

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
THOMAS C. MICHAELIDES, BAR NO.  
5425.

No. 89219

**FILED**

FEB 21 2025

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

*ORDER REJECTING CONDITIONAL GUILTY PLEA  
AGREEMENT AND REMANDING*

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 in exchange for a stated form of discipline for attorney Thomas C. Michaelides. Under this agreement, Michaelides admitted to two violations of RPC 3.3(a)(1) (candor toward the tribunal), and one violation each of RPC 1.16(a)(1) and (d) (terminating representation), RPC 3.3(b) (candor toward the tribunal), RPC 3.4(c) (fairness to opposing party and counsel), RPC 5.3(c) (responsibilities regarding nonlawyer assistants), RPC 8.4(d) (misconduct), and SCR 115 (notice of change in license status). The agreement provides for a 3-year suspension with conditions.

Michaelides has admitted to the facts and violations as part of the guilty plea agreement. The record therefore establishes that Michaelides violated the above-referenced rules by failing to notify the district court and take appropriate remedial actions when Michaelides' non-lawyer employee made a court appearance by remote audio purporting to be Michaelides; failing to notify his client of the continued hearing date for his case, which caused the client to miss that hearing and delayed the

client's divorce case; and failing to timely comply with SCR 115's notice provisions concerning his suspension in Docket No. 83876.<sup>1</sup>

The issue before 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 1103, 1109 (2021) (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).

Michaelides admitted to knowingly violating duties owed to the legal system (candor toward the tribunal, fairness to opposing party and counsel, misconduct), and the profession (responsibilities regarding nonlawyer assistants, and terminating representation). Michaelides' misconduct caused actual or potential injury to his client and to the legal profession. The baseline sanction for the misconduct at issue, before considering aggravating and mitigating circumstances, is suspension. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 6.12 (Am. Bar. Ass'n 2023) (*Standards*) (providing that suspension is appropriate when an attorney knows that a false statement has been made to the court "and [he] takes no remedial action, and causes injury or potential injury to a party to the legal

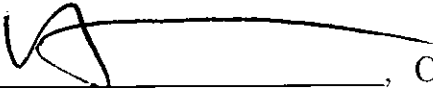
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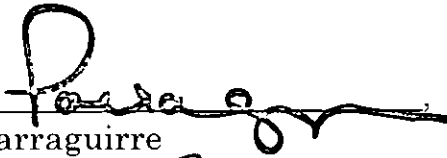
<sup>1</sup>On February 18, 2022, this court imposed a 24-month suspension, consisting of 6 months' actual suspension followed by a stayed suspension of 18 months during which Michaelides was required to comply with various terms, including that he engage in no further misconduct which would result in new disciplinary charges. *In re Discipline of Michaelides*, No. 83876, 2022 WL 510003 (Nev. Feb. 18, 2022) (Order of Suspension).

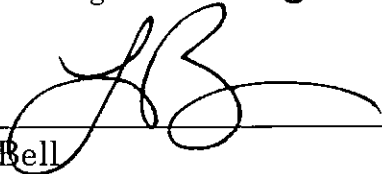
proceeding”); *see also id.* at Standard 7.2 (“Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.”); *id.* at Standard 8.2 (“Suspension is generally appropriate when a lawyer has been reprimanded for the same or similar misconduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.”).


Turning to the aggravating and mitigating circumstances, we conclude that the agreed-upon discipline fails to adequately consider the aggravating circumstances. The record supports the hearing panel’s findings of four aggravating factors (prior disciplinary offenses, pattern of misconduct, multiple offenses, and substantial experience in the practice of law). Indeed, Michaelides’ prior disciplinary history involved misconduct similar to that admitted here—most notably candor toward the tribunal and responsibilities toward nonlawyer assistants—and the current admitted misconduct occurred while he was awaiting discipline. Moreover, the record demonstrates that Michaelides has been the subject of additional client grievances since this court suspended him in Docket No. 83876. For these reasons, we are not convinced that the agreed-upon discipline is sufficient to serve the purpose of attorney discipline. Thus, we reject the conditional guilty plea agreement and remand this matter for further proceedings. *See* SCR 113(1) (“The tendered [conditional guilty] plea is subject to final approval or rejection by the supreme court if the stated form of discipline includes disbarment or a suspension.”).


It is so ORDERED.<sup>2</sup>


  
\_\_\_\_\_, C.J.  
Herndon

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Bell

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Lee

cc: Glenn Machado  
Rob W. Bare  
Bar Counsel, State Bar of Nevada  
Chair, Southern Nevada Disciplinary Board  
Executive Director, State Bar of Nevada  
Admissions Office, U.S. Supreme Court

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<sup>2</sup>The Honorable Kristina Pickering, Justice, voluntarily recused herself from participation in the decision of this matter.