

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
DOUGLAS E. MILES, BAR NO. 4007.

No. 81997

FILED

JAN 15 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF SUSPENSION

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 Douglas E. Miles. Under the agreement, Miles admitted to violating RPC 1.15 (safekeeping property) and RPC 8.1 (disciplinary matters). He agreed to a two-year suspension, stayed for two years, subject to certain conditions.

Miles has admitted to the facts and violations as part of his guilty plea agreement. The record therefore establishes that he violated RPC 1.15 by overdrawing his trust account and commingling personal and business funds with client funds held in trust. He violated RPC 8.1 by failing to respond to the State Bar's requests for information.

The issue for this court is whether the agreed-upon discipline sufficiently protects 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 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).

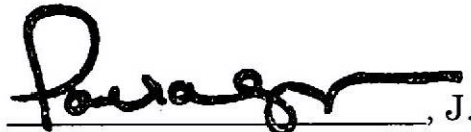
Miles admitted to knowingly violating a duty owed to his clients (safekeeping property) and a duty owed to the profession (responding to State Bar inquiries). His clients suffered actual or potential injury because their funds were commingled with Miles’ personal funds. The baseline sanction for such misconduct, before considering aggravating or mitigating circumstances, is suspension. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.12 (Am. Bar Ass’n 2017) (providing that suspension is appropriate when “a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client”). The record supports the panel’s findings of three aggravating circumstances (pattern of misconduct, multiple offenses, and substantial experience in the practice of law) and three mitigating circumstances (absence of prior discipline, personal or emotional problems, and remorse).¹ Considering all four factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, commencing from the date of this order, we hereby suspend Douglas E. Miles from the practice of law in Nevada for two years, stayed for two years subject to the following conditions: (1) Miles must close his trust account ending in x8098; (2) Miles must become current with his Continuing Legal Education obligations, complete 15 CLE hours (8 general, 6 ethics in the area of client trust account management and/or maintenance, and 1 substance abuse), and apply for reinstatement with the NV CLE

¹The panel also found the mitigating circumstance of other penalties or sanctions, but nothing in the record supports that finding.

board;² (3) Miles must employ an accountant approved by the State Bar and submit a monthly report for the first year of the stayed suspension and a quarterly report for the second year of the stayed suspension that complies with the requirements outlined in the conditional guilty plea agreement; and (4) Miles must not receive discipline for any grievance related to conduct engaged in after the execution of the conditional guilty plea agreement. Miles shall also pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order, if he has not done so already. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.


_____, J.
Parraguirre


_____, J.
Stiglich


_____, J.
Silver

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

²Miles has been CLE suspended since 2015. Nothing in the record suggests that Miles has been engaged in the active practice of law in Nevada since the administrative suspension. He has continued to practice in California, where he also is licensed. We remind Miles that he may not engage in the practice of law in Nevada until he is reinstated by the CLE Board.