

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
STEVEN J. SZOSTEK, BAR NO. 3904.

No. 86109

FILED

APR 18 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
By *E. Brown*
DEPUTY CLERK

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

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 agreement for attorney Steven J. Szostek. Under the agreement, Szostek admitted to violating RPC 1.3 (diligence), RPC 3.1 (meritorious claims and contentions), RPC 3.3 (candor toward tribunal), and RPC 5.4 (professional independence of a lawyer). He agreed to a public reprimand. He also stipulated and agreed that such a public reprimand would violate the terms of his probation as laid out in *In re Discipline of Szostek*, No. 82237, 2021 WL 553890 (Nev. Feb. 12, 2021) (Order Approving Conditional Guilty Plea Agreement), resulting in the imposition of the stayed one-year suspension from that matter. Szostek further agreed to waive any probation breach hearing requirements and to the imposition of the one-year suspension through this matter.

Szostek has admitted to the facts and violations as part of his guilty plea agreement. The record therefore establishes that he violated the above-listed rules by drafting declarations in six probate matters; providing them to a non-attorney real estate agent so that the real estate agent could obtain the heirs' or administrators' signatures; receiving the declarations back from the agent, allegedly signed by the heirs or administrators but

without confirming the signatures were true; and filing them in their respective actions even though they contained falsified signatures and information or requests to which the heirs/administrators did not agree.

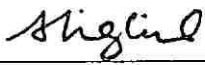
The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. *See In re Discipline of Arabia*, 137 Nev. 568, 570, 495 P.3d 1103, 1109 (2021) (explaining the purpose of attorney discipline). In determining the appropriate discipline, 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).

Szostek admitted to negligently violating duties owed to the legal system (meritorious claims and contentions and candor toward the tribunal) and to the profession (professional independence of a lawyer). The parties and the legal system were potentially injured. The baseline sanction for Szostek’s conduct, before consideration of aggravating and mitigating circumstances, is reprimand. *Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 6.13 (Am. Bar Ass’n 2017) (“Reprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false . . . and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.”); Standard 7.3 (“Reprimand is generally appropriate when a lawyer negligently 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 record supports the panel’s findings of two aggravating circumstances (prior discipline and substantial experience in

the practice of law) and two mitigating circumstances (absence of dishonest or selfish motive and full and free disclosure to disciplinary authority or cooperative attitude toward disciplinary proceeding). Considering all four factors, we conclude that the agreed-upon discipline is appropriate.

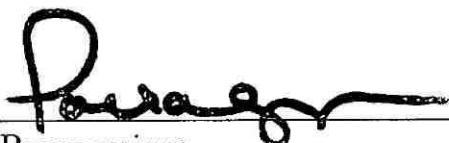
Accordingly, we hereby publicly reprimand attorney Steven J. Szostek for violations of RPC 1.3, RPC 3.1, RPC 3.3, and RPC 5.4. Because, as stipulated, this public reprimand violates the terms of Szostek's probation outlined in *In re Discipline of Szostek*, No. 82237, 2021 WL 553890, we hereby suspend Szostek from the practice of law for one year commencing from the date of this order. Additionally, Szostek shall pay the actual costs of the disciplinary proceedings, including \$1,500, within 30 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.


_____, C.J.
Stiglich


_____, J.
Herndon

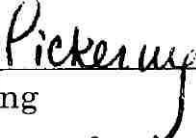

_____, J.
Lee


_____, J.
Parraguirre

CADISH, PICKERING, and BELL, JJ., dissenting:

We dissent because we do not think a public reprimand is sufficient given the prior disciplinary history and violations involved.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Chair, Southern Nevada Disciplinary Board
Steven J. Szostek
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court