


IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
LUCAS GROWER, BAR NO. 11384

No. 81254

FILED

AUG 03 2020

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

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review under SCR 105(3)(b) 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 Lucas Grower. Under the agreement, Grower admitted to violating RPC 1.1 (competence) and RPC 1.3 (diligence) and agreed to a one-year suspension, stayed subject to certain conditions, and a three-year probationary period. He has also agreed to pay restitution to his client and the costs of the disciplinary proceedings.

Grower has admitted to the facts and violations as part of his guilty plea agreement. The record therefore establishes that he violated the above-listed rules by knowingly failing to timely serve a petition for judicial review in an employment matter and failing to oppose the resulting motion to dismiss or appear at the hearing on that motion. This resulted in the dismissal of the client's petition.

The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. In determining the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by

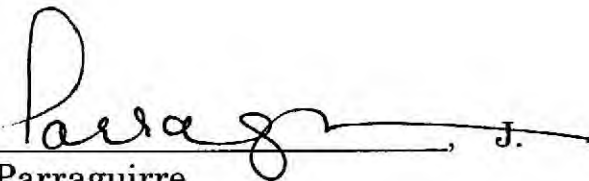
the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Based on the duties Grower violated, and because he acted knowingly and his conduct resulted in injury or potential injury to his client and to the legal system, the baseline sanction before considering aggravating and mitigating circumstances is suspension. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.42 (Am. Bar Ass'n 2017) ("Suspension is generally appropriate when a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client."). The record supports the panel's findings of three aggravating circumstances (a prior disciplinary offense, multiple offenses, and substantial experience in the practice of law), and four mitigating circumstances (absence of a dishonest or selfish motive, full and free disclosure to the State Bar and cooperation with its investigation, character and reputation, and remorse). Considering the factors outlined in *Lerner*, including the aggravating and mitigating circumstances, we conclude that the agreed-upon discipline is appropriate. *See State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (recognizing that the purpose of attorney discipline is to protect the public, courts, and the legal profession, not to punish the attorney).

Accordingly, we hereby suspend attorney Lucas Grower from the practice of law in Nevada for a period of one year commencing from the date of this order, with the suspension stayed subject to the following conditions. Grower shall be subject to a three-year probation commencing from the date of this order, during which time he must not have any new grievances filed against him arising out of conduct post-dating the

conditional guilty plea agreement that results in actual discipline. Grower must also meet with a mentor approved by the State Bar on a monthly basis for the first two years of his probation, with the mentor providing quarterly reports to the State Bar during those two years. Grower must pay \$750 in restitution to his former client during the probationary period. Additionally, he must pay \$2,500 in administrative costs pursuant to SCR 120 and the actual costs of the administrative proceeding if he has not done so already. The State Bar shall comply with SCR 121.1.

It is so ORDERED.


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Cadish

cc: Lucas Grower
Chair, Southern Nevada Disciplinary Board
Bar Counsel, State of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court