

In Re: WILLIAM L. WOLFBRANDT

Bar No.: 460

Case No.: 75138

Filed: March 9, 2018

ORDER OF DISBARMENT

Attorney disbarred by consent, following acknowledgement he had not complied with conditions imposed by the court.

The Southern Nevada Disciplinary Board and attorney [sic] L. Wolfbrandt have filed, under SCR 112, a petition for Wolfbrandt's disbarment by consent. The petition is supported by Wolfbrandt's affidavit, stating that he freely and voluntarily consents to disbarment. Wolfbrandt acknowledges in the affidavit that he has not complied with the conditions imposed by this court in *In re Discipline of Wolfbrandt*, Docket No. 72316 (Order of Suspension, July 25, 2017). Wolfbrandt admits that he could not successfully defend against a disciplinary action based on his failure to comply with those conditions.

SCR 112 provides that an attorney who is the subject of a proceeding involving allegations of misconduct may consent to disbarment by delivering an affidavit to bar counsel, who must file it with this court. Wolfbrandt's affidavit meets the requirements of SCR 112(1), and we conclude that the petition should be granted.

Accordingly, attorney William L. Wolfbrandt is disbarred. Such disbarment is permanent. SCR 102(1). As acknowledged in Wolfbrandt's affidavit and the petition, Wolfbrandt remains subject to the conditions and obligations previously imposed by this court, particularly that he pay restitution to injured clients and pay the costs of the prior disciplinary proceeding. The provisions of SCR 115 and SCR 121.1 governing notice and publication of orders of disbarment shall apply to this order. It is so ORDERED.

In Re: ROBERT R. MORISHITA

Bar No.: 6752

Case No.: 74280

Filed: March 9, 2018

ORDER OF DISBARMENT

Attorney disbarred, following violations of RPC 1.1 (competence); RPC 1.3 (diligence); RPC 1.4 (communication); RPC 1.5 (fees); RPC 1.15 (safekeeping property); RPC 1.16 (termination of representation); and RPC 8.4(b), (c), and (d) (misconduct).

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Robert R. Morishita be disbarred based on violations of RPC 1.1 (competence); RPC 1.3 (diligence); RPC 1.4 (communication); RPC 1.5 (fees); RPC 1.15 (safekeeping property); RPC 1.16 (termination of representation); and RPC 8.4(b), (c), and (d) (misconduct). 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 Morishita 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 Morishita failed to answer the complaint and a default was entered. The State Bar attempted to serve Morishita with the complaint and other notices as required by SCR 105(2) by certified mail at his SCR 79 address. SCR 109. All mail sent to the SCR 79 address was returned as undeliverable. The State Bar also attempted to contact Morishita by phone, email, and through social media with no success. Other efforts to locate Morishita also failed. SCR 105(2).

The record therefore establishes that Morishita violated the above-referenced rules by failing to diligently pursue actions on behalf of his clients, by knowingly obtaining money from his clients under false pretenses, by abandoning his law practice without properly terminating the representation of his clients, by failing to appropriately handle client files, and by failing to cooperate with the bar investigation and proceeding. Specifically, Morishita intentionally deceived a set of clients by falsifying a government document and leading the clients to the mistaken belief that their legal matter was still ongoing, and also failed to properly handle numerous client files by abandoning them in a storage unit.

As for the appropriate discipline for these violations, this court reviews a hearing panel's recommendation de novo, although the panel's recommendation is persuasive. SCR 105(3)(b); *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001). To determine 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).

Morishita violated duties owed to his clients (competence, diligence, communication, safekeeping property, and terminating representation) and the profession (fees and misconduct). The conduct alleged in the complaint was done knowingly and intentionally. Morishita's clients suffered actual injury because they paid Morishita for work that was never completed, they had to pay additional money to correct issues caused by Morishita's lack of diligence, and the delays hindered their ability to profit from a business venture for nearly five years. Additionally, other clients were injured because Morishita abandoned his law practice without properly terminating their representation or returning their files. Morishita's failure to cooperate with the State Bar's investigation also harmed the integrity of the profession, which depends on a self-regulating disciplinary system.

