

# bar counsel report

## SUPREME COURT OF NEVADA

**In re:** Stanley A. Walton  
**Bar No.:** 4784  
**Docket No.:** 64914  
**Filed:** June 11, 2014

### ORDER OF DISBARMENT

*Attorney irrevocably disbarred for misappropriation of client funds, failure to adequately represent clients, fraud, deceit and illegal conduct.*

This is an automatic review of a decision of a hearing panel of the Southern Nevada Disciplinary Board, recommending that attorney Stanley A. Walton be disbarred from the practice of law in Nevada. See SCR 105(3)(b).

The events leading up to this recommendation involve Walton's misconduct, including misappropriation of client funds, failure to adequately represent clients, fraud, deceit, and illegal conduct. The state bar filed five formal complaints against Walton, alleging 35 violations of the Rules of Professional Conduct. Despite receiving ample notice of the proceedings against him, Walton failed to defend against the charges. The panel found that Walton violated RPC 1.1 (competence), RPC 1.3 (diligence) (two violations), RPC 1.4 (communication) (two violations), RPC 1.5 (fees) (two violations), RPC 1.7 (conflict of interest: current clients), RPC 1.8 (conflict of interest: current clients: specific rules), RPC 1.15 (safekeeping property) (eight violations), RPC 1.16 (declining or terminating representation), RPC 3.2 (expediting litigation), RPC 3.3 (candor toward the tribunal), RPC 3.4 (fairness to opposing party and counsel), RPC 4.1 (truthfulness in statements to others), RPC 5.5 (unauthorized practice of law), RPC 8.1 (bar admission and disciplinary matters) (five violations) and RPC 8.4 (misconduct) (seven violations). The panel also found the following aggravating factors, pursuant to SCR 102.5: dishonest or selfish motive; a pattern of misconduct; multiple offenses; bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders; submission of false evidence, false statements, or other deceptive practices during the disciplinary hearing; refusal to acknowledge the wrongful nature of his conduct; vulnerability of victim; substantial experience in the practice of law; indifference to making restitution; and illegal conduct. The panel found no mitigating factors. Based on these findings, the panel recommended that Walton be disbarred from the practice of law in Nevada and

that he be required to pay the costs of the disciplinary proceeding.

A decision of a panel of the Southern Nevada Disciplinary Board recommending disbarment is subject to automatic review by this court. SCR 105(3)(b). Although persuasive, the panel's findings and recommendations are not binding on this court. *In re Discipline of Droz*, 123 Nev. 163, 168, 160 P.3d 881, 884 (2007). "This court must review the record de nova and exercise its independent judgment to determine whether and what type of discipline is warranted." *Id.* at 168, 160 P.3d at 884-85 (quoting *In re Discipline of Stuhff*, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992)). The panel's findings of misconduct must be supported by clear and convincing evidence. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995).

SCR 105(2) provides that if an attorney fails to plead in response to a state bar complaint, the charges shall be deemed admitted. We conclude that the allegations in the third, fourth and fifth complaints are deemed admitted.<sup>1</sup> We further conclude that clear and convincing evidence supports the panel's findings. Finally, we conclude that the state bar's recommended discipline is appropriate in light of the severe nature of Walton's misconduct.

Accordingly, we disbar Walton from the practice of law in Nevada. Such disbarment is irrevocable. See SCR 102(1). Further, Walton shall pay the costs of the disciplinary proceedings within 30 days of receipt of the Nevada State Bar's bill of costs. See SCR 120.

It is so ORDERED.

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**In re:** Brian R. Bloomfield  
**Bar No.:** 8379  
**Docket No.:** 65705  
**Filed:** June 24, 2014

### ORDER OF TEMPORARY SUSPENSION AND REFERRAL TO DISCIPLINARY BOARD

*Attorney temporarily suspended and referred to the Southern Nevada Disciplinary Board for disciplinary proceedings after pleading guilty to felony counts of offering false instrument for filing or record, forgery and gross misdemeanor counts of conspiracy to commit a crime and destroying evidence.*

Bar counsel for the State Bar of Nevada has petitioned this court, pursuant to SCR 111, to enter an order temporarily suspending attorney Brian Bloomfield from the practice of law and referring him to the appropriate board for discipline. The petition is supported by certified copies of documents indicating that on

December 11, 2013, Bloomfield pleaded guilty in the Eighth Judicial District Court, Clark County, Nevada to one count of offering false instrument for filing or record, a felony; one count of forgery, a felony; one count of conspiracy to commit a crime, a gross misdemeanor; and one count of destroying evidence, a gross misdemeanor.

