

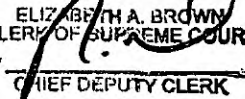
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
DAVID L. MANN, BAR NO. 11194.

No. 86549

FILED

FEB 09 2024

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 David L. Mann be suspended from the practice of law in Nevada for six months and one day. The recommended discipline is based on Mann's violation of RPC 1.3 (diligence) for his insufficient representation of a client.

Mann contends that the panel's findings regarding his lack of preparation and oversight for his client's cases are clearly erroneous as they directly contradict the record on appeal. We disagree. Our review of the hearing "panel's findings of fact is deferential, so long as they are not clearly erroneous and are supported by substantial evidence," but we review any conclusions of law de novo. *In re Discipline of Colin*, 135 Nev. 325, 330, 448 P.3d 556, 560 (2019) (internal citation omitted). In reviewing the hearing transcript, Mann's arguments are belied by the record. Specifically, the panel heard testimony from his paralegal that she primarily handled the complaining client's case without him. Furthermore, the panel heard testimony from the client that more than one hearing was continued due to

Mann's lack of diligence which affected her custody and bankruptcy cases. Mann testified that he was not prepared to handle the custody hearing without his paralegal as he did not have all the prepared exhibits and pleadings. Therefore, the panel's findings of fact are supported by substantial evidence and are not clearly erroneous.

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3)(b). 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 that Mann knowingly violated duties owed to his client (diligence). His client was injured because she was forced to retain new counsel after multiple continuances due to Mann's lack of diligence negatively affected the client's child custody and bankruptcy proceedings. The baseline sanction for Mann's misconduct, before consideration of 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) (recommending suspension "when a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client").

The hearing panel found, and the record supports, six aggravating circumstances under SCR 102.5(1): (1) prior discipline, (2) pattern of misconduct, (3) multiple offenses, (4) refusal to acknowledge the

wrongful nature of the conduct, (5) the vulnerability of the victim, and (6) substantial experience in the practice of law. The panel also found, and the record supports, two mitigating circumstances under SCR 102.5(2): (1) personal or emotional problems, and (2) physical disability.

Considering all these factors, we conclude that the recommended six-month-and-one-day suspension is appropriate and serves the purposes of attorney discipline—to protect the public, the courts, and the legal profession, not to punish the attorney. *In re Discipline of Arabia*, 137 Nev., Adv. Op. 59, 495 P.3d 1103, 1109 (2021). In particular, the circumstances surrounding the violation, including the apparent unauthorized practice of law by Mann’s paralegal, the numerous aggravating factors, including Mann’s prior discipline history and blatant lack of remorse, coupled with Mann’s current administrative suspension for noncompliance with CLE requirements and misleading testimony that he operates a “pro bono” firm despite his paralegal accepting thousands of dollars in legal fees, support a six-month-and-one-day suspension.

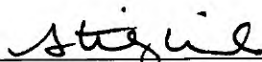
Accordingly, we hereby suspend attorney David L. Mann from the practice of law in Nevada for six months and one day commencing from the date of this order.¹ Mann shall also pay the costs of the disciplinary proceedings, including fees in the amount of \$2,500, *see* SCR 120(1), as


¹To the extent Mann’s additional arguments are not addressed herein, including that the panel did not properly account for mitigating circumstances, we conclude they do not warrant a different outcome.


invoiced by the State Bar within 30 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

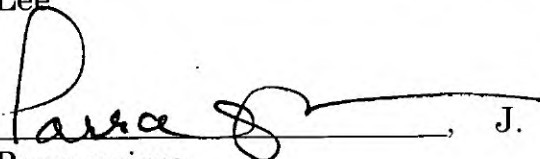

_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre


_____, J.
Bell

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