IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF STEVEN HOSODA BURKE, BAR NO. 14037.

No. 89365

FILED

MAR 25 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 this court approve, pursuant to SCR 113, a conditional admission agreement in exchange for a stated form of discipline for attorney Steven Hosoda Burke. Under the agreement, Burke agreed to a six-month-and-one day suspension for violating RPC 1.15(a) (safekeeping property in trust account); RPC 1.15(c) (safekeeping property—withdrawing fees paid in advance only as earned or expenses incurred); RPC 1.15(d) (safekeeping property—notice and delivery of funds); and RPC 8.1(a) (disciplinary matters).

Burke has admitted to the facts and violations as part of the conditional admission agreement. The record therefore establishes that Burke violated the above-referenced rules by failing to timely disburse settlement funds to lienholders; failing to hold client funds in an IOLTA account and instead depositing those funds directly into an operating or checking account and/or causing account balances holding client funds to fall below the minimum for which known third parties had an interest; withdrawing fees before earned or expenses incurred; and making

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materially false statements in response to the State Bar's inquiries about the handling of client funds.

The issue before this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. *In re Discipline of Arabia*, 137 Nev. 568, 571, 495 P.3d 1103, 1109 (2021) (stating 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).

Burke admitted to knowingly or intentionally violating duties owed to clients (safekeeping property) and the legal system and profession (fairness to opposing party and counsel and misconduct). Burke's misconduct caused actual or potential injury to his clients, the legal system, and the legal profession. The baseline sanction for the misconduct, before considering aggravating and mitigating circumstances, is suspension. *See* Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.12 (Am. Bar Ass'n 2023) ("Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury."); Standard 6.12 (recommending suspension when a lawyer knowingly makes false statements that cause an adverse or potentially adverse effect on a legal proceeding); Standard 7.2 ("Suspension is generally 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."). Burke stipulated to four aggravating circumstances—prior disciplinary offense, dishonest or selfish

motive, multiple offenses, and pattern of misconduct—and two mitigating circumstances—personal or emotional problems and inexperience in the practice of law. Considering the four *Lerner* factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, we hereby suspend attorney Steven Hosoda Burke from the practice of law in Nevada for six months and one day commencing from the date of this order. Burke shall also pay the costs of the disciplinary proceedings, including $2,500 under SCR 120, 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.
Herndon

_____, J.
Pickering

_____, J.
Parraguirre

_____, J.
Bell

_____, J.
Stiglich

_____, J.
Cadish

_____, J.
Lee

cc: Chair, Southern Nevada Disciplinary Board
Posin Law Group, PC
Bar Counsel, State Bar of Nevada/Las Vegas
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court