

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF RANDOLPH  
ANDERSON, ESQ., BAR NO. 7584

No. 56503

**FILED**

JUL 08 2011

TRACIE A. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic review, pursuant to SCR 105(3)(b), of a Southern Nevada Disciplinary Board hearing panel's findings that attorney Randolph Anderson violated five rules of professional conduct and its recommendation that he be suspended from the practice of law for one year, concurrent with other suspensions he is currently serving, and with reinstatement subject to certain conditions. Having reviewed the evidence submitted and the transcript from the disciplinary hearing, we approve the panel's findings and recommendation to the extent that Anderson shall be suspended from the practice of law for one year with reinstatement subject to conditions; however, we reject the recommendation that the suspension be concurrent and instead direct that the instant suspension be consecutive to other suspensions Anderson is currently serving.<sup>1</sup>

During the course of divorce proceedings in which Anderson represented one of the parties, the district court determined that

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<sup>1</sup>Neither Anderson nor the state bar submitted a brief challenging the panel's findings and recommendation.

Anderson's client had no interest in the marital residence. Despite this determination, Anderson filed a separate lawsuit reasserting his client's ownership of the property; he also filed and recorded a notice of lis pendens against the property. Meanwhile, a title company had opened escrow for the sale of the property. Anderson demanded payment of \$20,000 from the escrow account in exchange for the release of his client's claims to the property, despite lacking any basis for making such a demand. Eventually, the district court presiding over the separate lawsuit expunged the notice of lis pendens.

Although he had notice of the lis pendens being expunged, Anderson subsequently accepted a check for \$20,000 from the title company. When the title company requested a refund of the payment, Anderson refused. Additionally, Anderson failed to properly safeguard the funds and converted the funds to his own use. The title company subsequently sued Anderson for fraud and unjust enrichment. Anderson failed to answer or otherwise respond to the title company's complaint, and a default judgment was eventually entered against him.

After the state bar opened a grievance against him, Anderson was only partially responsive to the bar's questions and failed to provide information regarding his acceptance of the \$20,000 or his handling of it thereafter. Anderson failed to respond to the bar's subsequent formal complaint against him, except to send a facsimile stating that he would not be attending the disciplinary hearing and that the hearing should go forward without him.

The panel found that Anderson violated RPC 1.15 (safekeeping property), RPC 3.1 (meritorious claims and contentions), RPC 4.1 (truthfulness in statements to others), RPC 8.1(b) (bar admission and disciplinary matters), and RPC 8.4 (misconduct).<sup>2</sup>

While the findings and recommendations of a disciplinary board hearing panel are persuasive, our automatic review of a panel decision recommending a suspension is conducted de novo, requiring the exercise of independent judgment by this court. SCR 105(3)(b); In re Stuhff, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992). We conclude that clear and convincing evidence supports the panel's findings, and that Anderson violated RPC 1.15 (safekeeping property), RPC 3.1 (meritorious claims and contentions), RPC 4.1 (truthfulness in statements to others), RPC 8.1(b) (bar admission and disciplinary matters), and RPC 8.4 (misconduct). SCR 105(2)(e).

The panel further recommended that Anderson be suspended from the practice of law for one year and that this suspension be concurrent to other suspensions Anderson is serving.<sup>3</sup> The panel also

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<sup>2</sup>The panel determined that some of Anderson's actions violated former Supreme Court Rules that governed attorney conduct. As the substance of the provisions did not significantly change when they were recodified in the current Rules of Professional Conduct, we refer to the RPC designations of the violations.

<sup>3</sup>Anderson is also serving a suspension ordered by the state bar for nonpayment of bar dues. Additionally, Anderson is currently under suspension by this court for violations of RPC 1.3 (diligence), RPC 1.15 (safekeeping property), and RPC 8.4 (misconduct), In re: Discipline of Anderson, Docket No. 54396 (Order of Suspension, April 9, 2010), and for failure to comply with the rules regarding continuing legal education, In re: Continuing Legal Education, Docket No. 54333 (Order Dismissing

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recommended that Anderson be directed to comply with all current court orders and, as conditions to reinstatement, that Anderson be required to pass the Multistate Professional Responsibility Examination and pay restitution and/or comply with the judgment in Equity Title, LLC v. Anderson, Case No. A535831, in the Eighth Judicial District Court of the State of Nevada. Finally, the panel recommended that Anderson be required to submit full payment for the costs of the disciplinary proceeding pursuant to SCR 120(1) within 30 days after the state bar issues a bill of costs.

Having reviewed the record, we conclude that the recommended discipline is appropriately tailored to the circumstances, with the exception that Anderson's one-year suspension from the practice of law for these violations should be consecutive to the other suspensions he is currently serving.

Accordingly, Anderson is hereby suspended from the practice of law for one year, consecutive to the other suspensions he is currently serving. Anderson also must comply with all of the conditions stated above, including, prior to petitioning for reinstatement pursuant to SCR 116, passing the Multistate Professional Responsibility Examination and

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*... continued*

Petition as to Certain Respondent Attorneys and Granting Petition as to Certain Respondent Attorneys, October 21, 2009).

paying restitution and/or complying with the judgment in Equity Title, LLC v. Anderson, Case No. A535831, in the Eighth Judicial District Court of the State of Nevada. Finally, Anderson and the state bar shall comply with the applicable provisions of SCR 115 and SCR 121.1.

It is so ORDERED.

Douglas, C.J.  
Douglas

Cherry, J.  
Cherry

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

Saitta, J.  
Saitta

Pickering, J.  
Pickering

Parraguirre, J.  
Parraguirre

cc: David Clark, Bar Counsel  
Kimberly K. Farmer, Executive Director, State Bar of Nevada  
Randolph I. Anderson III  
Perry Thompson, Admissions Office, United States Supreme Court