

**ANDREW D. TAYLOR**  
**Bar No.: 8688**  
**Docket No.: 78422**  
**Dated: 07/05/2019**

### ORDER OF DISBARMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Andrew D. Taylor be disbarred based on violations of RPC 1.2 (scope of representation), RPC 1.4 (communication), RPC 1.8 (conflict of interest), RPC 1.15 (safekeeping property), RPC 3.3 (candor toward tribunal), RPC 3.4 (fairness to opposing party and counsel), RPC 4.1 (truthfulness in statements to others), RPC 5.4 (professional independence of a lawyer), RPC 8.1(a), (b) (disciplinary matters), and RPC 8.4(c) (misconduct).<sup>1</sup> 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 Taylor 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 second complaint filed by the State Bar are deemed admitted because Taylor failed to answer the second complaint and a default was entered.<sup>2</sup> SCR 105(2). As to the first complaint, we defer to the panel's findings of fact in this matter as they are supported by substantial evidence and are not clearly erroneous. SCR 105(3)(b) (explaining that we employ a deferential standard of review with respect to the hearing panel's findings of fact); *Sowers v. Forest Hill Subdivision*, 129 Nev. 99, 105, 294 P.3d 427, 432 (2013) (providing that under a deferential standard of review, this court will not set aside findings of fact unless they are clearly erroneous or not supported by substantial evidence). Based on those findings, we agree with the panel's conclusions that the State Bar established by clear and convincing evidence that Taylor violated RPC 1.2 (scope of representation), RPC 1.4 (communication), RPC 1.8 (conflict of interest), RPC 1.15 (safekeeping property), 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 8.1(a), (b) (disciplinary matters), and RPC 8.4(c) (misconduct) as alleged in the first complaint.

The record therefore establishes that Taylor misappropriated more than \$1 million of client funds. Further, he commingled personal funds with client funds and opened numerous different law firms with different trust accounts and operating accounts to mislead the State Bar and his clients. For one of those law firms, he named his non-lawyer assistant as the sole officer. Additionally, he entered into litigation advancement loan agreements on behalf of his clients without their knowledge or consent, used those funds for his personal or business expenses, and failed to repay many of those loans. He failed to comply with reasonable requests for information from the State Bar and made false statements of material fact concerning his trust account to the State Bar.

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3)(b). Although we "must ...exercise independent judgment," the panel recommendation is persuasive. *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001). In determining the appropriate discipline, we weigh four factors: "the duty violated,

the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Taylor intentionally or knowingly violated duties owed to his clients (communication, conflict of interest, and safekeeping property), the legal system (candor toward the tribunal and truthfulness in statements to others), and the profession (professional independence of a lawyer and failure to respond to lawful requests for information by a disciplinary authority). Taylor's clients suffered actual injury as they did not receive their funds and some were required to defend against collection attempts on loans they never took. Taylor's false statements to the State Bar and failure to cooperate in the disciplinary investigation harmed the integrity of the profession, which depends on a self-regulating disciplinary system. The baseline sanction for his misconduct, before consideration of aggravating and mitigating circumstances, is disbarment. See Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility 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."); *id.*, Standard 5.11 (providing that disbarment is appropriate when "a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice"). The record supports the hearing panel's findings of no mitigating circumstances and ten aggravating circumstances (prior discipline, dishonest or selfish motive, pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules and orders, refusal to acknowledge the wrongful nature of the conduct, vulnerability of the victim, substantial experience in the practice of law, indifference to making restitution, and illegal conduct). Having considered the four factors, we agree with the panel that disbarment is appropriate.

Accordingly, we disbar attorney Andrew D. Taylor from the practice of law in Nevada. Such disbarment is irrevocable. SCR 102(1). Taylor shall pay the costs of the disciplinary proceedings, including \$3,000 under SCR 120, within 30 days of the date of this order. The State Bar shall comply with SCR 121.1.

**It is so ORDERED.**

**CHAD N. DENNIE**  
**Bar No.: 8789**  
**Docket No.: 78364**  
**Dated: 07/05/2019**

### ORDER OF DISBARMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Chad N. Dennie be disbarred based on violations of RPC 1.15 (safekeeping property), RPC 8.1(b) (disciplinary matters), and RPC 8.4 (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 Dennie 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 amended complaint are deemed admitted because Dennie failed to answer the amended complaint and

a default was entered.<sup>3</sup> SCR 105(2). The record therefore establishes that Dennie violated the above-referenced rules by misappropriating approximately \$725,000 of client funds by routinely underpaying his clients and overpaying his earned fees. Additionally, Dennie failed to respond to the State Bar's requests for information and letters of investigation. Dennie was temporarily suspended on December 6, 2018. *In re Discipline of Dennie*, Docket No. 77460 (Order Imposing Temporary Suspension and Restricting Handling of Client Funds, Dec. 6, 2018).

