

**In Re: SCOTT M. HOLPER**  
**Bar No.: 9587**  
**Case No.: 72014**  
**Filed: September 28, 2017**

## ORDER OF SUSPENSION

*Attorney suspended six months following admission of violations of the following Rules of Professional Conduct: 1.1 (competence), 1.4 (communication), and 3.1 (meritorious claims and contentions) by (a) filing a complaint on behalf of a client alleging a cause of action knowing that the statute of limitations had expired and the defendant was not liable, and (b) not communicating with the client regarding the status of her case; 1.3 (diligence) by failing to diligently pursue a case; 1.6 (confidentiality of information) by allowing privileged information to be shown to a client's family member without the client's permission; 1.8 (conflict of interest) by entering into a business transaction inappropriately with a client; 1.15 (safekeeping property) by failing to maintain client funds in his trust account and failing to account for settlement funds; 3.3 (candor toward the tribunal) by not being forthright with a state court about his client's pending federal charges and his reasons for seeking to change that client's plea in an adjudicated misdemeanor matter; 5.3 (responsibilities regarding nonlawyer assistants) by failing to appropriately supervise a nonlawyer assistant; 8.1(b) (disciplinary matters) by failing to give correct or adequate information to the State Bar in responding to the disciplinary inquiries; and 8.4 (misconduct) by failing to comply with the Rules of Professional Conduct.*

This is an automatic review of a Southern Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, a modified conditional guilty plea agreement in exchange for a stated form of discipline for attorney Scott M. Holper.

In the plea agreement, Holper admitted to one or more violations of the following Rules of Professional Conduct: 1.1 (competence), 1.4 (communication), and 3.1 (meritorious claims and contentions) by (a) filing a complaint on behalf of a client alleging a cause of action knowing that the statute of limitations had expired and the defendant was not liable, and (b) not communicating with the client regarding the status of her case; 1.3 (diligence) by failing to diligently pursue a case; 1.6 (confidentiality of information) by allowing privileged information to be shown to a client's family member without the client's permission; 1.8 (conflict of interest) by entering into a business transaction inappropriately with a client; 1.15 (safekeeping property) by failing to maintain client funds in his trust account and failing to account for settlement funds; 3.3 (candor toward the tribunal) by not being forthright with a state court about his client's pending federal charges and his reasons for seeking to change that client's plea in an adjudicated misdemeanor matter; 5.3 (responsibilities regarding nonlawyer assistants) by failing to appropriately supervise a nonlawyer assistant;

8.1(b) (disciplinary matters) by failing to give correct or adequate information to the State Bar in responding to the disciplinary inquiries; and 8.4 (misconduct) by failing to comply with the Rules of Professional Conduct.

Holper agreed to (1) a 6-month suspension, to be conditionally stayed with the exception of 90 days actual suspension; (2) a 1-year probation period, during which he must have no new grievance resulting in the imposition of actual discipline; (4) [sic] complete 20 additional hours of continuing legal education; (5) pay restitution; and (6) pay the actual costs of the disciplinary proceeding plus fees.

Based on our review of the record and weighing the duties violated, Holper's mental state, the potential or actual injury caused by his misconduct, and the aggravating and mitigating factors, *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008), we conclude that the guilty plea agreement should be approved. See SCR 113(1). Holper admitted that he acted with knowledge in violating duties owed to his clients, the public, and the profession. His misconduct resulted in actual or potential injury to his clients, the public, and the profession. Holper's most serious acts of misconduct were failing to safekeep client property, failing to communicate with and diligently and competently represent his clients, and his lack of candor toward the court.

Absent aggravating or mitigating circumstances, a suspension is generally appropriate for such violations. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.12 (Am. Bar Ass'n 2016) (providing that suspension is generally appropriate when a lawyer knows or should know that he is improperly dealing with client property); *see also id.*, Standard 4.42 (recommending same discipline for knowingly failing to perform services or engaging in a pattern of neglect with respect to client matters), Standard 7.2 (recommending same discipline when a lawyer "knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system").

The record supports three aggravating factors (pattern of misconduct, prior disciplinary offenses, and multiple offenses) and two mitigating factors (delay in disciplinary proceedings and remorse). Considering all of these circumstances, the agreed-upon discipline is sufficient to serve the purpose of attorney discipline—to protect the public, the courts, and the legal profession. *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988).

