

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
GARY LIPSMAN, ESQ.<sup>1</sup>

No. 50243

FILED

DEC 10 2007

JANE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER VACATING CONDITIONAL STAYED SUSPENSION  
AND IMPOSING THREE-MONTH SUSPENSION

This petition by the Chair of the Southern Nevada Disciplinary Board of the State Bar of Nevada (state bar) seeks the immediate temporary suspension of attorney Gary Lipsman from the practice of law pursuant to SCR 102(4)(a), or alternatively, the imposition of the three-month suspension that was conditionally stayed by this court's March 5, 2007 order.<sup>2</sup>

After considering the state bar's petition, this court entered an order on October 17, 2007, denying the bar's request for an immediate temporary suspension under SCR 102(4)(a), but giving Lipsman fifteen

<sup>1</sup>We direct the clerk of this court to modify the caption on this court's docket to conform with this order's caption.

<sup>2</sup>See In Re: Discipline of Gary Lipsman, Docket No. 48260 (Order of Conditional Stayed Suspension, March 5, 2007) (suspending Lipsman from the practice of law for three months, but staying the suspension for two years, subject to certain conditions).

days to show cause why the bar's alternative request for imposition of the three-month suspension that was conditionally stayed by this court's March 5 order should not be granted. Lipsman has failed to respond to the show cause order.

By the terms of this court's March 5 order, Lipsman, based on his repeated violations of RPC 8.1(b) (bar admission and disciplinary matters),<sup>3</sup> was suspended from the practice of law for three months and placed on probation for two years, during which time the suspension was to be stayed.<sup>4</sup> The stay, however, was conditioned on Lipsman, among other things, paying the costs of his disciplinary proceedings within thirty days and having no further incidents of failing to respond in a timely manner to the state bar.<sup>5</sup>

According to the state bar's present petition, Lipsman has failed to abide by the conditions set forth in the March 5 order, warranting immediate imposition of the three-month suspension that was

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<sup>3</sup>This court's March 5, 2007 order was based on Lipsman's violations of former SCR 200(2) (bar association and disciplinary matters), and although that rule applied to Lipsman's conduct, the rules of professional conduct have since been revised, and the new rules apply to his present conduct. For consistency, this order references the new rules; other than renumbering, no significant changes were made to the provision relevant to these matters. See SCR 200(2) (1986); RPC 8.1(b).

<sup>4</sup>See In Re: Discipline of Gary Lipsman, Docket No. 48260 (Order of Conditional Stayed Suspension, March 5, 2007).

<sup>5</sup>See id.

conditionally stayed by that order. In particular, the state bar contends that Lipsman waited over six months to pay the costs of his disciplinary proceedings. Moreover, he failed completely to respond to five letters that the bar sent to him regarding a client grievance, resulting in a formal complaint being filed against him for violating RPC 1.4 (communication) and RPC 8.1(b) (bar admission and disciplinary matters). Ultimately, a default was entered against Lipsman after he failed to file an answer or respond in any way to the complaint.<sup>6</sup>

Having considered the petition and the supporting documentation, we grant the state bar's alternative request for imposition of the three-month suspension. Throughout these proceedings, Lipsman has persistently failed to respond to the state bar's legitimate requests regarding disciplinary matters. Indeed, our March 5 order of conditional stayed suspension was based solely on Lipsman's failure to respond to the bar's requests for information concerning client grievances. Since the entry of the March 5 order, Lipsman has failed to meet the conditions of

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<sup>6</sup>The record reflects that Lipsman was served with the complaint and other notices by certified mail. See SCR 109(1) (requiring that the formal disciplinary complaint be served by personal service or certified or registered mail to the address on file with the state bar). Given Lipsman's failure to respond, the bar properly proceeded against Lipsman on a default basis. See SCR 105(2) (providing that "[i]n the event the respondent fails to plead, the charges shall be deemed admitted").

his probation by again violating RPC 8.1(b),<sup>7</sup> and by not timely paying the state bar for the costs of his disciplinary proceedings. Given his failure to abide by these conditions and his failure to respond to this court's order to show cause, we vacate our March 5 order's conditional stay and suspend Lipsman from the practice of law in this state for three months. The parties shall comply with the notice provisions of SCR 115.

It is so ORDERED.<sup>8</sup>

Maupin, C.J.  
Maupin

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

Cherry, J.  
Cherry

Saitta, J.  
Saitta

<sup>7</sup>According to the state bar's petition, two other grievances are pending against Lipsman and, although the bar sent him seven letters via certified mail requesting his written response to those matters, he has failed to communicate with the bar.

<sup>8</sup>This is our final disposition of this matter. Any future proceedings concerning Lipsman shall be filed under a new docket number.

cc: Jeffrey D. Albregts, Chair, Southern Nevada Disciplinary Board  
Rob. W. Bare, Bar Counsel  
Law Offices of Gary S. Lipsman  
Kimberly K. Farmer, Executive Director  
Perry Thompson, Admissions Office, U.S. Supreme Court