

**In Re: CHRISTOPHER D. SULLIVAN**

**Bar No.: 8278**

**Case No.: 72050**

**Filed: December 20, 2017**

## ORDER OF SUSPENSION

*This is an automatic review, pursuant to SCR 105(3)(b), of a Southern Nevada Disciplinary Board hearing panel's findings of fact, conclusions of law, and recommendation for discipline of attorney Christopher D. Sullivan.*

Sullivan's violation of the Rules of Professional Conduct stem from a prior disciplinary action where, to settle the claims against him Sullivan agreed to participate in binding fee dispute arbitration with a former client. (In that grievance, a client alleged that Sullivan failed to perform services the client had paid for and also refused to return the client's funds. Sullivan claimed that he stopped performing legal work for the client because the client stole a gun from Sullivan's home). When the arbitration coordinator contacted Sullivan to schedule the arbitration, Sullivan asked the coordinator if he was required to attend. The coordinator, who was not involved in Sullivan's settlement and therefore unaware that he had already agreed to participate, responded that participation was not mandatory. Sullivan neither attended the arbitration nor paid the \$1,711 awarded to the client, leading to the current disciplinary action.

At the hearing on the matter, Sullivan testified that although he had agreed to participate in binding arbitration as part of his settlement, he later changed his mind. He also testified that he believed the arbitration coordinator had the authority to waive his participation and that she would have had knowledge of his settlement agreement, thus he did not need to inform her that his participation was mandatory under the settlement agreement or inform State Bar counsel about his change of mind. The arbitration coordinator testified that she had no knowledge of the prior settlement agreement.

Based on the foregoing, the panel found that Sullivan violated RPC 8.4(d) (conduct that is prejudicial to the administration of justice) due to his failure to uphold his agreement to participate in binding fee dispute arbitration. Based on this violation and considering the aggravating actors (substantial experience in the practice of law and prior disciplinary offenses) and the lack of mitigating factors, the panel recommended that he be suspended from the practice of law for one month, stayed subject to Sullivan paying \$1,711 in restitution to his former client. The panel recommended that Sullivan be publicly reprimanded and pay the actual costs of the hearing, plus \$1,500 for administrative costs.

The State Bar has the burden of showing, by clear and convincing evidence, that Sullivan committed the violation charged SCR 105(2)(f); *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). We employ a deferential standard of review with respect to the hearing panel's findings

of fact, SCR 105(3)(b), and will not set them aside unless they are clearly erroneous or not supported by substantial evidence, see generally *Sowers v. Forest Hills Subdivision*, 129 Nev. 99, 105, 294 P.3d 427, 432 (2013); *Ogawa v. Ogawa*, 125 Nev. 660, 668, 221 P. d"699, 704 (2009). Having reviewed the record in this matter, we conclude that there is substantial evidence to support the panel's finding that Sullivan violated RPC 8.4(d). See *Sowers*, 129 Nev. at 105, 294 P.3d at 432; *Ogawa*, 125 Nev. at 668, 221 P.3d at 704. Indeed, the evidence demonstrates that Sullivan understood that he agreed to participate in binding fee dispute arbitration to settle the prior disciplinary action against him (Sullivan's agreement to participate was also a mitigating factor in his prior disciplinary action), but that he later changed his mind. (Sullivan asserts that he should not be found in violation of his ethical obligations because he mistakenly believed that the arbitration coordinator could waive his participation in the binding arbitration. The basis for the 8.4(d) violation is that he backed out of his settlement agreement in the first place, thus, this argument fails to provide a basis for refusing to adopt the panel's finding.) An attorney reneging on a settlement agreement, particularly to settle a disciplinary action against that attorney, is conduct that is prejudicial to the administration of justice. See RPC 8.4(d).

As to the form of discipline, the hearing panel's recommendation is persuasive, but we are not bound by the recommendation and we review the proposed form of discipline de novo by the SCR 105(3)(b); *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P. d 191, 204 (2001). After weighing the relevant factors, we conclude the panel's recommendation of a one-month suspension is appropriate. See *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008) (listing the factors this court must weigh to determine the appropriate discipline); see ABA Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 7.2 (2016). We further agree with the recommendations that the suspension be stayed if Sullivan pays restitution to his former client and that Sullivan pay the actual costs of the proceeding plus \$1,500 in administrative costs. We decline, however, to adopt the recommendation that Sullivan also be publicly reprimanded.

