

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
KENT B. HANSON, ESQ. BAR NO.
3729.

No. 57545

FILED

FEB 09 2012

ORDER OF SUSPENSION

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

This is an automatic review, pursuant to SCR 105(3)(b), of a Northern Nevada Disciplinary Board hearing panel's findings that attorney Kent B. Hanson violated four rules of professional conduct and its recommendation that he be suspended from the practice of law for six months with such suspension to be stayed in order to allow him to meet certain conditions, and, if such conditions are met, that a public reprimand be issued and the suspension vacated. Having reviewed the evidence submitted and the transcript from the disciplinary hearing, we approve the panel's findings and recommendation to the extent that Hanson shall be suspended from the practice of law; however, we conclude that Hanson shall be suspended for six months and one day, with successful completion of the Multistate Professional Responsibility Examination a condition of reinstatement. This suspension shall be stayed for one year to allow Hanson the opportunity to comply with certain conditions; if those conditions are met, the hearing panel shall issue a public reprimand and the suspension shall be vacated.¹

¹Neither Hanson nor the state bar submitted a brief challenging the panel's findings and recommendation.

The facts are undisputed. Hanson became a licensed attorney in 1989, and in April 2007, he was subject to his first disciplinary action. In that instance, the grievance was concerned with Hanson's representation of Ken Bleak and his mother in a real estate dispute. The disciplinary matter was resolved with Hanson submitting a conditional guilty plea; he received a public reprimand and was ordered to refund \$876.39 to Bleak within 30 days and to reimburse the state bar for the cost of the disciplinary proceeding. Hanson, however, failed to comply with the conditions of the plea agreement and did not reimburse Bleak until December 11, 2008, and the state bar until April 15, 2009. On February 19, 2009, the state bar filed a complaint charging Hanson with violating RPC 3.4(c) (fairness to opposing party and counsel; knowingly disobeying an obligation under the rules of a tribunal) with respect to his obligations under the conditional guilty plea to timely reimburse Bleak and the state bar.

In February 2009, Hanson was retained by Eric Grich to pursue an insurance claim against Farmers Insurance Group. However, Hanson's license to practice law had been suspended on June 18, 2008, for failure to pay his annual bar dues. Despite his suspension, Hanson continued with his representation of Grich and contacted Farmers on a number of occasions. In February 2009, Grich contacted Hanson by mail and facsimile requesting an update regarding the status of the claim. Hanson, however, did not respond to Grich's request, and in June 2009, Grich sent a second letter to Hanson indicating that he had been trying to contact Hanson for more than three months. Thereafter, Grich, by letter, terminated the attorney-client relationship and requested a refund of the retainer.

During his suspension, Hanson also represented (1) John Langon, president of Lero Enterprises, in a lawsuit; (2) Clinton and Marie Case, in a quiet title action against Richard and Lavonne Colon; and (3) Budd Longworth in a criminal matter. Each of these matters resulted in the state bar opening a separate grievance file alleging that Hanson was engaging in the unauthorized practice of law. With respect to the grievances related to the representation of the Cases and Longworth, Hanson failed to respond to the state bar's request that he respond to the allegations.

On December 28, 2009, the state bar filed a complaint charging Hanson with violating RPC 1.4 (communication) and RPC 5.5 (unauthorized practice of law) for his representation of Grich. On April 22, 2010, the state bar brought a complaint charging Hanson with violating RPC 5.5 (unauthorized practice of law) for his representation of Langon, the Cases, and Longworth. Finally, the state bar charged Hanson with violating RPC 8.1(b) (bar admission and disciplinary matters) for failing to respond to its inquiries relating to the Cases and Longworth grievances.

Hanson admitted to virtually all of the allegations in his answers. The panel held a consolidated hearing for all of the pending complaints on November 17, 2010. At the hearing, Hanson presented no defense at the formal hearing held by the panel and explained that he was suffering from depression and had been receiving treatment. He also stated that he was having family problems with his wife and one of his sons.

