

SUPREME COURT OF NEVADA

In re: Nia Lloyd
Woolliscroft
Bar No.: 11016
Docket No.: 66365
Filed: October 24, 2014

ORDER IMPOSING RECIPROCAL DISCIPLINE

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 a petition under SCR 114 to reciprocally discipline attorney Nia Lloyd Woolliscroft, based on discipline imposed upon her by the State Bar of California. Although permitted by the rules, Woolliscroft has not filed a response to the petition. SCR 114(3).

Woolliscroft was disciplined in California for impermissible fee-splitting with non-attorneys as part of a scheme in which she worked for at least three companies between March 2010 and September 2010, filing predatory-lender lawsuits on behalf of homeowners and sharing the fees paid by the homeowners with the non-attorney owners of the companies. In addition, Woolliscroft renegotiated a retention agreement with one of the homeowners in November 2010, and received \$17,000 in advanced fees and costs through April 2012, but she failed to deposit the money into an attorney-client trust account and failed to provide the homeowner with monthly billing statements or any accounting. Woolliscroft was found to have violated California Rules of Professional Conduct 1-320(A) (financial arrangements with non-lawyers), RPC 4-100(A) (preserving identity of funds and property of a client), and 4-100(B)(3) (preserving identity of funds and property of a client).¹

Woolliscroft entered into a stipulated agreement with the California State Bar, and in June 2014, the California Supreme Court entered an order confirming a stipulated discipline of a stayed two-year suspension, along with a three-year probation, subject to conditions. Those conditions include, but are not limited to:

- Woolliscroft is suspended from the practice of law for the first six months of probation;
- Within one year of the effective date of her discipline (June 3, 2014), Woolliscroft must submit satisfactory evidence of attendance

at the California Bar's Ethics School and passage of the test given at the end of the session;

- Woolliscroft must take and pass the Multistate Professional Responsibility Examination (MPRE), within one year of the effective date of her discipline;
- Woolliscroft must submit quarterly reports to the California Office of Probation during the period of her probation; and
- Woolliscroft must pay restitution (of the principal amount plus 10 percent interest per annum) to the Client Security Fund in the amount of \$87,500 and to Darlene Brown in the amount of \$750 and provide proof of payment no later than 30 days prior to the end of her probation.

Woolliscroft was also ordered to pay the costs of the disciplinary proceedings in California. Woolliscroft did not self-report this discipline to the Nevada state bar within 30 days, as required by SCR 114(1).

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 in this case.

Accordingly, we grant the petition for reciprocal discipline. Attorney Nia Woolliscroft is hereby suspended for two years, with that suspension stayed. Woolliscroft shall serve an actual suspension of six months, and she is placed on probation for three years, subject to conditions.² Within one year of June 3, 2014, Woolliscroft shall provide the Nevada state bar with:

1. Proof that she has passed the MPRE;
2. Proof that she successfully completed the required Ethics School classes and passed the accompanying test; and
3. Copies of all completed quarterly reports submitted to the California state bar. Additionally, Woolliscroft shall furnish the State Bar of Nevada with copies of all future quarterly reports and any other proof of compliance with her probationary conditions, as requested by the

state bar, including the status of restitution. Woolliscroft and the state bar shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

In re: Kelly O. Slade
Bar No.: 1727
Docket No.: 66712
Filed: January 12, 2015

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

Attorney suspended for six months and one day for failure to supervise non-lawyer assistants in a loan modification firm.

This is an automatic review of a conditional guilty plea agreement in exchange for a stated form of discipline pursuant to SCR 113, involving attorney Kelly O. Slade. A Southern Nevada Disciplinary Board hearing panel recommended this court approve the agreement. In the agreement, Slade admitted to violating RPC 1.4 (communication), RPC 1.15 (safekeeping property), RPC 5.3 (responsibilities regarding non-lawyer assistants), RPC 5.4 (professional independence of a lawyer), RPC 5.5 (unauthorized practice of law), PRC 7.1 (communications concerning a lawyer's services), and RPC 8.4(b) (misconduct).

In exchange for his conditional guilty plea, Slade agreed to be suspended from the practice of law for six months and one day. As a precondition to a petition for reinstatement, he agreed to pay restitution to Michel Rantissi of \$25,000, or to provide evidence that Rantissi has been otherwise reimbursed. In addition, Slade agreed to reimburse any funds that may be distributed by the State Bar of Nevada's Client Security Fund on his behalf. *See* SCR 116.