We hereby suspend attorney Scott M. Holper from the practice of law in Nevada for a period of 6 months commencing from the date of this order. The suspension shall be partially stayed following 90 days of actual suspension and Holper shall be on probation for 1 year from the date of this order, subject to the following conditions: (1) Halper must complete 20 hours of continuing legal education, 10 of which must

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be related to ethics and 10 of which must be related to law office management or client relations, in addition to the hours required by SCR 210 within 1 year from the date of this order; (2) Holper must have no grievance resulting in discipline of a letter of reprimand or greater during his probation period; (3) Holper must pay \$2,185.57 in restitution (\$426.50 to the client in count 4 of the complaint and \$1,759.07 to the client in count 5 within 90 days from the date of this order; and (4) Holper must pay the actual costs of the disciplinary hearing plus \$2,500 in fees within 30 days from the date of this order or receipt of the State Bar's bill of costs, whichever is later. See SCR 120. The parties shall comply with SCR 115 and SCR 121.1. It is so ORDERED.

DOUGLAS, J., dissenting:

I would not approve the conditional guilty plea. Therefore, I dissent.

**In Re: JULIUS M. ENGEL**

**Bar No.: 8057**

**Case No.: 73119**

**Filed: October 24, 2017**

#### ORDER IMPOSING RECIPROCAL DISCIPLINE

*Attorney suspended for three years, with all but the first year of that term stayed, following suspension by the California Supreme Court.*

This is a petition for reciprocal discipline of attorney Julius M. Engel pursuant to SCR 114. Engel accepted money from a client and then failed to perform any legal work, ceased communication with the client, and failed to provide an accounting or return the client's money. Engel also provided untruthful responses to the California State Bar during its investigation of Engel regarding these issues. In considering this misconduct, the State Bar Court of California's Hearing Department concluded that there were seven aggravating circumstances (prior disciplinary record, multiple violations, refusal or inability to provide an accounting of trust funds, significant harm to the client, lack of remorse, failure to make restitution, and a high level of victim vulnerability) and no mitigating circumstances. On February 15, 2017, the California Supreme Court denied Engel's petition for review and suspended him for three years, with all but the first year stayed, and placed him on probation subject to certain conditions. Engel self-reported his California suspension to the State Bar of Nevada.

SCR 114(4) provides that this court shall impose identical reciprocal discipline unless the attorney demonstrates, or the court finds, that one of four exceptions applies. We conclude that none of the four exceptions weighs against the imposition of identical reciprocal discipline in this case. While California found Engel to have violated a California rule that has no Nevada counterpart, see SCR 114(4)(d) (indicating that if the misconduct established in the other jurisdiction does not constitute misconduct under Nevada's ethical rules, identical discipline may not be appropriate), the five remaining, and arguably more egregious ethical violations, constitute ethical violations in Nevada (Engel failed to report an adverse

judgment entered against him in a professional malpractice case in violation of Cal. Bus. & Prof. Code §6068(o)(2) (West 2017). Furthermore, the discipline imposed in California is commensurate with discipline Nevada imposes for the most serious of those remaining five violations. See Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards* 452 (Am. Bar Ass'n 2016) ("The ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations."). Thus, we grant the petition for reciprocal discipline.

Accordingly, attorney Julius M. Engel is hereby suspended from the practice of law in Nevada for three years, with all but the first year of that term stayed, as of February 15, 2017. Additionally, during the three years Engel shall be placed on probation subject to the following conditions: (1) he provide proof that he paid the \$2,000 in restitution required by the California order; (2) he comply with all Rules of Professional Conduct during his probation; (3) he submit quarterly reports to the State Bar concerning whether he has complied with all Rules of Professional Conduct during the previous quarter; (4) he complete a minimum of six CLE classes in the areas of ethics and law practice management, in addition to annually-mandated CLE credits; and (5) he provide proof that he passed the Multistate Professional Responsibility Examination within one year of the California suspension order. Engel shall comply with SCR 116 upon petitioning for reinstatement from the one-year actual suspension. Upon reinstatement, Engel shall serve out any remaining portion of the three-year probationary period. Engel and the State Bar shall comply with SCR 115 and SCR 121.1. It is so ORDERED.