Hanson also explained that although he knew that he had to pay his bar dues, he was also refunding money to his clients at the same

time and did not have the money to pay both.² During his suspension, he never missed a single deadline and successfully negotiated a plea bargain and a settlement for two different matters.

The panel issued formal findings of fact and conclusions of law, which found all of the allegations to be true and concluded that Hanson violated RPC 1.4, RPC 3.4(c), RPC 5.5, and RPC 8.1(b).

While the findings and recommendations of a disciplinary board hearing panel are persuasive, this court's 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). In disciplinary matters, the panel's findings must be supported by clear and convincing evidence. SCR 105(2)(e); In re Stuhff, 108 Nev. at 634-35, 837 P.2d at 856. "To be clear and convincing, evidence 'need not possess such a degree of force as to be irresistible, but there must be evidence of tangible facts from which a legitimate inference . . . may be drawn.'" In re Stuhff, 108 Nev. at 635, 837 P.2d at 856 (alteration in original) (quoting Gruber v. Baker, 20 Nev. 453, 477, 23 P. 858, 865 (1890)).

We conclude that Hanson's admissions and the evidence presented by the state bar constitute clear and convincing evidence to support the factual findings of the panel, and that Hanson violated RPC 1.4, RPC 3.4(c), RPC 5.5, and RPC 8.1(b).

²We note that Hanson has since become current on the payment of his bar dues.

After considering the aggravating³ and mitigating⁴ circumstances, we hereby suspend Hanson from the practice of law for a period of six months and one day. Prior to petitioning for reinstatement pursuant to SCR 116, Hanson shall complete successfully the Multistate Professional Responsibility Examination. However, the suspension will be stayed for one year from the date of this order to allow Hanson the opportunity to comply with the following conditions:

(1) Hanson will see a psychologist or psychiatrist by the end of February 2012, continue to be treated by the psychologist or psychiatrist for the next year, obtain quarterly reports that will be distributed directly to bar counsel, and follow all recommendations by the psychologist or psychiatrist;

(2) No substantiated disciplinary complaints are filed against Hanson during the next year; and

(3) Hanson shall pay all underlying costs for the disciplinary proceeding, exclusive of staff salaries, within 30 days of receipt of the state bar's bill of costs or within 30 days of the date of this order, whichever is later.


If these conditions are met, the hearing panel shall issue Hanson a public reprimand, and the suspension shall be vacated. In addition, Hanson and


³We conclude that the aggravating factors of (1) prior disciplinary offense, SCR 102.5(1)(a); (2) multiple offenses, SCR 102.5(1)(d); and (3) substantial experience in the practice of law, SCR 102.5(1)(i), are applicable.

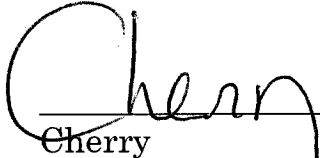
⁴The following mitigating factors apply in this case: (1) absence of a dishonest or selfish motive, SCR 102.5(2)(b); (2) personal or emotional problems, SCR 102.5(2)(c); and (3) cooperative attitude toward proceeding, SCR 102.5(2)(e).


the state bar shall comply with the applicable provisions of SCR 121.1 and if necessary SCR 115 and 116.

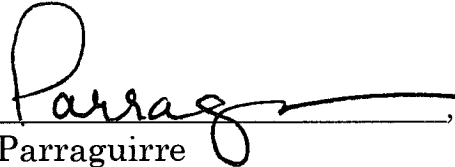
It is so ORDERED.


Saitta, C.J.


Douglas, J.


Cherry, J.


Pickering, J.


Parraguirre, J.


cc: Kent B. Hanson
Kimberly K. Farmer, Executive Director, State Bar of Nevada
J. Thomas Susich, Chair, Northern Nevada Disciplinary Board
David Clark, Bar Counsel
Perry Thompson, Admissions Office, U.S. Supreme Court

No. 57545

I dissent and conclude that the panel's recommended discipline is appropriately tailored to the circumstances.

1. Hardesty, J.
Hardesty

~~I concur:~~

I concur:  J.
 Gibbons