

**In Re: JAMES M. STUART**  
**Bar No.: 2315**  
**Case No.: 71312**  
**Filed: February 24, 2017**

## ORDER OF SUSPENSION

*Attorney suspended for one year following violations of RPC 1.2 (scope of representation), RPC 1.4 (communication), RPC 1.5 (fees), RPC 1.15 (safekeeping property), RPC 1.16 (declining or terminating representation), RPC 8.1(b) (bar admission and disciplinary matters) and RPC 8.4 (misconduct).*

A Southern Nevada Disciplinary Board hearing panel recommended attorney James Stuart be suspended from the practice of law for one year based on violations of RPC 1.2 (scope of representation), RPC 1.4 (communication), RPC 1.5 (fees), RPC 1.15 (safekeeping property), RPC 1.16 (declining or terminating representation), RPC 8.1(b) (bar admission and disciplinary matters) and RPC 8.4 (misconduct).

Stuart did not respond to the Complaint and the alleged violations were deemed admitted.

Stuart's violations were the result of failure to adequately communicate with clients, failure to advise clients on a bankruptcy matter and subsequent failure to appear at a hearing in the same matter, charging and retaining fees without performing work, failing to disburse funds held in trust for a client and failure to pay a medical lien from funds held in trust for a client.

Stuart partially cooperated with the investigation in the matter, but failed to produce client files and other records requested by the bar, and did not answer the complaint or appear at the formal hearing.

The panel found that Stuart's conduct appeared intentional or negligent, and noted that clients were injured as a result of Stuart's neglect. They noted two prior private reprimands in his discipline history. The panel also noted a potential mitigating circumstance, based on information provided to the bar from a woman claiming to be Stuart's sister, specifically personal or emotional problems of an unknown origin. There was no evidence of deliberate intention to delay the disciplinary proceedings, and it appeared that Stuart was no longer actively practicing law.

The court agreed to suspend Stuart for one year, and also required Stuart to pay restitution to the client, the costs of the disciplinary proceedings and fees in the amount of \$2,500 as invoiced by the state bar within 30 days from the date of the order. Payment of the restitution and disciplinary costs/fees shall be a condition precedent to Stuart applying for reinstatement.

**In Re: SARAH CARRASCO**  
**Bar No.: 8017**  
**Case No.: 71490**  
**Filed: March 10, 2017**

## ORDER OF SUSPENSION

*Attorney suspended for six months, following admission of violating RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.15 (safekeeping property) and RPC 8.1(b) (bar admission and disciplinary matters).*

A Northern Nevada Disciplinary Board hearing panel approved a conditional guilty plea agreement and subsequent discipline for attorney Sarah Carrasco.

As part of the agreement, Carrasco admitted to violations of RPC 1.3 (diligence) by failing to advance a client's position in litigation for at least a year and failing to perform the work for which she was retained by another client, RPC 1.4 (communication) by failing to communicate with a client despite repeated inquiries from the client seeking information about his case, RPC 1.15 (safekeeping property) by failing to promptly provide an accounting and refund unearned fees after a client terminated her representation, and RPC 8.1(b) (bar admission and disciplinary matters) by failing to respond to the state bar's inquiries into grievances submitted by two clients. Carrasco agreed to a six-month suspension, to pay the actual costs of the disciplinary proceedings plus \$2,500 and to obtain a mentor for one year if she returns to practice as a sole practitioner.

The panel concluded Carrasco knowingly violated duties owed to her clients and to the profession resulting in actual or potential injury to both.

The court noted that absent aggravating and mitigating circumstances, suspension is the baseline sanction for the most serious misconduct in this matter—the violations of RPC 8.1(b). The record supports two aggravating circumstances (pattern of misconduct and multiple offenses) and four mitigating circumstances (absence of a dishonest or selfish motive, personal or emotional problems, timely good faith effort to make restitution or to rectify consequences of misconduct, and remorse). The mitigating circumstances are compelling, particularly the personal problems that Carrasco experienced during the relevant time, and the fact that Carrasco had not misappropriated the clients' funds and had refunded the clients' fees in full before the formal hearing.

The court therefore agreed to the panel's recommendation, suspending Carrasco for six months, requiring that if she returned to solo practice following that suspension that she obtain a mentor for a one-year period. Carrasco was also required to pay the cost of the hearing, plus \$2,500, within 30 days of the order.

**In Re: FRED W. KENNEDY**  
**Bar No.: 2269**  
**Case No.: 71434**  
**Filed: April 12, 2017**

## ORDER OF SUSPENSION

*Attorney suspended six months, to run consecutively with a previous six-month suspension, following admission of violations of RPC 1.15 (safekeeping property), RPC 8.1(b) (disciplinary matters) and RPC 8.4 (misconduct). Suspension stayed provided attorney meets conditions.*

A Southern Nevada Disciplinary Board hearing panel recommended approval of a conditional guilty plea agreement, and subsequent suspension, for attorney Fred Kennedy.