Having reviewed the record of the disciplinary proceedings and the attached exhibits, we accept the conditional guilty plea agreement. *See* SCR 113(1); *In re Kenick*, 100 Nev. 273, 680 P.2d 972 (1984). Accordingly, Slade is suspended for six months and one day.³ Should he decide to seek reinstatement, Slade shall provide evidence of restitution to Michel Rantissi and of reimbursement of any funds distributed on his behalf by the state bar Client Security Fund. *See* SCR 116. Slade shall also pay the costs of the disciplinary proceedings within 30 days of receipt of the state bar's bill of costs. *See* SCR 120(1). The parties shall comply with the applicable provisions of SCR 115 and SCR 121.1.

It is so ORDERED.

SOUTHERN NEVADA DISCIPLINARY BOARD

In re: John C. Fernandez
Bar No.: 8451
File Nos.: SG10-0686, SG10-0526, SG10-0710, SG10-0790, SG10-0911, SG11-0261, SG11-0381, SG11-0509, SG11-0530
Filed: June 30, 2014

PUBLIC REPRIMAND

Attorney publicly reprimanded for failure to communicate with clients and diligently pursue their legal actions in which he was retained and failure to respond to the state bar. Attorney's health issues were considered in mitigation.

TO: JOHN C. FERNANDEZ

On or about December 15, 2010, in response to grievances pending against you, State Bar Investigator Theresa Freeman (Freeman) attempted to contact you by telephone, but your SCR 79 (disclosures by members of the bar) phone number was disconnected and the voice mailbox of your cell phone was full.

Freeman also sent an email to the email address listed for you in the state bar's records. When no response was received, an attempt was made to have you personally served with a subpoena, but that attempt was unsuccessful.

On or about March 9, 2011, after successful contact was made, you met with Bar Counsel David Clark and reported that in or about September 2010, you had been diagnosed with a medical condition. However, that diagnosis was incorrect; physicians subsequently diagnosed you as suffering from two lifelong medical conditions that had affected most of your body surface and joints. Both illnesses caused severe pain in your skin and joints.

You acknowledged that, as a result of your illnesses, you had been unable to attend to your clients' needs, and your solo practice had fallen apart. However, you were now receiving treatment and felt better, and sought the state bar's guidance in resolving any outstanding issues with your clients.

Bar Counsel advised you to:

- Inventory your files;
- Contact all your clients, let them know your status, and ask them if they wished to remain with you as their attorney or find other counsel;

- Give files and/or refunds to those clients that wished to find new counsel;
- Respond to any pending grievances with the state bar by March 30, 2011.

The state bar had a total of nine grievances, all of which involved lack of communication with the client, failure to diligently pursue the client's case and failure to advise your clients that you were unable to represent them due to your medical condition. You did provide a response to Bar Counsel by March 30, 2011.

DISCIPLINE IMPOSED

Based upon the foregoing, you are hereby **PUBLICLY REPRIMANDED** as follows:

In the matter of SG10-0686, you violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.16 (declining or terminating representation), RPC 8.1 (bar admission and disciplinary matters), and RPC 8.4 (misconduct).

In the matter of SG10-0526, you violated RPC 1.3 (diligence), RPC 1.14 (communication), RPC 1.16 (declining or terminating representation), RPC 3.2 (expediting litigation), and RPC 8.4 (misconduct).

In the matter of SG10-0710, you violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.15 (safekeeping property), and RPC 8.4 (misconduct).

In the matter of SG10-0790, you violated RPC 1.1 (competence), RPC 1.3 (diligence), RPC 1.4 (communication), RPC 8.1 (bar admission and disciplinary matters), and RPC 8.4 (misconduct).

In the matter of SG10-0911, you violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.2 (expediting litigation), RPC 8.1 (bar admission and disciplinary matters) and RPC 8.4 (misconduct).

In the matter of SG11-0261, you violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.2 (expediting litigation), RPC 8.1 (bar admission and disciplinary matters), and RPC 8.4 (misconduct).

In the matter of SG11-0381, you violated RPC 1.1 (competence), RPC 1.3 (diligence), RPC 1.4

(communication), RPC 1.5 (fees), RPC 1.15 (safekeeping property), RPC 3.2 (expediting litigation), RPC 8.1 (bar admission and disciplinary matters), and RPC 8.4 (misconduct).

In the matter of SG11-0509, you violated RPC 1.15 (safekeeping property), RPC 8.1 (bar admission and disciplinary matters), and RPC 8.4 (misconduct).

In the matter of SG11-0530, you violated RPC 1.3 (diligence), RPC 1.4 (communication) and RPC 8.1 (bar admission and disciplinary matters).

In addition to the public reprimand, the following conditions shall be imposed:

- Respondent shall pay restitution within one year as follows:

Client A	\$1,200
Client B	\$1,718
Client C	\$1,350
Clients' Security Fund	\$2,500
- Respondent shall pay the actual costs of the disciplinary proceeding, excluding Bar Counsel and staff salaries, within 30 days of receipt of a billing from the state bar.

