

SUPREME COURT OF NEVADA

In re: Leonidas P. Flangas
Bar No.: 5637
Docket No.: 66580
Filed: December 17, 2014

ORDER APPROVING CONDITIONAL GUILTY PLEA

Attorney suspended for two years, stayed, with six months actual suspension and restitution for multiple violations of failing to communicate with clients, unauthorized practice of law and failing to supervise non-lawyer assistants in a loan modification company.

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 Leonidas Flangas. Under the agreement, Flangas admitted to violations of RPC 1.4 (communication) (24 counts); RPC 1.5 (fees) (23 counts); RPC 3.2 (expediting litigation) (one count); RPC 3.4(c) (fairness to opposing party and counsel) (one count); RPC 5.1 (responsibilities of partners, managers and supervisory lawyers) (three counts); RPC 5.3 (responsibilities regarding nonlawyer assistants) (23 counts); RPC 5.4 (professional independence of a lawyer) (three counts); RPC 5.5 (unauthorized practice of law) (23 counts); RPC 7.1 (communication concerning a lawyer's services) (two counts); and RPC 8.1 (bar admission & disciplinary matters) (18 counts).

The agreement provides for a two-year stayed suspension with a six-month actual suspension. Additionally, the following conditions are imposed: for two years starting on July 1, 2014, Flangas shall promptly comply with all requests for information from the state bar, including providing copies of bank statements and case lists; during the same two-year period, Flangas shall not engage in any activity that results in public discipline, including a Letter of Reprimand; Flangas shall pay the actual costs of the disciplinary proceeding, excluding staff salaries, within 30 days of receipt of the bill of costs; Flangas shall pay restitution in the amount of \$50,586.52 within two years of July 1, 2014, and shall open a bank account and begin making monthly payments, in the amount of \$2,107.77 per month, towards this restitution and submit quarterly statements to the state bar demonstrating compliance;¹ Flangas shall take an additional 10 hours of continuing legal education, including five hours relating to law office management and five hours relating to attorney ethics.

In approving the conditional guilty plea agreement, the hearing panel considered aggravating and mitigating factors as agreed to within the plea agreement. The aggravating factors are: a pattern of misconduct, multiple offenses, vulnerability of the victim and substantial experience in the practice of law. The mitigating factors are: absence of a prior disciplinary record, absence of a dishonest or selfish motive, substantial efforts provided on behalf of clients, timely good faith effort to make restitution or to rectify consequences of misconduct, and full and free disclosure to disciplinary authority or cooperative attitude toward proceeding. See SCR 102.5.

Based on our review of the record, we conclude that the guilty plea agreement should be approved with the clarification that the time periods for the suspension and all conditions commence on the date that this order is filed. See SCR 113(1). We hereby impose a two-year stayed suspension, with an actual immediate suspension of six months, commencing on the date this order is filed. Additionally, Flangas must comply with all of the conditions in the plea agreement, as outlined above, except that the time period for the requirements begin on the date this order is filed, rather than the stipulated date of July 1, 2014. The parties shall comply with the applicable provisions of SCR 115 and SCR 121.1.

It is so ORDERED.

In re: Zenas Zelotes
Bar No.: 7569
Docket No.: 66809
Filed: December 17, 2014

ORDER IMPOSING RECIPROCAL DISCIPLINE

Attorney suspended in Connecticut for five months following an improper relationship with client. Reciprocal discipline imposed.

This is a petition under SCR 114 to reciprocally discipline attorney Zenas Zelotes based on discipline imposed upon him by the State Bar of Connecticut. Zelotes self-reported the discipline in accordance with SCR 114(1). Zelotes has filed a response to the petition.

Zelotes was disciplined in Connecticut for his conduct with a woman who became a client and her husband, Terry and Michael Aliano. The Alianos were having marital problems when they met Zelotes and his girlfriend at a jazz bar in March 2010. The four became friends and began to spend time together. Zelotes then began an independent relationship with Terry. Zelotes began advising Terry about her divorce as an attorney and as a friend, despite knowing

she had retained counsel. He denied any sexual involvement with Terry, but admitted that they did share time alone, drinking wine and holding hands. In September 2010, Zelotes entered an appearance in the divorce case on behalf of Terry.

