

bar counsel report

SUPREME COURT OF NEVADA

In re: Peter Reynolds
Bar No: 2452
Docket No: 53237
Filed: November 9, 2009

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

Disciplinary suspension, stayed for two years, subject to probationary conditions, due to attorney's failure to comply with Supreme Court's Nevada Rules of Appellate Procedure, notices and orders regarding an appeal, and for initial failure to respond to 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 in exchange for a stated form of discipline for attorney Peter Reynolds. Under the agreement, Reynolds admits to violating RPC 1.3 (Diligence), RPC 3.4(c) (Fairness to opposing party and counsel: knowingly disobeying an obligation under the rules of tribunal) and RPC 8.1 (b) (Bar Admission and Disciplinary Matters: knowingly failing to respond to a demand for information from a disciplinary authority). These violations stem from his failure to comply with this court's rules, notices and orders regarding an appeal; and from his subsequent initial failure to respond to the State Bar of Nevada after the matter was referred to it for investigation.

The agreed-upon discipline provides for Reynolds to be suspended from the practice of law for six months and one day, to be stayed for one year subject to probationary conditions. The conditions of the probationary period are as follows:

- Reynolds shall not receive any other bar complaints that result in the finalization of a letter of reprimand as defined in SCR 102 or in a formal hearing where specific findings from the panel are entered that Reynolds violated any rule of professional conduct.
- Reynolds shall not receive any additional referrals from this court to the Office of Bar Counsel for investigation pursuant to SCR 105.
- Should Reynolds have any appeals that need to be handled, he is required to consult with a mentor that is approved by bar counsel. While the appeal is pending, the mentor shall provide a monthly report to the Office of Bar Counsel reporting the mentor's opinion regarding

whether Reynolds is appropriately following the Nevada Rules of Appellate Procedure.

- Reynolds is to respond to the state bar in the time period allotted in any communication from the state bar. Failure to do so on even one occasion shall result in a file being opened and being presented to a screening panel for recommendation.
- Should Reynolds violate any of these conditions, bar counsel will file the appropriate pleading in this court requesting that the stayed suspension be imposed.

Having reviewed the record, we conclude that the plea agreement should be approved, with one modification as to the length of the stay subject to probation. See SCR 113(1). Accordingly, attorney Peter Reynolds is hereby suspended from the practice of law for six months and one day. The suspension is stayed for two years, subject to the probationary conditions of the agreement set forth above.

Reynolds is further ordered to pay costs of the disciplinary proceedings within 90 days.

In re: Patrick G. Christoff
Bar No: 4564
Docket No: 53448
Filed: November 9, 2009

ORDER IMPOSING RECIPROCAL DISCIPLINE

Reciprocal discipline imposed.

This is a petition under SCR 114 to reciprocally discipline attorney Patrick G. Christoff, based on discipline imposed upon him in California. Christoff did not file a response to this petition.

Christoff made a brief California court appearance during a time in which he was fee suspended for failing to timely pay his California bar fees. Christoff and California bar counsel stipulated that this conduct violated California Business and Professions Code sections 6068(a), 6125 and 6126. Christoff failed to inform bar counsel of the discipline as required by SCR 114(1).

The California Supreme Court approved the parties' stipulation that Christoff be suspended from the practice of law in California for one year; that the suspension be stayed; and that Christoff be placed on two years' probation subject to numerous conditions. The conditions of probation include: compliance with the professional conduct rules; report of any changes of information within 10 days; meeting promptly with the probation deputy and responding truthfully to inquiries regarding compliance;

submission of quarterly probation reports; successful completion of ethics school; completion of six hours of MCLE in law office management, attorney client relations, and/or general legal ethics; passage of the MPRE; and payment of the costs of the disciplinary proceedings.

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

Accordingly, we grant the petition for reciprocal discipline. Attorney Patrick G. Christoff is hereby suspended from the practice of law in Nevada for one year.¹ His suspension is stayed and he is placed on probation for two years. Christoff is required to provide proof to Nevada bar counsel of compliance with the conditions of probation imposed upon him by California. Failure to do so constitutes a violation of probation and could subject Christoff to further discipline.

In re: Darla Rae Anderson
Bar No: 2283
Docket No: 53453
Filed: November 9, 2009

ORDER IMPOSING RECIPROCAL DISCIPLINE

Reciprocal discipline imposed.

This is a petition under SCR 114 to reciprocally discipline attorney Darla Rae Anderson, based upon discipline imposed upon her in California. Anderson did not file a response to the petition.

