

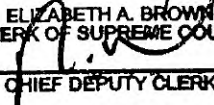
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
STEVEN L. YARMY, BAR NO. 8733.

No. 88758

FILED

DEC 05 2024

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, under SCR 113(1), a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Steven L. Yarmy. Under this agreement, Yarmy admitted to multiple violations of RPC 1.3 (diligence), RPC 3.2(a) (expediting litigation), RPC 3.4(c) (fairness to opposing party and counsel), and RPC 8.4(d) (misconduct) and agreed to an 18-month suspension for these violations. Yarmy also admitted to materially breaching the probationary terms set out in *In the Matter of Discipline of Yarmy*, No. 77095, 2018 WL 6818540 (Nev. Dec. 24, 2018) (Order Approving Conditional Guilty Plea Agreement). In that matter, Yarmy was suspended for 18 months, with the suspension stayed if Yarmy complied with the terms of probation. In admitting a breach of the probationary terms, Yarmy has agreed that the stayed 18-month suspension be imposed and run consecutively to the 18-month suspension for the current rule violations. Thus, Yarmy has agreed to an aggregate 36-month suspension.

Yarmy has admitted to the facts and violations alleged in the complaint. The record therefore establishes that Yarmy violated the above-listed rules by failing to diligently pursue an appeal and communicate with

the court after a settlement conference and by failing to appear for a calendar call, a firm trial setting, and an order to show cause. The record further establishes that Yarmy breached the terms of probation in Docket No. 77095.

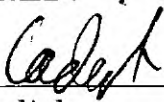
Because Yarmy admitted to the violations as part of the plea agreement, the issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. *See In re Discipline of Arabia*, 137 Nev. 568, 571, 495 P.3d 1013, 1109 (2021) (explaining purpose 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).

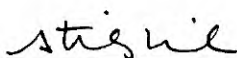
Yarmy admitted to knowingly violating duties owed to clients (diligence), the legal system (expediting litigation, fairness to opposing party and counsel), and the profession (misconduct). The misconduct resulted in injury or potential injury to the clients and the legal system. The baseline sanction before considering aggravating or mitigating factors is suspension. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.42 (Am. Bar Ass’n 2023) (providing that suspension is appropriate when “a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client”); Standard 7.2 (“Suspension is generally appropriate 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 record supports the panel’s finding of four aggravating factors (prior disciplinary offenses,

pattern of misconduct, multiple offenses, and substantial experience in the practice of law) and three mitigating factors (absence of a dishonest or selfish motive, personal, or emotional problems, and remorse). Considering all four factors, we conclude that the agreed-upon 18-month suspension for the underlying misconduct, to run consecutive to the 18-month suspension that had been stayed in Docket No. 77095, sufficiently protects the public, the courts, and the legal profession.

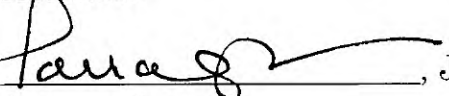
Accordingly, we suspend attorney Steven L. Yarmy from the practice of law in Nevada for 36 months commencing from the date of this order. Yarmy shall fully comply with the terms and conditions of all prior disciplinary orders as a criterion for reinstatement, including paying \$34,023.97 in restitution. Yarmy shall remit payment of this restitution to the Clients Security Fund under RPC 1.15(f) and attach the proof of payment to any application for reinstatement. Yarmy shall also pay the actual costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 60 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

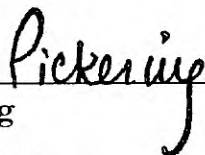
It is so ORDERED.

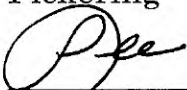

_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Herndon


_____, J.
Parraguirre


_____, J.
Pickering


_____, J.
Lee


_____, J.
Bell

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