

bar counsel report

SUPREME COURT OF NEVADA

In re: Zachary B. Coughlin
Bar No.: 9473
Docket No.: 60828
Filed: June 7, 2012

ORDER OF TEMPORARY SUSPENSION AND REFERRAL TO DISCIPLINARY BOARD

Temporary suspension and referral to disciplinary board warranted following attorney's conviction of a serious crime.

Bar counsel for the State Bar of Nevada has filed a petition pursuant to SCR 111 seeking an order from this court temporarily suspending Zachary B. Coughlin, bar number 9473, from the practice of law and referring him for disciplinary proceedings. The petition alleges that on September 9, 2011, Coughlin shoplifted a candy bar and cough drops from a Wal-Mart store. This is supported by documentation indicating that on November 30, 2011, in the Municipal Court of the City of Reno, Coughlin was found guilty, following a bench trial, of one count of petit larceny/theft in violation of Reno Municipal Code 8.10.040. He was ordered to pay \$400 in fines and fees. Coughlin appealed his conviction to the Second Judicial District Court, and on March 15, 2012, the judgment was affirmed.¹

Pursuant to SCR 111, temporary suspension and referral to the appropriate disciplinary board are mandatory when an attorney has been convicted of a "serious" crime, which includes theft. SCR 111(6)-(8). Accordingly, pursuant to SCR 111(8), we refer this matter to the appropriate disciplinary board for the institution of a formal hearing before a hearing panel in which the sole issue to be determined shall be the extent of the discipline to be imposed. Furthermore, pursuant to SCR 111(7), we hereby temporarily suspend Zachary B. Coughlin from the practice of law in Nevada, pending final disposition of the disciplinary proceedings.

SOUTHERN NEVADA DISCIPLINARY BOARD

PUBLIC REPRIMAND

In re: Dennis F. Ramsey, Jr.
Bar No.: 7875
File No.: SG11-1385
Filed: June 25, 2012

Public Reprimand imposed for entering into a business arrangement with a non-lawyer, engaging in the unauthorized practice of law and failure to communicate with client.

TO: DENNIS F. RAMSEY, JR., ESQ.

702-Traffic is now, and at certain times pertinent herein, a business owned and operated by a nonlawyer, Mr. Kirk

Helmick, located at 4086 Spring Leaf Drive, Las Vegas, Nevada.

Ticket Terminators was, at certain times pertinent herein, also a business owned and operated by Helmick, located at 4086 Spring Leaf Drive, Las Vegas, Nevada.

You did not maintain a law office at 4086 Spring Leaf Drive, Las Vegas, Nevada, but in fact maintained your law office in another location.

You had a business relationship with Ticket Terminators and 702-Traffic (Helmick Entities), which included certain protocols and procedures as set forth herein.

Helmick Entities provided advertising services with respect to legal matters concerning traffic citations, DUIs and related matters.

All potential clients would be met by administrative, non-lawyer, staff employed by Helmick Entities at 4086 Spring Leaf Drive, Las Vegas, Nevada.

At this initial meeting, each potential client would be presented, by a non-lawyer, with an intake agreement and fee agreement.

The non-lawyer staff from Helmick Entities would also collect a retainer fee from each client who signed a fee agreement.

You were engaged by Helmick Entities to act as legal counsel for all clients obtained as described above between May 1, 2006, and June, 2008. In exchange for a fee, you would represent each client obtained by Helmick Entities in court.

Helmick Entities deposited the funds paid by clients signed up by its non-lawyer staff into a business account for Helmick Entities and issued you periodic checks from this account as part of a fee-splitting arrangement. You did not have access to this account.

In late 2007, Client was pulled over by the police and issued a ticket for speeding.

Client went to Helmick Entities and paid \$190 to have an attorney represent him at his ticket hearing. He met with a non-lawyer assistant who explained the legal process to him and had him sign a contractual agreement for services. The contract terms specified that "A 702-TRAFFIC attorney will send you a letter detailing the outcome of your ticket at court."

You represented Client in court on January 22, 2008, and were successful in getting Client's speeding ticket reduced to a parking ticket. A fine of \$70 was imposed.

Client never received a letter, e-mail or phone call, from either your law office or Helmick Entities, telling him that he needed to pay an additional \$70 to the court in order to completely resolve his case.

Client claimed that he spent the next three and a half years driving, unaware that he had a bench warrant issued for failure to pay the \$70 fine. When he was finally made aware of the situation, he was subjected to additional fines, late fees, warrants and a debt collection action. He stated that he had to pay an additional \$340 to resolve these issues.

Client indicated that when he contacted 702-Traffic about the situation, they told him it was your responsibility to send him a letter regarding the disposition of his case.

