPC 8.1(b) (bar disciplinary matters), and SCR 115(3) (duty to notify clients and forums when suspended). 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 Nelson committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). Here, however, the facts and charges alleged in the complaint are deemed admitted because Nelson failed to answer the complaint, and a default was entered. SCR 105(2). The record therefore establishes that Nelson violated the above-referenced rules by failing to appear for multiple court hearings for his client, failing to communicate with the client for several months, withholding information or providing false information to the client, pressuring the client to enter into a plea agreement without thorough consideration or explanation, and failing to respond to several of the State Bar's requests for information about the client's grievance. Nelson also failed to inform the client or the court when Nelson was suspended by this court on August 11, 2022, and failed to withdraw as counsel of record, leaving the client without representation. See *In re Discipline of Nelson*, No. 84369, 2022 WL 3336085 (Nev. Aug. 11, 2022) (Order of Suspension).

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).

Nelson knowingly violated duties owed to his client (diligence, communication, terminating representation, duty to notify clients when suspended) and intentionally violated duties owed to the profession (bar disciplinary matters, duty to notify forums when suspended), as set forth above. Nelson's misconduct harmed the client. In particular, a warrant was issued for the client's arrest, the client entered a guilty plea to a crime without proper advice, and the client was left without representation for a time when Nelson failed to inform the client that Nelson had been suspended. And Nelson'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 Nelson'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 4.42(a) (Am. Bar Ass'n 2023) (recommending suspension "when a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client"). The record supports five aggravating circumstances (prior discipline, pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders, and substantial experience in the practice of law). See SCR 102.5(3) (listing aggravating circumstances). The record shows no mitigating circumstances. Considering all the factors, we conclude that a suspension is warranted.

Nelson's current violations reflect a recurring pattern of misconduct. Nelson has been disciplined previously for many of these same rule violations, including failing to timely respond to the State Bar's requests for information concerning client grievances. Thus, while the injury to the client here was moderate, it appears that progressive discipline is warranted. We are not convinced, however, that Nelson's misconduct warrants the three-year suspension recommended by the hearing panel. In cases involving similar violations, we have imposed suspensions ranging from six months to two years. *See, e.g., In re Discipline of Carrasco*, No. 71490, 2017 WL 962443 (Nev. Mar. 10, 2017) (Order of Suspension) (suspending attorney for six months for violating RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.15 (safekeeping property), and RPC 8.1(b) (bar admission and disciplinary matters)); *In re Discipline of Itts*, No. 71628, 2017 WL 2200265 (Nev. May 18, 2017) (Order of Suspension) (suspending attorney for two years for violating RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.15 (safekeeping property), RPC 8.1(b) (bar admission and disciplinary matters), and RPC 8.4(d) (misconduct)). Thus, while a suspension is appropriate, we conclude that an 18-month suspension, as recommended by the State Bar, is adequate to serve the purpose of attorney discipline, which is to protect the public, the courts, and the legal profession. *See State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988). We also reject the hearing panel's recommendation that Nelson be required to submit to a mental health evaluation before seeking reinstatement. There is no evidence in the record to suggest that Nelson has any mental health concerns. And regardless, Nelson will have to show that he "has the requisite honesty and integrity to practice law" and "is competent to practice," when seeking reinstatement. SCR 116(5)(f), (g).

Accordingly, we hereby suspend attorney Roy L. Nelson, III from the practice of law in Nevada for 18 months commencing from the date of this order. Nelson 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: MARK ROBERT STARR
Bar No.: 14765
Case No.: 89143
Filed: 12/11/2024

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Mark Robert Starr. Under the agreement, Starr admitted to two violations of RPC 8.4(c) (misconduct). Starr has agreed to a 6-month actual suspension, followed by a 24-month probationary period.

Starr has admitted to the facts and violations as part of the guilty plea agreement. The record therefore establishes that while employed by his previous law firm, Starr failed to keep the firm and a corporate client apprised of Starr's progress in obtaining state licensing for the client to become a sports betting vendor or marketing affiliate. Starr further lied about gaming license applications and approvals in different states and provided the firm and the client with fictitious gaming license documents purportedly granting approval from governmental authorities in various jurisdictions.

Because Starr has admitted to the facts and violations as set forth above, the issue for this court is whether the agreed-upon discipline sufficiently protects "the public, the courts, and the legal profession." *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).

Starr admitted to knowingly violating RPC 8.4(c) (misconduct involving dishonesty, fraud, deceit, or misrepresentation) twice. He admitted that the misconduct resulted in injury or potential injury to the client and Starr's former law firm. The baseline sanction for Starr's misconduct, before considering the aggravating or mitigating circumstances, is suspension. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.62 (Am. Bar Ass'n 2023) (providing that suspension is appropriate "when a lawyer knowingly deceives a client, and causes injury or potential injury to the client"); Standard 7.2 (providing that suspension is appropriate when a lawyer "knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system").

The record supports two aggravating circumstances (dishonest or selfish motive and pattern of misconduct) and nine mitigating circumstances (absence of a prior disciplinary record, personal or emotional problems, timely good faith effort to rectify misconduct consequences, full and free disclosure to disciplinary authority, inexperience in the practice of law, character or reputation, mental disability, interim rehabilitation, and remorse). SCR 102.5(3)-(4) (listing aggravating and mitigating circumstances). Considering all four factors, we conclude that the agreed upon discipline is appropriate.