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3) (b). Although we "must ... exercise independent judgment," the panel recommendation is persuasive. *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001). In determining the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Dennie intentionally violated duties owed to his clients (safekeeping property) and the profession (failing to respond to lawful requests for information by a disciplinary authority). Dennie's clients suffered an actual injury as they did not receive their funds. Dennie's failure to cooperate in the disciplinary investigation harmed the integrity of the profession, which depends on a self-regulating disciplinary system. The baseline sanction for his misconduct, before consideration of aggravating and mitigating circumstances, is disbarment. See Standards for Imposing Lawyer Sanction, *Compendium of Professional Responsibility 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."). The record supports the hearing panel's findings of no mitigating circumstances and nine aggravating circumstances (prior discipline, dishonest or selfish motive, pattern of misconduct, multiple offenses, refusal to acknowledge the wrongful nature of conduct, vulnerability of victims, substantial experience in the practice of law, indifference to making restitution, and illegal conduct). Having considered the four factors, we agree with the panel that disbarment is appropriate.

Accordingly, we disbar attorney Chad N. Dennie from the practice of law in Nevada. Such disbarment is irrevocable. SCR 102(1). Dennie shall pay the costs of the disciplinary proceedings, including \$3,000 under SCR 120, within 30 days of the date of this order. The State Bar shall comply with SCR 121.1.

**It is so ORDERED.**

**M. LANI ESTEBAN-TRINIDAD**

**Bar No.: 6967**  
**Docket No.: 78379**  
**Dated: 07/05/2019**

**ORDER APPROVING CONDITIONAL GUILTY PLEA**

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 M. Lani Esteban-Trinidad. Under the agreement, Esteban-Trinidad admitted to violating RPC 1.15 (safekeeping property) and agreed to a six-month-and-one-day suspension and the payment of restitution.

Esteban-Trinidad has admitted to the facts and violations as part of her guilty plea agreement. Thus, the record establishes that Esteban-Trinidad violated RPC 1.15 (safekeeping property) by misappropriating client funds for office and personal expenses and commingling personal funds with client funds. Esteban-Trinidad's clients were paid and their funds were generally missing for less than two months at a time.

The issue for this court is whether the agreed-upon discipline is sufficient 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) (explaining the purpose of attorney discipline). In determining the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Esteban-Trinidad admitted to knowingly violating a duty owed to her clients (safekeeping property). Her clients suffered actual or potential injury as a result of not timely receiving their funds. As the panel found, the baseline sanction for such misconduct, before considering aggravating or mitigating circumstances, is disbarment. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.11 (Am. Bar Ass'n 2017) (providing that disbarment is appropriate when "a lawyer knowingly converts client property and causes injury or potential injury to a client"). The record supports the panel's findings of three aggravating circumstances (pattern of misconduct, multiple offenses, and substantial experience in the practice of law) and five mitigating circumstances (absence of prior discipline in 19 years of practice, personal or emotional problems, full and free disclosure to disciplinary authority or cooperative attitude toward proceeding, character or reputation, and remorse). We agree with the hearing panel's finding that the mitigating factors, especially Esteban-Trinidad's lengthy career without prior discipline and her emotional and personal problems, warrant a downward deviation from the baseline sanction of disbarment. Thus, considering all four factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, we hereby suspend attorney M. Lani Esteban-Trinidad from the practice of law for six months and one day commencing from the date of this order. Esteban-Trinidad shall pay restitution in the amount of \$8,500 to Steven Sexton and \$2,195 to Kalen Carlisle within 30 days from the date of this order. Lastly, Esteban-Trinidad shall pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

**It is so ORDERED.**

**DEMETRIOS A. DALACAS**

**Bar No.: 7317**  
**Docket No.: 78383**  
**Dated: 06/14/2019**

**ORDER APPROVING CONDITIONAL GUILTY PLEA**

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

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guilty plea agreement in exchange for a stated form of discipline for attorney Demetrios A. Dalacas. Under the agreement, Dalacas admitted to violating RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.1 (meritorious claims and contentions), RPC 3.2 (expediting litigation), RPC 5.3 (responsibilities regarding nonlawyer assistants), and RPC 8.4 (misconduct). He agreed to a six-month-and-one-day suspension, stayed for two years, subject to certain conditions.