In re: Joseph A. Scalia
Bar No.: 5123
File No.: SG11-1737, SG12-0903
Filed: July 11, 2014

PUBLIC REPRIMAND

Attorney publicly reprimanded for failure to supervise his non-lawyer assistants, failure to communicate with a client in his divorce case and failure to properly maintain funds in his trust account.

TO: JOSEPH A. SCALIA, ESQ.

SG11-1737/Bank of Nevada

On or about November 28, 2011, Bank of Nevada notified the state bar that your trust account had become overdrawn by \$1,529.25, when a check for \$2,601 was presented for payment. The state bar subsequently investigated the matter. The investigation revealed that, from approximately November 2011 through August 2012, you failed to properly maintain funds in your client trust account. Your initial response to the state bar's Letter of

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Investigation did not explain the issues for the overdraft and, further, the trust account issues were not resolved until well after the state bar began its investigation.

You later informed the state bar that you were dealing with family Issues and acknowledged that you had not properly supervised the management of your trust account. You explained, in part, that during the time period at issue you had reduced the number of hours of your accounting staff from 30 hours per week to 12 hours per week, and because the settlement funds from your personal Injury cases amounted to less than 5 percent of your business, your trust account did not garner the attention it deserved.

In light of the foregoing, you violated Rule of Professional Conduct (RPC) 1.1 (competence), RPC 1.15 (safekeeping property), RPC 5.3 (responsibilities regarding non-lawyer assistants), RPC 8.1 (bar admission and disciplinary matters), and RPC 8.4 (misconduct).

SG12-0903/ Client

Client retained you on November 16, 2010, until on or about May 7, 2012, to stop garnishment of his wages for child support and alimony payments, clear up arrears in child support payments, stop alimony payments and modify his visitation agreement so he could spend an additional week with his son during the summer.

Attorneys and staff assigned to Client's case repeatedly failed to communicate with Client and repeatedly asked him to resubmit documents that he had previously provided to your office. Client eventually cleared the arrearages issue on his own. Further, your office failed to timely domesticate the out-of-state divorce decree in this matter with the Eighth Judicial District Court. The application was rejected twice, as your office failed to follow the appropriate filing procedures.

On May 7, 2012, Client asked you for a refund of his retainer due to lack of communication and lack of progress on his case. You agreed to refund Client's retainer and advised Client that you would mail him a refund check. It was not until after the state bar performed a status check in February 2013, that Client received and deposited his refund.

In light of the foregoing, you violated RPC 1.1 (competence), RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.16 (declining or terminating representation), RPC 3.2 (expediting litigation), RPC 5.1 (responsibilities of partners, managers and supervisory lawyers), and RPC 5.3 (responsibilities

regarding non-lawyer assistants) and are hereby PUBLICLY REPRIMANDED.

In re: Rory Vohwinkel
Bar No.: 8709
File Nos.: SG10-0181, SG11-1436, SG12-0892
Filed: November 20, 2014

PUBLIC REPRIMAND

Attorney publicly reprimanded for failing to supervise non-lawyers in a loan modification company.

TO: RORY J. VOHWINKEL, ESQ.

You were the supervising Nevada attorney of Paladin Legal Advocacy Center (Paladin). Paladin advertised itself as being able to provide assistance with loan modifications, short sales and bankruptcies. Paladin used the Internet to advertise its law firm and ran 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 once per month, between 2008 and 2010. Seminars took place every Wednesday in March, at 6 p.m. at 9980 Flamingo Road, Las Vegas, NV 89147. People who attended these seminars were encouraged to retain Paladin for legal services. Zachary B. Roberts (Roberts), a California licensed attorney who is not licensed to practice law in Nevada, was also an attorney for Paladin.

In September of 2009, Client A retained the Paladin Legal Advocacy Center to negotiate two loan modifications. Client

A paid Paladin \$5,500 for these services. Roberts conducted Client A's initial consultation and facilitated the signing of her fee agreement. Roberts provided Client A with legal advice as to her best course of action, based on her situation, and counseled her regarding the documentation that would be required by her to submit her application with the bank. Client A provided the required documentation to Paladin.

On November 30, 2009, Client A was contacted by non-lawyer Jackie Maglaya (Maglaya), requesting information she had previously provided. Client A resent the information and was told that she would hear back in approximately two weeks. On January 11, 2010, Client A received an email claiming that her loans were being reviewed by Aurora Loans and that the review process could take up to four months.

On April 23, 2010, Client A received a letter requesting her financial information again. Client A tried to get in touch with someone at Paladin to discuss the request, but received no response.

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

Client A subsequently received a letter from you stating that her file was being closed due to her failure to communicate. Client A stated the termination letter was the first communication she ever had from you during the course of her representation.