Accordingly, we suspend attorney Mark Robert Starr from the practice of law for 6 months commencing from the date of this order, followed by a 24-month probationary period subject to the conditions outlined in the conditional guilty plea agreement. Those conditions include that Starr continue to seek and fully participate in psychiatric and mental health treatment; that Starr obtain an attorney mentor approved by the State Bar; that Starr meet monthly with the attorney mentor regarding general legal practice management, fiduciary responsibilities to clients, trust account management, and work-life balance; that the approved attorney mentor timely provide quarterly reports to the State Bar; and that Starr engage in no additional professional misconduct following the date of this order that results in a screening panel recommending new disciplinary charges be filed. Starr shall also pay the costs of the disciplinary proceedings, including $2,500 under SCR 120, within 30 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

In Re: ALEX B. GHIBAUDO
Bar No.: 10592
Case No.: 86960
Filed: 12/12/2024

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Alex B. Ghibaudo be publicly reprimanded for multiple violations of RPC 3.1 (meritorious claims and contentions), RPC 3.4(c), (d) (fairness to opposing party and counsel), RPC 3.5(d) (decorum of the tribunal), RPC 4.4(a) (respect for rights of third persons), and RPC 8.4(a), (d) (misconduct). The State Bar challenges the hearing panel's finding that Ghibaudo had a negligent mental state when committing his various acts of misconduct. Ghibaudo disagrees and also challenges several of the panel's findings as to the RPC violations.

The State Bar has the burden of showing by clear and convincing evidence that Ghibaudo committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). "Our review of the panel's findings of fact is deferential, so long as they are not clearly erroneous and are supported by substantial evidence." *In re Discipline*

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of Colin, 135 Nev. 325, 330, 448 P.3d 556, 560 (2019) (citing SCR 105(3)(b)). However, we apply de novo review to the panel's conclusions of law. SCR 105(3)(b).

Having reviewed the record and considered the parties' arguments, we agree with the hearing panel that Ghibaudo violated RPC 3.1 and RPC 3.4 by issuing a deposition notice for a legal holiday and in person. In doing so, Ghibaudo disobeyed rules of the tribunal, one of which precluded in-person depositions at the time, and Ghibaudo did not have a non-frivolous basis for his actions. See RPC 3.1 ("A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous …."); RPC 3.4(c) (providing that a lawyer shall not disobey the rules of a tribunal), (d) (directing lawyers to refrain to make frivolous discovery requests). We also agree with the panel's findings and conclusion that Ghibaudo violated RPC 3.4(c) by disobeying the court's admonitions during a hearing on October 20, 2020, and that he violated RPC 4.4(a) by sending six separate emails with language that had "no substantial purpose other than to embarrass" a third party. RPC 4.4(a). Finally, the record supports the panel's findings and conclusion that Ghibaudo violated RPC 8.4 by committing the violations of the rules as noted herein by his actions during the October 20, 2020, court hearing.[1] See RPC 8.4(a) (explaining that it is misconduct when an attorney violates the rules of professional conduct).

We agree with Ghibaudo, however, as to two of the violations. First, we conclude that Ghibaudo's conduct during the October 20, 2020, court hearing did not disrupt proceedings and therefore the RPC 8.4(d) violation must be dismissed. *See* RPC 8.4(d) ("It is professional misconduct for a lawyer to … [e]ngage in conduct that is prejudicial to the administration of justice."); *In re Discipline of Colin*, 135 Nev. 325, 332, 448 P.3d 556, 562 (2019) (explaining that conduct that "is intended to or does disrupt a tribunal" may constitute an RPC 8.4(d) violation). Second, we conclude that substantial evidence does not support the panel's findings as to the RPC 3.5(d) violation. The plain language of RPC 3.5(d) provides that "[a] lawyer shall not engage in conduct intended to disrupt a tribunal." Here, the panel found that Ghibaudo violated RPC 3.5(d) during an October 20, 2020, court hearing when he made inappropriate comments to opposing counsel and a district court judge. Although we conclude that Ghibaudo acted with a knowing mental state during that hearing, the record does not support that he acted with an intent to disrupt the court proceedings. Accordingly, we conclude that the panel erred in finding that Ghibaudo violated RPC 3.5(d).

In determining the appropriate discipline for Ghibaudo's violations of RPC 3.1, RPC 3.4, RPC 4.4, and RPC 8.4(a), 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). The record supports that Ghibaudo violated four duties to the legal profession (meritorious claims and contentions, fairness to opposing party and counsel, respect for rights of third persons, and misconduct). And we agree with the hearing panel that Ghibaudo's actions caused actual or potential injury because they may have delayed proceedings and resolution of the issues in the litigation.

However, we disagree that Ghibaudo had a negligent mental state in committing the various acts of misconduct. We first reject Ghibaudo's argument that a negligent mental state is supported by his testimony that he was suffering from bipolar disorder and was unable to secure treatment or medication for that condition at the relevant time. Although physical or mental disabilities may be considered as mitigating circumstances when deciding appropriate discipline "after misconduct has been established," Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standards 9.1, 9.3 (Am. Bar Ass'n 2023) (Standards); see also SCR 102.5(2) (listing mitigating circumstances), we are not convinced that they support a negligent mental state. The record reflects that Ghibaudo had a knowing mental state during the October 20, 2020, hearing. Standards at 452 (explaining that an attorney acts with a knowing mental state when he acts with "conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result"). The record also reflects that Ghibaudo acted with an intentional mental state when sending the emails, as each evince that he had a "conscious objective or purpose to accomplish a particular result," *id.* (defining an intentional mental state), particularly where he copied third parties including a mediator and the administrator of a court-watching website. Finally, the record reflects that Ghibaudo acted with an intentional mental state by setting an in-person deposition for a holiday (Christmas Day) when there was a standing district court order prohibiting in-person depositions due to the COVID-19 pandemic.