As part of the agreement, Kennedy admitted violations of RPC 1.15 (safekeeping property) by overdrawing and failing to balance his trust account, and by failing to timely remit payment to a client's lienholders; RPC

8.1(b) (disciplinary matters) by failing to provide to the state bar a client file it requested in connection with the disciplinary proceedings; and RPC 8.4 (misconduct) by failing to comply with the Rules of Professional Conduct. Kennedy agreed to a six-month suspension, to run consecutively with a previous six-month suspension, conditionally stayed for five years; pay the actual costs of the disciplinary proceedings plus \$2,500; and complete four hours of continuing legal education in attorney trust management. The record supported three aggravating factors (pattern of misconduct, prior disciplinary offenses, and substantial experience in the practice of law) and five mitigating factors (absence of a dishonest or selfish motive, timely good faith effort to make restitution or to rectify consequences of misconduct, character and reputation, delay in disciplinary proceedings and remorse).

The court found the aggravating factors concerning; however, bar counsel acknowledged that the agreed-upon six-month suspension accounted for instances of misconduct that occurred almost a year before the hearing that led to the six-month stayed suspension imposed on February 19, 2016, but were not captured in Kennedy's prior disciplinary proceeding because of imperfections in the disciplinary process. Considering all of these circumstances, the court found the agreed-upon discipline sufficient to serve the purpose of attorney discipline, to protect the public, the courts and the legal profession.

The court suspended Kennedy for six months, to run consecutively with the six-month suspension imposed on February 19, 2016, to be stayed with the conditions that Kennedy complete four hours of continuing legal education related to attorney trust management and have no similar discipline resulting in a letter of reprimand or greater for a period of five years beginning from the November 3, 2014, hearing that led to the previous suspension. Additionally, Kennedy was required to pay the actual costs of the disciplinary hearing plus \$2,500 within 30 days from the date of the order or receipt of the state bar's bill of costs, whichever is later.

**In Re: ROBERT W. WEATHERFORD**  
**Bar No.: 7949**  
**Case No.: 72568**  
**Filed: March 29, 2017**

**ORDER OF TRANSFER TO DISABILITY INACTIVE STATUS**

*Attorney transferred to disability inactive status after joint petition stipulating he is incapacitated and unable to continue the practice of law.*

Bar Counsel for the State Bar of Nevada and attorney Robert W. Weatherford jointly petitioned the court for an order transferring Weatherford to disability inactive status. Weatherford and his counsel signed the joint petition. The parties stipulated that Weatherford is presently incapacitated under the terms of SCR 117 from continuing to practice law.

Having reviewed the petition and its attachments, the court concluded that the relief requested in the joint petition was warranted under the circumstances. Accordingly, the court transferred Robert W. Weatherford to disability inactive status. Weatherford may resume the active practice of law only after he has complied with SCR 117(4) and (5). In light of this order, any pending disciplinary proceedings against Weatherford are suspended. SCR 117(2).

Justices Pickering and Douglas dissented: "Having considered the joint petition, we would refer this matter to the Southern Nevada Disciplinary Board for a hearing and recommendation by a hearing panel. See SCR 117(2). We therefore dissent."

**RESIGNATIONS**

No discipline pending.

Resignation Petitioner	Bar No.	Case No.
Kelly A. Lafave	4223	72244
Daniel A. Ingrassia	9591	72245
Robert A. Hull	4457	72246
Thomas R. Green	1218	72247
Philip K. Goldstein	4275	72249
Carl G. Eurenus	5633	72250
Glenn J. Carter	5245	72251
Charles A. Bischoff	5875	72252
Victor John Austin	1104	72253
Lucy A. Anthony	13303	72254

**TIPS FROM THE OFFICE OF BAR COUNSEL**

**We're worried about our storage costs and want to know what we can do to consolidate or digitize our files. What are we allowed to do?**

You are obligated, under Rule 1.15 of the Nevada Rules of Professional Conduct, to maintain for seven years any of your client's property that is in your possession. This includes your file for the representation, because it is the property, ultimately, of the client. *See Nev. Rev. Stat. 7.055.*

The Nevada Supreme Court did, however, give you a potential break in 2006 with Formal Opinion 33, which provides you with the ability to store files electronically with a third party, without the client's consent. (Formal Opinion 33 discusses the effect of SCR 156, which was renumbered RPC 1.6 as of May 2006, on using a third-party for storage of electronic documents.) However, you'd probably be well-advised to get that consent, just to be safe, as well as to thoroughly vet your third-party vendor. Making a backup copy would certainly be advisable, too.

A reminder: for five years after the conclusion of the underlying matter, you're also obliged to maintain and present, upon the state bar's request, the records of accounts held in trust. *See SCR 78.5.*