Zelotes had a formal retainer agreement with Terry of \$10,000 and his standard rate of \$200 or \$250 per hour. He put his bankruptcy practice on hold, so he could devote his attention to Terry's case. Terry's bill rose to \$20,000, but since she was not awarded fees by the divorce court, Zelotes released her from her obligation. He also worked out a quid pro quo arrangement for her to work in his office in exchange for some of her debt to him.

After discovering Zelotes' and Terry's personal relationship, Michael filed a motion in the divorce court to disqualify Zelotes from representing Terry. The court granted the motion and, afterward, Terry and Zelotes ceased their relationship.

The Connecticut state bar found that Zelotes violated Connecticut Rules of Professional Conduct 1.7(a)(2) (conflict of interest: current clients) and CRPC 8.4 (misconduct). Nevada's comparable rules appear to be Rule of Professional Conduct 1.7(a)(2) (conflict of interest: current clients) and RRC 8.4 (misconduct). In aggravation, the Connecticut bar considered Zelotes' past disciplinary history, his lack of remorse and his failure to perceive the risks associated with his actions. In mitigation, the bar considered Zelotes' belief that his actions were benevolent and for Terry's benefit. On appeal, the Connecticut appellate court affirmed the Connecticut superior court's decision to suspend Zelotes for five months.

Pursuant to SCR 114(5), a final adjudication in another jurisdiction that an attorney has engaged in misconduct conclusively establishes the misconduct for purposes of Nevada's reciprocal disciplinary rules. SCR 114(4) provides that this court shall impose identical reciprocal discipline, unless the attorney demonstrates, or this court finds, that one of four exceptions applies. None of those exceptions is present here.

Accordingly, we grant the petition for reciprocal discipline. Attorney Zenas Zelotes is hereby suspended from the practice of law in Nevada for five months, retroactive to August 1, 2014. Zelotes and the state bar shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

In re: Kirk T. Kennedy
Bar No.: 5032
Docket No.: 65742
Filed: October 24, 2014

**ORDER APPROVING
 CONDITIONAL GUILTY PLEA**

Attorney suspended for 90 days, stayed, subject to conditions, for cashing a settlement check and keeping the proceeds in a safe in his office. Upon successful completion, public reprimand will issue.

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve attorney Kirk Kennedy's conditional guilty plea in exchange for a stated form of discipline. See SCR 113(1), (3); SCR 105(3)(b).

Kennedy is the subject of one grievance. In the course of settling an insurance dispute for a client, Kennedy cashed a settlement check and stored the proceeds in his office safe, intending to file an action against the insurer. Kennedy failed to pursue the matter, after experiencing a crisis when a family member committed suicide. When the client learned from the insurer that the settlement check had been cashed, she contacted Kennedy, who promptly remitted a cashier's check for the full settlement amount and shortly thereafter refunded his retainer fee as well.

Under the conditional guilty plea agreement, Kennedy admits to violating the following Rules of Professional Conduct: RPC 1.3 (diligence), RPC 1.4 (communication) and RPC 1.15 (safekeeping property). The agreed-upon stated form of discipline includes a 90-day stayed suspension and a probationary period of one year. During this probationary period, Kennedy agrees to:

1. Complete six CLE credits on trust account management or law office accounting practices;
2. Reimburse the affected client \$1,971 for expenses incurred as the result of Kennedy's misconduct;
3. Pay a fine of \$7,500, of which \$5,000 shall go to the State Bar of Nevada's Client Security Fund; and
4. Remain free of any findings of misconduct in new matters. Kennedy further agrees to a public reprimand upon successful completion of the above terms.

Based on our review of the record, we conclude that Kennedy committed the violations to which he pleaded guilty. Accordingly, we approve the stated form of discipline. See SCR 113(1). Kennedy is hereby suspended for 90 days, with that

suspension stayed, subject to the conditions stated above. Kennedy shall pay the costs of the disciplinary proceedings, excluding Bar Counsel and staff salaries, within 30 days of the date of this order. The state bar shall comply with SCR 121.1.
 It is so ORDERED.

In re: Malik Ahmad
Bar No.: 10305
Docket No.: 65649
Filed: November 26, 2014

**ORDER OF APPROVING
 PUBLIC REPRIMAND**

Attorney publicly reprimanded in relation to his handling of three clients' loan modification and bouncing a trust account check.

