

SUPREME COURT OF NEVADA

In re Discipline of Jude E. Nazareth

In re Nazareth · No. 85325 · Decided November 17, 2022

SUMMARY

The Supreme Court of Nevada reviewed a disciplinary hearing panel's recommendation concerning attorney Jude E. Nazareth. The court imposed a six-month suspension, ordered payment of \$1,500 in disciplinary costs, and required compliance with applicable State Bar rules.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Justice Parraguirre; Justice Stiglich; Senior Justice Mark Gibbons
JURISDICTION	Nevada
DECIDED	November 17, 2022
DOCKET	85325
DISPOSITION	other
PROCEDURAL POSTURE	Automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Jude E. Nazareth be suspended from practicing law for six months.
STANDARD OF REVIEW	Automatic review of attorney discipline; the court independently determines whether the discipline sufficiently protects the public, the courts, and the legal profession.
PRECEDENTIAL VALUE	Published Nevada Supreme Court disciplinary order; precedential value not otherwise specified in the text.
PARTIES	Jude E. Nazareth v. State Bar of Nevada

TOPICS

- appellate procedure
- remedies

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether the discipline agreed upon and accepted at the disciplinary hearing sufficiently protects the public, the courts, and the legal profession.
2. What sanction is appropriate in light of Nazareth's admitted violations, the duty violated, his mental state, the injury caused, and the aggravating and mitigating circumstances.

HOLDINGS

1. Because Nazareth admitted the facts and violations alleged in the disciplinary complaint and accepted the hearing panel's proposed change to the conditional guilty plea agreement, the court treated the facts and violations as admitted.
2. A six-month suspension from the practice of law was appropriate when an attorney knowingly violated duties to clients and the profession, caused actual or potential client injury, and had the stated aggravating and mitigating circumstances.

KEY QUOTATIONS

"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."" (at 2)

FACTUAL BACKGROUND

Nazareth admitted that he violated multiple Nevada Rules of Professional Conduct by failing to perform work for two clients, including appearing at a court hearing and filing documents. He failed to keep the clients apprised of their cases and did not respond to client communications or State Bar inquiries. One client was fully refunded, but two clients suffered actual or potential injury; aggravating factors included substantial experience and multiple offenses, while mitigating factors included no prior discipline, no dishonest or selfish motive, personal problems, and remorse.

PROCEDURAL HISTORY

Nazareth and the State Bar entered a conditional guilty plea agreement proposing a stayed six-month suspension. The hearing panel rejected the agreed discipline and recommended an actual six-month suspension, which Nazareth accepted at the hearing. The Nevada Supreme Court conducted automatic review and imposed the six-month suspension, along with disciplinary costs.

DISPOSITION

other

CASES CITED

- State Bar of Nev. v. Claiborne, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988)
- In re Discipline of Lerner, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008)

OPINION

In Re: Discipline Of Jude E. Nazareth

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF No. 85325

JUDE E. NAZARETH, BAR NO. 10695

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ORDER OF SUSPENSION BY

MP DEPUTY CLERK

This is an automatic review of a Sonthern Neva a Disciplinary Board hearing panel's recommendation that attorney Jude E. Nazareth be suspended from the practice of law for six months for violating RPC 1.1 (competence), RPC 1.2 (scope of representation and allocation of authority between client and lawyer), RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.5 (fees), RPC 1.15 (safekeeping property), RPC 1.16 (declining or terminating representation), RPC 3.2 (expediting litigation), and RPC 8.1 (Bar admission and disciplinary matters). Nazareth and the State Bar originally entered into a conditional guilty plea agreement in which Nazareth admitted to the facts and violations alleged in the disciplinary complaint. The hearing panel rejected the parties' agreed-upon discipline—a stayed six-month suspension—and instead recommended an actual six-month suspension. At the hearing, Nazareth accepted this change to the agreed-upon discipline. Under these circumstances, we treat as admitted the facts and above-listed violations.' The record therefore establishes that he violated the above- 'In future cases where an attorney accepts the hearing panel's proposed change to a conditional guilty plea agreement, best practices would be for the State Bar and the attorney to enter into an amended

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7,1-3t7i9if 10) I947A cited rules by failing to perform work for two clients, including appearing at a court hearing and filing documents; failing to keep the clients apprised of the status of their cases or otherwise respond to client communications; and failing to respond to State Bar inquiries. The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. See State Bar of Nev. u. 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).

Nazareth admitted that he knowingly violated duties owed to clients and to the profession. Two clients suffered injury and further potential injury when Nazareth failed to diligently complete the work for which they hired him.² Further, his actions caused harm to the legal profession. 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 4.41 (Am. Bar Ass'n 2018) (providing that disbarment is appropriate "when a lawyer abandons the practice," "knowingly fails to perform services for a client," or "engages in a pattern of neglect with respect to client matters," causing "serious or potentially serious injury to a client"). The record supports the panel's findings of two conditional guilty plea agreement reflecting those changes that becomes part of the record submitted to this court pursuant to SCR 113. 2 Nazareth fully refunded one of the clients.

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aggravating circumstances (substantial experience in the practice of law and multiple offenses) and four mitigating circumstances (absence of a prior disciplinary record, absence of a dishonest or selfish motive, personal problems, and remorse for his actions). Considering all four factors, we conclude that the discipline agreed upon at the discipline hearing is appropriate. Accordingly, we hereby suspend Jude E. Nazareth for six months commencing from the date of this order. Nazareth shall also pay the costs of the disciplinary proceedings, including \$1,500 under SCR 120, within 30 days from the date of this order, if he has not done so already.³ The parties shall comply with SCR 115 and SCR 121.1. It is so ORDER Parraguirre ANIC44-4 , Sr.J. Stiglich cc: Chair, Southern Nevada Disciplinary Board The Augustus Firm Bar Counsel, State Bar of Nevada Executive Director, State Bar of Nevada Perry Thompson, Admissions Office, U.S. Supreme Court ³While SCR 120 provides that costs for a suspension are \$2,500, Nazareth and the State Bar agreed to limit such costs to \$1,500 for this matter. ⁴The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.

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