**In Re: SUSAN WASKO**

**Bar No.: 3840**

**Case No.: 73162**

**Filed: October 24, 2017**

#### ORDER IMPOSING SUSPENSION WITH CONDITIONS THAT COULD RESULT IN STAY OF SUSPENSION

*Attorney suspended for three months, with potential for stay, based on violations of RPC 8.1(b) (bar admission and disciplinary proceedings) and SCR 79 (disclosures by members of the bar).*

This is an automatic review of a Northern Nevada Disciplinary Board hearing panel's recommendation that this court suspend attorney Susan Wasko for six months and one day based on violations of RPC 8.1(b) (bar admission and disciplinary proceedings) and SCR 79 (disclosures by members of the bar). Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(b).

The facts and charges alleged in the complaint are deemed admitted because Wasko failed to answer the complaint and a default was entered (The State Bar sent the bar complaint, the notice of intent to take a default, the order appointing the chair, and the request for entry of default to Wasko through regular and certified mail at her SCR 79

address and an alternate address. Wasko was also personally served a copy of the default, a notice of the default hearing, and the State Bar's summary of evidence and designation of witnesses). The admitted facts establish that Wasko violated the above referenced rules by failing to keep a current address with the State Bar and by failing to respond to the State Bar's lawful requests for information.

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3)(b). Although we "must ... exercise independent judgment," the panel's recommendation is persuasive. *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001). In determining the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Wasko knowingly or intentionally violated duties owed to the profession, which harmed the integrity of the profession as it depends on a self-regulating disciplinary system. Absent aggravating and mitigating circumstances, suspension is the baseline sanction for the most serious misconduct in this matter—the violation of RPC 8.1(b). Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 7.2 (Am. Bar Ass'n 2015) (suspension is baseline sanction for knowingly failing to cooperate with a disciplinary investigation); see also *id.* at 452 ("The ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations."). The record supports the panel's finding of no mitigating circumstances and four aggravating circumstances (pattern of misconduct, prior disciplinary offense, substantial experience in the practice of law, and multiple offenses).

Considering all of these circumstances, we agree with the hearing panel that Wasko's misconduct warrants a suspension. We conclude, however, that a three-month suspension is sufficient to serve the purpose of attorney discipline—to protect the public, the courts, and the legal profession, not to punish the attorney. *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988).

We hereby suspend attorney Susan Wasko from the practice of law in Nevada for a period of three months. The suspension shall be stayed on the following conditions: within 90 days from the date of this order, Wasko must (1) provide proof that she has satisfied the CLE and cost award requirements set forth in, or associated with, the public reprimand issued on January 25, 2013, and (2) pay the costs of the current disciplinary proceedings, including \$2,500 under SCR 120. The parties shall comply with SCR 121.1. It is so ORDERED.

**In Re: CURTIS W. CANNON**  
**Bar No.: 10535**  
**Case No.: 73723**  
**Filed: September 19, 2017**

## ORDER IMPOSING TEMPORARY SUSPENSION UNDER SCR 111

*Attorney temporarily suspended following a felony conviction.*

The State Bar has filed a petition under SCR 111 to inform this court that attorney Curtis Cannon has been convicted of voluntary sexual conduct between a prisoner and another person, a category D felony in violation of NRS 212.187. Cannon did not self-report the conviction to the State Bar as required by SCR 111(2). (Cannon was required to report the matter to the State Bar within 30 days after his "conviction," which pursuant to SCR 111(1) includes entry of a guilty plea, regardless of whether the final judgment of conviction has been entered. SCR 111(2).)

Because the conviction is for a felony offense, it is a "serious" crime as defined in SCR 111(6). As such, SCR 111(7) and (8) normally would require that we temporarily suspend Cannon and refer him to a disciplinary board for a hearing to determine the extent of the discipline to be imposed, if any. Cannon, however, was transferred to disability inactive status under SCR 117 in 2014 and, therefore, currently is prohibited from practicing law. (In addition to the transfer to disability inactive status, Cannon has been administratively suspended from the practice of law in Nevada pursuant to SCR 212 since December 2012 based on his failure to complete continuing legal education requirements. *In re Application of Bd. Of Continuing Legal Educ.*, Docket No. 61517 (Order Dismissing Petition as to Certain Respondent Attorneys and Granting Petition as to Certain Respondent Attorneys, December 28, 2012).

*In re Disability of Cannon*, Docket No. 62540 (Orders of Transfer to Disability Inactive Status, September 24, 2014 and February 6, 2015). Where, as here, "an attorney convicted of a crime is at that time prohibited from practicing due to a ... transfer to disability inactive status under Rule 117," this court has authority to "enter an appropriate order directing how the conviction shall be addressed." SCR 111(11).