Dalacas admitted to the facts and violations as part of his guilty plea agreement. Thus, the record establishes that Dalacas violated the above-listed rules by failing to effectuate service of process in multiple cases, leading to their dismissal, and then either falsely telling the client the case was still ongoing or failing to inform the client of the dismissal. It further establishes that Dalacas failed to properly supervise a nonlawyer assistant who gave inaccurate information to a client and a lienholder. The issue for this court is whether the agreed-upon discipline is sufficient 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) (explaining the purpose of attorney discipline). In determining the appropriate discipline, we weigh four factors: “the duty violated, the lawyer’s mental state, the potential or actual injury caused by the lawyer’s misconduct, and the existence of aggravating or mitigating factors.” *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Dalacas admitted to negligently engaging in a pattern of neglect and causing injury or potential injury to a client. Dalacas’s clients were harmed by having their cases dismissed without their knowledge. The baseline sanction before considering aggravating or mitigating factors is suspension. See Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.42(b) (Am. Bar Ass’n 2018) (providing that suspension is appropriate when “a lawyer engages in a pattern of neglect and causes injury or potential injury to a client”). The record supports the panel’s finding of three aggravating factors (pattern of misconduct, multiple offenses, and substantial experience in the practice of law) and eight mitigating factors (absence of a dishonest or selfish motive, personal or emotional problems, a cooperative attitude toward the proceedings, character or reputation, physical disability, delay in disciplinary proceedings, remorse, and remoteness of prior offense). Considering all four factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, we hereby suspend attorney Demetrios A. Dalacas from the practice of law for six months and one day from the date of this order, stayed for two years subject to the following conditions. Dalacas shall be on probation for two years from the date of this order and shall have no grievances resulting in actual discipline arising out of conduct post-dating the conditional guilty plea agreement. Dalacas shall complete ten CLE credits during the first six months of his probation on the subjects of personal injury and/or civil procedure, and such credits shall be in addition to those required under SCR 210. The credits must be approved in advance by the State Bar. During the two-year probationary period, Dalacas shall meet with a mentor approved by the Office of Bar Counsel on a monthly basis to discuss his caseload, deadlines, and communications with clients. The mentor must agree to submit quarterly reports for the term of Dalacas’s probation, which shall include the date of the monthly meetings, a status for all of Dalacas’s open cases, and any concerns the mentor has

regarding Dalacas. Finally, Dalacas shall pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. The State Bar shall comply with SCR 121.1.

**It is so ORDERED.**

**MICHAEL A. HAGEMEYER**

**Bar No.: 5344**

**Docket No.: 78184**

**Dated: 06/14/2019**

#### **ORDER APPROVING CONDITIONAL GUILTY PLEA**

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel’s recommendation that this court approve, pursuant to SCR 113, an amended conditional guilty plea agreement in exchange for a stated form of discipline for attorney Michael A. Hagemeyer. Under the agreement, Hagemeyer admitted to violating RPC 1.15 (safekeeping property) and agreed to a stayed six-month-and-one-day suspension subject to one year of probation with conditions.

Hagemeyer has admitted to the facts and violation as part of his guilty plea agreement. The record therefore establishes that Hagemeyer violated RPC 1.15 (safekeeping property) by transferring a client’s funds out of his trust account for personal use or as fees before he had earned that amount. When the client retained new counsel, Hagemeyer then deposited over \$147,000 of his own funds into his trust account so he could transfer those funds to the client’s new counsel. Thus, his client ultimately received her funds.

The issue for this court is whether the agreed-upon discipline is sufficient 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) (explaining the purpose of attorney discipline). In determining the appropriate discipline, we weigh four factors: “the duty violated, the lawyer’s mental state, the potential or actual injury caused by the lawyer’s misconduct, and the existence of aggravating or mitigating factors.” *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.M 1067, 1077 (2008).

Hagemeyer admitted to knowingly violating a duty owed to his client (safekeeping property). The client was injured because she had to retain new counsel to recover her funds. The baseline sanction before considering aggravating or mitigating circumstances is suspension. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.12 (Am. Bar Ass’n 2017) (providing that suspension is appropriate when “a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client”). The record supports the panel’s findings of two aggravating circumstances (prior discipline and substantial experience in the practice of law) and six mitigating circumstances (timely good faith effort to make restitution or rectify consequences of misconduct, full and free disclosure to disciplinary authority or cooperative attitude, character or reputation, mental disability or chemical dependency, imposition of other penalties or sanctions, and remorse). Considering all four factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, we hereby suspend attorney Michael A. Hagemeyer from the practice of law for six months and one day commencing from the date of this order, with that suspension

stayed subject to the following conditions. Hagemeyer will be subject to a one-year probation from the date of this order. During that probation, he shall employ a State Bar-approved CPA to provide monthly reports on Hagemeyer's trust account with copies of all trust account statements attached to those reports. Additionally, Hagemeyer shall continue treatment with Break Away Health Corporation or report to the Lawyer's Assistance Program for an evaluation and recommended treatment plan. He shall provide the State Bar with quarterly reports regarding his treatment. Further, Hagemeyer shall pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. Any discipline imposed by the State Bar of California related to the events addressed in this order shall not serve as a violation of Hagemeyer's probation and shall not result in further discipline by the State Bar of Nevada. The State Bar shall comply with SCR 121.1.

