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Elizabeth A. Brown
Clerk of Supreme Court

**IN THE
SUPREME COURT OF THE STATE OF NEVADA**

CASE 70989

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

**IN RE DISCIPLINE OF
R. CHRISTOPHER READE, NV BAR NO. 006791**

**Review of the Southern Nevada Disciplinary Board's Findings of Fact,
Conclusions of Law and Recommendation**

NOTICE OF SUPPLEMENTAL AUTHORITIES

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These Supplemental Authorities supplement the issue of the reasonableness and propriety of the recommended suspension which is set forth on Pages 11 through 16 of the Opening Brief. In Wommer, this Court addressed Wommer's five felony convictions before United States District Court for the District of Nevada after proceeding to trial on five felony counts, which included three counts of structuring financial transactions in violation of 31 U.S.C. §§ 5324(a)(3), (d)(1), and (d)(2) and 18 U.S.C. § 2; one count of tax evasion in violation of 26 U.S.C. § 7201 and 18 U.S.C. § 2; and one count of making and subscribing a false return, statement, or other document in violation of 26 U.S.C. § 7206 and 18 U.S.C. § 2. Id. at *1. This Court discussed that Wommer was found guilty of making repeated false statements to the Internal Revenue Service under oath for his own financial gain. The Panel and then this Court found Wommer violated RPC 8.4(b). Based on the violations, the panel recommended that Wommer be suspended from

1 the practice of law for the term of three years but recommended no fine as a
2 condition of reinstatement. This Court affirmed the Panel's findings, finding
3 Wommer had two SCR 102.5 aggravating factors (substantial experience in the
4 practice of law and engaged in illegal conduct with a selfish motive), and noted
5 four mitigating factors (cooperation with the State Bar's investigation, has a good
6 reputation and character, suffered other penalties including imprisonment and
7 forfeiture, and presented evidence of a physical and/or mental disability that may
8 have clouded his judgment). The Court further noted that Wommer's actions did
9 not involve clients or client funds. In the concurring opinion, three justices of this
10 Court noted that due to delays in the imposition of discipline that Wommer's three
11 year suspension would result in fact in Wommer being out of the practice of law
12 for at least four years by the earliest time that reinstatement could be processed.
13 Wommer was convicted of more felonies (5) after trial with longer incarceration,
14 as well as more aggravating factors and less mitigating factors under SCR 102.5
15 than Reade, whose recommended suspension of thirty (30) months was to have
16 ended by July 16th, 2016.

22 These Supplemental Authorities further supplements the authorities that
23 the recommended fine is not appropriate in the instant matter and should be
24 vacated, as set forth on Pages 17 through 21 of the Opening Brief. In Wommer,
25 no fine to the Client Security Fund was assessed against Wommer, even though
26 this Court noted that Wommer's actions were motivated by and resulted in
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1 Wommer evading an IRS Levy to retain monies "with a selfish motive." Id at *3.
2 This Court noted that Wommer suffered other penalties including imprisonment
3 and forfeiture and assessed no addition financial penalties or fines against
4 Wommer other than "to pay the actual costs of the disciplinary proceeding as
5 invoiced by the State Bar within 30 days" from the Supreme Court's Order. Id. at
6 *5. Reade conversely did not have an aggravating of selfish motive or gain but
7 likewise suffered other penalties including imprisonment and payment of a fine
8 in the criminal proceeding.
9

10
11 Reade thanks this Court for its time, attention and expeditious resolution to
12 this matter.
13

14 DATED this 1st day of September, 2017.
15

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17 By: 
18

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NRAP 28.2 CERTIFICATE OF COMPLIANCE

1. I hereby certify that the foregoing Notice of Supplemental Authority complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP (a)(5), and the type style requirements of NRAP 32(a)(6) because the Brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman font.

2. I further certify that this Notice of Supplemental Authority complies with the type-volume limitations of NRAP 32(a)(7)(A)(ii) because, excluding the parts of the Brief exempted by NRAP 32(a)(7)(C), it is proportionally spaced, has a typeface of 14 points, and includes an additional 571 words.

3. Finally, I hereby certify that I have read the Notice, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that the Notice complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 32(e), which requires that the Notice shall provide references to the page(s) of the brief that is being supplemented. The notice shall further state concisely and without argument the legal proposition for which each supplemental authority is cited.

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1 4. While Moving Counsel does not believe that a Notice of Supplemental
2 Authority requires an NRAP 28.2 Certificate of Compliance, because the instant
3 Notice supplements the Points and Authorities of the Opening Brief, this
4 Certificate is provided out of an abundance of caution.
5

6 DATED this 1st day of September, 2017.
7

8 PREMIER LEGAL GROUP

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10 By: 

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CERTIFICATE OF SERVICE

I certify that on this 5th day of September, 2017 that I served the Notice of Supplemental Authority upon all counsel for record by serving it via Electronic Service through the Clerk's Office of the Nevada Supreme Court to the following addresses:

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Employee of PREMIER LEGAL GROUP

EXHIBIT “A”

EXHIBIT “A”

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
PAUL E. WOMMER, BAR NO. 15.

