



October 23, 2018

LETTER OF REPRIMAND

Mandy McKellar, Esq.
1404 S. Jones Blvd.
Las Vegas, NV 89416

RE: Grievance File OBC18-0977/Mauk

Dear Ms. McKellar:

On October 23, 2018, a Screening Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. The Panel concluded that you violated the Rules of Professional Conduct and should be reprimanded. This letter shall constitute delivery of that reprimand.

On June 24, 2015, Douglas Crawford ("Crawford") signed an Affiliation Agreement you wherein Crawford would be "of counsel" with your firm, McKellar Family Law ("MFL"). During the period of affiliation with MFL, Crawford was retained by Orietta Mauk ("Mauk"). The retainer agreement listed both you and Crawford as the retained attorneys.

On May 7, 2017, Crawford filed an Answer and Counterclaim as "of counsel" with MFL on Mauk's behalf in the case of *Steckel v. Mauk, Case No. D-17-550174-D*. Your affiliation agreement with Crawford terminated on June 18, 2017. Thereafter, Crawford left your firm and withdrew from representation of Mauk.

On August 1, 2017, Alyssa Aklestad ("Aklestad") became employed as an associate attorney at MFL. On January 19, 2018, Joel Steckel ("Steckel"), the adverse party in *Steckel v. Mauk*, retained Aklestad to represent him in that matter. Aklestad filed a notice of appearance on behalf of Steckel on January 19, 2018. On January 23, 2018, new counsel for Mauk advised Aklestad she was not waiving the conflict of interests.

Aklestad refused to withdraw, resulting in Mauk's counsel filing a motion to remove MFL and Aklestad as counsel for Steckel. The motion to remove Aklestad also sought attorney's fees and an order striking all documents filed by MFL. Aklestad's Opposition to Mauk's motion was supported by your affidavit, wherein you stated that Crawford was never an employee of your firm, though MFL was listed on the pleadings prepared and filed by Crawford on Mauk's behalf.

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The motion to disqualify MFL and Aklestad was granted on February 21, 2018, based on the Court's finding of a "clear conflict of interest for Attorney Aklestad to represent Plaintiff/Dad. The conflict is imputed (sic) under the Rules of Professional Responsibility 1.10."

Nevada Rule of Professional Conduct 1.1 (Competence) requires a lawyer to utilize the legal knowledge and skill reasonably necessary to provide competent representation. Your failure to recognize the conflict of interest in representing adverse parties in litigation falls below the legal knowledge required.

Nevada Rule of Professional Conduct 1.9 (Duties to Former Clients) prohibits a lawyer from representing adverse clients in the same litigation. Because your firm represented both wife and husband in the same litigation, you were required to obtain informed consent from Mauk. Not only did you not do so, you refused to withdraw when she declined to give consent.

Nevada Rule of Professional Conduct 3.1 (Meritorious Claims and Contentions) prohibits a lawyer from asserting or controverting an issue without a non-frivolous basis in law and fact. Pursuant to the terms of her retainer agreement, you were retained to represent Mauk. Thereafter, another member of your firm was retained to represent the opposing party in the same matter. This conduct is specifically prohibited by the Rules of Professional Conduct, and you set forth no basis in law as to why the rule did not apply in this matter.

Nevada Rule of Professional Conduct 5.1 (Responsibilities of Partners, Managers and Supervisory Lawyers) requires a partner in a law firm to make reasonable efforts to ensure the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct. It also makes an attorney with supervisory authority responsible for another lawyer's violation of the Rules of Professional Conduct if the lawyer has knowledge of and ratifies the conduct. Your firm did not have in place adequate conflict of interest checks to avoid this situation. Additionally, when it was brought to your attention, you failed to properly advise your associate as to the appropriate course of conduct, and in fact supported her failure to recognize the conflict by providing her with an affidavit in support of her opposition to your former client's motion to disqualify your firm.

Accordingly, you are hereby **REPRIMANDED** for having violated Rules of Professional Conduct 1.1 (Competence), 1.9 (Duties to Former Clients) and 5.1 (Responsibilities of Partners, Managers and Supervisory Lawyers).

We trust that this reprimand will serve as a reminder to you of your ethical obligations, and that no such problems will arise in the future.

Sincerely,



Frank Toddre, Esq., Chair Screening Panel