Accordingly, we suspend Sullivan for one month from the filing of this order. That suspension is stayed, however, if Sullivan demonstrates that he has paid \$1,711 in restitution to his former client within 30 days of the filing of this order. Sullivan shall also pay the costs of the disciplinary proceeding, plus \$1,500 in administrative costs to the State Bar within 30 days of the filing of this order. See SCR 120 (2007). The parties shall comply with SCR 115 and 121.1.

It is so ORDERED. (We have considered Sullivan's remaining arguments and conclude that they lack merit: Sullivan failed to demonstrate good cause for his discovery request, see SCR 110(5); the hearing panel is not improperly enforcing an arbitration award; and

*continued on page 34*

continued from page 33

Sullivan failed to demonstrate any improper withholding of evidence.)

**In Re: NANCY T. LORD**

**Bar No.: 6697**

**Case No.: 73447**

**Filed: December 20, 2017**

**ORDER OF SUSPENSION**

*This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Nancy T. Lord be suspended for six months and one day for violations of RPC 1.1 (competence), RPC 1.3 (diligence), RPC 1.15 (safekeeping property), RPC 3.4(c) (fairness to opposing party and counsel), RPC 3.5 (impartiality and decorum of the tribunal), RPC 8.1(b) (bar admission and disciplinary matters: failing to respond to a lawful demand for information from a disciplinary authority), RPC 8.2 (judicial and legal officials), RPC 8.4(c) (misconduct: engaging in conduct involving dishonesty, fraud, deceit or misrepresentation), and RPC 8.4(d) (misconduct: engaging in conduct prejudicial to the administration of justice). 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 Lord committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). Here, the charges alleged in the first complaint are deemed admitted because Lord failed to answer the complaint and a default was entered SCR 105(2). As to the second complaint, Lord waived her right to challenge the facts and charges in exchange for bar counsel recommending at [sic] the hearing panel consolidate the two complaints and impose a six-month and one-day suspension for the conduct alleged in both complaints. The record establishes that Lord violated the above-referenced rules by failing to file an opening brief and appendix in this court in Docket No. 68112, despite being ordered to do so; by interrupting a criminal proceeding wherein she was the defendant, making false accusations about the judge, and causing the judge to recuse himself and continue the trial; by overdrawing her trust account on five occasions, at least four of which appear to be the result of her utilizing her trust account to pay personal expenses; and by failing to respond to the State Bar's letters of investigation.

Turning to the appropriate discipline, we review the 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 (201). 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.3 1067, 1077 (2008).

Lord violated duties owed to her clients (competence, diligence, and safekeeping property), the legal system (impartiality and decorum of the tribunal, making false statements about the integrity of a judge, and engaging in conduct prejudicial to the administration of justice), the public (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and the profession (failing to respond to a lawful demand for information from a disciplinary authority). The record supports the panel's finding that Lord knowingly engaged in the misconduct as she knew that she needed to file the opening brief with this court, that the statements she made about the judge were false, and that she could not use her trust account as a personal account especially since she had been previously disciplined for doing so. Lord's misconduct harmed her client because her client's appeal was dismissed as a result of Lord's failure to file the opening brief and appendix. Additionally, the legal system was harmed because Lord's criminal case was continued as a result of her disruption and dishonest statements regarding the judge.

The baseline sanction for her misconduct, before consideration of aggravating and mitigating circumstances, is suspension. See Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards* Standard 4.12 (Am. Bar Ass'n 2015) (recommending suspension for knowingly improperly dealing with client's property; *id.* At Standard 4.42 ("Suspension is generally appropriate when... a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client."); *id.* at Standard 6.12 (recommending suspension for knowingly making false statement to the court and causing an adverse effect on the legal proceedings); *id.* at Standard 6.22 ("Suspension is generally appropriate when a lawyer ... causes interference or potential interference with a legal proceeding."); *id.* at Standard 7.22 (providing that suspension is appropriate when a lawyer knowingly violates the rules of professional conduct causing actual or potential injury to a client, the public, or the legal system). The panel found and the record supports aggravating circumstances (pattern of misconduct, multiple offenses, and substantial experience in the practice of law) and one mitigating circumstance (personal or emotional problems). Considering all the factors, the recommended suspension is appropriate to serve the purpose of attorney discipline. See *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 75 P.2d 464, 527-28 (1988) (observing that the purpose of attorney discipline is to protect the public, the courts, and the legal profession, not to punish the attorney).

