

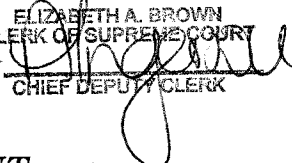
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
PATRICIA A. ROSS, BAR NO. 9901.

No. 70985

FILED

MAY 18 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

*ORDER APPROVING AMENDED
CONDITIONAL GUILTY PLEA AGREEMENT*

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Patricia A. Ross.

The disciplinary complaint arises from Ross's representation of nine clients in 2014 and her failure to timely respond to bar grievances concerning those clients. Between April 2014 and December 2014, Ross charged clients fees without performing the work she was retained to do, failed to communicate with the complaining clients or respond to their calls or emails for extended periods, and terminated her representation of one client at a critical point in the case. In January 2015, she took a full-time position as an attorney in the child support enforcement division of the Clark County District Attorney's Office, effectively abandoning her practice without notifying her clients. She also failed to respond to repeated written requests from the State Bar for information in relation to the complaints filed by these clients. She eventually cooperated fully with the State Bar and explained that she suffered emotional problems that

made her unable to continue working as a solo practitioner or respond to the State Bar's letters.

Under the guilty plea agreement, Ross admitted to seven violations of RPC 1.3 (diligence), nine violations of RPC 1.4 (communication), seven violations of RPC 1.5 (fees), one violation of RPC 1.16 (declining or terminating representation), and seven violations of RPC 8.1(b) (bar admission and disciplinary matters). In exchange for the guilty plea, Ross and bar counsel agreed upon a stayed two-year suspension and a three-year probationary period with the following conditions: Ross must not have any new discipline, must not engage in the solo practice of law without prior express consent by the State Bar, must obtain a mentor to monitor her if she leaves her current place of employment, must submit quarterly reports to the State Bar, must pay restitution to clients by the end of the probationary period, and must pay the costs of the disciplinary proceedings and a \$1,000 fine within one year.

Following a hearing, a panel of the Southern Nevada Disciplinary Board amended the conditional guilty plea agreement to add the conditions that Ross must immediately begin psychotherapy for one year, immediately begin attending codependents anonymous for one year and provide proof of attendance to the State Bar, refrain from practicing family law in a private practice for one year after beginning treatment for codependency issues, and pay the entirety of restitution during the probationary period and before returning to private practice or changing positions within the Clark County District Attorney's Office.

We must decide whether the agreed-upon discipline, as modified by the hearing panel, is sufficient to protect the public, the courts, and the legal profession. *See State Bar of Nev. v. Claiborne*, 104

Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (explaining the purpose of attorney discipline). In determining the appropriate discipline, we weigh the following factors: “the duty violated, the lawyer’s mental state, the potential or actual injury caused by the lawyer’s misconduct, and the existence of aggravating or mitigating factors.” *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

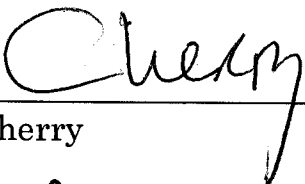
We conclude that the amended guilty plea agreement should be approved. SCR 113(1). Ross violated duties owed to her clients and to the legal profession, and the parties have stipulated that she acted knowingly with respect to the violations of RPC 1.3 (diligence) and negligently as to the other violations. They further stipulated that the violations resulted in potential or actual injury. In the absence of aggravating and mitigating circumstances, suspension is the appropriate sanction. See ABA Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.42 (2016) (providing that, in the absence of mitigating or aggravating circumstances, suspension is warranted for “knowingly fail[ing] to perform services for a client and caus[ing] injury or potential injury to a client”); see also *id.* at 452 (explaining that when there are multiple charges of misconduct, “[t]he ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct”). Suspension remains the appropriate sanction after taking into account the six mitigating circumstances (absence of prior disciplinary record, personal or emotional problems, timely good faith effort to make restitution or rectify consequences, full and free disclosure to disciplinary authority or cooperative attitude, imposition of other penalties or sanctions, and remorse), see SCR 102.5(2), and the three

aggravating circumstances (pattern of misconduct, multiple offenses, and substantial experience in the practice of law), *see* SCR 102.5(1). Ross's misconduct did not cause serious injury to her clients, the mitigating circumstances were significant, and the hearing panel found that Ross would not be a danger to the public under the probationary conditions. Considering all of the factors, we agree with the hearing panel that the discipline set forth in the amended plea agreement is sufficient to protect the public, the courts, and the legal profession.