**It is so ORDERED.**

**DAVID L. MANN**  
**Bar No.: 11194**  
**Docket No.: 78366**  
**Dated: 06/14/2019**

**ORDER APPROVING CONDITIONAL GUILTY PLEA**

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 David L. Mann. Under the agreement, Mann admitted to violating RPC 1.5 (fees) and RPC 1.16 (declining or terminating representation). He agreed to a six-month suspension and the payment of costs.

Mann admitted to the facts and violations as part of his guilty plea agreement. Thus, the record establishes that Mann violated the above-listed rules by charging an objectively unreasonable amount of fees for the work performed on behalf of a client and, after terminating his representation of the client, failed to take steps to the extent reasonably practicable to protect the client's interests, such as immediately returning the client's papers and property. The issue for this court is whether the agreed-upon discipline is sufficient 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) (explaining the purpose of attorney discipline). In determining the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Mann admitted to knowingly engaging in conduct that violated his duties owed to his client, the public, and the reputation of the profession. Mann's client was harmed by having to pay unreasonable fees and by the delay caused by Mann's failure to return her documents and property, and the public and legal profession were harmed by his inappropriate actions following the termination of representation, including filing suit against his client. The baseline sanction before considering aggravating or mitigating factors is suspension. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards, Standard*

7.2 (Am. Bar Ass'n 2018) (providing that suspension is appropriate when "a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system"). The record supports the panel's finding of one aggravating factor (substantial experience in the practice of law) and three mitigating circumstances (absence of a prior disciplinary record, personal or emotional problems, and a cooperative attitude toward proceedings). Considering all four factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, we hereby suspend attorney David L. Mann from the practice of law for six months from the date of this order. Mann shall pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

**It is so ORDERED.**

**WILLIAM H. GAMAGE**  
**Bar No.: 9024**  
**Docket No.: 77956**  
**Dated: 06/21/2019**

**ORDER OF SUSPENSION**

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney William Gamage be suspended for five years and one day based on 6 violations of RPC 8.1(b) (bar admission and disciplinary matters); 4 violations of RPC 1.3 (diligence); 3 violations each of RPC 1.15 (safekeeping property); RPC 8.4(c), (d) (misconduct); and RPC 3.2 (expediting litigation); and one violation each of RPC 1.1 (competence); RPC 1.15 (fees); RPC 1.16 (declining or terminating representation); and RPC 3.4(c) (fairness to opposing party and counsel: knowingly disobeying an obligation under the rules of a tribunal). Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(b).

The charges are deemed admitted because Gamage failed to respond to the complaint.<sup>4</sup> The admitted facts establish that Gamage violated the above-referenced rules with regard to his representation of eight clients in civil and criminal matters from 2013-2018. Among other things, Gamage misrepresented the statuses of his clients' cases; failed to perform legal services; failed to distribute client funds; misappropriated over \$580,000 in client funds; and failed to adequately respond to his clients, the courts, and the State Bar.

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3)(b). Although we "exercise independent judgment," the panel's recommendations are persuasive. *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001). In determining the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Gamage violated duties owed to his clients (competence, diligence, safekeeping property, and declining or terminating

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representation), the legal system (expediting litigation and fairness to opposing party and counsel), and the legal profession (failure to respond to lawful request for information from a disciplinary authority). The record supports the panel's finding that he acted intentionally with regard to his misappropriation of client funds and knowingly with regard to the remaining violations. Gamage's misconduct injured his clients. In addition to misappropriating hundreds of thousands of dollars and failing to disburse settlement funds, many of his clients are facing legal consequences as a result of his inattentiveness, whereby he basically abandoned his practice. His misconduct also caused injury to the public and to the legal profession, as his deceptive behavior and failure to adequately participate in the grievance process undermines the integrity of our justice system.

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 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."); *id.*, Standard 4.41 (indicating that disbarment is generally appropriate when a lawyer "causes serious or potentially serious injury to a client" by abandoning the practice, "knowingly fail[ing] to perform services for a client," or "engag[ing] in a pattern of neglect with respect to client matters"). The record supports the panel's findings of five aggravating circumstances (prior disciplinary offenses, dishonest or selfish motive, pattern of misconduct, multiple offenses, vulnerability of victims), and four mitigating circumstances (personal and emotional problems, full and free disclosure to the disciplinary authority based on post default cooperation, character and reputation, interim rehabilitation).