This is an automatic de novo review, pursuant to SCR 105(3)(b), of a Southern Nevada Disciplinary Board hearing panel's findings of fact, conclusions of law and recommendations for attorney discipline, arising from attorney Malik Ahmad's handling of three clients' residential loan modification applications during the nationwide real estate and financial crises in 2009 through 2012. The panel found that Ahmad violated RPC 1.5 (fees) with respect to each of the three clients. In addition, the panel found that Ahmad violated RPC 1.15 (safekeeping property) in one instance of bouncing a check from his trust account. Based on these violations, the panel recommended that Ahmad be issued a public reprimand and pay the costs of the disciplinary proceedings.

The findings and recommendations of a disciplinary board hearing panel, though persuasive, are not binding on this court. *In re Stuhff*, 108 Nev. 629, 633, 837 P.2d 855 (1992). The automatic review of a panel decision recommending public discipline is conducted de novo, requiring the exercise of independent judgment by this court. *Id.*; SCR 105(3)(b). The panel's findings must be supported by clear and convincing evidence. SCR 105(2)(e); *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). In determining the proper sanction, this court considers four factors:

1. The duty violated;
2. The lawyer's mental state;
3. The potential or actual injury caused by the lawyer's misconduct; and
4. The existence of aggravating or mitigating circumstances. *In re Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008) (citing American Bar Association Standards for Imposing Lawyer Sanctions 3.0, *Compendium of Professional*

Responsibility Rules and Standards, 344 (1999)).

Having reviewed the parties' briefs and the record on appeal, we conclude that clear and convincing evidence supports the panel's findings as to the rule violations committed by Ahmad. We also conclude, based on the evidence presented, that the panel's recommended punishment is appropriate. Accordingly, we direct the disciplinary panel to issue the public reprimand that is attached as Exhibit A to its Findings of Fact, Conclusions of Law and Recommendation. Additionally, Ahmad shall pay the costs of the disciplinary proceeding. See SCR 120.

It is so ORDERED.

In re: Richard H. Weiss
Bar No.: 6165
Docket No.: 66308
Filed: December 17, 2014

**ORDER APPROVING
 CONDITIONAL GUILTY PLEA**

One year suspension, stayed, with conditions, for failure to maintain funds in his trust account. If conditions are met, public reprimand to be imposed.

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve a conditional guilty plea in exchange for a stated form of discipline pursuant to SCR 113 for attorney Richard H. Weiss. Under the plea agreement, Weiss admits to three violations each of RPC 1.15 (safekeeping property) and RPC 8.4 (misconduct). These violations arise from Weiss' failure to appropriately maintain funds in his client trust account and his payment of operational expenses from his client trust account.

The agreed-upon discipline provides that Weiss be:

1. Publically reprimanded;
2. Required to pay the actual costs of the disciplinary proceedings within 30 days of receipt of a billing from the state bar; and
3. Suspended for a period of one year. The suspension is to be stayed pending compliance with conditions requiring Weiss to submit quarterly trust account reports to the state bar, including copies of bank statements and copies of any distribution/settlement statements, obtain a state bar-approved mentor to submit semi-annual reports to bar

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counsel for a period of one year, promptly comply with all requests for information from the state bar and refrain from engaging in any activity which results in public discipline during the term of the agreement.

The disciplinary panel unanimously approved the conditional guilty plea agreement.

Having reviewed the record, we conclude that the conditional guilty plea agreement should be approved. See SCR 113(1). We direct the disciplinary panel to issue the public reprimand that it attached as an exhibit to its recommendation. The reprimand shall be amended to insert the following sentence on page five, after the sentence beginning with "You did not appropriately maintain;" "None of this misconduct resulted in the ultimate loss of any client funds." This order is conditioned upon this amendment to the reprimand being made. Further, Weiss is suspended for one year, with the suspension stayed, subject to Weiss' compliance with the conditions stated in the agreement.

It is so ORDERED.

In re: Mitchell Wright
Bar No.: 5835
Docket No.: 62168
Filed: September 30, 2014

ORDER APPROVING PUBLIC REPRIMAND

Public reprimand imposed after attorney fails to respond to the state bar.