The baseline sanction before considering the presence of any aggravating or mitigating circumstances is disbarment. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Rules and Standards*, Standard 4.11 (Am. Bar Ass'n 2017) ("Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client."); Standard 4.41 (indicating that disbarment is generally appropriate when "a lawyer abandons the practice

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and causes serious or potentially serious injury to a client” or “knowingly fails to perform services for a client and causes serious or potentially serious injury to a client” or “engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client”); Standard 5.11(a), (b) (providing that disbarment is appropriate when a lawyer engages in “serious criminal conduct ... which includes intentional interference with the administration of justice” or “engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer’s fitness to practice”).

The hearing panel found one mitigating circumstance: that Morishita had no prior disciplinary record. SCR 105(2). We agree with the hearing panel that this mitigating circumstance does not warrant a lesser discipline when considering the numerous aggravating circumstances found by the panel that are supported by the record (dishonest or selfish motive, obstruction of the disciplinary proceeding by intentionally failing to comply with rules or order, refusal to acknowledge the wrongful nature of conduct, indifference to making restitution, and illegal conduct). Morishita’s conduct of failing to diligently pursue his clients’ matters, intentionally deceiving clients in order to misappropriate funds, and abandoning his law practice without properly terminating his clients’ representation along with his indifference to the disciplinary proceedings indicate that disbarment is necessary in order 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).

Accordingly, we disbar attorney Robert R. Morishita from the practice of law in Nevada. Such disbarment is irrevocable. SCR 102(1). Morishita shall pay the costs of the disciplinary proceedings, including \$3,000 under SCR 120, and pay \$4,100 in restitution as recommended in the hearing panel’s findings of fact, conclusions of law, and recommendation, within 30 days of the date of this order. The parties shall comply with SCR 115 and SCR 121.1. It is so ORDERED.

In Re: SEAN P. FLANAGAN
Bar No.: 5304
Case No.: 74569
Filed: March 9, 2018

ORDER OF SUSPENSION

Attorney suspended six months following admissions of violations of RPC 1.4 (communication), RPC 1.15 (safekeeping property), RPC 5.5 (unauthorized practice of law), RPC 8.1 (bar admission and disciplinary matters), and RPC 8.4 (misconduct).

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 Sean Flanagan. Under the agreement, Flanagan admitted to violations of RPC 1.4 (communication), RPC 1.15 (safekeeping property), RPC 5.5 (unauthorized practice of law), RPC 8.1 (bar admission and disciplinary matters), and RPC 8.4 (misconduct) in exchange for a six-month suspension commencing from the date of this court’s order followed by a three-year probationary period.

Flanagan admitted that he misappropriated client funds when he accepted settlement checks totaling \$35,000 on behalf

of a client and transferred the funds from his trust account to his operating account to cover personal and business expenses without distributing the portion of the settlement funds owed to the client and her medical providers. Flanagan also admitted that he made misrepresentations to the client about the status of the settlement funds and deposited a check in her account for which he did not have sufficient funds before borrowing money from a family member to pay the client. Flanagan further admitted that when he first began representing the client, he was subject to an administrative suspension for failing to complete required continuing legal education and therefore engaged in the unauthorized practice of law.

Because this matter arises from a conditional guilty plea agreement, the sole issue before this court is whether the agreed-upon discipline is sufficient to serve the purpose of attorney discipline—to protect the public, the courts, and the legal profession, *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988). 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).

Flanagan violated duties owed to his client (communication and safekeeping property) and duties owed as a professional (unauthorized practice, bar admission and disciplinary matters, and misconduct). He did so with knowledge and caused injury or potential injury to a client and to the legal profession. For the most serious instance of misconduct misappropriating client property, Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards* 452 (Am. Bar Ass’n 2015) (“The ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations.”), the baseline sanction before considering aggravating and mitigating circumstances is disbarment. *Id.* Standard 4.11 (“Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.”). Here, the mitigating circumstances warrant a suspension with a lengthy probationary period rather than disbarment, which in Nevada is permanent, SCR 102(1). In particular, the parties and the hearing panel agreed that personal or emotional problems, timely good faith effort to make restitution or rectify the consequences of the misconduct, and remorse mitigated the misconduct. See SCR 102.5(2). And although Flanagan has substantial experience in the practice of law, he has only one prior disciplinary offense and it did not involve similar misconduct. Considering all of the relevant factors, we conclude that a six-month suspension followed by a three-year probationary period with the agreed upon conditions, which are focused on protecting the public from further similar misconduct, are sufficient to serve the purpose of attorney discipline in this matter. We therefore approve the conditional guilty plea agreement as modified during the formal hearing and reflected in the hearing panel’s written recommendation.