Considering all the factors outlined in *Lerner*, and because disbarment is irrevocable in Nevada, see SCR 102(1), unlike in many other states, see Brian Finkelstein, *Should Permanent Disbarment Be Permanent?*, 20 Geo. J. Legal Ethics 587, 590-91 (2007) (recognizing that the majority of states permit reinstatement after disbarment), we agree with the hearing panel's recommendation for a lengthy suspension and conditions for reinstatement. As Gamage explained post-hearing, personal and emotional problems contributed to his failure to perform legal services and his continued misappropriation of client funds, and he has since sought to account for his actions and provide restitution to his clients and lienholders. Accordingly, we conclude that the recommended five-year-and-one-day suspension 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).

We hereby suspend Gamage from the practice of law in Nevada for a period of five years and one day, the term of which shall be retroactive to May 11, 2018, the date on which Gamage was temporarily suspended. Gamage shall pay restitution to clients and lien holders as provided in the documents below, with the restitution sums subject to reduction pending receipt of documentation showing reasonable fees and costs and negotiations with lien holders. William Gamage shall be jointly and severally responsible with Amy Gamage for the payment of restitution. Funds paid to clients through the State Bar Client Security Fund shall be reimbursed to the fund. All clients and lien holders shall be paid in full before any application for reinstatement. Additionally, William Gamage

shall pay the actual costs of the disciplinary proceeding, including \$2,500 under SCR 120 within 60 days of the date of this order. The State Bar shall comply with SCR 121.1.

**It is so ORDERED.**

**HARDESTY, J., with whom  
SILVER, J., agrees, dissenting:**

Disbarment is the presumptive discipline in this matter based on Gamage's violations of RPC 1.3 and 1.15. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standards 4.11 and 4.41 (Am. Bar Ass'n 2017) [hereinafter *ABA Standards*]. The majority acknowledges as much but then agrees with the hearing panel that a lengthy suspension is sufficient to serve the purpose of attorney discipline, considering the mitigating factors and permanent nature of disbarment in Nevada. I respectfully dissent because none of the relevant factors overcome the presumption of disbarment in this case.

The misconduct at issue is egregious, particularly the conversion of client funds entrusted to Gamage. As the Indiana Supreme Court has observed, "Few other acts of misconduct impugn the integrity of the Bar or place the public more at risk than the misuse of client funds." *Matter of Frosch*, 643 N.E.2d 902, 904 (Ind. 1994). That observation is particularly apt in this case considering the hearing panel's findings as to Gamage's intent and the injury to his clients, all of which are supported by the record. The hearing panel found that Gamage acted with intent when he converted clients' personal injury settlement funds to his own use, meaning that he acted with a "conscious objective or purpose to accomplish a particular result." *Id.* at 452. This is "the most culpable mental state" under the ABA standards. *Annotated Standards for Imposing Lawyer Sanctions* § 3.0 (Am. Bar Ass'n 2015) [hereinafter *Annotated Standards*]. The hearing panel further found that Gamage's intentional conversion of client funds caused actual harm to his clients, which the panel appropriately described as "extreme" given that many of the clients received none of their settlement funds and faced collections over unpaid liens that could negatively impact their credit ratings and expose them to legal action. Equally egregious, Gamage repeatedly failed to diligently represent his clients and ultimately abandoned his practice without taking the necessary steps to withdraw as counsel for his clients with pending matters, many of whom faced criminal charges.

The aggravating factors found by the hearing panel and supported by the record support the presumptive discipline in this case. Three of those factors are particularly significant. First, Gamage acted with a dishonest or selfish motive, converting hundreds of thousands of dollars in client funds entrusted to him for his own purposes. Although he suggested that he needed the money to keep his practice afloat so that he could continue to employ his staff and help clients, that is no excuse to misappropriate funds and the record shows that he also converted the client funds entrusted to him to pay personal expenses. Two other aggravating factors demonstrate that Gamage's violations of the professional conduct rules were not an isolated lapse in judgment or oversight. In particular, he engaged in a pattern of misconduct by converting numerous clients' funds over a period of years, and he committed multiple offenses by violating a number of different professional conduct rules multiple times.