Because the most serious misconduct was Ghibaudo's intentional violation of his duty to respect the rights of third parties, the baseline sanction, before considering aggravating, or mitigating circumstances, is suspension. *See Standards*, Standard 6.22 ("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."). Substantial evidence in the record supports four aggravating circumstances (prior disciplinary offenses, pattern of misconduct, multiple offenses, and substantial experience in the practice of law) and six mitigating circumstances (absence of a dishonest or selfish motive, personal or emotional problems, full and free disclosure to disciplinary authority or cooperative attitude toward proceeding, character or reputation, interim rehabilitation, and remorse).[2] *See* SCR 102.5 (listing "[a]ggravating and mitigating circumstances [which] may be considered in deciding what sanction to impose"). Considering all of the *Lerner* factors, we conclude that a 90-day actual suspension serves the purpose of attorney discipline. See *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (recognizing that the purpose of attorney discipline is to protect the public, the courts, and the legal system).

Accordingly, we hereby suspend attorney Alex B. Ghibaudo for a period of 90 days for violating RPC 3.1 (meritorious claims and contentions), RPC 3.4(c), (d) (fairness to opposing party and counsel), RPC 4.4(a) (respect for rights of third persons), and RPC 8.4(a) (misconduct). Ghibaudo shall pay the costs of the disciplinary proceedings, plus fees in the amount of $2,500, see SCR 120(3), within 30 days from the date of this order.[3] Ghibaudo shall continue active treatment for his bipolar disorder and obtain a State Bar-approved mentor to ensure he is undergoing treatment and who will report any relapses to the State Bar. Finally, Ghibaudo must complete an additional six (6) hours of continuing legal education in the area of civility, in addition to his annual CLE requirement. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

In Re: PHILLIP SINGER
Bar No.: 7914
Case No.: 89211
Filed: 12/11/2024

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve, under SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Philip Singer. Singer admitted to violating RPC 1.1 (competence), RPC 1.2 (scope of representation and allocation of authority between client and lawyer), RPC 1.3 (diligence), and RPC 3.2 (expediting litigation). Under the agreement, Singer agreed to a one-year suspension, to be stayed for a one-year probationary term with conditions.

Singer has admitted to the facts and violations as part of the guilty plea agreement. The record therefore establishes that Singer violated the above-referenced rules by failing to diligently pursue a client's case, which caused a delay in proceedings, caused the client to incur monetary sanctions, and resulted in the client obtaining alternate counsel.

The issue before 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).

Singer admitted to knowingly violating duties owed to his client (competence and diligence) and the profession (expediting litigation). Singer's conduct caused injury or potential injury to his client and the legal profession. The baseline discipline for such misconduct, before considering aggravating and mitigating circumstances, is suspension. See Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.42(a) (Am. Bar Ass'n 2023) (providing that suspension is appropriate when "a lawyer knowingly fails to perform. services for a client and causes injury or potential injury to a client"); Standard 6.22 ("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.").

The record also supports the panel's finding of one aggravating factor (prior disciplinary offenses) and seven mitigating factors (absence of a dishonest or selfish motive; timely good-faith effort to make restitution or rectify consequences of misconduct; remorse; full and free disclosure to disciplinary authority or cooperative attitude toward proceeding; has already put changes into place where change was needed; motivated by a desire to help his clients; a realization of changes in his intake process including the need to say no).[4] SCR 102.5(3), (4) (listing aggravating and mitigating circumstances). Considering all the factors, we conclude the agreed-upon discipline is appropriate.

Accordingly, we suspend attorney Philip Singer from the practice of law in Nevada for a period of one year commencing from the date of this order. The suspension is stayed for one year and Singer is placed on probation subject to the following conditions: (1) Singer shall complete 13 hours of continuing legal education (CLE) in civil practice and two hours of ethics CLEs during the probation period, in addition to the annual CLE requirements; (2) Singer shall complete these three Handle | Bar practice modules available on the State Bar's website and report completion of the modules and associated CLE credits directly to the Office of Bar Counsel: "Attorney Well-Being: It's More Than a State of Mind," "Client-Lawyer Relationships: Tips to Ethically Connect and Communicate," and "Fees, Costs & Billing: Your Guide to Getting Paid Ethically;" and (3) Singer shall participate in a mentoring program as outlined in SCR 105.5. As part of the mentoring program, the State Bar will receive monthly reports confirming that Singer's client's matters are being diligently or appropriately handled and indicating what new office policies or procedures Singer has adopted or implemented. Singer will implement office policies and procedures regarding calendaring and reminders. The State Bar will approve the mentor and the mentor must be someone new to Singer. Finally, Singer must pay the actual costs of the bar proceedings plus $2,500 under SCR 120 within 30 days from the date of this order. If Singer breaches any of the above-listed conditions during the probationary period, the State Bar shall immediately convene a disciplinary hearing panel to conduct a hearing and make a recommendation as to whether this court should revoke the stay and impose the one-year suspension. The State Bar shall comply with the applicable provisions of SCR 121.1.

It is so ORDERED.