Accordingly, we hereby suspend attorney Nancy T. Lord from the practice of law in Nevada for a period of six months and a day commencing from the date of this order. Further, Lord shall pay the cost of the bar proceedings associated with both bar complaints, plus \$2,500 in administrative costs pursuant to SCR 120, 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: JAMES R. ROSENBERGER**  
**Bar No.: 1047**  
**Case No.: 73242**  
**Filed: January 5, 2018**

## ORDER OF SUSPENSION

*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 James Rosenberger.*

The conditional guilty plea agreement concerns conduct addressed in a formal disciplinary complaint and two grievances that were pending screening before the disciplinary board, and an unresolved condition of probation from a 2015 disciplinary order. As to the complaint, Rosenberger admitted that he violated RPC 1.4 (communication), RPC 1.15 (safekeeping property), RPC 3.4(c) (fairness to opposing party and counsel), RPC 8.1(b) (bar admission and disciplinary matters), and RPC 8.4 (misconduct) by misappropriating for personal and business use a \$5,000 retainer that a client gave him for the purpose of paying expert witness fees in the client's divorce case, ignoring the client's new attorney's requests to turn over the client file and the funds and to provide an accounting, failing to comply with a court order directing him to turn over the file and pay the funds to the expert, overdrawing his trust account, and failing to respond to the State Bar's letters and email inquiring about the matter.

As to the first pending grievance, Rosenberger admitted to violating RPC 5.5 (unauthorized practice of law) and RPC 8.1 (bar admission and disciplinary matters) by continuing to represent clients after his December 2016 administrative suspension for noncompliance with continuing legal education requirements and by failing to adequately respond to the State Bar's inquiry letters. As to the second pending grievance, Rosenberger admitted to violating RPC 1.15 (safekeeping property) and RPC 1.3 (diligence) by misappropriating for personal and business use a \$20,000 judgment deposit that was released to him after successfully resolving his client's case, without providing the client a bill for services, and by failing to respond to the client's numerous requests for a status on collection efforts. As to the probation violation, Rosenberger admitted that he failed to pay or otherwise resolve any judgment still owing in a district court case, which was a condition of the stayed suspension and probation this court imposed in a September 2015 disciplinary order.

In exchange for his guilty plea, Rosenberger and the State Bar agreed to a 1-year suspension and conditions that Rosenberger pay \$5,000 in restitution to the client named in the complaint, and \$20,000 in restitution to the client named in the second grievance less verifiable sums owed for work performed, as approved by the State Bar; pay the disciplinary proceeding costs; and pay the amount

necessary to resolve any outstanding judgment, as previously ordered by this court. As Rosenberger admitted to the violations as part of the plea agreement, the issue for this court is whether the agreed-upon discipline is sufficient 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, this court weighs 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).

Rosenberger violated duties owed to his clients (two violations of safekeeping property and one violation each of communication and diligence) and the profession (failing to respond to disciplinary authority's lawful requests for information, unauthorized practice of law while administratively suspended, failing to respond to new counsel, and failing to comply with court orders and rules). Rosenberger admitted and the record supports that he acted (1) with intent in misappropriating for personal and business use the \$5,000 client retainer and in failing to resolve the outstanding judgment as required by the September 2015 order, and (2) with knowledge in failing to communicate with clients and act with diligence in responding to requests for information. In the absence of aggravating and mitigating circumstances, suspension is the appropriate sanction for such violations. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.12 (Am. Bar Ass'n 2015) (suspension is appropriate when a lawyer knows that he is dealing improperly with client property and causes injury to the client); Standard 4.42(a) (suspension is the baseline sanction when a lawyer "knowingly fails to perform services for a client and causes injury or potential injury to a client"); Standard 7.2 (recommending suspension when a lawyer "knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system").