Mitigating factors can militate against disbarment. SCR 102.5(2); *ABA Standards, supra* at 451. When both aggravating and mitigating factors are present, we must weigh them against each other to determine whether the mitigating factors support discipline less than the presumptive discipline. *Annotated Standards, supra* § 9.1. After engaging that weighing process, this court has imposed discipline less than disbarment in cases implicating Standard 4.11 when there are substantial mitigating factors; typically, when a severe mental disability or chemical dependency that caused the misconduct has been corrected and the attorney has made full restitution or significant strides toward full restitution. See, e.g., *In re Discipline of Harris*, Docket No. 57507 (Order of Suspension, Feb. 24, 2012) (imposing suspension rather than disbarment for misappropriation of approximately \$788,000 from client trust accounts where attorney self-reported misconduct, repaid all money to the client trust accounts with interest before the disciplinary hearing, no longer had access to the firm's business and trust accounts, allowed another attorney to supervise his performance, and had successfully completed treatment for alcoholism and other mental disorders that had caused his misconduct). Considering the mitigating factors found by the panel in this case and weighing them against the aggravating factors and the repeated and egregious misconduct, I am not convinced that this is a case where the court should deviate from the presumptive discipline of disbarment.

As the hearing panel recognized, the mitigating factor based on full and free disclosure to the disciplinary authority is undercut by Gamage's failure to respond to the State Bar during the discipline investigation or to respond to the complaint, leading the panel to enter a default. Although Gamage eventually testified and made full disclosure, he did so only after entry of the default and a formal hearing at which a panel recommended that he be disbarred. And while Gamage clearly experienced personal and emotional problems during the relevant time that are both compelling and unfortunate, they do not in my opinion mitigate the repeated and egregious professional misconduct spanning several years.

The remaining two mitigating factors found by the hearing panel are similarly inconsequential. First, the character-or-reputation mitigating factor appears to be supported solely by Gamage's testimony about his background and good character. Although the hearing panel found this mitigating factor unanimously and, like bar counsel, I have no reason to doubt Gamage's testimony in this respect, I am not convinced this factor should be given much weight. See generally Leslie C. Levin, *The Emperor's Clothes and Other Tales About the Standards for Imposing Lawyer Discipline Sanctions*, 48 Am. U. L. Rev. 1, 54-58 (1998) (discussing probative value of character and reputation evidence and its misuse to the benefit of well-connected attorneys and suggesting that "character and reputation evidence should be afforded relatively little weight in the sanctioning decision"). Second, the significance of the interim rehabilitation mitigating factor is unclear in this case. When mentioning the factor, Gamage focused on his efforts to seek mental health treatment (which he had not done as of the second hearing) and chemical dependency treatment (which he had participated in). But the hearing panel did not find mental disability or chemical dependency as a mitigating factor, because there was no medical evidence (as required by SCR 102.5(2)(i)(1)) and the alleged mental disability or chemical

dependency was "too far attenuated in time of the initial misconduct" to satisfy the causation required in SCR 102.5(2)(i)(2). For these reasons, I do not view the interim rehabilitation mitigating factor as carrying much weight.

I am also concerned that the hearing panel's recommendation to deviate from the presumptive discipline set forth in the *ABA Standards* was influenced at least in part by our recent decision in *In re Discipline of Errico*, Docket No. 73995. When the hearing panel first considered this matter based solely on the default and with no mitigating factors offered by Gamage (who did not appear at the initial hearing), it recommended disbarment and restitution. By the time of the second hearing, after Gamage asked and the State Bar acquiesced to reopen the hearing so he could present mitigating factors, we had held in *Errico* that restitution cannot be imposed as discipline in conjunction with disbarment. *In re Discipline of Errico*, Docket No. 73995 (Order of Disbarment, Oct. 10, 2018). Bar counsel brought *Errico* to the hearing panel's attention at the second hearing, implying that the panel should recommend suspension rather than disbarment so that Gamage could be required to pay restitution. That implication appears in the hearing panel's written decision, which states the panel's belief that suspension and restitution "provide a viable means to make the clients whole." I cannot fault the desire to remedy the financial harm that Gamage caused his clients. The desire to remedy the harm caused by an attorney's professional misconduct may be commensurate with the purpose of attorney discipline—to protect the public, the courts, and the profession—in some instances. For example, restitution can protect the public and the profession by showing an attorney's rehabilitation and fitness to resume or continue the practice of law. *Id.* at 3-4. But in my opinion, providing a means to remedy past harm caused by an attorney's misconduct is not the primary purpose of our current attorney discipline system; therefore, the desire to provide such a remedy should not be used to justify discipline less than disbarment where the relevant considerations (the duties violated, the attorney's mental state, the injury or potential injury, and the aggravating and mitigating factors) otherwise warrant disbarment. As we noted in *Errico*, there are more appropriate ways to provide a remedy for injured clients, like a civil action for damages or a criminal prosecution. *Id.* at 4.

The professional misconduct in this case was prolonged and egregious. It was not the result of negligence or mere oversight. It resulted in actual harm to clients of an extreme nature. The undisputed presumptive discipline is disbarment and there are significant aggravating factors. Because I believe the mitigating factors do not outweigh any of those considerations, I would disbar attorney William Gamage from the practice of law in Nevada. I therefore dissent.

