

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)