No. 70701

FILED

JUL 11 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
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 guilty plea in exchange for a stated form of discipline for attorney Paul E. Wommer. This disciplinary matter arose from Wommer's conviction in the United States District Court for five felony counts, which included three counts of structuring financial transactions in violation of 31 U.S.C. §§ 5324(a)(3), (d)(1), and (d)(2) and 18 U.S.C. § 2; one count of tax evasion in violation of 26 U.S.C. § 7201 and 18 U.S.C. § 2; and one count of making and subscribing a false return, statement, or other document in violation of 26 U.S.C. § 7206 and 18 U.S.C. § 2. Wommer had a dispute with the IRS where he refused to pay interest and penalties he owed for tax year 2007. When Wommer became aware that the IRS intended to levy his bank accounts, he made 15 cash withdrawals of mostly \$9,500 each from the accounts over a two-

week period and deposited the funds into his secretary's account at the same bank. When the IRS levied Wommer's accounts, the money was gone. The transfers were structured to evade the bank's reporting requirements for cash transactions over \$10,000 and to defeat the IRS's levy. Wommer also made a false statement on an IRS Form 433-A, declaring under penalty of perjury that his accounts contained \$1,000 when he knew they actually contained substantially more than that amount.

Under the conditional guilty plea agreement, Wommer admitted to violating RPC 8.4(b) (misconduct: commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). The agreement provides for a three-year suspension retroactive to December 17, 2013, the date that this court temporarily suspended Wommer from the practice of law pursuant to SCR 111. The agreement further provides that Wommer must undergo a psychological evaluation before filing a petition for reinstatement and pay the actual costs of the disciplinary proceedings.

By virtue of the guilty plea agreement, Wommer has admitted to the facts and violations alleged in the complaint. In determining the appropriate disciplinary sanction, 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). This court reviews the panel's conclusions of law and recommendation de novo, but employs a deferential standard of review for findings of fact. SCR 105(3)(b).

Considering the duties violated, the injury caused by Wommer's misconduct, and the aggravating and mitigating circumstances, we conclude that the guilty plea agreement should be approved. *See* SCR 113(1). Wommer's criminal acts implicate his ethical duty owed to the public to maintain personal integrity. *See* ABA Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 5.1 (Am. Bar Ass'n 2015). Although Wommer has substantial experience in the practice of law and engaged in illegal conduct with a selfish motive, Wommer cooperated with the State Bar's investigation, has a good reputation and character, suffered other penalties including imprisonment and forfeiture, and presented evidence of a physical and/or mental disability that may have clouded his judgment. *See* SCR 102.5. Additionally, Wommer's actions did not involve clients or client funds. Therefore, we conclude that the recommended three-year suspension is sufficient to serve the purpose of attorney discipline in this case. *See State Bar of Nev. v. Claiborne*, 104 Nev. 115, 129, 756 P.2d 464, 473 (1988) (observing that the purpose of attorney discipline is not to punish an attorney but to protect the public and the integrity of the bar).

Accordingly, we suspend Wommer from the practice of law for three years, retroactive to December 17, 2013, the date of his temporary suspension. Before petitioning for reinstatement, Wommer must undergo a psychological evaluation. Additionally, Wommer shall pay the actual

costs of the disciplinary proceeding as invoiced by the State Bar within 30 days from the date of this order. See SCR 120. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

Cherry, C.J.
Cherry

Gibbons J.
Gibbons

Douglas J.
Douglas

Parraguirre J.
Parraguirre

PICKERING, J., with whom, HARDESTY and STIGLICH, JJ., agree, concurring:

I write separately because I believe that a four-year suspension, retroactive to the date of the temporary suspension, is more appropriate discipline for Wommer's misconduct. Wommer was convicted in the United States District Court of five felony counts including structuring financial transactions, tax evasion, and making a false statement under penalty of perjury. His conduct involved elements of dishonesty and fraud. Public confidence in the legal profession depends upon attorneys abiding by high standards of integrity and honesty. See ABA Standards for Imposing Lawyer Sanctions, *Compendium of Professional Rules and Standards* 450 (2016) ("The community expects lawyers to exhibit the highest standards of honesty and integrity, and lawyers have a duty not to engage in conduct involving dishonesty, fraud, or interference with the administration of justice."). Nevertheless,

because Wommer entered a conditional guilty plea in exchange for a three-year suspension that runs retroactively to the date of his temporary suspension, December 17, 2013, I would approve the conditional guilty plea agreement. By the time Wommer petitions for reinstatement he effectively will have been suspended for close to four years, and therefore, rejecting the conditional guilty plea agreement and sending the matter back for imposition of a four-year term would be an exercise in futility. For these reasons, I concur.

 Pickering J.
Pickering

We concur:

 Hardesty J.
Hardesty

 Stiglich J.
Stiglich

cc: Chair, Southern Nevada Disciplinary Board
Law Offices of David M. Korrey
C. Stanley Hunterton, Bar Counsel, State Bar of Nevada
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, U.S. Supreme Court