The length of the suspension depends on the number of violations, the degree of injury, and the nature of the aggravation and mitigation. We conclude that the agreed-upon one-year suspension is appropriate, considering that Rosenberger's conduct resulted in harm to his clients and to the integrity of the legal profession, and considering and weighing the aggravating factors: prior misconduct, dishonest or selfish motive, pattern of misconduct, bad faith obstruction of the disciplinary proceeding, and substantial experience in the practice of law, and the mitigating factors: personal or emotional problems, remorse, character and reputation, and mental disability or chemical dependency supported by medical evidence, which shows his efforts to address those issues and the impact they have had on his legal practice.

*continued on page 36*

We approve the guilty plea agreement, and hereby suspend attorney James R. Rosenberger from the practice of law for a period of one year, to be served concurrently with the remainder of the suspension imposed in Docket No. 71413, such that Rosenberger's concurrent suspension ends one year from the date of this order. Within 60 days from the date of this order, Rosenberger must pay \$5,000 in restitution to the client named in the complaint and \$20,000 in restitution to the client named in the grievance, less verifiable sums owed for work performed, which sums must be approved by the State Bar. Within 30 days from the date of this order, Rosenberger must pay \$2,500 in costs, the actual cost of the disciplinary hearing transcript, and other hard costs incurred through the investigation. See SCR 120.

It is so ORDERED.

**HARDESTY, J., concurring in part and dissenting in part:** I concur with the majority that a one-year suspension is appropriate; however, I dissent from the majority's decision to run the suspension concurrently with the suspension imposed in Docket No. 71413. In my view, a consecutive one-year term of suspension would serve the purpose of attorney discipline under the circumstances and considering the harm to clients and the profession resulting from Rosenberger's misconduct in this matter and his disciplinary history for similar rule violations. Accordingly, I would order the suspension to run consecutive to the suspension currently in effect under Docket No. 71413.

**In Re: HAROLD P. GEWERTER**  
**Bar No.: 499**  
**Case No.: 73529**  
**Filed: January 4, 2018**

**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 in exchange for a stated form of discipline for attorney Harold P. Gewerter. Under this agreement, Gewerter admitted to violations of RPC 1.15 (safekeeping property) and RPC 8.4 (misconduct). The agreement provides for a one-year suspension, with that suspension stayed for two years. During the two year stay, the agreement requires Gewerter to submit quarterly audits of his trust account to the State Bar, conducted at Gewerter's expense; to attend a fee dispute program regarding a separate client grievance and pay any resulting award; and to pay \$2,500 in administrative fees plus the actual costs of the proceedings pursuant to SCR 120. If Gewerter violates these conditions or another grievance filed against Gewerter results in a formal hearing, the stay would be revoked and discipline would be imposed.*

Gewerter has admitted to the facts and violations alleged in the complaint. The record therefore establishes that Gewerter mismanaged his trust account by failing to keep accurate records and by allowing third parties to

access trust account checks, leading to his trust account being overdrafted on two occasions.

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). In this case, Gewerter violated duties owed to his clients (safekeeping property) and the profession (misconduct). Gewerter's mental state was with knowledge as he was aware that he was not keeping accurate records of his trust account. While at least one client was delayed in receiving funds, there was no other injury from the trust account mismanagement, but there was potential for injury. The panel found two aggravating factors (prior disciplinary offense and substantial experience in the practice of law) and four mitigating factors (absence of dishonest motive, timely good faith effort to make restitution or to rectify consequences of misconduct, interim rehabilitation, and remoteness of prior offenses).

Based on the most serious instance of misconduct at issue, see *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 4.12 (providing that suspension is appropriate when an attorney "knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client"). In light of the foregoing and the mitigating circumstances, we conclude that the agreed-upon stayed one-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 SCR 113(1).

Accordingly, we hereby suspend attorney Harold P. Gewerter from the practice of law in Nevada for one year commencing from the date of this order. The suspension shall be stayed for a period of two years so long as Gewerter complies with all of the conditions set forth in the hearing panel's findings of fact, conclusions of law, and recommendation. The parties shall comply with SCR 121.1.

It is so ORDERED.

