

In Re: Ryan R. West
Bar No.: 8721
Case No.: 70633
Filed: November 10, 2016

ORDER GRANTING RECIPROCAL DISCIPLINE AND DISBARRING ATTORNEY

Attorney disbarred as a result of actions related to a case in Utah.

Attorney Ryan West was disbarred in Utah as a result of his failure to competently or diligently represent several mortgage-borrower clients, including failing to consult with them before making or accepting settlement offers; failing to keep them informed; failing to complete work that the borrowers hired him to do and by charging an unreasonable fee in billing for work that was never completed; misleading the borrowers about the case status; failing to keep client funds in his trust account and failing to properly manage the funds in his client trust account; failing to promptly and fully return funds of a different client or to provide an accounting in either matter; failing to timely release the borrower's file; failing to respond to the bar's written notices or to attend the disciplinary proceedings; entering into loan agreements on behalf of a client, misrepresenting that he or the client owned the loan collateral, misleading investors regarding encumbrances on the property and forming a company with a similar name as the company that actually owned the property for the purpose of misleading investors.

West did not self-report the discipline imposed in Utah. Reciprocal discipline is required in Nevada unless certain exceptions are met. None of the exceptions applied in this case.

The court therefore irrevocably disbarred West from practice in the state of Nevada.

In Re: James M. Parsa
Bar No.: 7127
Case No.: 71158
Filed: November 10, 2016

ORDER IMPOSING RECIPROCAL DISCIPLINE AND DISBARRING ATTORNEY

Attorney disbarred based on actions in a case in California.

Attorney James Parsa, who is currently suspended due to two misdemeanor convictions, was disbarred in California after he closed his

practice quickly following an interim suspension. As a result, the California bar found he had violated a number of ethical rules in relation to his failure to return \$120,464 in unearned fees: failure to properly withdraw from employment, failure to perform with competence and commitment of acts of moral turpitude by accepting clients after the date on which he was informed he would be suspended. The violations related to 43 clients who had retained him in 2009, for whom his law practice completed little to no legal work and failed to refund the unearned fees. Parsa had accepted eight of these clients after he had been notified of his impending suspension, when he knew he would be unable to provide the promised legal work. Further, Parsa failed to notify 18 of these clients that his legal practice had closed.

In Re: Charles M. Pollock
Bar No.: 9450
Case No.: 71517
Filed: November 10, 2016

ORDER OF DISBARMENT

Attorney disbarred by consent, following felony conviction in federal district court and Nevada state court.

The State Bar of Nevada filed, under SCR 112, a petition for attorney Charles M. Pollock's disbarment by consent. The petition is supported by Pollock's affidavit, stating that he freely and voluntarily consents to disbarment, after having had the opportunity to consult with counsel. Pollock acknowledges in the affidavit that he has been convicted of felony offenses in federal district court in California and Nevada state court. Pollock admits that he could not successfully defend against a disciplinary complaint.

SCR 112 provides that an attorney who is the subject of a proceeding involving allegations of misconduct may consent to disbarment by delivering an affidavit to Bar Counsel, who must file it with this court.

The court found that Pollock's affidavit met the requirements of SCR 112(1) and granted the petition for disbarment.

It is so ORDERED.

In Re: Robert W. Weatherford

Bar No.: 7949

Case Nos.: 70474, 71328

Filed: October 14, 2016

ORDER OF TEMPORARY SUSPENSION

Attorney suspended pending the outcome of disciplinary proceedings based on two misdemeanor convictions related to the use of alcohol.

These are petitions under SCR 111, concerning attorney Robert Weatherford. The petition filed on May 31, 2016, in Docket No. 70474, is based on two convictions for misdemeanor battery in violation of NRS 200.481, arising out of incidents that occurred in December 2013 and January 2014. As required by SCR 111(4), because these convictions appeared to involve the use of alcohol and were not Weatherford's first such convictions, Bar Counsel investigated and presented the matter to a screening panel, which referred Weatherford for a formal hearing on violations of the RPC. Because the offenses are not "serious" as defined by SCR 111(6) but did not appear to be minor, we ordered Weatherford to show cause why he should not be temporarily suspended pending the outcome of the disciplinary proceedings. Shortly after Weatherford filed his response, Bar Counsel filed a second SCR 111 petition on September 22, 2016, in Docket No. 71328, based on Weatherford's conviction for resisting a public officer, a misdemeanor, arising out of an incident that occurred in March 2016. Again, because the conviction appeared to involve the use of alcohol, Bar Counsel investigated and presented the matter to a screening panel as required by SCR 111(4), and the screening panel referred Weatherford for a formal hearing on an RPC violation based on the conviction.

