

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
MEHI AHOLELEI-AONGA, ESQ.
BAR NO. 9743

No. 61055

FILED

DEC 06 2013

TRABIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic review, pursuant to SCR 105(3)(b), of a disciplinary board hearing panel's recommendation that attorney Mehi Aholelei-Aonga be suspended from the practice of law for six months and one day. This matter arises primarily from Aholelei-Aonga's failure to respond to inquiries from the Nevada State Bar.

Factual background

Shantell and Michael Desmond sought legal representation from Attorney Debt Solutions (ADS), a debt management company with offices in Sacramento and Reno. Aholelei-Aonga was employed as counsel for ADS in Reno. She was assigned to assist the Desmonds with a bankruptcy and loan modification. While Aholelei-Aonga did successfully complete the bankruptcy, something went wrong with the loan modification. The record and pleadings are unclear as to whether the fault for the mishandled loan modification was that of Aholelei-Aonga or the Sacramento office of ADS.

The Desmonds filed a grievance against ADS, noting in their complaint that Aholelei-Aonga was their Reno contact. The state bar sent

a letter of investigation to Aholelei-Aonga that went unanswered. A subsequent phone call to Aholelei-Aonga revealed that she thought the letters from the bar regarded dues payments, and since she did not have the money to pay them, she ignored the letters.¹ The state bar provided her a second chance to respond to the grievance, however she never took the opportunity to explain her side of the story regarding the Desmonds' accusations.

After several months with no word from Aholelei-Aonga, disciplinary proceedings were instituted and the state bar mailed Aholelei-Aonga copies of the pleadings. She never responded to the pleadings and did not make an appearance at the disciplinary hearing.

Rule violations and recommended discipline

When Aholelei-Aonga failed to respond to the state bar's verified complaint, the state bar notified her of its intent to proceed on a default basis. As such, a default hearing panel was convened on April 19, 2012, and the counts of the complaint were deemed admitted per SCR 105(2). Despite SCR 105(2), the hearing panel found that the complaint's allegations as to RPC 1.3 (diligence) and RPC 1.4 (communication) were not sufficiently clear to prove that Aholelei-Aonga, and not ADS as a company, was at fault. Thus they declined to rule on these violations. However, the panel did find that Aholelei-Aonga had violated RPC 8.1(b) (bar admission and disciplinary matters) and expressed concern that

¹Aholelei-Aonga is already under administrative suspension for failure to pay bar dues and fees and for failure to complete continuing legal education requirements.

Aholelei-Aonga failed to take advantage of presenting her side of the facts to the hearing panel and the state bar.

Accepting bar counsel's recommendation, the panel concluded that Aholelei-Aonga should be suspended for six months and one day and that she should repay the costs of the disciplinary proceedings. Because a suspension of that length necessarily requires that Aholelei-Aonga formally apply for reinstatement should she wish to practice again, *see* SCR 116(1), the hearing panel recommended as a mandatory condition of reinstatement that she be required to satisfactorily explain to the reinstatement hearing panel the events surrounding the Desmonds' grievance and why the instant matter should not preclude her from reinstatement. The panel noted that it took into account aggravating factors including: SCR 102.5(a) (prior disciplinary offenses); 102.5(c) (pattern of misconduct); 102.5(e) (bad faith obstruction of disciplinary proceedings); and 102.5(j) (indifference to making restitution).

Analysis

Based on our review of the record, we agree with the panel's finding of misconduct as to RPC 8.1 (b) (bar admission and disciplinary matters), which is supported by clear and convincing evidence. *See In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995).

We also agree with the hearing panel that there was insufficient proof to speculate that Aholelei-Aonga violated RPC 1.3 (diligence) and RPC 1.4 (communication). Thus, this court concludes that the state bar did not prove violations of RPC 1.3 (diligence) and RPC 1.4 (communication) by clear and convincing evidence. *See* SCR 105(2).

We approve the panel's recommendation that Aholelei-Aonga be suspended for six months and one day, and we conclude that this

recommended discipline is appropriately tailored to Aholelei-Aonga's misconduct.² However, we reject the recommendation that Aholelei-Aonga explain her dealings with the Desmonds as a condition of reinstatement.

Accordingly, we hereby suspend Mehi Aholelei-Aonga from the practice of law for six months and one day. Aholelei-Aonga shall pay the costs of the disciplinary proceeding within 30 days of receipt of the state bar's bill of costs. SCR 120. Aholelei-Aonga may not be reinstated until such payment is made. In addition, Aholelei-Aonga shall comply with SCR 115. The state bar shall comply with SCR 121.1.

It is so ORDERED.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Cherry, J.
Cherry

Saitta, J.
Saitta

²The suspension in this matter is separate from and in addition to Aholelei-Aonga's existing bar dues and CLE suspensions. The suspension in the instant matter will not commence until after Aholelei-Aonga resolves her bar dues and CLE matters. See SCR 98; SCR 213.

cc: J. Thomas Susich, Chair, Northern Nevada Disciplinary Board
David A. Clark, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, United States Supreme Court
Mehi Aholelei-Aonga