**In Re: TERESA A. HORVATH**  
**Bar No.: 2493**  
**Case No.: 71054**  
**Filed: January 23, 2018**

**ORDER OF SUSPENSION**

*This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation*

that attorney Teresa A. Horvath be suspended from the practice of law for six months and one day. The recommended discipline is based on Horvath's violations of RPC 1.16(c) (declining or terminating representation), RPC 8.1(b) (bar admission and disciplinary matters), and RPC 8.4 (misconduct).

The State Bar has the burden of showing by clear and convincing evidence that Horvath 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 Horvath failed to answer the complaint and a default was entered. SCR 105(2). While representing a client in a family law matter, Horvath failed to notify the client of a hearing on opposing party's motion. Horvath did not attend the hearing and could not be contacted by the court or opposing counsel, which resulted in the district court granting the motion and awarding attorney fees to the opposing party. Thereafter, the client requested to proceed in pro se, and Horvath was directed to file a motion and order to withdraw, which she failed to do. Horvath was referred to the State Bar based on her conduct. During the disciplinary investigation, the State Bar sent regular and certified mail to Horvath's SCR 79 address to notify her of the pending investigation, and emailed Horvath through her email address on file. An investigator with the State Bar also attempted to reach Horvath by phone on three occasions. Horvath failed to respond to all attempts to contact her via mail, email, and phone.

Turning to the appropriate discipline, although the hearing panel's recommendation is persuasive, our review is de novo. SCR 105(3)(b); *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001). In determining whether the panel's recommended discipline is appropriate, 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).

Horvath violated duties owed to her client (failing to properly terminate representation) and the profession (failing to respond to a lawful request for information from a disciplinary authority and engaging in conduct that is prejudicial to the administration of justice). Her violation resulted from intentional or knowing conduct, and caused actual or potential injury to both her client, whereby the district court granted the opposing party's motion and awarded the opposing party attorney fees, and to the integrity of the profession, which depends on a self-regulating disciplinary system and cooperation in disciplinary investigations.

Before consideration of aggravating and mitigating circumstances, the baseline sanction for failing to cooperate with the disciplinary investigation, Horvath's most serious misconduct is suspension. See 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); see also *id.*, Standard 7.2 ("Suspension is generally 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 hearing panel found only one mitigating circumstance: absence of a dishonest or selfish motive. SCR 102.5(2)(b). Conversely, the panel found the following aggravating circumstances: prior disciplinary offenses in 2013 and 2014, (Notably, Horvath also failed to cooperate in a prior disciplinary investigation with the State Bar and was found to be in violation of RPC 8.1(b) in 2014.) refusal to acknowledge the wrongful nature of her conduct, and substantial experience in the practice. SCR 102.5(1). Considering all of these factors, we agree with the panel's recommendation that a suspension is appropriate and sufficient to serve the purpose of attorney discipline 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 hereby suspend attorney Teresa A. Horvath from the practice of law in Nevada for a period of six months and one day, commencing from the date of this order. Upon petitioning for reinstatement, Horvath shall comply with SCR 116. Consistent with the panel's recommendation and findings regarding Horvath's indigence, we do not impose any fees or costs under SCR 120 (SCR 120 was amended, effective June 05, 2017, following the proceedings pertinent to this disciplinary matter. See ADKT No. 516 (Order Amending Supreme Court Rule 120, May 05, 2017) (imposing mandatory assessment of fees and costs)). The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED. (Horvath's other arguments have been considered and lack merit.)

#### In Re: IAN CHRISTOPHERSON

Bar No.: 3701

Case No.: 71050

Filed: January 19, 2018

#### ORDER OF SUSPENSION

*This is an automatic de novo review, pursuant 105(3)(b), of a Southern Nevada Disciplinary Board hearing panel's findings of fact, conclusions of law, and recommendation for attorney discipline arising from attorney Ian Christopherson's conviction of two counts of tax evasion in the United States District Court, District of Nevada (Christopherson has been temporarily suspended from the practice of law, pursuant to SCR 111, since July 24, 2013. See In re Discipline of Christopherson, Docket No. 62985 (Order of Temporary Suspension, July 24, 2018)). The panel found that Christopherson violated RPC 8.4(b) (misconduct: committing "a criminal act that reflects*

*continued on page 38*

continued from page 37

adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer"). Based on this violation, the panel recommended that Christopherson be suspended from the practice of law for four years, retroactive from the date of his temporary suspension.

