

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
LYNN SHOEN, ESQ., BAR NO. 1197.

No. 57675

FILED

MAR 21 2012

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

ORDER REJECTING MODIFIED
CONDITIONAL GUILTY PLEA AGREEMENT AND REMANDING FOR
FURTHER DISCIPLINARY PROCEEDINGS

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve attorney Lynn Shoen's conditional guilty plea in exchange for a stated form of discipline pursuant to SCR 113. Under the plea agreement, Shoen admitted to six violations of RPC 1.15 (Safekeeping Property), five violations of RPC 8.4 (Misconduct), and one violation of RPC 3.4 (Fairness to Opposing Counsel), for misappropriating nearly \$300,000 from several client trust accounts. The agreement, as modified by the hearing panel, provides for a four-year suspension from the practice of law, with three years and three months stayed, and the following conditions: (1) Shoen shall continue counseling and pay the actual costs of the disciplinary proceeding; (2) the reinstatement hearing shall be expedited; (3) at the reinstatement hearing, Shoen shall prove that she has secured a mentor for the balance of the stayed suspension who will provide quarterly reports on Shoen's practice to the State Bar; and (4) upon reinstatement, Shoen shall earn 12 additional CLE credits during the first two years of

reinstatement (6 in law office management and 6 in trust account management).


Although the recommendations of the disciplinary panel are persuasive, this court is not bound by the panel's findings and recommendation, and must examine the record anew and exercise independent judgment. See In re Kenick, 100 Nev. 273, 680 P.2d 972 (1984). Having reviewed the record of the disciplinary proceedings and the attached exhibits, we reject the modified conditional guilty plea.¹

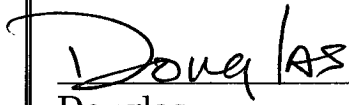
Shoen admitted that she misappropriated large sums of money from several clients to pay personal expenses. At the hearing, she provided compelling mitigating evidence from lawyers and jurists who testified to Shoen's exemplary character and decades of pro bono work. Shoen also noted that she was under extreme family stress at the time she stole from her clients and had repaid all of the misappropriated funds before the hearing began. Nevertheless, Shoen's conduct was a serious violation of attorney ethics and the conditions attached to Shoen's suspension are insufficient to protect the public. Accordingly, we remand

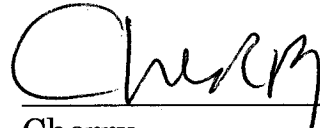
¹We grant the State Bar's motion for leave to file an answering brief and have considered the parties' arguments in all briefs submitted.

this matter to the Southern Nevada Disciplinary Board for further proceedings.²

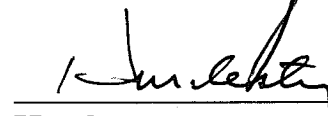
It is so ORDERED.³

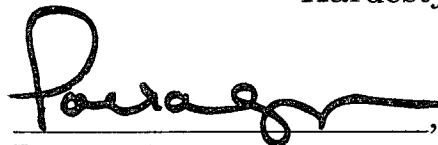

Saitta, C.J.


Douglas, J.


Cherry, J.


Gibbons, J.


Hardesty, J.


Parraguirre, J.

cc: Lynn Shoen, Esq.
Dickerson Law Group
State Bar of Nevada/Las Vegas
Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Board

²This court would be inclined to approve a revised conditional guilty plea agreement that removes the condition requiring expedited reinstatement proceedings and that adds a condition formalizing Shoen's surrender of control over her client trust accounts. As to the latter point, we note that Shoen represented to the hearing panel that she gave over control of these accounts to attorney Robert Dickerson, but we remain concerned that this was not a formal condition of her suspension or reinstatement.

³This order constitutes our final disposition of this matter. Any further proceedings concerning Shoen shall be docketed as a new matter.

PICKERING, J., concurring in part and dissenting in part:

This is not the first disciplinary proceeding concerning this lawyer, and the offense involves misappropriation of nearly \$300,000 from several different client trust accounts, including funds earmarked for back child support. While I join the order entered by my colleagues, including their commendation of Ms. Shoen for her pro bono and other contributions to the legal community over the years, I believe that the seriousness of the offense demands more than what amounts to a nine month suspension. For that reason, I respectfully dissent from the statement in footnote 2 that, with the addition of certain conditions, “[t]his court would be inclined to approve a revised conditional guilty plea agreement.” With that exception, I otherwise concur.

Pickering, J.
Pickering