We conclude that a referral to a disciplinary board is unnecessary because the conduct underlying the conviction appears to have been the subject of a grievance that was filed against Cannon before he was transferred to disability inactive status. The disciplinary proceedings as to that grievance, and several others filed against Cannon, were stayed pursuant to SCR 117. The conviction therefore may be addressed in the context of the pending disciplinary proceedings should they be resumed upon Cannon's reinstatement to active status, as provided in SCR.117(4). A hearing panel also may consider whether the conviction is

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relevant to any petition for reinstatement to active status that Cannon files under SCR 117(4). (A hearing panel may also consider whether the conviction is relevant to any petition for reinstatement to active status that Cannon files under SCR 117(4).)

But, given the nature of the criminal conviction and its connection to Cannon's practice of the law, we are convinced that a temporary suspension under SCR 111 is warranted to ensure that Cannon cannot resume the active practice of the law until a disciplinary panel and this court have the opportunity to consider the appropriate discipline, if any, as a result of his criminal conviction. Accordingly, we temporarily suspend attorney Curtis W. Cannon pursuant to SCR 111 from the date of this order. The State Bar shall comply with SCR 121.1. It is so ORDERED. This is our final disposition of this matter.

**In Re: DAVID A. RAHM**  
**Bar No.: 5908**  
**Case No.: 73240**  
**Filed: November 14, 2017**

### ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

*Attorney suspended two years following admissions of violations of RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.5 (fees), RPC 1.15 (safekeeping property), RPC 5.3 (responsibilities regarding nonlawyer assistants), RPC 5.4 (professional independence of a lawyer), RPC 5.5 (unauthorized practice of law), RPC 7.2 (advertising), RPC 7.2A (advertising requirements), 7.3 (communications with prospective clients), and RPC 8.4 (misconduct).*

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney David A. Rahm. Under this agreement, Rahm admitted to multiple violations of RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.5 (fees), RPC 1.15 (safekeeping property), RPC 5.3 (responsibilities regarding nonlawyer assistants), RPC 5.4 (professional independence of a lawyer), RPC 5.5 (unauthorized practice of law), RPC 7.2 (advertising), RPC 7.2A (advertising requirements), 7.3 (communications with prospective clients), and RPC 8.4 (misconduct). The agreement provides for a two-year suspension, the payment of \$179,238.42 in restitution to former clients, and payment of \$2,500 in fees plus the actual costs of the disciplinary proceeding.

Rahm admitted to the facts and violations alleged in the consolidated complaints. The record therefore establishes that Rahm associated with a loan modification company and failed to adequately supervise non-attorney employees, failed to have advertisements approved by the State Bar,

and made inappropriate promises to clients regarding the outcome of their cases. The record further establishes that Rahm misappropriated client funds by using incoming funds to satisfy prior obligations and that he often failed to keep his clients apprised of the status of their cases and the disbursement of settlement proceeds.

In determining the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating and mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008). In this case, Rahm violated duties owed to his clients and the profession. Rahm's mental state was mixed: some of his actions were done with the intention to achieve a specific result, while others were done with just knowledge that an unfavorable result might occur. There was actual injury to clients in the form of mishandled money and cases and actual injury to the profession as the failure to properly advertise and supervise non-attorney employees was detrimental to the integrity and standing of the bar. The panel found three aggravating circumstances (pattern of misconduct, multiple offenses, and vulnerability of the victims) and three mitigating circumstances (absence of disciplinary record, personal or emotional problems, and imposition of penalties).

Based on the most serious instance of misconduct at issue, see Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards* 452 (Am. Bar Ass'n 2016) ("The ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations."), the baseline sanction before considering aggravating and mitigating circumstances is disbarment. See *id.* at Standard 4.11 (providing that disbarment is appropriate when an attorney "knowingly converts client property and causes injury or potential injury to a client"). In light of the foregoing and the mitigating circumstances, we conclude that disbarment is not necessary and that the agreed-upon two-year suspension is appropriate. The duration of the suspension along with the other conditions imposed are sufficient to serve the purpose of attorney discipline to protect the public, the courts, and the legal profession, not to punish the attorney. *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 27-28 (1988). Thus, we conclude that the guilty plea agreement should be approved. See SCR 113(1).

