

ORIGINAL



FILED

SEP 19 2014

Case Nos.: SG11-0751 and SG11-0780

STATE BAR OF NEVADA
BY: *[Signature]*
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DALE E. HALEY, ESQ.,

NV Bar No. 571

Respondent.

PUBLIC REPRIMAND

To: Dale E. Haley, Esq.
3690 S. Eastern Avenue, Suite 210
Las Vegas NV 89169

On or about September 2004, Keith McAllister ("McAllister") retained you to assist him with obtaining \$10,000 in earnest monies which were being held in escrow. McAllister and you agreed to a one-third contingency as your fee, although there is no executed written fee agreement.

On or about September 1, 2004, you wrote a letter to the sellers and the escrow company. You received a faxed response and the parties were not willing to cooperate. You informed McAllister who in turn asked you to press on with recovering the funds.

September 2004 was the last time you had a conversation with McAllister due to his leaving the state and failing to provide him with contact information.

1 By this time, McAllister had moved to Texas due to heart disease and was, in his
2 own words, in and out of hospitals for years and on his deathbed. You made several
3 attempts to communicate with McAllister including a letter sent to McAllister's Las Vegas
4 address on or about January 11, 2008, which was returned.

5 On or about March 10, 2008, in the matter of *Equity Title of Nevada v. Keith*
6 *McAllister, et al*, case no. 07C-046094, pending in Justice Court, Las Vegas Township, a
7 Stipulation and Order was entered awarding McAllister the sum of \$7,429.00 as final
8 resolution of the action.

9 You deposited the award into your trust account at Nevada State Bank in April 2008.
10 In late 2010 McAllister's health had improved and he moved to California. He contacted
11 the title company's attorney Michael F. Bohn and learned of the settlement of his case.

12 McAllister sent correspondence to you dated May 24, 2011, asking for the status of
13 his monies and the case.

14 On June 1, 2011, McAllister filed his grievance with the State Bar of Nevada.
15 However, the State Bar did not send the grievance to you until June 8, 2011.

16 On or about June 3, 2011, you issued check number 157 from his trust account in
17 the amount of \$6,000 to McAllister.

18 Upon the State Bar's review of your trust account records, on or about January 7,
19 2009, the balance in his account fell to \$5,150.

20 You attributed this to a check for \$2,500 that you mistakenly wrote from your trust
21 account in December 2008, which you should have written on your operating account.
22 When you discovered the error, you replenished the money.

23 You further acknowledge that prior to the payment of the money to McAllister, you
24 had transferred other personal funds into your trust account, rather than your operating
25 account, in order to pay expenses of upcoming, unrelated litigation, and that this

1 constituted improper commingling under RPC 1.15, although uncharged in the complaint
2 filed in this action.

3 The parties agree that the sum you withheld, \$1,429.00, was earned by you under a
4 theory of *quantum meruit*, for your work on McAllister's case.

5 In the matter of Case No. SG11-0751 / Miguel A. Gomez, Mr. Gomez filed a claim
6 with the State Bar's Fee Dispute Arbitration Committee. The arbitrator awarded Mr.
7 Gomez a partial return of the \$2,500 retainer he had paid to you. You did refund that
8 amount to Mr. Gomez.

9 The foregoing conduct violates Rules of Professional Conduct ("RPC") 1.15 and you
10 are hereby **PUBLICLY REPRIMANDED**.

11 DATED this 19th day of August, 2014.

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13
14 By: _____


15 Ellen J. Bezian, Esq.
16 Formal Hearing Panel Chair
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