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In Re: MICHANCY M. CRAMER
Bar No.: 11545
Case No.: 86960
FILED: 12/12/2024

ORDER OF PUBLIC REPRIMAND

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Michancy M. Cramer be publicly reprimanded. The State Bar alleged, and the hearing panel found, that Cramer committed two violations of RPC 3.4(c) (fairness to opposing party and counsel), two violations of RPC 4.4 (a) (respect for rights of third persons), and one violation each of RPC 3.5(d) (decorum of the tribunal), and RPC 8.4(a), (d) (misconduct) during two court hearings and after a deposition in 2020.[5] *The State Bar challenges the hearing panel's finding that Cramer had a negligent mental state when committing the various acts of misconduct. Cramer disagrees and also challenges the hearing panel's findings as to several of the violations.*

The State Bar has the burden of showing by clear and convincing evidence that Cramer committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). "Our review of the panel's findings of fact is deferential, so long as they are not clearly erroneous and are supported by substantial evidence." *In re Discipline of Colin*, 135 Nev. 325, 330, 448 P.3d 556, 560 (2019) (citing SCR 105(3)(b)). However, we apply de novo review to the panel's conclusions of law. SCR 105(3)(b).

Having reviewed the record and considered the parties' arguments, we agree with the hearing panel that Cramer violated RPC 3.4(c), RPC 4.4(a), and RPC 8.4(a), (d). As to the RPC 3.4 violations, we agree with the hearing panel that Cramer "[k]nowingly disobey[ed] an obligation under the rules of a tribunal," RPC 3.4(c), by ignoring the court's multiple admonitions to discontinue certain lines of questioning. We also agree that Cramer violated RPC 4.4(a) by using a derogatory term when referring to a party during a May 13, 2020, hearing and by calling opposing counsel a vulgar name during an argument after a deposition on August 3, 2020. In both instances, substantial evidence supports that Cramer had "no substantial purpose other than to embarrass" those third parties by her comments. RPC 4.4(a) ("[A] lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person … ."). Finally, because Cramer's actions violated the Rules of Professional Conduct and her conduct during hearings on May 13, 2020, and September 11, 2020, disrupted the tribunal, we also conclude that Cramer violated RPC 8.4(a) and (d).[6] See RPC 8.4(a) (providing that it is misconduct for an attorney to violate the Rules of Professional Conduct), (d) ("It is professional misconduct for a lawyer to … [e]ngage in conduct that is prejudicial to the administration of justice."); *In re Discipline of Colin*, 135 Nev. 325, 332, 448 P.3d 556, 562 (2019) (explaining that conduct that "is intended to or does disrupt a tribunal" may constitute an RPC 8.4(d) violation).

As to the RPC 3.5(d) violation, however, we conclude that substantial evidence does not support the panel's findings. The plain language of RPC 3.5(d) provides that "[a] lawyer shall not engage in conduct intended to disrupt a tribunal." Here, the panel found that Cramer violated RPC 3.5(d) by her conduct during a May 13, 2020, court hearing in which she made inappropriate comments to a witness and opposing counsel. And while we conclude that Cramer acted with a knowing mental state during the May 13, 2020, hearing, the record does not support that she acted with an intent to disrupt the court proceedings. Accordingly, we conclude that the panel erred in finding that Cramer violated RPC 3.5(d).

In determining the appropriate discipline for Cramer's violations of RPC 3.4(c), RPC 4.4(a), and RPC 8.4(a), (d), 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). Cramer violated duties owed to the legal profession (fairness to opposing party and counsel, impartiality and decorum of the tribunal, respect for rights of third persons, and misconduct). We agree with the panel that Cramer's actions caused actual or potential injury by potentially delaying the proceedings and resolution of the matters at issue in the respective litigations. However, we disagree with the panel's conclusion that Cramer's mental state in committing these acts of misconduct was negligent.[7] Rather, the record demonstrates that Cramer had a knowing mental state during the May 13, 2020, and September 11, 2020, hearings. In particular, she appeared to have a "conscious awareness of the nature or attendant circumstances of" her actions but did not appear to have the intent to accomplish a particular result beyond representing her client at those hearings. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, 452 (Am. Bar Ass'n 2023) (*Standards*) (defining a knowing mental state). We further conclude that the record demonstrates that Cramer's conduct after the August 3, 2020, deposition, during which she called opposing counsel a vulgar name after asking opposing counsel to leave Cramer's office, was done with an intentional mental state. Indeed, the record demonstrates that Cramer had a "conscious objective or purpose to accomplish a particular result," *id*. (defining an intentional mental state), particularly since she directed her comments to opposing counsel after she had left the office and then repeated the vulgar terminology a second time when questioned.

Because the most serious misconduct was Cramer's intentional violation of her duty to respect the rights of third parties, the baseline sanction, before considering aggravating or mitigating circumstances, is suspension. See *Standards*, Standard 6.22 ("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."). Substantial

evidence in the record supports two aggravating circumstances (multiple offenses and substantial experience in the practice of law) and five mitigating circumstances (absence of a prior disciplinary record, absence of a dishonest or selfish motive, personal or emotional problems, interim rehabilitation, and remorse). See SCR 102.5 (listing "[a]ggravating and mitigating circumstances [which] may be considered in deciding what sanction to impose"). Weighing the mitigating and aggravating circumstances, and the minimal actual injury, we agree with the panel's recommendation that a downward deviation from the baseline sanction of suspension is appropriate. Thus, considering all of the *Lerner* factors, we· conclude that a public reprimand is sufficient to serve the purpose of attorney discipline. *See State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (recognizing that the purpose of attorney discipline is to protect the public, the courts, and the legal system).