Accordingly, we suspend attorney Sean P. Flanagan from the practice of law in Nevada for a period of six months commencing from the date of this order. At the end of the suspension period, Flanagan shall be on probation for a period of three years subject to the following conditions: (1) that Flanagan obtain a mentor approved by the State Bar within three months after the suspension period ends and submit at least twelve quarterly reports thereafter and additional reports more frequently if deemed necessary; (2) that Flanagan have

an evaluation through the Nevada Lawyer's Assistance Program and follow the recommendations of the evaluation during his suspension and probation; (3) that Flanagan submit to five random drug and alcohol tests a year during his probation; (4) that Flanagan not receive any discipline as defined in SCR 105 and that any grievance for which a screening panel determines a formal hearing is warranted will be considered a breach of his probation; and (5) that Flanagan's failure to comply with any of the conditions during the probationary period will be considered a breach of his probation for which the hearing panel will be convened, with ad hoc replacements for any unavailable member, to determine whether a breach of probation has occurred and, if so, the appropriate discipline (Flanagan has agreed to waive the 30-day notice requirement under [sic] SCR 105(2)(d) for any hearing to determine whether he has breached his probation and, if so, what discipline is warranted). Finally, Flanagan shall pay \$2,500 in administrative costs as provided by SCR 120(3), plus the actual costs of the disciplinary proceeding as authorized by SCR 120(1) and set forth in the State Bar's memorandum of costs within 30 days from the date of this order, if he has not already done so. The parties shall comply with SCR 115 and 121.1. It is so ORDERED.

In Re: WILLIAM A. KENNEDY
Bar No.: 9365
Case No.: 73805
Filed: February 23, 2018

ORDER OF SUSPENSION

Attorney suspended one year following violations of RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.2 (expediting litigation), RPC 8.1 (b) (bar admissions and disciplinary matters), and RPC 8.4(d) (misconduct prejudicial to the administration of justice).

This is an automatic review under SCR 105(3)(b) of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney William A. Kennedy be suspended from the practice of law in Nevada for one year based on violations of RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.2 (expediting litigation), RPC 8.1 (b) (bar admissions and disciplinary matters), and RPC 8.4(d) (misconduct prejudicial to the administration of justice). No briefs have been filed, so this matter stands submitted for decision based on the record as provided in SCR 105(3)(b).

The complaint alleged that Kennedy violated RPC 1.3 (diligence) and RPC 3.2 (expediting litigation) by failing to diligently litigate a client's action resulting in one action being closed and the other being dismissed; violated RPC 1.4 (communication) by failing to keep the client apprised of the status of her cases or to respond to her requests for information; violated RPC 8.1(b) (bar admissions and disciplinary matters) by failing to respond to the State Bar's requests for response to the client's grievance; and violated RPC 8.4(d) (misconduct prejudicial to the administration of justice) by failing to adequately represent the client and participate in the disciplinary process. The record demonstrates that the State Bar sent the grievance

and request for response to Kennedy at his SCR 79 address; served the complaint, notice of intent to enter a default, request for entry of default, order appointing formal hearing panel, and a notice of default hearing by mail at Kennedy's SCR 79 address and an alternate address located in California. The documents sent to the SCR 79 address were returned as undeliverable. Kennedy never responded or filed an answer. As a result, a default was entered and the charges in the complaint were deemed admitted. SCR 105(2).

Based on the default, the issue for this court is the discipline to impose. Although we must exercise our independent judgment as to the appropriate discipline, see SCR 105(3)(b) (adopting de novo standard), the hearing panel's recommendation is persuasive, *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P3d 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).