Accordingly, we hereby suspend attorney David A. Rahm from the practice of law in Nevada for a period of two years commencing from the date of this order or until he pays full restitution, whichever is [sic] Rahm shall pay restitution totaling \$179,238.42 to the clients and in the amounts set forth in the conditional guilty plea agreement. Additionally, Rahm shall pay the costs of the disciplinary proceedings, plus fees in the amount of \$2,500, within 30 days of the date of this order. SCR 120. The parties shall comply with SCR 115 and SCR 121.1. It is so ORDERED.

**In Re: MARTIN CROWLEY**  
**Bar No.: 3049**  
**Case No.: 72204**  
**Filed: November 29, 2017**

## ORDER OF SUSPENSION

*Attorney suspended 18 months based on violations of RPC 5.5 (unauthorized practice of law) and RPC 8.4(d) (misconduct prejudicial to the administration of justice).*

This is an automatic review of a Northern Nevada Disciplinary Board hearing panel's recommendation that attorney Martin Crowley be suspended for nine months for violations of RPC 5.5 (unauthorized practice of law) and RPC 8.4(d) (misconduct prejudicial to the administration of justice).

The State Bar has the burden of demonstrating by clear and convincing evidence that Crowley committed the violations charged, *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). We employ a deferential standard of review with respect to the hearing panel's findings of fact, SCR 105(3)(b), and thus, will not set them aside unless they are clearly erroneous or not supported by substantial evidence, *see generally Sowers v. Forest Hills Subdivision*, 129 Nev. 99, 105, 294 P.3d 427, 432 (2013); *Ogawa v. Ogawa*, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009). In contrast, we review de novo a disciplinary panel's conclusions of law and recommended discipline. SCR 105(3)(b).

Crowley was suspended from the practice of law in Nevada in July 2013. Despite his suspension, he continues to operate out of the same office with the same firm name that he had before his suspension. He uses the same letterhead, with minor changes, such as a "J.D." designation after his name instead of "Esq." While he is supervised by another attorney, that attorney's office is in a different location. In 2015, Crowley assisted Larry Muecke in arranging his estate so his belongings would transfer to his cousin Timothy McLenic without having to go through probate. After Muecke's death, McLenic was unable to obtain Muecke's IRA funds so he met with Crowley. McLenic's fiancé, Lynae Hummel paid Crowley \$400 to send a demand letter to Muecke's bank to release the funds to McLenic. McLenic and Hummel were unaware that Crowley was suspended. Thereafter, McLenic was forced to retain another attorney to assist him with obtaining the funds through probate.

The panel found that Crowley violated RPC 5.5 (unauthorized practice of law) when he advised McLenic and sent a demand letter on behalf of McLenic and RPC 8.4(d) (misconduct prejudicial to the administration of justice) when he failed to ensure that McLenic and Hummel knew he was a suspended attorney. We defer to the panel's findings of facts in this matter as they are supported by substantial evidence and are not clearly erroneous. Based on those findings, we agree with the panel's conclusions that the State Bar established by

clear and convincing evidence that Crowley violated the above listed rules.

In determining whether the panel's recommended discipline is appropriate, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating and mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008). We must ensure that the discipline is sufficient to protect the public, the courts, and the legal profession. *See State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527 -28 (1988) (noting purpose of attorney discipline).

Crowley intentionally violated duties owed to the profession (unauthorized practice of law and misconduct). While Crowley argues that he did not know that sending a demand letter qualified as the practice of law, the record rebuts that argument as he sent the letter after a hearing panel had concluded that he had violated his suspension order by sending a demand letter in September 2013 and after he had filed a brief with this court challenging that hearing panel's recommendation, in which he acknowledged that he should not have sent the September 2013 demand letter. His unauthorized practice of law was detrimental to the integrity and standing of the bar. Further, he harmed McLenic because McLenic's ability to obtain the funds from the IRA was delayed. The panel found and the record supports two aggravating circumstances (pattern of misconduct and refusal to acknowledge the wrongful nature of conduct) (The panel also found the vulnerability of the victim as an aggravating circumstance, but nothing in the record before this court indicates that McLenic was vulnerable) and one mitigating circumstance (remorse).

Considering all of these factors, we agree that a suspension is warranted. We acknowledge that the Standards for Imposing Lawyer Sanctions provide that disbarment is "appropriate when a lawyer ... intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession." *Compendium of Professional Rules and Standards*, Standard 8.1 (Am. Bar Ass'n 2015); *see id.* at 452 ("The ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations."). But, because disbarment in Nevada is irrevocable, the underlying disciplinary action involves an isolated incident of unauthorized practice of law and Crowley showed some remorse, we conclude a deviation is warranted.