Pursuant to SCR 111, temporary suspension and referral to the appropriate disciplinary board are mandatory when an attorney has been convicted of a "serious" crime, which includes a felony. SCR 111(6) (8). Having reviewed the petition and the supporting documentation submitted by bar counsel, we conclude that the petition conclusively establishes Bloomfield's conviction of serious crimes. Accordingly, we temporarily suspend Bloomfield from the practice of law.

SCR 111(7) states that "[f]or good cause, the court may set aside its order suspending the attorney from the practice of law." Bloomfield has filed a combined opposition to the state bar's petition for temporary suspension and a counter motion to set aside the suspension. We conclude that Bloomfield has failed to demonstrate good cause to set aside the mandatory suspension. SCR 111(7); see *In re Discipline of Trujillo*, 24 P.3d 972, 979 (Utah 2001). We refer this matter to the Southern Nevada Disciplinary Board for the initiation of formal disciplinary proceedings in which the sole issue to be determined is the extent of discipline to be imposed. SCR 111(8).

It is so ORDERED.

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**In re:** R. Christopher Reade  
**Bar No.:** 6791  
**Docket No.:** 65738  
**Filed:** June 25, 2014

## ORDER OF TEMPORARY SUSPENSION

*Attorney temporarily suspended and referred to the Southern Nevada Disciplinary Board for disciplinary proceedings following a felony conviction of money laundering.*

This is a joint petition pursuant to SCR 111(4) by bar counsel and attorney R. Christopher Reade based on Reade's conviction in the United States District Court, District of Nevada, pursuant to a guilty plea, of one count of accessory after the fact to laundering of monetary instruments, felony in violation of 18 USC § 3. Reade timely informed the state bar of his conviction. See SCR 111(2).

When an attorney has been convicted of a serious crime, SCR 111 provides that this court shall enter an

order suspending that attorney pending final disposition of a disciplinary proceeding. SCR 111(7). A felony is explicitly a "serious crime" under SCR 111, and a guilty plea constitutes a "conviction." SCR 111(1), (6). Reade pleaded guilty to a felony count and has therefore been convicted of a serious crime for purposes of SCR 111.

Accordingly, we temporarily suspend Reade from the practice of law and refer this matter to the Southern Nevada Disciplinary Board for the initiation of formal disciplinary proceedings in which the sole issue to be determined is the extent of discipline to be imposed. See SCR 111 (7), (8).

It is so ORDERED.

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**In re:** David L. Tanner  
**Bar No.:** 2366  
**Docket No.:** 61583  
**Filed:** July 3, 2014

## ORDER OF SUSPENSION

*Attorney suspended for two years (retroactively to March 31, 2011) following criminal conviction of theft. Should attorney petition for reinstatement, additional conditions are to be placed such as a mentor, a co-signator on the trust account and quarterly audits of his trust account.*

This is an automatic review, pursuant to SCR 105(3)(b), of a disciplinary board hearing panel's recommendation that attorney David L. Tanner be suspended from the practice of law for two years. The complaints giving rise to this matter involved Tanner's misappropriation of a car that was entrusted to him by his clients for the purpose of surrendering it to the creditor as part of a bankruptcy, his subsequent criminal conviction relating to his use of the car and trust account violations that came to light when he made restitution pursuant to the conviction. Upon being informed of his theft conviction, this court temporarily suspended Tanner from the practice of law and referred the matter to a disciplinary board to determine the extent of discipline to be imposed. *In re Discipline of Tanner*, Docket No. 57696 (Order of Temporary Suspension and Referral to Disciplinary Board, March 31, 2011).

After a hearing, the disciplinary panel found that Tanner violated former SCR 203(1)<sup>2</sup> (misconduct: violate or attempt to violate the Rules of Professional Conduct); SCR 203(2) (misconduct: commit a criminal act that reflects adversely on the lawyer's honesty,

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trustworthiness, or fitness as a lawyer); SCR 203(3) (misconduct: engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); SCR 203(4) (misconduct: engage in conduct that is prejudicial to the administration of justice); SCR 154 (communication); SCR 158 (conflict of interest); SCR 165 (safekeeping property); SCR 173(3) (fairness to opposing party and counsel; knowingly disobey an obligation under the rules of a tribunal); SCR 181 (truthfulness in statements to others); RPC 1.15 (safekeeping property); and 8.4 (misconduct). The panel recommended that Tanner be suspended from the practice of law for two years, retroactive to his temporary suspension, and that he be ordered to pay the costs of the disciplinary proceedings.