Accordingly, we hereby publicly reprimand attorney Michancy M. Cramer for violating RPC 3.4(c) (fairness to opposing party and counsel), RPC 4.4(a) (respect for rights of third persons), and RPC 8.4(a), (d) (misconduct). Cramer shall pay the costs of the disciplinary proceedings, plus fees in the amount of $1,500, see SCR 120(3), within 30 days from the date of this order.[8] Cramer shall also be required to complete an additional six (6) hours of continuing legal education in the area of civility, in addition to her annual CLE requirement. The State Bar shall comply with SCR 121.1.

It is so ORDERED.

In Re: THOMAS J. GIBSON
Bar No.: 3995
Case No.: SBN24-00017
Filed: 12/20/2024

REPRIMAND

To [Thomas J. Gibson]:

A disciplinary panel of the Southern Nevada Disciplinary Board reviewed this matter against you. We unanimously find that you violated rules 1.3, 3.2(a), and 8.4(d) of the Nevada Rules of Professional Conduct ("RPC"). This misconduct, your mental state, the degree of injury, and a balancing of aggravating and mitigating circumstances requires us to issue you a Reprimand. This discipline is to ensure your professionalism and adherence to our ethical standards as attorneys in the State of Nevada. We encourage you to take appropriate action to prevent similar misconduct in the future.

VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

RPC 1.3 (Diligence) states that "[a] lawyer shall act with reasonable diligence and promptness in representing a client." In this matter, we find you violated RPC 1.3 after you failed to timely file a docketing statement, transcript request form, opening brief, and appendix with the Nevada Supreme Court.

RPC 3.2(a) (Expediting Litigation) states that "[a] lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client." In this matter, we find you violated RPC 3.2(a) after you failed to follow applicable appellate rules and failed to timely file a docketing statement, transcript request form, opening brief, and appendix.

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 …" In this matter, we find you violated RPC 8.4(d) after you repeatedly failed to comply with the Court's orders regarding the filing of a docketing statement, transcript request form, opening brief, and appendix, thus failing to expedite litigation consistent with the interests of the client.

MENTAL STATE

You are an experienced attorney. You know or should know the Nevada Rules of Professional Conduct, Nevada Supreme Court Rules, and the Nevada Rules of Appellate Procedure if you are handling criminal appeals. In this matter, however, we find you were negligent handling this appeal. A respondent acts negligently if he fails "to heed a substantial risk that circumstances exist or that a result will follow, which failure is a deviation from the standard of care that a reasonable lawyer would exercise in this situation." ABA Standards for Imposing Lawyer Sanctions (2d ed. 2019), p. xxi ("ABA Standard").

We recognize that a fellow attorney and member of the defense team initially agreed to assist you with this appeal but then declined. However, this attorney declined to assist you long before the Court first sanctioned you. Difficulties obtaining the transcript from the court reporter later troubled your ability to timely file an opening brief and appendix. By your own admissions to the State Bar, you "had not prepared an appeal to the Nevada Supreme Court in many years and his office staff of two had no experience in appeal work." You did apologize to the Court for the late filings in your motion for enlargement of time.

INJURY

An injury can range from "serious or potentially serious" to "little or no" actual or potential injury. In this matter, we find you caused an injury or potential injury to (1) your client by failing to provide diligent representation and (2) the legal system by engaging in conduct prejudicial to the administration of justice by failing to expedite litigation. The degree of injury or potential injury to your client and the legal system was moderate.

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.

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Based upon the conduct above, your state of mind, and the injury, the baseline sanction for this matter is a Reprimand.

ABA Standard 4.43 (Lack of Diligence) states that a 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 (False Statements, Fraud, and Misrepresentation) states that a 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.

Prior disciplinary offenses and your substantial experience in the practice of law are aggravating circumstances. Your absence of a dishonest or selfish motive and remorse are mitigating circumstances. However, a balancing of these aggravating and mitigating circumstances does not justify an increase or decrease to the ABA baseline sanction.

CONCLUSION

In light of the foregoing, you violated RPC 1.3 (Diligence), RPC 3.2(a) (Expediting Litigation), and RPC 8.4(d) (Misconduct) and are hereby REPRIMANDED.

You are ordered to pay costs, provided for in SCR 120, in the amount of $1,500 plus the hard costs of these proceedings within thirty (30) days after the filing of an order accepting this Reprimand.

Case No.: SBN24-00572
Filed: October 31, 2024

ADMONITION

To [Attorney]:

A Northern Nevada Disciplinary Board Screening Panel convened on October 24, 2024, to consider the above-referenced grievance against you. The Panel concluded that you violated the Nevada Rule of Professional Conduct ("RPC") 1.15 (Safekeeping Property) and that you should be admonished for your handling of funds in your Client Trust account. This letter constitutes delivery of the Panel's admonition.

On or about June 18, 2024, you received $20,000 as advance payment for legal services you agreed to provide. You deposited the funds into your Client Trust Account and then immediately withdrew the entire amount. The withdrawal caused your Client Trust Account to have a negative balance because the payor's bank refused to honor the $20,000 check. Although the payor sent a replacement cashier's check via FedEx to remedy the overdraft, your immediate withdrawal had the potential to cause other client funds to be exposed to misappropriation.