Kennedy violated duties owed to his client (diligence and communication) and the legal profession (failing to respond to lawful request for information from a disciplinary authority). Based on the allegations in the complaint and Kennedy's default, we agree with the panel's assessment that Kennedy acted knowingly. Kennedy's misconduct harmed his client in that she did not receive the services that she retained Kennedy to perform and her civil action lingered for years when Kennedy could have obtained a default judgment early in the proceedings had he acted with diligence. Kennedy's failure to cooperate in the disciplinary investigation harmed the integrity of the profession, which depends on a self-regulating disciplinary system. Based on the most serious instances of misconduct, Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards* 452 (Am. Bar Ass'n 2015) "The ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations.", we agree with the hearing panel that a suspension is warranted. *Id.* at Standard 4.42(b) (suspension is the baseline sanction when a lawyer "engages in a pattern of neglect and causes injury or potential injury to a client"). There are no mitigating circumstances to warrant a lesser sanction, and the two aggravating circumstances—prior disciplinary record (Kennedy's prior disciplinary record includes a single matter that involved misconduct similar to that at issue in this matter during the same time period and resulted in a one-year suspension that commenced on February 24, 2017. *In re Discipline of Kennedy*, Docket No. 71326 (Order of Suspension, Feb. 24, 2017). Although not a disciplinary matter, we note that Kennedy also has been administratively suspended for failing to comply with CLE requirements and to pay annual membership dues.) [sic] and pattern of misconduct do not warrant a more severe sanction. We further agree that the one-year suspension recommended by the hearing panel is sufficient to serve the purpose of attorney discipline to protect the public, the courts, and the legal profession, *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988).

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Accordingly, we hereby suspend attorney William A. Kennedy from the practice of law in Nevada for one year commencing from the date of this order. Kennedy shall pay restitution to the client in this matter in the amount of \$4,500 (the retainer that the client paid to Kennedy). (No application for reinstatement submitted by Kennedy shall be processed unless he provides proof that he has paid the restitution ordered.) Kennedy also shall pay administrative costs to the State Bar in the amount of \$2,500, in addition to the hard costs of the disciplinary proceeding as invoiced by the State Bar, within 30 days from the date of this order. SCR 120(1),(3). The parties shall comply with SCR 115 and 121.1. It is so ORDERED.

In Re: JASON L. LOPEZ
Bar No.: 7796
Case No.: 73894
Filed: February 23, 2018

ORDER APPROVING CONDITIONAL GUILTY PLEA

Attorney suspended two years, with all but six months and one day stayed, following admissions of violations of RPC 3.1 (meritorious claims and contentions), RPC 3.4 (fairness to opposing counsel), RPC 4.4 (respect for rights of third persons), and RPC 8.4(d) (misconduct-conduct prejudicial to the administration of justice).

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 Jason L. Lopez. Under this agreement, Lopez admitted to violating RPC 3.1 (meritorious claims and contentions), RPC 3.4 (fairness to opposing counsel), RPC 4.4 (respect for rights of third persons), and RPC 8.4(d) (misconduct-conduct prejudicial to the administration of justice). The agreement provides for a two-year suspension with all but six months and one day of the suspension stayed, compliance with certain terms during the two-year suspension, and payment of \$2,500 in fees plus the actual costs of the disciplinary proceeding.

Lopez admitted to the facts and violations alleged in the complaint. The record therefore establishes that Lopez violated a temporary protection order on numerous occasions; he used the legal system to file claims to further harass the parties protected by the temporary protection order and their counsel, and he pursued claims that were already deemed to be meritless.

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). In this case, Lopez violated duties owed to the legal system and other duties owed as a legal professional. Lopez's mental state was with knowledge as he was told his claims lacked merit and continued to pursue them and he was served with the temporary protection order and continued to violate its terms. There was actual injury to the parties

protected by the temporary protection order and their counsel, who needlessly had to litigate against Lopez, in addition to injury to the integrity and standing of the bar due to Lopez's abuse of the legal process. The panel found and the record supports four aggravating factors (pattern of misconduct, multiple offenses, vulnerability of victim, and substantial experience in the practice of law) and four mitigating factors (absence of prior disciplinary record, personal or emotional problems, full and free disclosure to disciplinary authority or cooperative attitude toward the proceeding, and imposition of other penalties or sanctions).