Client forwarded a letter to you regarding the situation and requested proof that you had notified him about the outcome of his case. You did not respond to Client's letter.

In your response to the state bar, you stated that, under his contract with Helmick Entities, it was Helmick Entities'

responsibility to mail a disposition letter to the client. You stated that your only job was to return the disposition to the “pink building,” which you claim to have done.

In light of the foregoing, you violated Rule of Professional Conduct (RPC) 1.3 (Diligence), RPC 1.4 (Communication), RPC 5.4 (Professional Independence of a Lawyer) and RPC 5.5 (Unauthorized Practice of Law) and are hereby PUBLICLY REPRIMANDED.

LETTERS OF REPRIMAND

File Nos. 10-086-1015 & 10-185-NA162

Letter of Reprimand appropriate when lawyers failed to supervise nonlawyer assistant.

Law Firm filed a lien against a residence in Henderson, Nevada in the amount of \$1,005.22.

On or about March 26, 2010, Defendant received a “Pre-Notice of Default” letter from Legal Assistant with Law Firm at his current residence and his former office.

The correspondence informed Defendant that as of March 23, 2010, Law Firm had not received his payment pursuant to the Notice of Delinquent Assessment Lien recorded against his property on February 4, 2010. The notice told Defendant that he needed to contact their office by April 20, 2010, as failure to do so would result in the initiation of foreclosure proceedings on his property with a minimum of \$750 in additional charges.

The correspondence informed Defendant that the total amount due was \$1,249 and he should submit that payment to the Law Firm office by April 20, 2010.

In his grievance to the state bar, Defendant stated that the correspondence neglected to inform him who the Law Firm represented, what “amount” of his they were referring to and what the \$750 in additional charges referred to, and that he has never received a Notice of Delinquency Assessment Lien.

In Attorney A and Attorney B’s responses to the State Bar of Nevada, they stated that their office had investigated the matter and discovered two previous letters had been generated for Defendant dated December 10, 2009, and January 28, 2010, which had inadvertently never been mailed. The letters identified the Law Firm client and explained the subject matter of their legal representation.

They also noted that the previous letter resulted from the office changing procedures with respect to certified mailings. In October 2009, the Law Firm contracted with a provider of bulk certified mailings. However, due to a bug with their computer/software connections, a small number of mailings were unsent. When the Law Firm discovered the problem a technician was hired to fix the problem.

Based upon the foregoing, the Panel of the Southern Nevada Disciplinary Board was concerned with the lack of supervision of the Legal Assistant and Defendant’s file not being adequately reviewed by a lawyer before the firm filed a lien against his property without proper notice.

Accordingly, Attorney A and Attorney B were hereby REPRIMANDED for violating RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants). ■

1. The petition does not indicate whether Coughlin informed bar counsel of the conviction as required by SCR 111(2).

DISCIPLINE KEY

Resignation with charges pending: SCR 98(5)(b)
Types of possible discipline listed generally: SCR 102
Attorneys convicted of crimes: SCR 111
Conditional guilty plea agreements
(discipline by consent): SCR 113
Reciprocal discipline: SCR 114
Disbarred/Suspended attorneys: SCR 115
Reinstatement: SCR 116
Disability Inactive: SCR 117

Supreme Court Rules (SCRs):
www.leg.state.nv.us/CourtRules/SCR.html

DISBARMENT – License to practice revoked.

SUSPENSION – License suspended for a time certain, ineligible to practice. More than six months requires petition for reinstatement and court order.

DISABILITY INACTIVE – Ineligible to practice until further order of the court. In the interim, disciplinary proceedings held in abeyance.

INTERIM TEMPORARY SUSPENSION – Interim suspension based on showing of a substantial threat of serious harm to the public, in effect until further court order, usually after hearing.

RESIGNATION WITH CHARGES PENDING – Ineligible to practice. Requires Bar Counsel approval. Resignation is irrevocable, with readmission only possible upon application as a new admittee.

PUBLIC REPRIMAND – Misconduct found and public censure issued, including attorney’s name and the underlying facts and charges. Published in *Nevada Lawyer* and made available to the press. Remains eligible to practice law.

LETTER OF REPRIMAND – Lowest level of discipline. Not published, but disclosed upon request under the new rules. May also include up to a \$1,000 fine and restitution. Remains eligible to practice.

ADMINISTRATIVE SUSPENSION – Attorneys may be administratively suspended for failure to pay bar fees (SCR 98(12)), and/or for failure to complete and report the required Continuing Legal Education hours (SCR 212). While these **are not disciplinary suspensions**, the attorney is **ineligible to practice law** until the deficiency is remedied and the procedures to transfer back to active status completed as set forth in the applicable rules.