Rule of Professional Conduct ("RPC") 1.15 (Safekeeping Property)

RPC 1.15 requires a lawyer keep a client's funds safe. It states that keeping a client's funds safe includes "deposit[ing] into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred."

RPC 1.15(c) does not distinguish whether a fee is a set amount or charged on an hourly basis, only that it must first be earned before being transferred from the Client Trust Account. The recent Nevada Supreme Court decision in *In re Sull*, 140 Nev. Adv. Op. 54 (2024) emphasizes that flat fee payments are not earned upon receipt; only performance of work renders a fee earned.

Here, you did not appropriately safeguard your client's property because you withdrew it immediately after receipt without relation to whether the fees were earned or expenses incurred. Further, your immediate withdrawal of the funds jeopardized other client funds held in that account as indicated by the fact that the client's bank's denial of the check caused an overdraft in your account.

The Panel also refers you to Nevada Ethics Opinion No. 44, which advises that it is improper to distribute funds from your Client Trust Account until you have confirmed that the deposit has cleared.

Application of ABA Standards for Imposing Lawyer Sanctions

ABA Standards for Imposing Lawyer Sanctions (2nd Ed. 2019), section 4.13 states "[r]eprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client." It appears that your immediate withdrawal of the advance paid fees was due to the characterization of the fees as a "flat fee earned upon receipt." This misperception of "flat fees" is negligent because it is a failure to heed a substantial risk that the fees are not yet, and may not be, earned leading to a potential result that you will be unable to return unearned fees to your client. In addition, your misconduct did not cause any injury to a client, but it had the potential to do so. Thus, in this instance the appropriate baseline sanction is a Reprimand.

The Panel considered the mitigating factor that you have not had any discipline in almost twenty years of practice and decided that it warranted a downward deviation from issuance of a Reprimand to issuance of an Admonition.

ADMONITION

Based on the foregoing, you are hereby ADMONISHED for a violation of NRPC 1.15. Please promptly conclude this matter by remitting the cost of $750 within 30 days of the issuance of this sanction. SCR 120(3).

The State Bar wishes you the very best in your practice. Please allow this admonition to serve as a thoughtful reminder of your professional ethical obligations in handling trust funds.

Case Nos.: SBN23-00930 & SBN23-0975
Filed: December 20, 2024

ADMONITION

To [Attorney]:

A disciplinary panel of the Southern Nevada Disciplinary Board reviewed this matter against you. We unanimously find that you violated rules 1.3, 1.4(a), 1.4(b), 1.5(a), 1.15(a), 1.15(c), 1.16(d), and 8.4(c) of the Nevada Rules of Professional Conduct ("RPC"). The misconduct, your mental state, the degree of injury, and a balancing of aggravating and mitigating circumstances requires us to issue you an Admonition with some conditions. This discipline is to ensure your professionalism and adherence to our ethical standards as attorneys in the State of Nevada. We encourage you to take appropriate action to prevent similar misconduct in the future.

VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

RPC 1.3 (Diligence) states that "[a] lawyer shall act with reasonable diligence and promptness in representing a client." We find you violated RPC 1.3 after you accepted two (2) client matters and then (i) took no action on behalf of one client for approximately sixty (60) days; and (ii) did not speak with opposing counsel to ascertain whether he was filing a case and respond to a second client for approximately ninety (90) days.

RPC 1.4(a) (Communication) states that: A lawyer shall:

1) Promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these Rules;
2) Reasonably consult with the client about the means by which the client's objectives are to be accomplished;
3) Keep the client reasonably informed about the status of the matter; [and]
4) Promptly comply with reasonable requests for information; …

We find you violated RPC 1.4(a) after you accepted two (2) client matters and then (i) provided one client incomplete or misleading information about alleged conversations with opposing counsel and the work needed to achieve her objections; and (ii) failed to contact a second client for approximately ninety (90) days and contact opposing counsel before offering this client further, unnecessary services.

RPC 1.4(b) (Communication) states that "A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." We find you violated RPC 1.4(b) after you accepted two (2) client matters and then failed to explain the matters to the extent reasonably necessary for (i) one client to make an informed decision about the deadline for filing an answer and/or counterclaim; and (ii) a second client to make an informed decision that opposing counsel was not filing a case.

RPC 1.5(a) (Fees) states that "[a] lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses." We find you violated RPC 1.5(a) after you made an agreement, charged, and/or collected an unreasonable attorney fee by accepting (i) $3,000 and then completed little to no work for one client; and (ii) $1,500 and then completed little to no work for a second client. You charged a "non-refundable" fee without any evidence of work completed for both clients.

RPC 1.15(a) (Safekeeping Property) states that:

> A lawyer shall hold funds or other property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. All funds received or held for the benefit of clients by a lawyer or firm, including advances for costs and expenses, shall be deposited in one or more identifiable bank accounts designated as a trust account maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. … Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.

We find you violated RPC 1.15(a) after you failed to deposit (i) one client's advance fee and filing fee into a client trust account; and (ii) a second client's advance fee into a client trust account. You deposited all fees—including the filing fee—into your operating account. Consistent with the Nevada Supreme Court's recent decision in *In re Sull*, 140 Nev. Adv. Op. 54 (2024), we take this opportunity to remind you that the term "flat fee" does not transform a fee agreement into an "earned when paid" or non-refundable fee. An advance fee must be placed in a client trust account and only disbursed to the lawyer after a fee is earned, an expense incurred, or upon achieving pre-set "milestones" in your retainer.

