

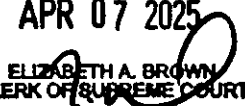
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
SEAN DAVID LYTTLE, BAR NO. 11640.

No. 89864

FILED

APR 07 2025

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

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Sean David Lyttle be suspended from the practice of law in Nevada for 18 months, based on violations of RPC 1.1 (competence), RPC 1.2 (scope of representation), RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.5 (fees), RPC 1.15 (safekeeping property), RPC 1.16 (declining or terminating representation), RPC 3.2 (expediting litigation), RPC 8.1 (disciplinary matters), and RPC 8.4 (misconduct).

The State Bar has the burden of demonstrating by clear and convincing evidence that Lyttle committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). Here, however, the facts and charges alleged in the complaint are deemed admitted because Lyttle failed to answer the complaint and a default was entered against him.¹ SCR 105(2). The record therefore establishes that

¹The State Bar served Lyttle with the complaint and notice of intent to default by certified mail at his SCR 79 address and emailed those documents to Lyttle's SCR 79 email address and Lyttle's personal email.

Lyttle violated the above-referenced rules by failing to file the required citations in a probate matter which resulted in the client's will contest being dismissed. Lyttle refiled the will contest but then failed to appear at the hearing on the opposing party's motion for summary judgment, resulting in the court granting that motion. Lyttle failed to inform the client about the summary judgment. When confronted by the client, Lyttle asserted that he was never informed of the hearing. Lyttle then got the summary judgment set aside based on excusable neglect due to a temporary medical condition, not the alleged lack of notice Lyttle used as an excuse when confronted by the client. Thereafter, the opposing party's motion for summary judgment was once again granted. Lyttle filed a notice of appeal, but the appeal was dismissed when he failed to pay the filing fee. Lyttle did not inform the client of the dismissal and stopped communicating with the client. Lyttle did not respond to the State Bar's inquiries.

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3)(b). 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).

Lyttle knowingly violated duties owed to a client (diligence, communication, safekeeping property), the profession (failure to respond to lawful requests for information by a disciplinary authority), and the public (misconduct). His conduct caused injury or potential injury to the client, the profession, and the public. The baseline sanction for the misconduct,

address. Additionally, the State Bar sent the notice of intent to default to an additional mailing address the State Bar discovered for Lyttle.

before consideration of aggravating and mitigating circumstances, is suspension. See Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.42 (Am. Bar Ass'n 2023) ("Suspension is generally appropriate when . . . a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client."); Standard 4.52 (providing that suspension is appropriate "when a lawyer engages in an area of practice in which the lawyer knows he or she is not competent, and causes injury or potential injury to a client"); Standard 7.2 (providing that suspension is 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 panel found and the record supports four aggravating circumstances: prior discipline, pattern of misconduct, multiple offenses, and substantial experience in the practice of law. But one aggravating circumstance and one mitigating circumstance found by the panel were not supported by the record. First, the panel found the aggravating circumstance of bad faith obstruction of the disciplinary proceedings, but there is no evidence in the record that Lyttle obstructed the proceedings. Second, the panel found the mitigating circumstance of personal health issues, but the only personal health issue suggested in the record is the one on which Lyttle obtained relief from the initial summary judgment against the client and there is nothing in the record to otherwise prove that health issue or to suggest that the issue persisted or mitigated the totality of Lyttle's conduct in this matter.

Among the aggravating circumstances found by the hearing panel and supported by the record, the most significant is Lyttle's prior

discipline history. In particular, Lyttle received a letter of reprimand in 2023 based on a conditional plea to violations of the same competence, diligence, and communication rules at issue here. And Lyttle was suspended for three months in 2024 after failing to respond to the State Bar's inquiries regarding suspicious activity involving his trust account. *In re Discipline of Lyttle*, No. 87215, 2024 WL 1266997 (Nev. March 22, 2024) (Order of Suspension).

Considering all the factors, we agree with the panel's recommendation for an 18-month suspension. See *In re Discipline of Arabia*, 137 Nev. 568, 571, 495 P.3d 1103, 1109 (2021) (stating the purpose of attorney discipline is "to protect the public, the courts, and the legal profession," not to punish the attorney). Accordingly, we hereby suspend attorney Sean David Lyttle from the practice of law in Nevada for 18 months commencing from the date of this order. Further, before seeking reinstatement, Lyttle must remit any unearned retainer to the client as determined by the State Bar Fee Dispute Committee. Additionally, Lyttle shall pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order.

It is so ORDERED.

	<u> </u> C.J.
<u> </u> Herndon	<u> </u> J.
<u> </u> Pickering, J.	<u> </u> J.
Pickering	Parraguirre
<u> </u> J.	<u> </u> J.
Bell	Stiglich
<u> </u> J.	<u> </u> J.
Cadish	Lee

cc: Chair, Southern Nevada Disciplinary Board
Sean David Lyttle
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court