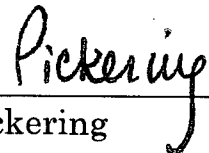
Accordingly, we hereby approve the amended conditional guilty plea and suspend Ross from the practice of law for a period of two years. The suspension shall be stayed and Ross shall be on probation for three years from the date of this order with the following conditions: (1) Ross must not sustain any discipline for actions occurring during the three-year probationary period; (2) Ross must immediately begin psychotherapy for one year; (3) Ross must immediately begin attending codependents anonymous for one year and provide proof of compliance to the State Bar; (4) Ross must not practice family law in a private practice for one year after beginning treatment; (5) Ross must not engage in the solo practice of law for the entire probationary period without prior express consent by the State Bar; (6) Ross must obtain a mentor to monitor her if she leaves her position at the Clark County District Attorney's Office during the probationary period; (7) Ross must pay restitution in the amount of \$11,850 by the end of the probationary period and before moving to a different position or job; (8) Ross must pay the costs of the disciplinary hearing in the amount of \$2,097.68 within one year; (9) Ross must pay a \$1,000 fine within one year; and (10) Ross must submit quarterly reports to the State Bar providing an update as to her

place of employment, area of practice, case load, restitution payments, and any issues that may have developed. The State Bar shall comply with SCR 121.1.

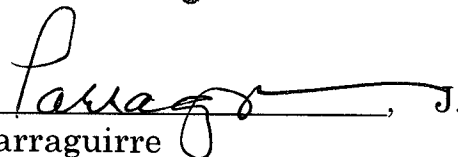
It is so ORDERED.



_____, C.J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

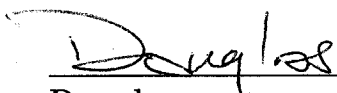

_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

DOUGLAS, J., dissenting:

I would reject the conditional guilty plea agreement as insufficient in that Ross abandoned her clients and failed to respond to the State Bar's investigative inquiries.


_____, J.
Douglas

cc: Chair, Southern Nevada Disciplinary Board
Boley & Aldabbagh Ltd.
C. Stanley Hunterton, Bar Counsel, State Bar of Nevada
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, U.S. Supreme Court

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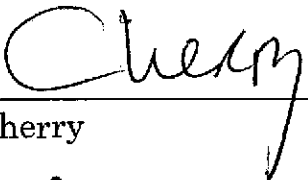
We conclude that the amended guilty plea agreement should be approved. SCR 113(1). Ross violated duties owed to her clients and to the legal profession, and the parties have stipulated that she acted knowingly with respect to the violations of RPC 1.3 (diligence) and negligently as to the other violations. They further stipulated that the violations resulted in potential or actual injury. In the absence of aggravating and mitigating circumstances, suspension is the appropriate sanction. *See* ABA Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.42 (2016) (providing that, in the absence of mitigating or aggravating circumstances, suspension is warranted for “knowingly fail[ing] to perform services for a client and caus[ing] injury or potential injury to a client”); *see also id.* at 452 (explaining that when there are multiple charges of misconduct, “[t]he ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct”). Suspension remains the appropriate sanction after taking into account the six mitigating circumstances (absence of prior disciplinary record, personal or emotional problems, timely good faith effort to make restitution or rectify consequences, full and free disclosure to disciplinary authority or cooperative attitude, imposition of other penalties or sanctions, and remorse), *see* SCR 102.5(2), and the three


aggravating circumstances (pattern of misconduct, multiple offenses, and substantial experience in the practice of law), *see* SCR 102.5(1). Ross's misconduct did not cause serious injury to her clients, the mitigating circumstances were significant, and the hearing panel found that Ross would not be a danger to the public under the probationary conditions. Considering all of the factors, we agree with the hearing panel that the discipline set forth in the amended plea agreement is sufficient to protect the public, the courts, and the legal profession.

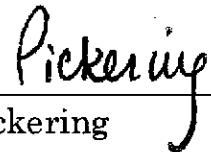
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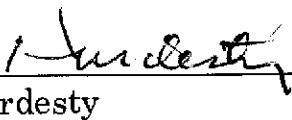
place of employment, area of practice, case load, restitution payments, and any issues that may have developed. The State Bar shall comply with SCR 121.1.

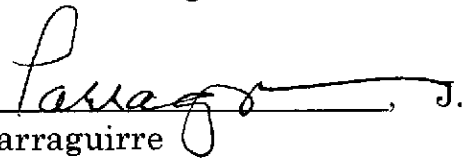
It is so ORDERED.



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Cherry


_____, J.
Gibbons


_____, J.
Pickering

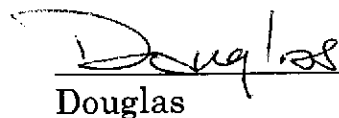

_____, J.
Hardesty


_____, J.
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