

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
TRAVIS CHANDLER, ESQ., BAR NO.
8778.

No. 55625

FILED

JUL 27 2011

TRACIE K. UNDERMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER IMPOSING PUBLIC REPRIMAND

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Thomas C. Chandler receive a public reprimand for violations of RPC 1.3 (diligence), RPC 1.4 (communication), and RPC 8.1(b) (bar admission and disciplinary matters). See SCR 105(3)(b). We conclude that the recommended discipline is appropriate and that a public reprimand is warranted in this case.

BACKGROUND AND FACTS

In August 2005, Eddie Lane retained Chandler to perform three tasks: (1) a patent search, (2) a patent application and prosecution, and (3) a trade mark registration. By letter dated February 17, 2006, Chandler informed Lane that a patent application had been filed and that the next significant date in the process would be 18 months later when the patent application would be published for examination. Chandler's letter further stated that Lane's trademark would be registered the following week—Chandler completed that task. Chandler also completed a patent application. In October 2008, Lane learned that the United States Patent and Trademark Office (USPTO) had issued a notice rejecting his patent

application. Lane made repeated attempts to contact Chandler to no avail. Chandler took no action in assisting Lane with his patent application upon learning from Lane that there was a "problem" with the application. On October 22, 2008, Lane emailed a grievance to the State Bar, followed by a letter of complaint, dated November 17, 2008.

On December 4, 2008, the State Bar sent a letter to Chandler concerning Lane's complaint and requested a response. Chandler did not respond. One month later, the State Bar sent a certified letter to Chandler respecting Lane's allegations and requested a response within 14 days. Chandler did not respond. Three weeks later, on January 29, 2009, the State Bar sent Chandler a certified letter, which was returned as undeliverable. The State Bar sent a fourth letter, dated February 5, 2009, which was also returned. Subsequently, the State Bar sent a certified letter to an alternative address for Chandler. The letter informed Chandler that failure to respond would result in the opening of a grievance file for a violation of RPC 8.1 (bar admission and disciplinary matters). Chandler signed the return receipt but did not respond to the letter. The State Bar sent yet another certified letter dated March 17, 2009, to Chandler notifying him that a grievance file had been opened. The return receipt was signed but Chandler failed to respond to the letter. Approximately three months later, having learned of a new address, the State Bar sent a certified letter to Chandler requesting a response and additional information. The return receipt was signed, but Chandler did not respond to the letter.

The State Bar filed a complaint against Chandler on September 17, 2009, alleging that his representation of Lane resulted in violations of RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.15

(safekeeping property), and RPC 8.1(b) (bar admission and disciplinary matters).

At the beginning of the disciplinary hearing, the parties stipulated to a violation of RPC 8.1(b) and the State Bar withdrew the allegation involving RPC 1.15. There was no dispute that until Lane complained to the State Bar, he was satisfied with Chandler's representation. At the hearing, Chandler explained that after receiving an angry message from Lane expressing his intent to file a grievance against Chandler, he ceased communicating with Lane because he believed Lane had fired him, although Lane never expressly terminated Chandler's representation. Chandler made no notation in his records and did not inform the USPTO that his representation of Lane had terminated. Nor did Chandler advise Lane of his options respecting the rejected patent application or take any action to protect Lane's interest in the matter. Chandler also explained that he did not respond to the repeated communications from the State Bar because it was a difficult emotional situation. Chandler indicated that he had no prior discipline with the State Bar.

At the hearing, Lane outlined his numerous attempts to contact Chandler by phone and by facsimile from April to September 2008. In October 2008, Lane learned that the USPTO had rejected his patent application and again attempted to contact Chandler but received no response. Lane explained that he has suffered financial difficulties as a result of pursuing his invention and was unaware of the status of his patent application.

At the conclusion of the hearing, the panel found that Chandler violated RPC 1.3, RPC 1.4, and RPC 8.1(b). The panel

recommended that Chandler: (1) be issued a public reprimand for violating RPC 1.3, RPC 1.4, and RPC 8.1(b); (2) be required to attend the next available “Bridge the Gap” seminar conducted by the State Bar following the Supreme Court’s order approving the recommendations; (3) be required to fulfill an additional six CLE credit hours in either small office management or ethics within six months of the Supreme Court’s order approving the recommendations; (4) be required to enter into a mentoring agreement with a mentor approved by the State Bar for one year, during which time the mentor shall submit written quarterly reports to the Office of Bar Counsel regarding Chandler’s practice; and (5) be required to pay all costs of the disciplinary proceedings within 30 days of the Supreme Court’s order approving the recommendations. This automatic review followed. Neither Chandler nor the State Bar filed briefs in this matter; therefore, it has been submitted for decision on the record without briefing or oral argument. SCR 105 (3)(b).

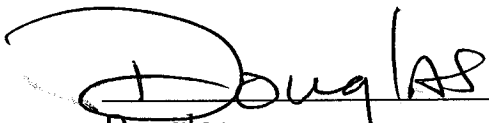
DISCUSSION

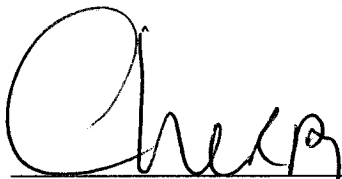
A disciplinary panel’s decision recommending a public reprimand is subject to automatic review by this court. SCR 105(3)(b). “[Al]though persuasive, the panel’s findings and recommendations are not binding on this court.” Matter of Discipline of Droz, 123 Nev. 163, 168, 160 P.3d 881, 844 (2007) (alteration omitted) (quoting In re Stuhff, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992)). “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 Stuhff, 108 Nev. at 633, 837 P.2d at 855). 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).

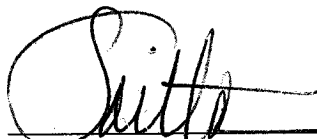
The panel's findings of misconduct are supported by clear and convincing evidence. Chandler failed to communicate with Lane regarding his patent once Lane learned that the USPTO rejected it and he failed to advise Lane about his options or protect Lane's interest in the patent matter upon learning that the patent application had been rejected. Further, Chandler did not dispute that he repeatedly failed to respond to the State Bar concerning Lane's grievance and complaint. Chandler does not dispute the disciplinary panel's findings of misconduct.


Based on Chandler's conduct, we conclude that a public reprimand is appropriate. Accordingly, we approve the disciplinary panel's recommendation and publicly reprimand attorney Travis Chandler for violations of RPC 1.3, RPC 1.4, and RPC 8.1(b). Chandler shall comply with all of the other conditions recommended by the disciplinary panel.


It is so ORDERED.

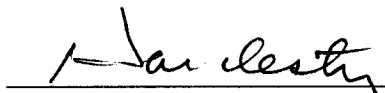

Douglas, C.J.

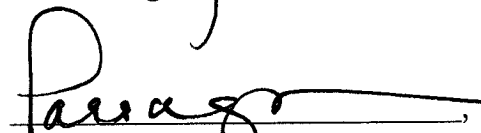

Cherry, J.


Saitta, J.


Gibbons, J.


Pickering, J.


Hardesty, J.


Parraguirre, J.

cc: U.S. Supreme Court, Admissions Office
Chair, Southern Nevada Disciplinary Board
David Clark, Bar Counsel
Kimberly K. Farmer, Executive Director
Travis Chandler