The State Bar has the burden of showing by clear and convincing evidence that Christopherson committed the violation charged. See *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). As for the appropriate discipline, this court reviews a disciplinary panel's findings and recommendations de novo "to determine whether and what type of discipline is warranted." See *In re Discipline of Droz*, 123 Nev. 163, 168, 160 P.3d 881, 884-85 (2007) (internal quotation marks omitted). Four factors are weighed to determine the appropriate discipline: "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). "There are no fixed standards as to the appropriate penalty in disciplinary actions." *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 219, 756 P.2d 464, 531 (1988). However, when reviewing the panel's recommended discipline, this court will consider "consistency in the imposition of disciplinary sanctions for the same or similar offenses." *ABA Standards for Imposing Lawyer Sanctions* 1.3(3) (1992).

After review of the record and the panel's findings of fact and conclusion of law, we conclude that clear and convincing evidence supports the panel's findings of misconduct and that a four-year suspension with a retroactive start date is appropriate in relation to Christopherson's conduct (We recognize Christopherson's contention that the panel failed to consider whether his federal conviction was obtained unconstitutionally. However, a hearing before the panel was instituted, whereby "the sole issue to be determined [was] the extent of discipline to be imposed." *Christopherson*, Docket No. 62985, at 2. Christopherson stipulated to this fact. Moreover, Christopherson has asserted that he has a pending motion challenging his conviction in federal court. Therefore, the panel did not fail to consider whether Christopherson's federal conviction was obtained unconstitutionally. We further recognize Christopher's [sic] contention that the panel violated his due process rights by adding new aggravating factors as part of its recommendation

for discipline that were not included in the parties' stipulated facts. However, Christopherson failed to provide any authority to support his argument. See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (stating that this court need not consider claims that are not cogently argued or supported by relevant authority). See *In re Discipline of Lobello*, Docket No. 69779 (Order Approving Conditional Guilty Plea, April 22, 2016) (attorney was convicted of felony tax evasion); *In re Discipline of Whittemore*, Docket No. 66350 (Order of Suspension, March 20, 2015) (attorney was convicted of three felonies related to excessive campaign contributions, making a campaign contribution in the name of another, and causing a false statement to be made to the Federal Election Commission); *In re Discipline of Gage*, Docket Nos. 58640 & 64988 (Order Approving Conditional Guilty Plea Agreement, May 28, 2014) (attorney was convicted of felony obstruction of justice).

Accordingly, we hereby suspend attorney Ian Christopherson for four years from the date of his temporary suspension. (We note that the suspension imposed by this order appears to have been served.)

It is so ORDERED.

**In Re: PHILLIP TRENCHAK**  
**Bar No.: 9924**  
**Case No.: OBC16-1445**  
**Filed: November 21, 2017**

**PUBLIC REPRIMAND**

To Phillip Trenchak:

*On Wednesday, November 1, 2017, a Hearing Panel of the Southern Nevada Disciplinary Panel convened to determine whether your representation of your clients violated the Rules of Professional Conduct.*

In this matter you agreed to represent your client in a personal injury case which resulted from a motor vehicle accident. The client in this matter was referred to your office by the client's treating physician. Initially the client was signed up by Elizabeth Zagajeski (a suspended Nevada lawyer) while at the treating physician's office. RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants) prohibits a non-lawyer assistant from signing retainer agreements on behalf of attorneys without the presence of a lawyer in good standing. In addition to the retainer agreement, your client also signed a power of attorney which allowed your office to settle the matter without the client signing the settlement sheet.

On August 25, 2016, your client was contacted by another non-lawyer staff member who advised him that his case had settled and that he could pick up a check in the amount of \$2,000 from Respondent's office. There is significant disagreement as to whether your client orally agreed to settle the case in the manner your office ultimately settled the case; nonetheless it is uncontested that your office used the aforementioned power of attorney to settle the case without your client's written acquiescence. RPC 1.4 (Communication) dictates that at a minimum you should have obtained unambiguous authorization before settling a client's case.



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