This is an automatic appeal from the Northern Nevada Disciplinary Board hearing panel's recommendation that attorney Mitchell Wright be publicly reprimanded and assessed the costs of the disciplinary proceedings, based on its conclusion that Wright violated Rules of Professional Conduct (RPC) 8.1(b) (bar admission and disciplinary matters). See SCR 105(3)(b).

After reviewing the record, we conclude that clear and convincing evidence supports the panel's findings. In particular, the record demonstrates Wright failed to respond to lawful demands for information directed to him on July 29, 2010, August 20, 2010, January 4, 2011 and January 31, 2011. For over 15 months, Wright failed to respond to the state bar regarding a grievance submitted by a member of the judiciary and responded only after the state bar filed a complaint. We conclude that a public reprimand is appropriate in light of aggravating factors, including Wright's substantial experience in the practice of the law, and mitigating factors, including the

lack of prior public discipline and personal or emotional problems.

Accordingly, we approve the panel's recommendation in its entirety. We issue the public reprimand attached hereto as Exhibit A. Wright shall pay the costs of the disciplinary proceedings. SCR 120(1). It is so ORDERED.

DOUGLAS, J., dissenting:
 I am not convinced that a public reprimand is sufficient discipline in this case. I therefore dissent.

SAITTA, J., dissenting:
 After considering the record, I would impose a six-month suspension. I therefore dissent.

PUBLIC REPRIMAND: TO: MITCHELL C. WRIGHT

On July 16, 2010, the Honorable Bridget Robb Peck submitted a written grievance to the State Bar of Nevada. The grievance states that, based on information supplied to Judge Peck, she believed you had violated Nevada Rule of Professional Conduct 4.1, 8.4(c) and 8.4(d). The basis of the grievance was your careless and negligent act of bringing a concealed handgun into the Mills B. Lane Justice Center, located at One South Sierra Street, in Reno, Nevada in violation of Court Procedures.

On July 29, 2010, the Office of Bar Counsel opened a grievance file in this matter and sent a copy of Judge Peck's grievance to you for response. A follow-up letter from the Office of Bar Counsel was sent to you by certified mail on August 20, 2010. Bar Counsel contacted you again on January 4, 2011, and January 31, 2011. You did not submit a response to these repeated requests for information, and on October 18, 2011, the state bar had to file a complaint in an effort to direct your attention to a grievance from a member of the Nevada judiciary. You do not contest that you engaged in this tumultuous and improper conduct in violation of Rule 8.1(b) of the Nevada Rules of Professional Conduct, which states "[a] lawyer ... in connection with a disciplinary matter, shall not ... knowingly fail to respond to a lawful demand for information from [a] disciplinary authority...." See RPC 8.1(b).

Based on the forgoing, you are hereby Publicly Reprimanded for violation of Rule 8.1(b) of the Nevada Rules of Professional Conduct. Your conduct is injurious to the legal profession and the public confidence in the regulation of the practice of law. Considering the clear and convincing evidence presented at your formal hearing on September 18, 2012, the Formal Hearing Panel of the Northern Nevada Disciplinary

Board cautions you avoid a recurrence of your demonstrated failure to adhere to the rules that govern your continued practice of law.

RESIGNATIONS (VOLUNTARY, NO DISCIPLINE PENDING)

SCR 98(5)(a) states:

Any member of the state bar who is not actively engaged in the practice of law in this state, upon written application on a form approved by the state bar, may resign from membership in the state bar if the member: (1) has no discipline, fee dispute arbitration or clients' security fund matters pending and (2) is current on all membership fee payments and other financial commitments relating to the member's practice of law in Nevada. Such resignation shall become effective when filed with the state bar, accepted by the board of governors, and approved by the Supreme Court.

