

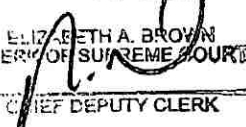
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
RANDAL R. LEONARD, BAR NO. 6716.

No. 86084

FILED

APR 18 2023

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

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, an amended conditional guilty plea agreement in exchange for a stated form of discipline for attorney Randal R. Leonard. Leonard admitted to violating RPC 1.3 (diligence) and RPC 3.2 (expediting litigation), and further admitted that his misconduct violated the probation terms this court imposed in a prior disciplinary action.¹ Under the amended agreement, Leonard agreed to a public reprimand and to serve the stayed portion of his suspension from the prior discipline matter (one day) such that he will be required to petition for reinstatement.

Leonard has admitted to the facts and violations as part of the guilty plea agreement. The record therefore establishes that he violated the above-referenced rules by failing to file a certificate of service with the bankruptcy court, resulting in a delay of nearly a year before the clients'

¹This court previously suspended Leonard for six months and one day, with one day of the suspension stayed pending Leonard's successful completion of a two-year term of probation. *See In re Discipline of Leonard*, No. 78632, 2019 WL 4391208 (Nev. Sept. 12, 2019) (Order Approving Conditional Guilty Plea Agreement).

bankruptcy case was closed with an order of discharge; and that he breached the conditions of his prior probation by violating rules of professional conduct.

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) (stating 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). The record supports the panel’s conclusions that Leonard acted negligently by violating his duties to diligently represent his clients and to expedite litigation.² And Leonard’s conduct potentially injured his clients due to the delay in discharging their bankruptcy petition. The baseline discipline for such misconduct, before considering aggravating and mitigating circumstances, is a reprimand. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.43 (Am. Bar Ass’n 2017) (providing that a reprimand is “appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential

²Although Leonard previously stipulated that he “knowingly” violated these duties, we conclude that the record in this matter supports that he violated these duties “negligently.” At the most recent disciplinary hearing, Leonard testified that his failure to timely file the certificate of service was the result of his organizational failures. In contrast, at his prior disciplinary hearing, Leonard did not testify and the only thing reflecting his mental state in that record was an email in which he admitted that he was required to file the certificate but failed to do so.

injury to a client”). The record supports the panel’s finding of three aggravating factors (multiple prior disciplinary offenses, a pattern of misconduct, and substantial experience in the practice of the law) and two mitigating factors (absence of a dishonest or selfish motive and full and free disclosure to disciplinary authority or cooperative attitude toward the proceeding).

Considering all the factors, we agree with the panel that a public reprimand is appropriate and sufficient to serve the purpose of attorney discipline with respect to the violations of RPC 1.3 and 3.2. We further agree that Leonard must pay restitution to his clients in the amount of \$84, which represents out-of-pocket costs the clients bore while their bankruptcy case lingered due to Leonard’s misconduct. Finally, because the previous disciplinary order stayed one day of his suspension contingent upon Leonard not violating any rules of professional conduct during the probationary period, imposing the one-day suspension is also appropriate. Leonard will therefore be required to seek reinstatement in order to resume the practice of law. *See* SCR 116(1) (requiring an attorney who has been suspended for more than six months to receive supreme court approval to be reinstated to the practice of law); *see also In re Discipline of Leonard*, No. 78632, 2019 WL 4391208 (Nev. Sept. 12, 2019) (Order Approving Conditional Guilty Plea Agreement).

Accordingly, we hereby publicly reprimand attorney Randal L. Leonard for violating RPC 1.3 (diligence) and RPC 3.2 (expediting litigation). Additionally, Leonard shall pay his clients restitution of \$84. We further suspend Randal R. Leonard from the practice of law in Nevada for one (1) day, commencing from the date of this order, which with the prior discipline will require that he petition for reinstatement. Leonard shall also

pay the costs of the disciplinary proceedings, including \$1,500 under SCR 120, within 30 days from the date of this court's 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: Michael J. Warhola, LLC
Chair, Southern Nevada Disciplinary Board
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, U.S. Supreme Court