

In Re: David A. Francis
Bar No.: 7705
Case No.: 70020
Filed: June 14, 2016

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

Attorney suspended six years and seven months retroactive to December 7, 2012, following admissions to multiple violations of RPC 1.4 (communication), RPC 1.15 (safekeeping property), RPC 5.3 (responsibilities regarding nonlawyer assistants) and RPC 8.4 (misconduct), as well as single violations of RPC 1.1 (competence), RPC 1.3 (diligence), RPC 5.5 (unauthorized practice of law), RPC 7.2(k) (advertising) and RPC 7.3 (communications with prospective clients).

A Southern Nevada Disciplinary Board hearing panel proposed a conditional guilty plea agreement for attorney David Francis, who had admitted to multiple violations of RPC 1.4 (communication), RPC 1.15 (safekeeping property), RPC 5.3 (responsibilities regarding nonlawyer assistants) and RPC 8.4 (misconduct), as well as single violations of RPC 1.1 (competence), RPC 1.3 (diligence), RPC 5.5 (unauthorized practice of law), RPC 7.2(k) (advertising) and RPC 7.3 (communications with prospective clients).

Francis had given a nonlawyer assistant his signature stamp. Between 2007, when she was hired, and 2010, the employee stole hundreds of thousands of dollars from Francis's firm's accounts, in part because Francis had not properly supervised nor maintained his accounts and client funds. Francis was criminally convicted of aiding and abetting the employee in signing and notarizing a client settlement agreement. His office also maintained an improper relationship with a tow truck driver and he failed to communicate with clients and promptly pay monies owed. He was also twice convicted of driving under the influence in Nevada, as well as a criminal case pending in Utah for a misdemeanor.

Under the agreement, Francis agreed to a six-year, seven-month suspension, retroactive to December 7, 2012, paying the cost of the hearing, paying a \$150,000 fine to the Clients' Security Fund within 30 days of reinstatement, undergoing an evaluation by the Nevada Lawyer Assistance Program, submitting federal tax returns upon reinstatement to ensure he has not owned or operated a law firm or shared any legal fees from his firm while suspended.

The court affirmed the guilty plea and settlement, including the suspension length and additional stipulations.

In Re: William Errico
Bar No.: 6633
Case No.: 70438
Filed: June 14, 2016

ORDER IMPOSING TEMPORARY SUSPENSION

Attorney temporarily suspended pending resolution of formal disciplinary proceedings.

The state bar petitioned, through bar counsel, to temporarily suspend attorney William Errico, pending formal disciplinary proceedings.

The petition and supporting documents provided to the court indicated that Errico had misappropriated and failed to keep safe client funds and continued to do so. Such a situation would constitute a substantial threat of harm to the public.

The court agreed with the petition, temporarily suspending Errico. All proceeds from his law practice and all fees or other

funds received from or on behalf of his clients shall be deposited into a trust account from which no withdrawals may be made by Errico except upon written approval of bar counsel and Errico is prohibited from withdrawing funds from any accounts related to his practice.

Resignations

NAME	Bar No.	Case No.
Justin Clyde Denham	11104	70195
James H. Davenport	2682	70196
Gregory S. Como	11089	70198
Kelley Anne Alexander	8137	70199
Stacy Lynn Luedtke	11639	70180
Bryan W. Wagner	5440	70181
Rachelle J. Nicolle	5441	70182
Gary A. Hengstler	9477	70183
Karen Elizabeth Heggie	1113	70185
Mitchell E. Gordman	5340	70186
Eric Willis	10798	70188
Amanda Willis	10530	70189
Elise M. Fulstone	3063	70190
James M.O. Miller	10405	70192
Rocky N. Unruh	8912	70193
David Robert Ford	1358	70194
Colleen Fay McMullen	336	70245

TIPS FROM THE OFFICE OF BAR COUNSEL

Question:

I just took on a new client. I've represented some less than savory folks in the past, but this new person takes the cake in terms of making my skin crawl. He's also fairly prominent locally. What, exactly, can I talk about, even if it's just with friends?

Answer:

We all know that, with few exceptions, your client's communications with you are privileged; but, what about your client's privacy? Do you have another duty to stay silent about your client's affairs, even if you did not get the information from a client communication? The answer is yes.

Rule of Professional Conduct (RPC) 1.6 governs confidentiality of client information, and not just confidentiality of client communications rendered privileged by NRS 49.095. Subject to exceptions set forth in subsection (b) of RPC 1.6, a lawyer shall not reveal information related to representation of a client unless the client gives informed consent to the disclosure. The exceptions to confidentiality are narrow. For example, a lawyer may reveal confidential information relating to the representation if necessary to prevent reasonably certain death or substantial bodily harm, to prevent the client from committing a criminal or fraudulent act or to prevent the client from using the lawyer's services to further the commission of a crime.

In sum, RPC 1.6 means a lawyer is ethically bound to protect a client's privacy. Err on the side of caution.