

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
CHARMAINE L. CLARK, BAR NO.
5915.

No. 54932

FILED

DEC 22 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF DISBARMENT

This is an automatic review of a decision of a hearing panel of the Southern Nevada Disciplinary Board, recommending that attorney Charmaine Clark be disbarred from the practice of law in Nevada. See SCR 105(3)(b).

The events leading up to this recommendation began in late 2007. Clark's mother, who lived in Washington State, became ill. Clark, who has been licensed to practice law in Nevada since 1996, moved to Washington to care for her mother. Upon moving to Washington, Clark abandoned her clients in Nevada, effectively ceasing communication with them and leaving their cases to languish in various Nevada courts.

The State Bar filed 3 formal complaints against Clark, alleging a total of 13 counts of misconduct. Despite receiving ample notice of the proceedings against her, Clark failed to file an answer or otherwise defend against the charges.

The panel found two violations of RPC 1.1 (competence), eleven violations of RPC 1.3 (diligence), eight violations of RPC 1.4 (communication), one violation of RPC 1.5 (fees), one violation of RPC 1.15

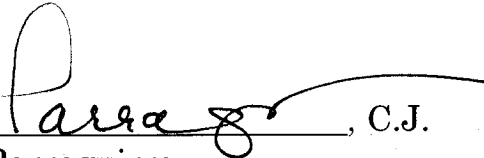
(safekeeping property), eleven violations of RPC 1.16 (declining or terminating representation), one violation of RPC 3.1 (meritorious claims and contentions), five violations of RPC 3.2 (expediting litigation), five violations of RPC 3.4 (fairness to opposing party and counsel), and thirteen violations of RPC 8.1(b) (bar admission and disciplinary matters). The panel also found the following aggravating factors, pursuant to SCR 102.5: prior disciplinary offenses, a pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders, refusal to acknowledge the wrongful nature of her conduct, substantial experience in the practice of law, and indifference to making restitution. The fact that Clark was experiencing personal or emotional problems was the only factor found in mitigation. The panel found that the aggravating factors outweighed the mitigating factors. Based on these findings, the panel recommended that Clark be disbarred from the practice of law in Nevada, and that she be required to pay the costs of the disciplinary proceeding.

A decision of a panel of the Southern Nevada Disciplinary Board recommending disbarment is subject to automatic review by this court. SCR 105(3)(b). Although persuasive, the panel's findings and recommendations are not binding on this court. Matter of Discipline of Droz, 123 Nev. 163, 168, 160 P.3d 881, 884 (2007). "This court must review the record de novo and exercise its independent judgment to determine whether and what type of discipline is warranted." Id. at 168, 160 P.3d at 884-85 (quoting In re Stuhff, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992)). The panel's findings of misconduct must be supported by clear and convincing evidence. In re Drakulich, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995).

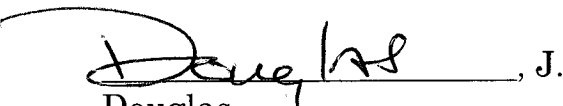
SCR 105(2) provides that if an attorney failed to plead in response to the complaint, the charges shall be deemed admitted. We conclude that the allegations in the complaints are deemed admitted. We further conclude that clear and convincing evidence supports the panel's findings. Finally, we conclude that the recommended discipline is appropriate in light of the nature of Clark's misconduct.

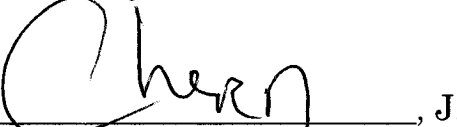
Accordingly, we disbar Clark from the practice of law in this state. Such disbarment is irrevocable. See SCR 102(1). Further, Clark shall pay the costs of the disciplinary proceedings within 30 days of receipt of the Nevada State Bar's bill of costs. SCR 120.

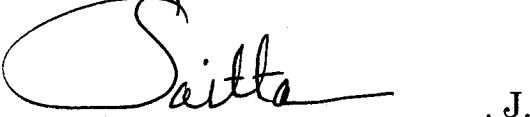
It is so ORDERED.¹

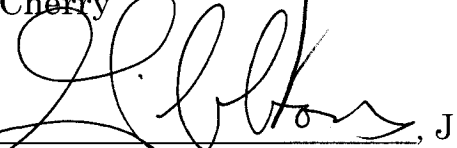

Parraguirre, C.J.

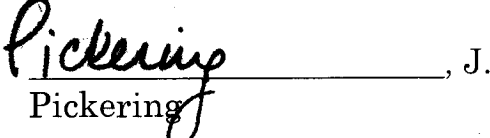

Hardesty, J.


Douglas, J.


Cherry, J.


Saitta, J.


Gibbons, J.


Pickering, J.

¹This is our final disposition of this matter. Any new proceedings concerning Clark shall be docketed under a new docket number.

cc: Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Kimberly K. Farmer, Executive Director
Charmaine L. Clark, Esq.
Perry Thompson, Admissions Office, U.S. Supreme Court