Based on the most serious instance of misconduct at issue, see Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards* 452 (Am. Bar Ass'n 2016) ("The ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations."), the baseline sanction before considering aggravating and mitigating circumstances is suspension. See *id.* at Standard 6.22 (providing that suspension is appropriate when an attorney "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") (While Standard 6.22 particularly addresses the violation of a court order, 6.2 provides that the sanctions in that section "are generally appropriate in cases involving failure to ... bring a meritorious claim" as well as cases involving a "failure to obey any obligation under the rules of a tribunal." *Compendium of Professional Responsibility Rules and Standards*, Standard 6.2. Thus, 6.22 applies to both the failure to raise meritorious claims and the failure to abide by the temporary protection order.)

In light of the foregoing, we conclude that the agreed-upon two-year suspension is appropriate. The duration of the suspension along with the other conditions imposed are sufficient to serve the purpose of attorney discipline—to protect the public, the courts, and the legal profession, not to punish the attorney. *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988). Thus, we conclude that the guilty plea agreement should be approved. See SOR 113(1).

Accordingly, we hereby suspend attorney Jason L. Lopez from the practice of law in Nevada for a period of two years, with all but the first six months and one day stayed, commencing from the date of this order. Additionally, during the two-year suspension, Lopez shall be required to continue the course of treatment recommended by his doctor and to not be found in violation of his vexatious litigant order or otherwise to have abused the legal process. Failure by Lopez to comply with these conditions will result in the immediate imposition of the remainder of the two-year suspension period. Lopez shall pay the actual costs of the disciplinary proceedings, plus fees in the amount of \$2,500, within 30 days of the date of this order. SCR 120. Under SCR 115(7), Lopez has 15 days within which to wrap up or complete matters he is handling for existing clients. The parties shall comply with SCR 115 and SCR 121.1. It is so ORDERED.

In Re: JEREMY D. EVELAND
Bar No.: 8449
Case Nos.: 73630 and 73631
Filed: March 21, 2018

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT, SUSPENDING ATTORNEY, AND DENYING RECIPROCAL DISCIPLINE

Attorney suspended five years, retroactive to temporary suspension, following admission of a violation of RPC 8.4(b) (misconduct: criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer)

Docket No. 73630 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 Jeremy D. Eveland.

Under the agreement, Eveland admitted to violating RPC 8.4(b) (misconduct: criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer) and agreed to a five-year suspension with conditions precedent on his reinstatement. Docket No. 73631 is a petition for reciprocal discipline pursuant to SCR 114 based on Eveland's disbarment in California, Utah, and the U.S. District and Bankruptcy Courts for the District of Utah. This court temporarily suspended Eveland on October 14, 2016.

The jurisdictions mentioned above disbarred Eveland based on the misconduct he admitted to in the plea agreement at issue in Docket No. 73630 and based on his third degree felony conviction for communications fraud (On Eveland's request, after he complied with restitution and probation requirements, the conviction was reduced to a Class A misdemeanor.).

Eveland created a scheme whereby his clients and other homeowners could avoid foreclosure by conveying their homes to a holding company that he or his sister owned or controlled. The holding company would then lease the home to the former homeowner who could remain in the home by paying rent roughly equal to the monthly mortgage payment plus fees for property maintenance and transaction costs, with the option to repurchase the home if certain conditions were met. Eveland, however, failed to give each homeowner the opportunity to have advice from independent counsel and failed to orally inform the homeowners of his interest in the holding companies, that by assigning their house to the holding company they no longer owned their homes, and that he and/or his sister effectively owned the homes and became landlords with the right to evict the homeowners for breach of the lease. While he offered this service to his clients, he also actively marketed it to non-clients.

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 and mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008). Eveland admitted that he knowingly engaged in conduct that resulted in a criminal conviction, thus violating his duty to the public to maintain personal integrity. Further, he admitted that his conduct put his clients at risk of interference with their homeownership.

There are six aggravating circumstances (dishonest or selfish motive, pattern of misconduct, multiple offenses, vulnerability of victims, substantial experience in the practice of law, and illegal conduct) and six mitigating circumstances (absence of prior disciplinary record, timely good faith effort to make restitution or to rectify consequences of misconduct, cooperative attitude toward disciplinary proceeding, interim rehabilitation, remorse, and imposition of other penalties or sanctions, in this case suspension and disbarment in multiple jurisdictions). SCR 102.5.