Anderson's underlying disciplinary matter involved two different clients. In the first case, Anderson's misconduct was found to have violated California Rules of Professional Conduct 3-110(A) and 3-700(D)(1), and California Business and Professions Code section 6106. In the second case, Anderson's misconduct was found to have violated California Business and Professions Code sections 6106 and 6068(m), and California Rule of Professional Conduct 3-110(A). Anderson failed to inform bar counsel of the discipline as required by SCR 114(1).

The California Supreme Court ordered Anderson suspended from the practice of law in California for three years and until she provides proof satisfactory to the bar court of her rehabilitation, fitness to practice and present learning and ability in the general law. Execution of the suspension was stayed and Anderson was placed on probation for five years on condition that she be actually

suspended for one year. Additional conditions of her probation require her to: comply with the professional conduct rules; report any changes of information within 10 days; meet promptly with the probation deputy and respond to inquiries regarding compliance; submit written quarterly probation reports; successfully complete ethics school; if still in the Lawyer's Assistance Program, comply with the agreement and report any non-compliance to the probation office, or, if terminated from the program, promptly obtain a mental/physical exam and comply with the treatment plan; complete with all sanctions orders in the first client's case; pass the MRPE; comply with court rules regarding notice to clients; and pay costs of the disciplinary proceedings.

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

Accordingly, we grant the petition for reciprocal discipline. Darla Rae Anderson is hereby suspended from the practice of law in Nevada for three years.² Her suspension is stayed and she is placed on probation for five years, subject to the conditions imposed upon her by California, including actual suspension for one year. Anderson is required to provide proof to Nevada bar counsel of compliance with the conditions of probation imposed upon her by California. Failure to do so constitutes a violation of probation and could subject Anderson to further discipline. Anderson and the State Bar of Nevada shall comply with SCR 115 and SCR 121.1.

SOUTHERN NEVADA DISCIPLINARY BOARD

LETTERS OF (PRIVATE) REPRIMAND³

File No. 07-178-2647

Letter of reprimand for failure to pay fine and costs in prior disciplinary matter. Additional costs were also imposed.

In Case No. 07-004-2647, Attorney received a Letter of Reprimand and was directed to pay a fine and costs totaling \$640. Thereafter, Attorney neither objected to that reprimand within the fourteen-day appeal period nor paid the fine and costs. Accordingly, the State Bar of Nevada was required to initiate the instant matter, Case

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No. 07-178-2647.

In this matter, Attorney essentially ignored a legitimate order to pay a fine and costs. Although Attorney apparently did not agree with the previous panel's decision, it became final when Attorney failed to object during the appellate period. In mitigation, Attorney eventually paid the fine and costs assessed in the previous case.

Attorney was REPRIMANDED for violating RPC 3.4(c) (Fairness to Opposing Party and Counsel: Knowingly disobeying an obligation under the rules of a tribunal) and RPC 8.1(b) (Bar Admission and Disciplinary Matters). The Screening Panel also imposed costs pursuant to Supreme Court Rule 102(6) (Types of Discipline), although such costs shall not exceed \$500. ■

1. This suspension is separate from and in addition to Christoff's suspension ordered by the State Bar for non-payment of 2002 dues. It is also separate from and in addition to his suspension by this court for failure to comply with the rules regarding his continuing legal education. *In re: Continuing Legal Education*, Docket No. 42106 (Order Granting Petition, March 30, 2004).
2. This suspension is separate from and in addition to Anderson's suspension ordered by the State Bar for non-payment of 1997 dues. It is also separate from and in addition to her suspension by this court for failure to comply with the rules regarding his continuing legal education. *In re: Continuing Legal Education*, Docket No. 34572 (Order, July 19, 2000).
3. See SCR 121 (Confidentiality) as amended eff. March 1, 2007.

DISCIPLINE KEY

Resignation with charges pending: SCR 98(5)(b)

Types of possible discipline listed generally: SCR 102

Attorneys convicted of crimes: SCR 111

Conditional guilty plea agreements (discipline by consent): SCR 113

Reciprocal discipline: SCR 114

Disbarred/Suspended attorneys: SCR 115

Reinstatement: SCR 116

Disability Inactive: SCR 117

Supreme Court Rules (SCRs):

www.leg.state.nv.us/CourtRules/SCR.html

DISBARMENT – License to practice revoked.

SUSPENSION – License suspended for a time certain, ineligible to practice. More than 6 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 PRIVATE REPRIMAND – Lowest level of discipline. Not published, but disclosed upon request under the new rules. May also include up to a \$1,000 fine. Remains eligible to practice.

ADMINISTRATIVE SUSPENSION/INACTIVE STATUS – Attorneys may be administratively suspended for failure to pay bar fees (SCR 98(12)), and/or placed on CLE inactive status 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.