The following members resigned pursuant to this Rule:

- Scott B. Clark**
Bar No. 4237 Order 66749 Filed 11/26/14
- Marcia M. McCormick**
Bar No. 4333 Order 66750 Filed 11/26/14
- Thomas D. Czik**
Bar No. 4961 Order 66747 Filed 11/26/14
- Melissa M. Kolovrat**
Bar No. 10646 Order 66745 Filed 11/26/14
- Kelly Jean Buchanan**
Bar No. 663 Order 66743 Filed 11/26/14
- James David Salo**
Bar No. 1007 Order 66746 Filed 11/26/14
- Lynde Selden II**
Bar No. 4745 Order 66741 Filed 11/26/14

SOUTHERN NEVADA DISCIPLINARY BOARD

In re: Zachary Roberts
CA Bar No.: 201739
File No.: SG10-0903
Filed: November 20, 2014

PUBLIC REPRIMAND

California attorney publicly reprimanded for practicing law in Nevada without a license.

TO: ZACHARY B. ROBERTS, ESQ.

You were a principal of Paladin Legal Advocacy Center (Paladin). Paladin advertised as being able to provide

assistance with loan modifications, short sales, and bankruptcies. You were not, at any relevant time herein, a licensed Nevada attorney.

Paladin used the internet to advertise their law firm and would run ads on various media sites such as YouTube. The advertisements stated the following:

The Paladin Legal Advocacy Center employs an experienced team of real estate professionals, including loss mitigation specialists and mortgage professionals ... and most importantly, all work is overseen by experienced real estate attorneys in our office, who are committed to providing the highest quality service for every client.

Every one of our clients receive the benefit of an individual evaluation of all relevant documentation, personalized consultation to discuss the critical issues and explore all available options (including litigation), and then your case will be assigned to the most appropriate loan modification specialist or senior attorney to secure the best possible outcome.

Paladin also offered educational seminars to the public at least one time per month. Seminars took place every Wednesday in March at 6 p.m. at 9980 Flamingo Road, Las Vegas, Nevada, 89147. People who attended these seminars were encouraged to retain Paladin for legal services. Rory J. Vohwinkel, a Nevada licensed attorney, was also an attorney for Paladin.

In September of 2009, Sharyn Nesbitt retained the Paladin Legal Advocacy Center to negotiate two loan modifications. Nesbitt paid Paladin \$5,500 for these services.

You conducted Nesbitt's initial consultation, and facilitated the signing of her fee agreement. You provided Nesbitt legal advice as to her best course of action, based on her situation, and counseled her regarding the documentation that would be required for her to submit her application with the bank. Nesbitt provided the required documentation to Paladin.

On June 17, 2010, Nesbitt received notice that both of her properties were to be sold at a trustee's sale. Nesbitt forwarded the notices of sale to Paladin and requested an explanation regarding what happened with her modifications.

Nesbitt subsequently received a letter from Vohwinkel stating that her file was being closed due to her failure to communicate. Nesbitt stated the termination letter was the first communication she'd ever received from Vohwinkel during the course of her representation.

Paladin refused to refund any of the \$5,500 paid by Nesbitt, despite failing to obtain either loan modification.

On June 22, 2010, Nesbitt filed a grievance with the state bar. On July 6, 2010, the state bar sent correspondence to Vohwinkel, enclosing Nesbitt's grievance and requesting a response to the allegations.

In July of 2010, after learning of the grievance against Vohwinkel, you exchanged a series of emails with Nesbitt, in which you promised her \$2,000 in exchange for a withdrawal of her bar grievance. Nesbitt forwarded these emails to the state bar.

On August 9, 2011, the state bar sent correspondence to you asking you to explain your role in the Nevada cases and confirm that you tried to pay Nesbitt to withdraw Vohwinkel's grievance.

In your response to the state bar, you claimed that any work you did in Nevada was supervised by Vohwinkel. In your response to the state bar, you admitted to conducting Nesbitt's initial consultation, but claimed that such interaction with firm clients did not constitute the practice law. In the course of the state bar's investigation, other clients of Paladin claimed that you conducted their initial interviews and signed them as clients, constituting a pattern of practice.

In light of the foregoing, you violated Rule of Professional Conduct (RPC) 5.5 (Unauthorized Practice of Law) and are hereby PUBLICLY REPRIMANDED.

In re: Brian P. Worthington
Bar No.: 6179
File No.: SG12-1677
Filed: April 25, 2014

PUBLIC REPRIMAND

Attorney publicly reprimanded for improper billing practices.

TO: BRIAN P. WORTHINGTON, ESQ.

During the period between 2010 and 2012, you were retained in several matters involving insurance coverage issues under policies issued by the client wherein you were to determine whether the client had a duty to defend and/or indemnify a party in an underlying construction defect action.