The baseline sanction before considering aggravating and mitigating circumstances is disbarment. See *Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules, and Standards*, Standard 5.11 (Am. Bar Ass'n 2015) (providing that disbarment is appropriate when a lawyer engages in serious criminal conduct involving fraud). Nevertheless, unlike in California and Utah where a disbarred attorney can seek reinstatement after five years, see *California Rules of Procedure of State Bar*, Rule 5.442(B); *Utah Rule of Lawyer Discipline and Disability* 14-525, disbarment in Nevada is irreversible, SCR 102(1).

Because a five year suspension in Nevada will require Eveland to retake and pass the bar examination before seeking reinstatement, SCR 116(5), we conclude that the recommended discipline reciprocates the discipline imposed by the California and Utah courts. Additionally, weighing the relevant factors, we agree with the panel's conclusion that a five-year suspension will serve the purpose of attorney discipline here. We therefore conclude that the guilty plea agreement should be approved, see SCR 113(1), and the petition for reciprocal discipline should be denied, see SCR 1.14.4(c).

Accordingly, we hereby suspend attorney Jeremy D. Eveland from the practice of law in this state for five years, retroactive to his temporary suspension on October 14, 2016. Eveland is subject to the following conditions precedent to seeking reinstatement: (1) he must pass the Nevada examination for admission to the practice of law and the Multistate Professional Responsibility Examination within one year of seeking reinstatement; (2) he must comply with all terms and conditions of admission to the practice of law in this state as required by SCR 49 et seq.; (3) he must not engage in any conduct that constitutes a violation of the Nevada Rules of Professional Conduct; and (4) he must pay the actual costs of the disciplinary proceeding in Docket No. 73630, plus \$2,500 in costs under SCR 120 within 30 days of the date of this order, if he has not done so already. The State Bar shall comply with the applicable provisions of SCR 121.1. It is so ORDERED. The Honorable Mark Gibbons, Justice, voluntarily recused himself from participating in the decision of this matter.

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TIPS FROM THE OFFICE OF BAR COUNSEL

It's no secret that practicing law is stressful. Client demands, court deadlines and monetary issues can lead to the kind of stress that overwhelms many attorneys. Such stress often leads to mental health or substance abuse issues that can derail a career or a life.

Nevada attorneys dealing with emotional issues, or who are self-medicating with drugs or alcohol, can request assistance from state bar-created programs designed to address such problems.

The Nevada Lawyer Assistance Program (NLAP) was created by the state bar in 2013 to provide clinical services to attorneys suffering from abuse, addiction and/or mental health issues. The program is confidential, staffed with medical professionals and separate from the state bar.

Nevada attorneys can contact NLAP to speak with a professional and get therapy or treatment. The initial consultation is conducted by a physician and is provided at no charge to the attorney. Lawyers participating in NLAP receive recommendations for treatment or ongoing therapy. Ongoing support includes weekly group meetings

with other attorneys; those meetings are separate from the state bar and do not take place at the bar's offices. NLAP can also provide monitoring reports that attorneys can share with their employers in order to demonstrate their continued sobriety.

Attorneys in need of help can also contact Lawyers Concerned for Lawyers (LCL), a program that has helped Nevada attorneys recover from alcohol and drug addiction for more than 30 years. LCL now deals with compulsive gambling, stress and depression as well. LCL is completely separate from the state bar. Indeed, Supreme Court Rule 106.5 (Lawyers Concerned for Lawyers program: Privilege and Limitation) provides confidentiality for attorneys who seek LCL assistance. All communications and actions are not – and cannot – be shared with any entity outside LCL, including the Office of Bar Counsel.

Information regarding NLAP and LCL is available on the state bar's website at www.nvbar.org.

NLAP can be reached at (702) 251-1377.

LCL's toll-free number is (866) 828-0022.

State Bar Publication:

Contract Templates for Nevada Attorneys



The first edition from the state bar's Publications Committee, *Contract Templates for Nevada Attorneys* provides lawyers with **more than 60 sample contract templates** covering the most commonly used transactions, such as lease agreements and deeds of trust. Written by Nevada attorneys, these forms have been adapted from documents actually used in practice.

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