

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
RONALD L. CORDES, ESQ.

No. 36834

FILED

NOV 30 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Baker*
CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic appeal from a decision by a hearing panel of the Southern Nevada Disciplinary Board. The panel recommends that we approve a conditional guilty plea agreement in exchange for a stated form of discipline pursuant to SCR 113 concerning attorney Ronald Cordes. The agreement provides for a three-year suspension, two of which shall be stayed, subject to several conditions relating to Cordes' alcohol abuse and gambling addiction. Under the terms of the agreement, several conditions must be met before Cordes may be reinstated pursuant to SCR 116. On January 19, 2000, this court temporarily suspended Cordes pending resolution of the formal discipline proceedings.

The plea agreement resolved seven formal complaints filed against Cordes, representing twenty-one grievances filed by twenty-three clients. At first, Cordes failed to respond to the grievances or the formal complaints. Only after a notice of intent to take default had been filed did he file an answer to the first complaint. The remaining complaints were resolved by stipulation after Cordes obtained counsel and began cooperating with the state bar, and resulted in the plea agreement. A hearing panel approved the plea agreement after a hearing at which substantial evidence in mitigation was presented by Cordes.

The violations stipulated to by Cordes are as follows: two violations of SCR 78.5 (maintenance of trust account: failure to provide accounting to disciplinary authority), three violations of SCR 151 (competence), seventeen violations of SCR 153 (diligence), seventeen violations of SCR 154 (communication), four violations of SCR 165 (safekeeping property), two violations of SCR 165 (safekeeping property: failure to provide accounting to clients), five violations of SCR 166(4) (terminating representation), one violation of SCR 170 (meritorious claims and contentions), two violations of SCR 172 (candor toward the tribunal), one violation of SCR 187 (supervision of non-lawyer employees), twenty violations of SCR 200(2) (failure to respond to lawful disciplinary authority), and three violations of SCR 203(3) (misconduct involving dishonesty, fraud, deceit or misrepresentation).

The record reflects that Cordes' gambling addiction, exacerbated by alcohol abuse, resulted in the virtual abandonment of his practice by sometime in 1999. He failed to pursue cases on his clients' behalf, failed to communicate with his clients, missed statutes of limitation in some cases, misrepresented facts to the court in an effort to avoid application of the statutes of limitation, accepted retainers from clients without performing services, and misappropriated client funds. In addition, when contacted about the grievances, Cordes initially failed to respond to lawful disciplinary authority.

The record further reflects that Cordes, through the intervention of his family, sought help for his addictions in September 1999, and that he has refrained from gambling and from the use of alcohol since that time. Expert testimony presented at the hearing indicates that Cordes is a "textbook"

pathological gambler, but that his recovery program is well-designed and is proceeding well. Other witnesses testified to Cordes' legal abilities and concern for others, as well as to his sincere remorse and commitment to provide restitution to the clients harmed by his actions. In this regard, Cordes has already paid \$13,750 in restitution.

The hearing panel was impressed by Cordes' demeanor and his cooperation over recent months with the bar. The panel was also impressed with the testimony of the witnesses on Cordes' behalf. Based on the mitigating circumstances shown, the panel concluded that Cordes was a candidate for rehabilitation and did not recommend disbarment despite his severe misconduct. Instead, the panel approved the plea agreement.

In support of the plea agreement, bar counsel pointed out that the bar wants to create an incentive for lawyers who have substance abuse problems or other addictions to come forward for help. In such instances, the bar asserts that disbarment should not be automatic, depending on the nature of the misconduct and the attorney's efforts to remedy his or her problems.

Although the recommendations of the disciplinary panel are persuasive, this court is not bound by the panel's findings and recommendations, and must examine the record anew and exercise independent judgment. See *In re Kenick*, 100 Nev. 273, 680 P.2d 972 (1984).

Given the sheer number of violations shown, together with their severity, a one-year actual suspension is, in our view, a mild form of discipline. Such conduct could warrant disbarment. Here, however, while Cordes' cooperation was somewhat belated, Cordes has cooperated fully with the state bar for the past several months. In addition, Cordes has

taken steps to address his addictions and has made substantial efforts to provide restitution to the clients harmed by his actions.

The plea agreement provides for an actual suspension of longer than six months, and so Cordes must petition for and be granted reinstatement before he may again practice law. See SCR 116(1). The plea agreement contains several conditions related to Cordes' addictions that must be met before he may be reinstated. In addition, under the agreement, Cordes will be subject to a probationary period following any reinstatement, with several conditions. Given these safeguards, and the requirement that Cordes will have to satisfy a hearing panel and this court that he is fit before he could again practice law, we conclude that the plea agreement should be approved.


Accordingly, the plea agreement is approved. Cordes shall be suspended for a period of three years, two of which shall be stayed subject to the conditions set forth in the plea agreement. Generally, these conditions require Cordes to refrain from gambling, alcohol or drugs, and require him to submit to random testing for alcohol and drugs at the request of bar counsel. Cordes shall complete restitution payments to the state bar, which shall distribute the funds to the clients harmed by his actions. In addition, Cordes shall pay the costs of this proceeding in the amount of \$500, and a fine in the amount of \$2,500. Cordes shall also pay the sanction of \$750 imposed by the Eighth Judicial District Court. Cordes shall attempt to resolve and pay restitution for any potential or actual malpractice claims against him. During the period of his suspension, Cordes must pass the Multi-State Professional Responsibility Examination and must complete continuing legal education credits as set forth in SCR 210.

Cordes' compliance with the conditions set forth in the plea agreement shall be a condition precedent to any reinstatement petition.

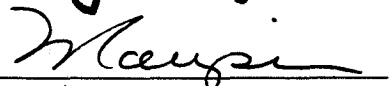
The hearing panel retains continuing jurisdiction over Cordes. If any of the conditions in the plea agreement are violated, or if Cordes engages in any further misconduct, the panel may reconvene and recommend additional discipline to this court, including but not limited to, imposition of the remaining two years of the suspension.

In the event that Cordes is reinstated to the practice of law, the plea agreement provides for a two-year probationary period subject to conditions similar to those described above. In addition, Cordes must agree to enter into a mentorship agreement for an indefinite period of time. The reinstatement panel may modify the time period and conditions of the probation period. The reinstatement panel shall retain jurisdiction over Cordes through the probationary period.

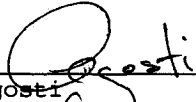
It is so ORDERED.



_____, C.J.
Rose


_____, J.
Young


_____, J.
Maupin


_____, J.
Shearing


_____, J.
Agosti


_____, J.
Leavitt


_____, J.
Becker

cc: Richard Pocker, Chair,
Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Wayne Blevins, Executive Director
Dee Shore, Admissions Office, U.S. Supreme Court
Stephen Compan