

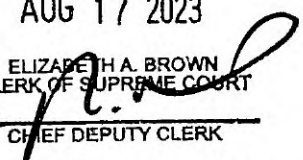
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
DANIEL C. ALLEN, BAR NO. 14341.

No. 86688

FILED

AUG 17 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF 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 in exchange for a stated form of discipline for attorney Daniel C. Allen. Under the agreement, Allen admitted to violating RPC 1.1 (competence), RPC 1.3 (diligence), and RPC 1.4 (communication). He agreed to a one-year suspension, stayed for 18 months subject to certain conditions.

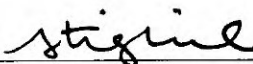
Allen admitted to the facts and violations as part of his guilty plea agreement. The record therefore establishes that Allen failed to diligently represent or communicate with four clients. He failed to properly advance a divorce complaint or file two separate joint petitions for divorce resulting in his client remaining married for two years longer than necessary. He also failed to timely file a QDRO in a different divorce action. Further, Allen failed to account for a lienholder when distributing a personal injury settlement and then failed to make timely payments to the lienholder until the lienholder filed a grievance with the State Bar. Lastly, Allen failed to respond to an amended complaint resulting in the entry of a default against his client, which was eventually set aside when the client retained new counsel.


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, 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). Allen admitted to negligently or knowingly violating duties owed to his clients (competence, diligence, and communication). The baseline sanction for such misconduct, before considering the aggravating or mitigating circumstances, is suspension. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.42 (Am. Bar Ass’n 2017) (explaining that suspension is appropriate when “a lawyer engages in a pattern of neglect and causes injury or potential injury to a client”). The record supports the panel’s findings of one aggravating circumstance (pattern of misconduct) and four mitigating circumstances (absence of prior discipline, full and free disclosure to the disciplinary authority or cooperative attitude toward the proceeding, inexperience in the practice of law, and remorse). Considering all four factors, we conclude that the agreed-upon discipline is appropriate.


Accordingly, we hereby suspend attorney Daniel C. Allen from the practice of law for one year from the date of this order, with the suspension stayed for 18 months subject to the conditions outlined in the conditional guilty plea agreement. Those conditions include the requirements that Allen (1) not be disciplined for any misconduct engaged in during the 18-month stay, (2) not engage in solo practice and instead be

employed by a law practice with at least one lawyer in good standing supervising or mentoring him, (3) submit monthly reports to the office of Bar Counsel countersigned by his supervisor/mentor, and (4) return \$3,500 to Inderdeep Judge within 60 days. Lastly, Allen shall pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. The State Bar shall comply with SCR 121.1.

It is so ORDERED.


_____, C.J.
Stiglich


_____, J.
Lee


_____, J.
Bell

cc: Chair, Southern Nevada Disciplinary Board
Lipson Neilson P.C.
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court