

In Re: SCOTT M. CANTOR
Bar No.: 1713
Case No.: 70937
Filed: November 23, 2016

ORDER APPROVING PANEL RECOMMENDATION

Attorney suspension stayed three years, with conditions including one year's probation beginning July 6, 2016, an audit of trust account, obtaining a new mentor and submission of regular reports to Bar Counsel's office.

A Southern Nevada Disciplinary Board hearing panel found attorney Scott Cantor had breached a mentoring agreement on a prior disciplinary matter by failing to implement an accounting system. The hearing panel therefore recommended modifying the agreement.

The panel's recommendation provided for a stayed three-year suspension, with the following conditions:

1. Probation for one year, starting on July 6, 2016, the date of the panel's written recommendation;
2. Cantor must complete an audit of his trust account within 30 days of the panel's recommendation;
3. Cantor must repay any deficiency within 90 days of the audit's completion;
4. Cantor must obtain a new mentor approved by Bar Counsel to comply with the terms set forth in the original mentoring agreement;
5. Cantor must implement and use accounting and case management systems for the operation of his law practice; and
6. Cantor must submit quarterly reports to Bar Counsel providing updates on the matters outlined in his original mentoring agreement, as well as updates on his implementation and use of accounting and case management systems.

The court concluded that the panel's recommended discipline should be approved, as the conditions outlined above are sufficient to serve the purpose of attorney discipline.

In Re: ROBERT C. GRAHAM
Bar No.: 4618
Case No.: 71849

ORDER GRANTING PETITION, SUSPENDING ATTORNEY AND RESTRICTING HANDLING OF CLIENT FUNDS

Attorney temporarily suspended pending resolution of formal disciplinary proceedings regarding alleged misappropriation of client funds.

The state bar petitioned the court to temporarily suspend attorney Robert Graham pending the resolution of formal disciplinary proceedings against him. The bar presented to the court supporting documentation indicating that Graham appeared to have misappropriated client funds entrusted to him and abandoned his practice without complying with SCR 115.

In reviewing the petition and documentation, the court found the state bar's petition "demonstrates that Graham poses a substantial threat of serious harm to the public and that his immediate temporary suspension is warranted under SCR 192(4)(b)."

The court therefore temporarily suspended Graham from the practice of law pending resolution of the proceedings against him. He is precluded from soliciting or accepting new clients upon service of the order. The court also imposed the following conditions on Graham's handling of funds:

1. All proceeds from Graham's practice of law and all fees and other funds received from or on behalf of his clients shall, from the date of service of this order, be deposited into a trust account from which no withdrawals may be made by Graham except upon written approval of bar counsel; and
2. Graham, and anyone else with access to the accounts, is prohibited from withdrawing any funds from any and all accounts in any way relating to his law practice, including but not limited to his general and trust accounts. This order, when served on either Graham or a depository in which he maintains an account constitutes an injunction against withdrawal of the proceeds except in accordance with the terms of this order.

In Re: GARY L. MYERS
Bar No.: 3120
Case No.: 71429
Filed: December 12, 2016

ORDER OF REINSTATEMENT

Attorney ordered reinstatement after fulfilling conditions and terms of his suspension.

A Southern Nevada Disciplinary Board hearing panel recommended the reinstatement of suspended attorney Gary Myers.

Myers had been suspended for four years, retroactive to February 2012, with conditions that he was required to satisfy prior to seeking reinstatement. The panel found Myers had satisfied the conditions set during his suspension and recommended reinstatement subject to the following conditions:

1. Myers must not practice law out of his home;
2. Myers must obtain a mentor for two years, who shall provide quarterly reports to the state bar regarding Myers and his fitness to practice law, and who shall ensure that Myers has no access to trust account funds for the period of the mentorship;
3. Myers must not have access to trust account funds for a period of four years following an order of reinstatement from this court;
4. Myers must have a bookkeeper or accountant oversee his accounts if he engages in the solo practice of law;
5. Within six months following an order of reinstatement from this court, Myers shall schedule an appointment with Dr. Robert Hunter to evaluate Myers' continued mental fitness to practice law, and Hunter shall provide a report of Myers' fitness to Myers' mentor, who shall bring any concerns regarding Myers' fitness to the state bar's attention;
6. Myers shall pay any unpaid costs of the disciplinary proceedings, excluding staff salaries; and
7. Myers shall not be subject to any additional discipline during his probation period.

