

SUPREME COURT OF NEVADA

In re Discipline of Thomas S. Shaddix

No. 84846 (Nev. Supreme Court) · No. 84846 · Decided September 23, 2022

SUMMARY

The Nevada Supreme Court reviewed a disciplinary hearing panel's recommendation to suspend attorney Thomas S. Shaddix for six months and one day. The court found violations involving client communication and responses to disciplinary authorities, imposed the recommended consecutive suspension, and ordered Shaddix to pay \$2,500 in proceeding costs.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	C.J. Parraguirre; J. Hardesty; J. Stiglich; J. Cadish; J. Silver; J. Pickering; J. Herndon
JURISDICTION	Nevada
DECIDED	September 23, 2022
DOCKET	84846
DISPOSITION	other
PROCEDURAL POSTURE	Automatic review of a Southern Nevada Disciplinary Board hearing panel recommendation that attorney Thomas S. Shaddix be suspended from the practice of law for six months and one day.
STANDARD OF REVIEW	The Nevada Supreme Court reviews the hearing panel's disciplinary recommendation de novo and exercises independent judgment, while treating the panel's recommendation as persuasive.
PRECEDENTIAL VALUE	Published Nevada Supreme Court order; precedential status is not otherwise specified in the opinion text.

TOPICS

- appellate procedure
- standard of review
- administrative law
- judicial review of agency action

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility
- appellate procedure
- administrative law

QUESTIONS PRESENTED

1. Whether the record established that Shaddix violated RPC 1.4 and RPC 8.1.
2. What sanction was appropriate for Shaddix's admitted professional misconduct after considering the duty violated, mental state, injury or potential injury, and aggravating and mitigating circumstances.
3. Whether the hearing panel's recommended six-month-and-one-day suspension should be imposed and made consecutive to a prior suspension.

HOLDINGS

1. The record established that Shaddix violated RPC 1.4 by failing to communicate the client's traffic fine and by failing to respond to the client, and violated RPC 8.1 by failing to adequately respond to the State Bar's requests for information.
2. A six-month-and-one-day suspension was an appropriate sanction for Shaddix's misconduct, considering the duties violated, his knowing mental state, the potential injury, three aggravating circumstances, and one mitigating circumstance.
3. The Nevada Supreme Court reviews the hearing panel's recommendation de novo, exercises independent judgment, and may find the panel's recommendation persuasive.

KEY QUOTATIONS

“The State Bar has the burden of showing by clear and convincing evidence that Shaddix committed the violations charged.” (at 1)

“Turning to the appropriate discipline, we review the hearing panel's recommendation de novo.” (at 1)

“The prior disciplinary offenses involving similar rule violations is a particularly compelling aggravating circumstance in this matter.” (at 2)

FACTUAL BACKGROUND

Shaddix entered a guilty plea to a traffic violation on a client's behalf but failed to inform the client of a resulting fine. He also failed to respond to the client's multiple attempts to contact him and inadequately responded to the State Bar's requests for information concerning the client's grievance. Because he failed to answer the disciplinary complaint, the allegations were deemed admitted and a default was entered.

PROCEDURAL HISTORY

A disciplinary complaint charged Shaddix with violating RPC 1.4 and RPC 8.1. Shaddix failed to answer, resulting in a default and deemed admission of the factual allegations. After a hearing panel recommended a six-month-and-one-day suspension, the Nevada Supreme Court conducted automatic review based on the record because no briefs were filed.

DISPOSITION

other

CASES CITED

- In re Discipline of Drakulich, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995)
- In re Discipline of Schaefer, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001)
- In re Discipline of Lerner, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008)
- State Bar of Nev. v. Claiborne, 104 Nev. 115, 219, 756 P.2d 464, 531-32 (1988)
- In re Discipline of Shaddix, No. 84263, 2022 WL 3147800 (Nev. Aug. 4, 2022) (Order of Suspension)

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF NEVADA IN THE MATTER OF DISCIPLINE OF No. 84846 THOMAS S. SHADDIX, BAR NO. 7905 FILE ORDER OF SUSPENSION This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Thomas S. Shaddix be suspended from the practice of law for six months and one day based on violations of RPC 1.4 (communication) and RPC 8.1 (bar disciplinary matters).

Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(0)). The State Bar has the burden of showing by clear and convincing evidence that Shaddix committed the violations charged. See *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 Shaddix failed to answer the complaint and a default was entered. SCR 105(2). The record therefore establishes that Shaddix violated the above-referenced rules by failing to inform a client of a fine imposed after Shaddix entered a guilty plea to a traffic violation on the client's behalf and failing to respond to the client's multiple attempts to contact Shaddix.

Shaddix also failed to adequately respond to the Bar's requests for information regarding the client's grievance. Turning to the appropriate discipline, we review the hearing panel's recommendation *de novo*. SCR 105(3)(b).

Although we SUPREME COURT OF NEVADA (0) I 447A 7 Z-2 qgol must... exercise independent judgment," the panel's recommendation is persuasive. In *reDiscipline 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). The above actions violated the duties Shaddix owed to his client, the legal system, and the profession. His mental state was knowing, and his actions caused minimal actual injury but had the potential to cause further injury.

In particular, if the client had not discovered the fine through other means, her failure to pay could have resulted in a warrant being issued for her arrest. And the profession is harmed whenever an attorney refuses to participate in the disciplinary process.

The baseline sanction for Shaddix's misconduct, before considering aggravating and mitigating circumstances, is suspension. See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards, Standards 4.42(a) & 7.2 (Am. Bar Ass'n 2017) (recommending suspension when "a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client" and 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 panel found, and the record supports, three aggravating circumstances (prior disciplinary offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders, and substantial experience in the practice of law) and one mitigating circumstance (absence of a dishonest or selfish motive).

The SUPREME COURT OF NEVADA 2 (0) I 947A.4aPb prior disciplinary offenses involving similar rule violations is a particularly compelling aggravating circumstance in this matter. Considering all the factors, we conclude the recommended suspension is sufficient to serve the purpose of attorney discipline. See State Bar of Nev. v. Claiborne, 104 Nev. 115, 219, 756 P.2d 464, 531-32 (1988) (observing the purpose of attorney discipline is to protect the public, the courts, and the legal profession).

Accordingly, we hereby suspend attorney Thomas S. Shaddix from the practice of law in Nevada for a period of six months and one day. This suspension shall run consecutive to the suspension imposed in In re Discipline of Shaddix, No. 84263, 2022 WL 3147800 (Nev. Aug. 4, 2022) (Order of Suspension). Shaddix 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 parties shall comply with SCR 115 and SCR 121.1. It is so ORDERED. C.J. Parraguirre b 1 0-6,44A-1, J. J. Hardesty Stiglich a ki J. J. Cadish Silver Pickering Herndon SUPREME COURT OF NEVADA 3 (0) I947A cc: Chair, Southern Nevada Disciplinary Board Law Office of Thomas S. Shaddix Bar Counsel, State Bar of Nevada Executive Director, State Bar of Nevada Admissions Office, U.S. Supreme Court SUPREME COURT OF NEVADA 4 (0) I947A