

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE DISCIPLINE
OF DAVID L. MANN, BAR NO. 11194.

No. 72527

FILED

SEP 15 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

*ORDER REJECTING CONDITIONAL GUILTY PLEA AGREEMENT
AND REMANDING FOR FURTHER PROCEEDINGS*

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 David L. Mann.

Under the conditional guilty plea agreement, Mann admitted that he entered into an agreement to represent a client for a flat fee of \$125,000, which was earned upon payment. The client paid the fee in full and Mann represented the client for one month before filing a motion to withdraw as counsel. Thereafter, Mann filed a complaint against the client to recover \$28,987.50 in additional fees for extraordinary services and he sought punitive damages. Allegations in the complaint were then used against the client in ongoing trust litigation between the client and her daughters. Mann also refused to release the client's file to her new counsel and asserted a retaining lien that was arguably not supported by Nevada law. Mann admitted to violating RPC 1.16(d) (declining or terminating representation) and RPC 8.4 (misconduct) by withdrawing his legal representation in a manner that failed to protect the client's interests. Mann agreed to a five-month suspension and to pay the fees and costs of the disciplinary proceeding. In exchange, the State Bar agreed to dismiss allegations as to violations of RPC 1.5 (fees), RPC 1.6 (confidentiality), RPC

1.15 (safekeeping property), and RPC 5.4 (professional independence of a lawyer).

We review the recommendations of the hearing panel de novo, SCR 105(3)(b), and though persuasive, the panel's recommendations are not binding on this court, *In re Discipline of Stuhff*, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992). Having reviewed the record of the disciplinary proceedings, we reject the conditional guilty plea agreement and remand this matter to the Southern Nevada Disciplinary Board for further proceedings.

It is so ORDERED.¹

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Chair, Southern Nevada Disciplinary Board
Michael J. Warhola, LLC
C. Stanley Hunteerton, Bar Counsel, State Bar of Nevada
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, U.S. Supreme Court

¹This is our final disposition in this matter. Any further proceedings involving Mann shall be docketed as a new matter.