Having reviewed the record and Tanner's brief, we approve the panel's recommendation that Tanner be suspended from the practice of law for two years, retroactive to his temporary suspension.<sup>3</sup>

Accordingly, we hereby suspend David L. Tanner from the practice of law for two years, retroactive to the date of his temporary suspension. In addition, Tanner must pay the costs of the disciplinary proceedings.

It is so ORDERED.

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**In re:** Don Shreve, Jr.  
**Bar No.:** 4382  
**Docket Nos.:** 59634, 65321  
**Filed:** May 28, 2014

## ORDER OF SUSPENSION

*Attorney suspended for five years with conditions precedent for reinstatement following misappropriation, co-mingling, and failure to communicate with clients and the State Bar of Nevada.*

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's findings of fact, conclusions of law, and recommendations for attorney discipline deriving from two state bar complaints. SCR 105(3)(b). The panel recommended that Don Shreve, Jr. be suspended from the practice of law for a term of five years with conditions precedent to a petition for reinstatement. We approve.

We previously considered part of this matter when we temporarily suspended Shreve pending the resolution of the underlying disciplinary proceedings against him and remanded the matter for the panel to consider additional evidence and argument. *In*

*re: Discipline of Shreve*, Docket No. 59634 (Order of Temporary Suspension, October 10, 2013); *In re: Discipline of Shreve*, Docket No. 59634 (Order of Remand, July 22, 2013). Pursuant to our order, the panel conducted a formal hearing on January 30, 2014, to consider mitigating evidence in State Bar Complaint No. 10-071-1375 and all evidence in State Bar Complaint No. SG12-0672. The record of the hearing demonstrates that Shreve failed to remit client funds, commingled client funds with non-client funds, failed to represent his clients diligently, and failed to communicate with his clients or to respond to the state bar.

According to State Bar Complaint No. 10-071-1375, Shreve represented Century-National Insurance Company in a civil action, which settled for \$35,000. Shreve received the settlement funds and informed Century-National that he would pay the insured the previously agreed upon \$10,000 and remit the balance to Century-National. He failed to follow through and remit payment to Century-National, and he failed to respond to Century-National's numerous attempts to contact him. In addition, Shreve then failed to respond adequately to the state bar's investigatory communications or to its complaint.<sup>4</sup>

According to State Bar Complaint No. SG12-0672, Shreve represented Farmers Insurance Exchange in a number of subrogation cases. In 10 of those cases he failed to diligently prosecute the cases, failed to remit settlement funds to Farmers, failed to communicate and failed to respond to attempts at contact and resolution. Farmers sued Shreve in district court, Shreve failed to participate in the litigation and Farmers obtained a default judgment against Shreve. The state bar alleged violations of the Rules of Professional Conduct with respect to the subrogation cases, Shreve's failure to respond to the Farmers lawsuit and his failure to respond to the state bar.

In total, the hearing panel made findings that with respect to Farmers, Shreve committed seven violations of RPC 1.1 (competence), one violation of RPC 1.2 (scope of representation), seven violations of 1.3 (diligence), 10 violations of RPC 1.4 (communication), five violations of RPC 3.2 (expediting litigation) one violation of RPC 3.4 (fairness to opposing party and counsel), one violation of RPC 8.1 (bar admission and disciplinary matters) and 12 violations of RPC 8.4 (misconduct).

The panel found that Shreve had no disciplinary record prior to the proceedings in Complaint No. 10-071-1375 and that he suffered emotional problems during the time frame at issue due to significant life events. In addition, he had a history of good character and reputation and showed substantial

remorse. On the other hand, he failed to remit his client's funds until four years after he received them, and did so only after the panel had issued its initial findings of fact and conclusions of law and recommendation for disbarment. The panel found the following four aggravators:

1. Prior disciplinary offenses, based on Complaint No. 10- 071-1375;
2. A pattern of misconduct;
3. Multiple offenses; and
4. Substantial experience in the practice of law.

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

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

The primary objective of attorney discipline is not further punishment of the attorney, but rather protection of the public and protection of the public's confidence in the legal profession. *State Bar of Nevada v. Claiborne*, 114 Nev. 115, 129, 756 P.2d 464, 473 (1988).