RPC 1.15(c) (Safekeeping Property) states that "[a] lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred." We find you violated RPC 1.15(c) after you failed to deposit into a client trust account (i) an advance fee and filing fee from one client until you earned that fee and/or incurred the filing fee; and (ii) an advance fee from a second client until you earned that fee. You deposited all fees directly into your operating account.

RPC 1.16(d) (Declining or Terminating Representation) states that:

> Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other

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> counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

We find you violated RPC 1.16(d) after you failed to refund the (i) advance fee and filing fee to one client after you did not complete the terms of the retainer agreement; and (ii) advance fee for a second client after you did not complete the terms of the retainer agreement.

RPC 8.4(c) (Misconduct) states that "[i]t is professional misconduct for a lawyer to … engage in conduct involving dishonesty, fraud, deceit or misrepresentation …" We find you violated RPC 8.4(c) after a client filed a fee dispute with the State Bar, you told a fee dispute mediator that you would refund the advance fee, and you then failed to refund the client. You then failed to appear for a scheduled mediation or participate in the fee dispute in good faith.

MENTAL STATE

You are an experienced attorney. You know or should know the Nevada Rules of Professional Conduct. In this matter, however, we find that you were negligent while handling two (2) client matters, their advance fees, and a filing fee. A respondent acts negligently if he fails "to heed a substantial risk that circumstances exist or that a result will follow, which failure is a deviation from the standard of care that a reasonable lawyer would exercise in this situation." ABA Standards for Imposing Lawyer Sanctions (2d ed. 2019), p. xxi ("ABA Standard").

INJURY

An injury or potential injury can range from "serious or potentially serious" to "little or no actual or potential" injury. In this matter, we find that you caused an injury to (1) your clients by failing to diligently represent, communicate with, and safekeep their property; (2) the public by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and (3) the profession by charging an unreasonable fee and failing to take steps to the extent reasonably practicable to protect the interests of your clients. The degree of injury to your clients, the public, and the profession was moderate.

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.

Based upon the conduct above, your state of mind, and the injury, the baseline sanction for this matter was a Reprimand.

ABA Standard 4.13 (Failure to Preserve the Client's Property) states that a Reprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client.

ABA Standard 4.43 (Lack of Diligence) states that a 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 7.3 (Violations of Duties Owed as a Professional) states that a 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.

While a pattern of misconduct, multiple offenses, and your substantial experience in the practice of law are aggravating circumstances, your absence of a prior disciplinary record and timely good faith effort to make restitution or to rectify consequences of misconduct are mitigating circumstances. We find persuasive that you (i) fully refunded the two (2) clients before the disciplinary hearing, and (ii) participated with the Office of Bar Counsel to remove the "non-refundable" language and adopt a new retainer.

Your retainers previously included the following language:

> Client agrees to pay the sum of [omitted] (to be paid through Zelle to [omitted]) as and for a minimum non-refundable fee, which is earned when paid … The Client understands that this fee is not based upon an hourly rate and that the undersigned lawyer will not be keeping track of the amount of minutes, hours and/or days that he will spend working on the client's case. … THIS IS A NON-REFUNDABLE UNBUNDLED FEE AGREEMENT. … Please allow up to four (4) weeks for the firm to tally all work … and fees … on your case as this was initially a flat fee case with no casework tracking for billing.
>
> Client agrees to pay the sum of [omitted] for attorney's fees and [omitted] in filing fees (total [omitted]) via Zelle to: [omitted] as and for a minimum NON-REFUNDABLE fee, which is earned when paid … The Client understands that this fee is not based upon an hourly rate and that the undersigned lawyer will not be keeping track of the amount of minutes, hours and/or days that he will spend working on the client's case.

Your retainers now include the following language:

> [Client] agrees to pay the sum of [omitted] ([omitted] for attorney's fees and [omitted] for

> filing fees and costs) …for a minimum retainer fee, which is earned when paid with regard to: [a discussion what portion of the flat fee is earned after enumerated milestones]. The Client understands that this fee is not based upon an hourly rate and that the undersigned lawyer will not be keeping track of the amount of minutes, hours and/or days that he will spend working on the client's case. … Client also understands and agrees that should Client wish to terminate services … Client's case shall then be calculated using the *Flat Fee per Task* section in the attached [Rate Sheet]. Any remaining funds for uncompleted work shall be refunded to Client.

A balancing of these aggravating and mitigating circumstances does justify a decrease to the ABA baseline sanction: a Reprimand, which is also consistent with ABA Standard 5.14 based upon your violation of RPC 8.4(c).

ABA Standard 5.14 (Failure to Maintain Personal Integrity) states that an Admonition is generally appropriate when a lawyer engages in other misconduct that reflects adversely on the lawyer's fitness to practice law.

CONCLUSION

In light of the foregoing, you violated RPC 1.3 (Diligence), RPC 1.4(a) (Communication), RPC 1.4(b) (Communication), RPC 1.5 (Fees), RPC 1.15(a) (Safekeeping Property), RPC 1.15(c) (Safekeeping Property), RPC 1.16(d) (Declining or Terminating Representation), and RPC 8.4(c) (Misconduct) and are hereby ADMONISHED.

You are ordered to participate in good faith with any fee dispute that arises for the next twelve (12) months. Based upon the facts and circumstances and your violation of RPC 1.5(a), RPC 1.16(d), and RPC 8.4(c), this condition is intended to create protection of the public and increase confidence in the integrity of the legal profession. *See* SCR 102(2); ABA Model Rule 1.5 (Fees), cmt. [9] ("If a procedure has been established for resolution of fee disputes, such as an arbitration or mediation procedure established by the bar … even when it is voluntary, the lawyer should *conscientiously consider* submitting to it.") (emphasis added).

