

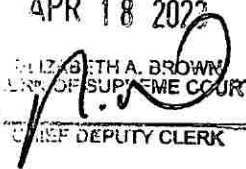
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
BRENT A. BLANCHARD, BAR NO. 7605

No. 85666

FILED

APR 18 2022

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

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Brent A. Blanchard be suspended for six months and one day based on violations of RPC 1.2(a) (scope of representation), RPC 1.3 (diligence), RPC 1.4(a)(4) (communication), RPC 3.4(c) and (d) (fairness to opposing party and counsel), and RPC 8.1 (Bar disciplinary matters). Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(b).

The State Bar has the burden of showing by clear and convincing evidence that Blanchard committed the violations charged. *See In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). Here, the record contains clear and convincing evidence that Blanchard violated the above-referenced rules by failing to comply with the conditions placed on his reinstatement to the practice of law in *In re Reinstatement of Blanchard*, No. 80627, 2020 WL 2319996 (Nev. May 8, 2020) (Order of Reinstatement). That order required Blanchard to obtain a legal mentor for three years, who would provide quarterly reports to the State Bar, and to continue treating with a medical provider for three years who would similarly provide quarterly reports regarding Blanchard's mental health.

See id. Even after reminders from the State Bar, Blanchard failed to comply with these conditions. Furthermore, Blanchard committed violations during the representation of a client. After asking the client to waive a conflict with a realtor, the realtor and the client became adverse parties, and Blanchard stopped doing any work on the client's case but did not move to withdraw his representation. Blanchard did not appear at court hearings, even after the State Bar contacted him regarding the client, and the district court granted summary judgment against the client.

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3)(b). Although we "must . . . exercise independent judgment," the panel's recommendation is persuasive. *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001). 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).

The above actions violated the duties Blanchard owed to his client, the legal system, and the profession. His mental state was knowing, and his actions caused actual injury to his client as well as minimal injury to the legal system and profession. As to the client, Blanchard's actions forced the client to represent himself and to find new counsel mid-litigation. Opposing counsel in the client's case also testified that Blanchard failed to respond to discovery, filed procedurally improper motions, and failed to appear at hearings even after they were rescheduled so that Blanchard could appear. The baseline sanction for Blanchard's misconduct, before considering aggravating and mitigating circumstances, is suspension. *See*

Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standards 4.42(a) & 7.2 (Am. Bar Ass'n 2017) (recommending suspension when "a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client" and when "a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system"). The panel found, and the record supports, six aggravating circumstances (prior disciplinary offenses, pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding, vulnerability of victim, and substantial experience in the practice of law) and five mitigating circumstances (absence of a dishonest or selfish motive, personal or emotional problems, cooperative attitude towards the proceeding, remorse, and remoteness of prior offenses). Especially concerning is Blanchard's disciplinary history. We previously suspended him for three years in 2015 for multiple violations based on his continued practice of law while CLE suspended and a business agreement he entered into with a client. *In re Discipline of Blanchard*, No. 68889, 2015 WL 9480324 (Nev. Dec. 23, 2015) (Order Approving Conditional Guilty Plea Agreement). This began a pattern of failing to respond to the State Bar, which continued in this case in regard to both the reinstatement violation and the client violations. Considering all the factors, we conclude the recommended suspension is insufficient to serve the purpose of attorney discipline. *See State Bar of Nev. v. Claiborne*, 104 Nev. 115, 219, 756 P.2d 464, 531-32 (1988) (observing the purpose of attorney discipline is to protect the public, the courts, and the legal profession). Instead, we conclude that an 18-month suspension is appropriate.

Accordingly, we hereby suspend attorney Brent A. Blanchard from the practice of law in Nevada for a period of 18 months. Blanchard shall also pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

Stiglich, C.J.
Stiglich

Cadish, J.
Cadish

Pickering, J.
Pickering

Herndon, J.
Herndon

Lee, J.
Lee

Parraguirre, J.
Parraguirre

Bell, J.
Bell

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