The court approved the reinstatement subject to the conditions set forth above.

In Re: JOSEPH HONG
Bar No.: 5995
Case No.: 70955
Filed: December 12, 2016

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

Attorney suspended six months, with the entire suspension stayed and the attorney placed on probation for two years, with conditions.

A Southern Nevada Disciplinary Board hearing panel recommended a conditional guilty plea for attorney Joseph Hong.

Hong admitted to violations regarding two disciplinary complaints and three different clients, including a violation of RPC 1.4 (communication) by failing to communicate with one client regarding a medical lien and RPC 1.15 (safekeeping property) by losing track of the matter and failing to make payments on the lien from the portion of the settlement funds he had retained in the matter for that purpose. Second, Hong admitted to violating RPC 1.8(a) (conflict of interest) by soliciting investors who were connected to a client, and who later became his clients, into participating in an investment opportunity without advising them to seek independent counsel. He also admitted to violating RPC 1.4 (communication) by failing to communicate with the client in a medical malpractice action regarding his decision to delay disbursement of settlement funds to avoid tax penalties and potential claims against the funds.

In exchange for the guilty plea, Hong and Bar Counsel agreed upon a stayed six-month suspension and a two-year probationary period with the following conditions:

1. That Hong has no discipline during the probationary period,
2. Completes an additional 10 hours of continuing legal education (CLE) during the first year,
3. Pays his client \$274.76, and
4. Pays the costs of the disciplinary proceedings.

The court noted that Hong, who has been admitted to practice law in Nevada since 1997, has four prior disciplinary matters that resulted in reprimands, with the most recent reprimand issued in 2008 for conduct that occurred in 2006. Although none of the prior matters involved conduct exactly the same as in this matter, lack of communication is a common thread that runs through all of the matters.

The court approved the agreement for a six-month suspension subject to the terms set forth above.

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In Re: WILLIAM F. LEVINGS
Colorado Bar No.: 24443
Case No.: 71048
Filed: December 12, 2016

ORDER OF INJUNCTION

Attorney enjoined from the practice of law in Nevada.

A Southern Nevada Disciplinary Board hearing panel recommended that Colorado attorney William Levings be enjoined from the practice of law in Nevada.

Levings is not licensed to practice in Nevada, but accepted a Nevada client to represent him in an administrative appeal of a Removal Order entered by the U.S. Department of Justice, Board of Immigration Appeals (JBIA). Levings never filed a brief on the client's behalf and attempted to substitute another attorney for the client, but did not provide the proper form to do so. The appeal was dismissed and the client was required to hire a different attorney to request rehearing of the appeal. Rehearing was granted, the Board of Immigration of Appeals finding ineffective assistance of counsel by Levings. Levings did not respond to the formal complaint or appear at the formal hearing, and the disciplinary panel deemed the allegations admitted by default.

The court concluded that the panel's recommended discipline in this matter was appropriate considering the underlying misconduct and the aggravating factors identified by the panel:

1. Prior disciplinary offense,
2. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders,
3. Refusal to acknowledge the wrongful nature of the conduct,
4. Vulnerability of the victim,
5. Substantial experience in the practice of law, and
6. Indifference to making restitution.

Accordingly, the court enjoined Levings from practicing law in Nevada or from appearing as counsel before any tribunal in Nevada; Levings is required to petition the court to lift this injunction prior to being eligible to practice law in Nevada or appear in any Nevada court. Further, Levings shall pay \$2,200 in restitution to his client, and within 30 days of the court's order, pay the costs of the bar proceedings in the amount of \$2,500, plus the actual cost of the hearing including the court reporter fees.

This is an automatic review of the Southern Nevada Disciplinary Board hearing panel's recommendation that this court enjoin Colorado attorney William F. Levings from the practice of law in the state of Nevada.

TIPS FROM THE OFFICE OF BAR COUNSEL

Q: I received a notice from the Office of Bar Counsel, but I don't believe I've had any negative dealings with clients in some time. Is it safe to ignore?

When you get an inquiry from the Office of Bar Counsel (OBC), answer it.

Usually, when you get a letter from OBC, it is asking you to respond to a complaint we have received. Of course, this is not good news, and it is human nature to want to ignore it. Don't.

A full and timely response gives us your side of the story, and may result in a quicker disposition of the case in your favor if that is what the facts warrant. If you have breached a professional obligation to a client or a court, this is your chance to explain how you will fix it and when.