Although a suspension is appropriate, we conclude that a longer suspension than recommended by the panel is warranted. We are concerned with the appearance that Crowley has maintained his legal practice with very little change since his suspension, and thus, are concerned that further unauthorized practice of law may occur. Additionally, because Crowley has been publicly reprimanded twice for engaging in the unauthorized

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practice of law since his suspension, we conclude a longer suspension is necessary to protect the public and the legal profession. The aggravating circumstances (pattern of misconduct and refusal to acknowledge the wrongful nature of conduct) also support a longer suspension.

Accordingly, we hereby suspend attorney Martin Crowley from the practice of law in Nevada for 18 months from the date of this order. Crowley shall refund Hummel \$400 within 30 days of the date of this order. Further, Crowley shall pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 60 days from the date of this order. (While Crowley challenges the imposition of costs and fees, we conclude the SCR 120 fees apply to this matter, are reasonable, and Crowley was on notice that reasonable fees would be assessed.) Should Crowley seek reinstatement, the conditions placed on his reinstatement in the prior suspension order still apply, and he also shall be required to pay the costs from this matter and the refund to Hummel before seeking reinstatement. The State Bar shall comply with SCR 121.1. It is so ORDERED.

#### In Re: AARON A. AQUINO

Bar No.: 11772

Case Nos.: OBC 16-0995 and OBC 16-1226

#### PUBLIC REPRIMAND

To Aaron Aquino:

On Friday, August 25, 2017 a Hearing Panel of the Southern Nevada Disciplinary Panel convened to determine whether your representation of your clients violated the Rules of Professional Conduct.

In the first matter, OBC 16-0995, you agreed to represent your clients in a personal injury case which resulted from a motor vehicle accident. The case had originally been filed by other attorneys; however your representation on the matter began on July 13, 2015.

On December 17, 2015, the insurance company filed a Motion for Summary Judgment on behalf of their insured. Your office failed to file an opposition. Approximately one month later the time to respond to the Motion had lapsed, you filed a motion to remand the matter to state court and sought an extension to respond to the Motion for Summary Judgment.

The motion for extension of time was denied because you failed to demonstrate excusable grounds for failing to respond in a timely fashion and your motion to remand was denied as being without merit. The insurance company was subsequently granted \$32,025.00 from your clients.

While it is true that you did not file the suit which was flawed from the outset because your clients had not complied with the terms of the insurance contract, you failed to act with reasonable diligence with regard to your representation of your clients by failing to timely respond to the Motion for Summary Judgment. As such you violated Rule of Professional Conduct 1.3 (Diligence). Rule of Professional Conduct 1.3 provides that: "A lawyer shall act with reasonable diligence and promptness in representing a client."

In the second matter, OBC 16-0995, you again represented your clients in a personal injury matter. In this case, your three clients sought treatment from a practitioner of "Oriental Medicine," subsequent to a motor vehicle accident. At the culmination of treatment the Doctor sent notice of the liens she had regarding this matter to your office to be paid. Your office initially sought to have the liens reduced, but when those efforts failed, you distributed the money to your clients and ignored the lien.

Rule of Professional Conduct 1.15(e) provides that: "When in the course of representation a lawyer is in possession of funds or other property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the funds or other property as to which the interests are not in dispute."

Since you failed to safe keep the funds and either pay the lien or interplead the monies in dispute you violated the Rule, and are hereby REPRIMANDED.

## TIPS FROM THE OFFICE OF BAR COUNSEL

### Inactive Attorneys and the "Digital Footprint"

If, for any reason, your license changes from active to inactive, in addition to complying with the requirements of SCR 115 to notify your clients, opposing counsel and the courts (including the Nevada Supreme Court), you must also comply with RPC 5.5(d)(2)(iii), which prohibits a lawyer who is not admitted to practice in Nevada from representing or holding out to the public that he or she is admitted to practice law in this jurisdiction.

In addition to removing any physical advertising materials, such as billboards, print ads, letterhead, business cards and signage, you must take care to scrub your "digital footprint:" the trail of data you leave when using the internet. Take care to update your website, email signatures and social media accounts (such as Facebook and LinkedIn) and remove any statements indicating that you are an active lawyer in this jurisdiction. Note that SCR 115(7) gives you 15 days to "wind down" your practice.