As indicated above, Weatherford has a history of criminal conduct involving the use of alcohol. He has three convictions for driving under the influence. Those convictions resulted in a temporary suspension under SCR 111 in 2011. In re Discipline of Weatherford, Docket No. 57926 (Order Imposing Temporary Suspension, November 17, 2011). In 2013, Weatherford entered into a conditional guilty plea in exchange for a two-year suspension retroactive to the date of the temporary suspension and his immediate reinstatement to the practice of law. While the conditional guilty plea and reinstatement were pending before this court for approval, Weatherford was arrested on the two incidents that resulted in the battery convictions. Weatherford did not self-report those convictions as required by SCR 111(2). Unaware of the battery convictions, this court approved the conditional guilty plea and reinstatement in September 2014. In re Reinstatement of Weatherford, Docket No. 63849 (Order Approving Conditional Guilty

Plea and Order of Reinstatement, September 24, 2014). Weatherford's reinstatement to the practice of law was subject to several conditions to remain in effect for the first two years of his reinstatement, including that he enroll in a mentoring program with quarterly reports regarding his handling of cases and whether he was maintaining his sobriety, weekly attendance at Alcoholics Anonymous meetings and four random urinalyses tests each year. *Id.* Those requirements were still in effect when Weatherford was arrested in March 2016 on the charges that resulted in the conviction for resisting a public officer. The circumstances of that offense, as recited in the police reports included with the SCR 111 petition, are troubling and clearly involve the use of alcohol.

In response to the order to show cause, issued in Docket No. 70474, Weatherford indicates that he has been struggling with mental health issues and was self-medicating with alcohol. He indicates that he recently has been prescribed a new medication and has been seeing a counselor and attending an outpatient program with Dr. Michael Levy.

Weatherford indicates that he would be obtaining a letter or evaluation from a psychologist and supplementing his response, but he has not done so to date.

While we appreciate and commend Weatherford's recent efforts to address his mental health and alcohol abuse, we nonetheless are concerned that his convictions and the circumstances surrounding them reflect a pattern of misconduct that suggests unfitness to practice law. See 2 Geoffrey C. Hazard, Jr., W. William Hodes, & Peter R. Jarvis, *The Law of Lawyering*, § 69.04, at 69-13 (4th ed. 2015). The two incidents leading to the battery convictions occurred while the conditional guilty plea and reinstatement were pending before this court, wherein Weatherford's remorsefulness, acceptance of responsibility and efforts at rehabilitation had been commended to this court. And the incident earlier this year occurred while Weatherford remained subject to the conditions on his reinstatement that clearly reflected this court's concern with his abuse of alcohol. Considering all of these circumstances, we conclude that a temporary suspension is warranted pending the outcome of the disciplinary proceedings based on these convictions.

Accordingly, we temporarily suspend attorney Robert Weatherford from the practice of law. See SCR 111(9). A referral for disciplinary proceedings is not necessary as such proceedings have already been initiated pursuant to SCR 111(4).

It is so ORDERED

continued on page 42

**TRAINING
ALERT**

2017 NEVADA GOVERNMENT CIVIL ATTORNEYS CONFERENCE

**Hard Rock Hotel & Casino –
Lake Tahoe, NV
May 10-12, 2017**

The State Bar of Nevada Public Lawyers Section will sponsor the 2017 Nevada Government Civil Attorneys Conference, scheduled for May 10-12 at the Hard Rock Hotel & Casino at Lake Tahoe, NV. This conference is an annual forum for networking and education on the critical issues facing government counsel representing state, municipal, county or other public entities.

The registration fee for the conference is \$50 for members of the Public Lawyers Section and \$499 for non-members. The registration fee includes all conference materials and some meals. The conference will feature approximately 10 hours of CLE presentations (including ethics), and the Public Lawyers Section annual breakfast meeting. Attendees may register with the Nevada State Bar at www.nvbar.org.

REGISTRATION DEADLINE IS April 28, 2017.

Attendees are responsible for making their lodging reservations; contact the Hard Rock Hotel & Casino at 1-844-588-7625 prior to April 11th and request the group rate for the Nevada Government Civil Attorneys Conference.

For further information, please contact Brett Kandt, Public Lawyers Section Chair, at (775) 684-1201 or e-mail bkandt@ag.nv.gov.

TIPS FROM THE OFFICE OF BAR COUNSEL

Q: I've considered purchasing malpractice insurance in the past but have always decided against it. Is there something I haven't considered?

Essentially, malpractice insurance protects you most against those things you can't control. Many of the cases of wrongdoing the Office of Bar Counsel reviews come not as the result of malicious intent, but rather from oversights by attorneys or members of their staff. You may have no intention of ever doing harm to your clients, and believe wholeheartedly in your staff's abilities. But items do get misplaced or mislabeled; court dates are missed because someone forgets to send a reminder email or set an alert on their phone. Malpractice insurance, like the insurance you buy for your car, protects you as much from the unknown as from yourself. And insurance helps protect your staff and your other clients from situations that can arise as the result of crippling lawsuit. Don't let one mistake take down an entire practice. Get the coverage.