In an October 19, 2012, letter to the state bar, you self-reported that in 16 instances between 2010 and 2012, totaling 85.3 hours, you had billed the client for the actual time you had spent on the clients files, but had described the work as something other than the work you actually performed.

You claimed the misconduct occurred because some of the client

matters involved unique and complicated coverage issues that were difficult and time consuming to evaluate, and often there were extensive discovery requests that had to be responded to with very precise objections and substantive information. As a result, you stated that you had to review documents repeatedly to fully evaluate the legal issues, and re-draft discovery numerous times, and became concerned that the client would object to the amount of time that you were spending on these tasks.

When preparing the client's billing, you described work such as traveling to, and attending, court hearings or depositions that you did not actually attend, or as preparing a document other than the document that you actually prepared. You left your firm.

After you left the firm, your former partners conducted an audit of the bills you submitted to the client, and initially identified 27 improper time entries, and two improper air fare charges. On or about October 30, 2012, your former partners, issued a check to the Client for \$21,590 representing a reimbursement of the amounts paid for the false billings that had been identified. On or about October 31, 2012, your former partners issued a second check for \$117.73 representing credit card charges for meals that were inappropriately charged by you. On or about December 30, 2012, your former partners issued a third check for \$345 after they discovered an additional false billing entry made by you.

In light of the foregoing, you violated Rule of Professional Conduct (RPC) 1.5 (Fees) and RPC 8.4 (Misconduct) and are hereby PUBLICLY REPRIMANDED.

In re: Dale E. Haley
Bar No.: 571
File Nos.: SG11-0751 & SG11-0780
Filed: September 19, 2014

PUBLIC REPRIMAND

Attorney publicly reprimanded for failing to safekeep property.

TO: DALE E. HALEY

On or about September 2004, Client retained you to assist him with obtaining \$10,000 in earnest monies which were being held in escrow. Client 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

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to cooperate. You informed Client, who in turn asked you to press on with recovering the funds. September 2004 was the last time you had a conversation with Client, due to his leaving the state and failing to provide you with contact information.

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

On or about March 10, 2008, in the litigation between the parties, pending in Justice Court, Las Vegas Township, a Stipulation and Order was entered awarding Client the sum of \$7,429 as final resolution of the action.

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

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

On June 1, 2011, Client filed his grievance with the State Bar of Nevada. However, the state bar did not send the grievance to you until June 8, 2011, a week later.

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

Upon the state bar's review of your trust account records, on or about January 7, 2009, the balance in your account fell to \$5,150. You attributed this to a check for \$2,500 that you mistakenly wrote from your trust account in December 2008, which you should have written on your operating account.

When you discovered the error, you replenished the money.

You further acknowledge that prior to the payment of the money to the Client, you had transferred other personal funds into your trust account, rather than your operating account, in order to pay expenses of upcoming, unrelated litigation, and that this constituted improper commingling under RPC 1.15, although unchanged in the complaint filed in this action.

The parties agree that the sum you withheld, \$1,429, was earned by you under a theory of quantum meruit, for your work on your client's case.

In a different matter, Case No. SG11 -0751, the Client filed a claim with the state bar's Fee Dispute Arbitration Committee. The arbitrator awarded the Client a partial return of the \$2,500 retainer he had paid to you. You did refund that amount to the Client.

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

1. The restitution shall be paid as follows: Leonard and Doris Morris (\$500), Sheraz Raja (\$3,000), Charles Platt (\$5,026.52), Cindy Silvagni (\$1,500), Michael Fuller (\$4,000), Elizabeth and Generoso Rodriguez (\$3,560), Luke and Sherry Krebs (\$1,500), Susan Mitchell (\$4,000), Ronald and Margarite Stevens (\$5,000), Mike Bluett (\$1,000), Richard Altman (\$4,500), Connie Conwell (\$4,500), Fred Lewis (\$500), Diane Moon (\$2,000), Sandra Baise (\$1,500), Emiliano and Martha Renteria (\$1,500), Nicole Dawson (\$1,500), William and Kathie Smith (\$1,500), James and Dianna Newell (\$2,500) and Barbara Durah (\$1,500).

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. September 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.