

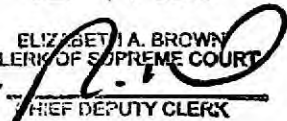
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
MARK T. GALLAGHER, CA BAR NO.
180514

No. 81079

FILED

SEP 11 2020

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

ORDER OF INJUNCTION

This is an automatic review of the Southern Nevada Disciplinary Board hearing panel's recommendation that this court permanently enjoin California attorney Mark T. Gallagher from the practice of law in Nevada based on violations of RPC 1.2 (scope of representation), RPC 1.15 (safekeeping property), RPC 5.5 (unauthorized practice of law), RPC 8.1 (disciplinary matters), and RPC 8.4(c) (misconduct involving dishonesty, fraud, deceit, or misrepresentation).

Because Gallagher failed to respond to the disciplinary complaint or appear at the formal hearing, the allegations in the complaint are deemed admitted. SCR 105(2). The record therefore establishes that Gallagher violated the above-referenced rules by practicing law in Nevada without a Nevada license or pro hac vice admission, fraudulently settling a wrongful death action without his clients' consent by forging their signatures, misappropriating the settlement funds, misleading the clients into believing a larger settlement was imminent over a two-year period, and failing to respond to the State Bar's formal complaint.¹

¹California disbarred Gallagher on October 31, 2019, for similar misconduct in representing other clients.

For an attorney not licensed in this state, penalties must be tailored accordingly. *In re Discipline of Droz*, 123 Nev. 163, 168, 160 P.3d 881, 885 (2007). Such penalties may include a temporary or permanent prohibition on future admission, including pro hac vice admission; injunctive relief; contempt sanctions; fines; and payment of disciplinary proceeding costs. *Id.* Based on our review of the record, we conclude that the panel's recommended discipline of a permanent injunction and payment of the disciplinary proceeding costs is appropriate. SCR 99(1); SCR 105(3)(b); *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008) (recognizing four factors in determining appropriate discipline: "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"); *Droz*, 123 Nev. at 168, 160 P.3d at 885.

Based on the duties Gallagher violated, his intentional mental state, and the injury he caused to his clients and the profession, the baseline sanction for an attorney licensed in this state would be disbarment. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.11 (Am. Bar Ass'n 2018) (providing that disbarment is generally appropriate when a lawyer injures a client by knowingly converting client property); *id.* Standard 4.61 (calling for disbarment "when a lawyer knowingly deceives a client with the intent to benefit the lawyer . . . and causes serious injury or potential serious injury to a client"). Since Gallagher is not licensed in Nevada, a permanent injunction on his practice of law in this state is equivalent discipline. The eight aggravating circumstances identified by the panel (prior disciplinary offenses, dishonest or selfish motive, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or