**WILLIAM H. GAMAGE**  
**Bar No.: 9024**  
**Docket No.: 77957**  
**Dated: 06/21/2019**

#### ORDER OF SUSPENSION

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

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approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney William Gamage. Under the agreement, Gamage admitted to violating RPC 3.4(c) (fairness to opposing party and counsel: knowingly disobeying an obligation under the rules of a tribunal) and RPC 8.4(d) (misconduct: engaging in conduct that is prejudicial to the administration of justice). He agreed to a 90-day suspension to run concurrent with the discipline imposed in Docket No. 77956.

Gamage has admitted to the facts and violations alleged in the complaint. The record therefore establishes that Gamage failed to comply with the briefing schedule established by this court in a postconviction appeal for which Gamage was appointed counsel. Based on that failure, this court entered an order on November 13, 2017, removing Gamage as counsel and referring him to the State Bar for investigation.

As Gamage admitted to the violations as part of the plea agreement, the issue for this court is whether the agreed-upon discipline sufficiently protects 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) (explaining purpose of attorney discipline). In determining the appropriate discipline, we weigh four factors: “the duty violated, the lawyer’s mental state, the potential or actual injury caused by the lawyer’s misconduct, and the existence of aggravating or mitigating factors.” *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Gamage has admitted to knowingly violating duties to his client (misconduct) and the legal profession (fairness to opposing party and tribunal). The baseline sanction before considering aggravating and mitigating circumstances is suspension. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 6.22 (Am. Bar Ass’n 2017) (providing that suspension is appropriate when the lawyer knows he is violating a court order or rule and causes potential injury to a client). The record supports the panel’s findings of two aggravating circumstances (prior disciplinary history and substantial experience in the practice of law) and four mitigating circumstances (absence of selfish or dishonest motive, personal or emotional problems, imposition of other penalties or sanctions, and remorse). Considering all four factors, we conclude that the agreed-upon 90-day suspension to run concurrent with the discipline in Docket No. 77956 is appropriate.

Accordingly, we hereby suspend attorney William Gamage from the practice of law in Nevada for a period of 90 days, to run concurrent with the discipline imposed in Docket No. 77956. Further, Gamage shall pay the actual costs of the disciplinary proceeding, including \$2,500 under SCR 120. The parties shall comply with SCR 115 and SCR 121.1.

**It is so ORDERED.**

**AMY M. GAMAGE**  
**Bar No.: 9304**  
**Docket No.: 78079**  
**Dated: 06/21/2019**

#### ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel’s recommendation that attorney Amy M.

Gamage be suspended from the practice of law for four years from the date of her temporary suspension on May 11, 2018, based on violations of RPC 1.15 (safekeeping property) and RPC 8.4(c) (misconduct). Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(b).

We employ a deferential standard of review with respect to the hearing panel’s findings of fact, SCR 105(3)(b), and thus, will not set them aside unless they are clearly erroneous or not supported by substantial evidence, *see generally Sowers v. Forest Hill Subdivision*, 129 Nev. 99, 105, 294 P.3d 427, 432 (2013); *Ogawa u. Ogawa*, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009). In contrast, we review de novo a disciplinary panel’s conclusions of law and recommended discipline. SCR 105(3)(b).

The State Bar has the burden of showing by clear and convincing evidence that Gamage committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). We defer to the panel’s findings of fact in this matter as they are supported by substantial evidence and are not clearly erroneous. Based on those findings, we agree with the panel’s conclusions that the State Bar established by clear and convincing evidence that Gamage violated the above-listed rules by misappropriating more than \$500,000 in client funds with her law partner.

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). We must ensure that the discipline is sufficient to protect the public, the courts, and the legal profession. *See State Bar of Nev. v. Claiborne*, 104 Nev. 114, 213, 756 P.2d 464, 527-28 (1988) (noting the purpose of attorney discipline).

Gamage violated duties owed to her clients (safekeeping property) and to the legal profession (misconduct and misappropriation of funds). Because Gamage discovered funds missing from the trust account and then continued to misappropriate client funds to pay personal and business expenses, Gamage intentionally violated her ethical duties. Gamage’s misconduct caused injury to her clients as they did not receive their funds or their lienholders were not paid. Based on the most serious instance of misconduct at issue, Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards* 452 (Am. Bar Ass’n 2017) (“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. *See id.* Standard 4.11 (“Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.”). The record supports the panel’s findings of five aggravating circumstances (dishonest or selfish motive, pattern of misconduct, multiple offenses, vulnerability of the victims, and substantial experience in the practice of law) and three mitigating circumstances (absence of prior disciplinary record, personal and emotional problems, and remorse). Considering all of the factors, including the mitigating circumstance of Gamage’s mental health, we agree with the panel that a downward deviation from the

baseline sanction of disbarment is appropriate and that a lengthy suspension along with conditions for reinstatement is sufficient to serve the purpose of attorney discipline. We do not believe, however, that a four-year suspension is sufficient.