We conclude that the record before us demonstrates that Shreve committed the misconduct and violations of the Rules of Professional Conduct as found by the hearing panel. The panel's recommendation is an appropriate sanction.

Accordingly, attorney Don Shreve, Jr. is hereby suspended from the practice of law for five years, effective January 30, 2014. Before he may petition for

reinstatement pursuant to SCR 116, Shreve must take and pass the Nevada bar exam, and the Multistate Professional Responsibility Exam and pay restitution to Farmers Insurance Exchange. Shreve is ordered to pay the costs of the disciplinary proceedings against him within 90 days. See SCR 120. The parties shall also comply with the applicable provisions of SCR 115 and SCR 121.1.

It is so ORDERED.

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**In re:** Stanley E. Wade, Jr.  
**Bar No.:** 8302  
**Docket No.:** 65393  
**Filed:** July 7, 2014

## ORDER APPROVING CONDITIONAL GUILTY PLEA

*Attorney suspended for one year with conditions precedent for reinstatement following co-mingling, failure to communicate with clients and the State Bar of Nevada.*

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Stanley E. Wade, Jr. Under the agreement, Wade admitted to two violations of RPC 1.4 (communication), two violations of RPC 1.15 (safekeeping property), one violation of RPC 8. 1(b) (bar admission and disciplinary matters), and two violations of RPC 8.4 (misconduct).

The agreement provides for a suspension of one year, that Wade pay all outstanding liens on behalf of clients as provided in the plea agreement,<sup>5</sup> that the liens be paid in full prior to Wade filing any application for reinstatement and if Wade is able to negotiate a lower lien repayment any remaining funds are paid to the client, and that he pay the state bar's bill of costs within 90 days.

Based on our review of the record, we conclude that the guilty plea agreement should be approved. See SCR 113(1). Wade is suspended from the practice of law for one year. Wade shall pay in full all liens as agreed to and pay the state bar's bill of costs within 90 days of receiving it. Wade shall comply with SCR 116 if he desires to be reinstated to the practice of law in Nevada after completing his suspension. The parties shall comply with the applicable provisions of SCR 115 and SCR 121.1.

It is so ORDERED. ■

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1. Walton filed answers to the first and second complaints denying any misconduct. He failed to respond to these matters once this court remanded them for further development. Nevertheless, this court reviewed the answers prior to deciding this matter. He also failed to answer the third, fourth and fifth complaints or attend the disciplinary hearing.
2. Some charges against Tanner related to conduct that occurred before the Nevada Rules of Professional Conduct were adopted in their current form in May 2006, and thus Tanner was charged with violations of the then-applicable SCR's.
3. We recognize that this renders Tanner eligible to immediately apply for reinstatement. We note that, in order to protect the public and the integrity of the bar, *see In re Discipline of Schaefer*, 117 Nev. 496, 518-19, 25 P.3d 191, 206 (2001), this court will not consider reinstating Tanner unless it is clearly demonstrated that he understands his ethical duties regarding clients' property, including trust account management, and that for at least one year following any reinstatement: (1) a mentor, chosen by the bar, is required to monitor Tanner's practice and report to the bar on a quarterly basis; (2) a co-signatory, approved by the bar, is required on Tanner's trust account; and (3) quarterly audits of his trust account are required.
4. In Docket No. 59634 the hearing panel recommended this court disbar Shreve based on State Bar Complaint No. 10-071-1375. Because Shreve failed to participate in the disciplinary proceedings, the panel entered its findings and recommendation by default. While the recommendation was pending in this court, Shreve submitted a request for a remand to allow the panel to consider mitigating factors. The panel indicated its willingness, and the state bar indicated that additional allegations against Shreve were forthcoming. We remanded for resolution of all the issues. Based on the court's decision in this matter today, the proceedings pending against Shreve in Docket No. 59634 are resolved and closed.
5. The outstanding liens include \$8,366.75 (Annie Kim), \$13,458 (Adrian Paul Oba), \$3,300 (Jungi Min), \$60 (Nathan Lund), and \$120 (Haeli Lund).

## DISCIPLINE KEY

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

Supreme Court Rules (SCRs):

[www.leg.state.nv.us/CourtRules/SCR.html](http://www.leg.state.nv.us/CourtRules/SCR.html)

**DISBARMENT** – License to practice revoked.

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

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

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

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

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

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

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