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

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

In July of 2010, Roberts exchanged a series of emails with Client A, in which he promised her \$2,000 in exchange for a withdrawal of her bar grievance. Client A forwarded these emails to the state bar.

In your response to the state bar, you claimed that your office did all the work you were hired to do on Client A's files, and that she was the one who failed to communicate with your office. You also stated you thought the matter had been concluded, and that she wanted to withdraw her grievance.

On April 2, 2009, Client B retained the Paladin Legal Advocacy Center to negotiate loan modifications for six residential properties. Client B paid Paladin \$8,000 for these services.

DISCIPLINE KEY

Roberts conducted Client B's initial consultation and facilitated the signing of his fee agreement. Roberts provided Client B legal advice as to his best course of action based on his situation, and counseled him regarding the documentation that would be required by him to submit his application with the bank. Client B provided the required documentation to Paladin.

Client B stated that no work was ever done on his modifications, with the exception of a third party authorization form being sent to a few of his lenders. When Client B complained to Roberts, Roberts referred Client B to you stating that you were actually the local attorney assigned to Client B's files.

Client B filed a bar grievance on September 26, 2011, stating that he had demanded accounting from you but had never received a response or his money back.

In response to the state bar, you confirmed that Client B had retained the services of Paladin. You stated that Client B paid \$7,000, not \$8,000, for six loans, and signed a fee agreement stating that "AN ADVANCE PAYMENT FOR LEGAL SERVICES RENDERED TO THE CLIENT AND SHALL BE IMMEDIATELY PAYABLE TO THE FIRM FOR SERVICES RENDERED." According to you, that meant that the \$7,000 was immediately the property of the firm, and that you didn't owe Client B any refund. You further stated that Client B should have actually paid the firm another \$3,500 as full payment for six loans.

In your response to the state bar, you referred to Roberts as your "partner" and confirmed that Client B had his initial contact with him, but maintained that Roberts did not give Client B any legal advice, but instead only explained how the loan modification process worked.

You also claimed that Client B provided only minimal documentation, preventing Paladin from doing any meaningful work on his modifications. You blamed Client B for being non-responsive and claimed that Paladin monitored the cases for about a year.

You also claimed the first communication Paladin had with Client B was a demand for his money back on January 21, 2011. You stated that, by this time, Roberts had left your firm and you thought Roberts would handle Client B's complaints.

You and Client B agreed to have your fee dispute heard through the state bar's Fee Arbitration program. You participated in the fee dispute mediation, resulting in an agreement that you would refund \$3,000 to Client B over a period of 10 months, making monthly payments of \$300. You paid the debt in full.

Client C retained the services of Paladin Legal Advocacy Center to pursue a loan modification for her home on May 6, 2009. Client C paid Paladin \$1,500 for these services.

Roberts conducted Client C's initial consultation and facilitated the signing of her fee agreement. Roberts provided Client C legal advice regarding her best course of action based on her situation and counseled her regarding the documentation that would be required of her to submit her application with the bank.

Client C provided the required documentation to Paladin. Over the next several months, Client C made frequent attempts to contact the office for information about progress of her modification with no response.

In December of 2009, Client C went into the office and demanded her money back. This was the first and only time she or her husband had ever spoken with you. You refused to provide a refund.

Paladin did not obtain a modification for Client C, and she terminated Paladin's services. After terminating the services of Paladin, Client C retained the services of another attorney, who was able to get them a loan modification approximately one month later.

In response to the state bar, you confirmed that Paladin Legal Advocacy Center was retained to handle the loan modification for Client C. You claimed that your office was very diligent, but that the bank had determined that Client C did not qualify for a modification.

You stated you met personally with Client C to go over their options after she was denied, including a discussion of short sale or foreclosure mediation. You confirmed that these services would require additional funds to be paid by Client C. You maintained that, under the fee agreement, no promise of an outcome was made and that the fee was immediately earned.

In light of the foregoing, you violated Rule of Professional Conduct (RPG) 1.3 (diligence), RPG 1.4 (communication), RPG 1.5 (fees), RPG 5.3 (responsibilities regarding non-lawyer assistants) and RPG 5.5 (unauthorized practice of law) and are hereby PUBLICLY REPRIMANDED. **NL**

1. Nevada's counterparts are RPC 5.4 (professional independence of a lawyer) and RPC 1.15 (safekeeping property).
2. Woolliscroft is currently an inactive member of the Nevada state bar. The six-month actual suspension shall not begin to run until Woolliscroft restores her membership status to active.
3. We note that Slade is currently suspended for failure to pay his state bar membership dues. The suspension imposed in this order is separate from, and in addition to, Slade's dues suspension; the suspension imposed here shall not begin until Slade has resolved his dues suspension. See SCR 98(13).

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.