You are ordered to pay costs, provided for in SCR 120, in the amount of $750 plus the hard costs of these proceedings within thirty (30) days after the filing of an order accepting this Admonition.

ENDNOTES:

1. We reject Ghibaudo's argument that the RPC 8.4 charges should be dismissed as duplicative, as his actions violated multiple rules.
2. The panel also found the mitigating circumstance of mental disability, but there is no medical evidence in the record concerning Ghibaudo's diagnosis or that it caused the misconduct at issue here. See SCR 102.5(2)(i) (listing requirements to consider a mental disability as a mitigating circumstance).
3. Ghibaudo shall pay the State Bar's costs jointly and severally with attorney Michancy M. Cramer, but Ghibaudo is solely responsible for the $2,500 fee pursuant to SCR 120(3).
4. While some of the panel's mitigating circumstances are not listed in SCR 102.5, the rule provides that the list "is illustrative and … not exclusive." SCR 102.5(4).
5. The State Bar also brought additional allegations against Cramer, which the hearing panel found unproven. The State Bar does not challenge those findings.
6. We reject Cramer's argument that the RPC 8.4 charges should be dismissed as duplicative. We agree with Cramer, however, that her line of questioning about a car insurance policy during a hearing on September 11, 2020, was for a proper purpose.
7. We reject Cramer's argument that a negligent mental state is supported by her testimony that she was suffering from a stress-related medical condition when she committed the misconduct. Although Cramer's medical condition may be considered as a mitigating circumstance (e.g., personal or emotional problems and physical or mental disabilities) "after misconduct has been established," Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standards 9.1, 9.3 (Am. Bar Ass'n 2023); see also SCR 102.5(2) (listing mitigating circumstances), we are not convinced that it establishes negligence with respect to the misconduct.
8. Cramer shall pay the State Bar's costs jointly and severally with attorney Alex B. Ghibaudo, but Cramer is solely responsible for the $1,500 fee pursuant to SCR 120(3).

TIP FROM THE BAR COUNSEL

Empowering Clients: Upholding Autonomy

In the legal profession, one of the most fundamental ethical principles is respecting client autonomy. RPC 1.2(a) states, "a lawyer shall abide by a client's decisions concerning the objectives of representation and shall consult with the client as to the means by which they are to be pursued." This means empowering clients to make informed decisions about their own legal affairs.

Similarly, RPC 1.4 requires lawyers to communicate effectively so clients can make informed decisions. So, how do we balance a client's autonomy with our duty as attorneys to design legal strategy and provide guidance? Here's a dive into the ethics of client autonomy, spiced with practical tips to ensure your practice not only complies with ethical standards but also fosters empowered client relationships.

Why Autonomy Matters

Client autonomy is not just an ethical obligation; it's the cornerstone of a resilient attorney-client relationship. When clients feel they are in control of their decisions, they are more likely to be satisfied with the legal services you provide. Autonomy ensures that clients understand their options, the potential outcomes, and the implications of each decision, leading to decisions that are truly theirs. Here are some tips on upholding autonomy:

- **Tip 1: Educate, Don't Dictate.**
  Educating your client is the first step in respecting their autonomy. Avoid jargon; instead, use clear, straightforward language to explain legal concepts. For instance, when discussing a plea deal, rather than saying, "You should take this deal," say, "Here's what accepting this plea deal means for your case, versus going to trial."

- **Tip 2: Ask Open-Ended Questions.**
  Encourage clients to think through their decisions by asking open-ended questions. "What do you want to achieve in this case?" or "How do you feel about the different paths we can take?" These questions prompt clients to articulate their values and goals, ensuring their decisions align with their personal objectives.

- **Tip 3: Use Decision-Making Tools.**
  Visual aids or decision trees can be incredibly helpful. For complex cases, sketch out potential outcomes visually. This tool not only aids in understanding but also in decision-making. "Here's what could happen if we proceed to trial," you might illustrate, showing branches for different scenarios.

- **Tip 4: Clarify the Scope of Decision-Making.**
  Make sure your client knows what decisions are theirs to make and which are yours. "I will handle the legal strategy, but the decision on whether to settle or go to trial is entirely yours," clarifies roles and responsibilities, empowering the client within their domain of decision-making. Under RPC 1.2, the client always retains settlement authority and other objective-related decisions. You may design your own strategy, but with the client's advice and counsel.

- **Tip 5: Document Decision Points.**
  Keep a record of the decisions made by the client during the course of representation. This document not only helps with disputes but also reinforces the client's role in their legal journey. "Let's note in the file that you've decided to pursue mediation over litigation," provides transparency and accountability.

- **Tip 6: Respect the Client's Decision.**
  Even if you disagree with a client's choice, it's paramount to respect their decision. Offer your counsel and highlight the risks, but remember, they have the final call. "I see your point, and while I would recommend a different approach, I respect your decision to proceed this way," is a respectful acknowledgment of their autonomy.

In the dance of legal representation, client autonomy is the lead. By employing these practical tips, you not only adhere to ethical mandates but also cultivate a practice where clients feel heard, informed, and in control. Remember, an empowered client is not just a satisfied client; they're your best advocate in the legal community. Let's strive for a practice where autonomy isn't just respected; it's celebrated.