Accordingly, we hereby suspend attorney Amy M. Gamage from the practice of law in Nevada for five years and one day from the date of her temporary suspension, May 11, 2018. Gamage is jointly and severally responsible with her law partner for the payment of restitution to clients and lienholders as set forth in the State Bar's restitution chart. Such restitution sums may be reduced upon receipt of sufficient documentation demonstrating reasonable fees and costs and negotiations with lien holders. Funds paid to clients through the State Bar Client Security Fund shall be reimbursed to the fund. Restitution must be paid in full before Gamage seeks reinstatement. Gamage shall also pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. The State Bar shall comply with SCR 121.1.

**It is so ORDERED.**

**CHANDAN MANANSINGH**

**Bar No.: 12033**

**Docket No.: 78582**

**Dated: 07/09/2019**

**ORDER OF REINSTATEMENT**

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation to reinstate suspended attorney Chandan Manansingh. As no briefs have been filed, this matter stands submitted for decision. SCR 116(2).

This court suspended Manansingh from the practice of law for four years and required he pay the costs of the disciplinary proceedings. Manansingh's suspension term has passed, he has paid the costs, and the panel has recommended he be reinstated to the practice of law in Nevada.

Based on our de novo review, we agree with the panel's conclusions that Manansingh has satisfied his burden in seeking reinstatement by clear and convincing evidence. SCR 116(2); *Application of Wright*, 75 Nev. 111, 112-13, 335 P.3d 609, 610 (1959) (reviewing a petition for reinstatement de novo). We therefore approve the panel's recommendation that the petition be granted and Manansingh be reinstated.

Accordingly, Chandan Manansingh is hereby reinstated to the practice of law in Nevada. Additionally, Manansingh shall pay the costs of the reinstatement proceeding, including \$2,500 under SCR 120, within 30 days of this order, if he has not done so already.

**It is so ORDERED.**

1. Taylor is currently suspended. *In re Discipline of Taylor*, Docket No. 75437 (Order of Suspension, July 19, 2018).
2. The first complaint concerned Taylor's breach of probation from a 2015 disciplinary matter and grievances regarding misappropriation of one client's funds and allegations that he had fraudulently obtained loans in his clients' names. The second complaint was filed following an audit of Taylor's accounts and alleged commingling of personal and client funds and misappropriation of client funds. Taylor answered the first complaint filed on August 20, 2018. The second complaint filed on November 13, 2018, was served on Taylor through regular and certified mail and the State Bar attempted personal service of the complaint.
3. The amended complaint and the notice of intent to take a default were served on Dennie through regular and certified mail. The amended complaint, the order appointing the hearing panel chair, and the scheduling order were emailed to Dennie. Dennie attended one telephonic conference on October 23, 2018, and bar counsel spoke with Dennie by phone the day before the hearing and Dennie confirmed that he knew when the hearing was occurring. Yet, Dennie did not appear at the hearing.
4. The State Bar sent the bar complaint and notice of intent to enter default to Gamage through first-class mail and certified mail at his SCR 79 address and an alternative address, as well as through email. Gamage's failure to respond resulted in entry of a default judgment. Following default and the disciplinary hearing, Gamage was permitted to provide mitigation information to the hearing panel.

**TIPS FROM THE OFFICE OF BAR COUNSEL**

**Can I Venmo you?**

Modern society loves the convenience of peer-to-peer apps like Venmo. Writing a check feels almost medieval. Anyone with a mobile phone can simply input a name and an amount, and send money. But these apps present unique challenges to a lawyer.

First, peer-to-peer apps have privacy and security concerns. They often announce payments to other users. This social feature is great for announcing your payment to a favorite pizza place, but terrible for announcing that an abused spouse just sent money to a divorce lawyer.

Second, peer-to-peers apps have financial risks. A lawyer must connect an account to withdraw the money. Advanced fees should go into a client trust account. But connecting an IOLTA to a peer-to-peer app often leads to misappropriation. If you split the tab at happy hour without a sufficient balance, then Venmo will draw from your clients' IOLTA. Venmo's own terms of service state, "if you have a personal account, you are not permitted to use Venmo as a payment method for purchases of goods and services."

Peer-to-peer money transfer apps are not ready for the legal industry just yet. The Office of Bar Counsel recommends you stick with good old cash, check or credit card.