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APR 09 2008

STATE BAR OF NEVADA

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NORTHERN NEVADA DISCIPLINARY BOARD

Case No: N06-18-361, N06-22-361

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DOUGLAS W. NICHOLSON, ESQ.,)
)
Respondent.)

PUBLIC REPRIMAND

TO: DOUGLAS W. NICHOLSON, ESQ.
c/o Lewis S. Taitel, Esq.
475 South Arlington Ave., Ste. 1A
Reno, Nevada 89501

You represented grievant Ronald Davis ("Davis") in a divorce proceeding. As part of the divorce settlement, Davis was to execute, within thirty (30) days of the decree, quitclaim deeds pertaining to three (3) time-shares awarded to his ex-wife. Davis stated that he attempted to effectuate his deeds, but his ex-wife refused to sign them, stating they were faulty.

Over the next year and a half, you received several letters from Davis' ex-wife, through her attorneys, requesting assistance in completing the quitclaim deeds; nonetheless, you failed to complete the task. Left with no alternative, opposing counsel filed an *Ex-Parte Application of Court to Execute Deeds and Related Documents* and served a copy on you on or about September 16, 2004. You did not provide a response to the *Ex-Parte Application*.

Opposing counsel then filed a *Motion and Order to Show Cause and Request Costs*, which was granted as you again did not file a response. A hearing on the Motion was held, but you were not in attendance; nor was your client, who was unaware of the proceeding.

Effective Date: April 9, 2008
Bar No.: 3654

1 On November 3, 2005, the court entered its order finding Davis in contempt of court
2 and issued a bench warrant for Davis' arrest. According to Davis, you never notified him of
3 the warrant. The condition set for bail on the warrant included payment of \$860.00 relative to
4 the contempt charge and a fee and cost award to his ex-wife's attorneys in the amount of
5 \$2,000.67.

6 Davis claimed that he signed the time-share documents for the second time, with
7 some hesitance, in mid-to-late October 2005 at your request. Davis also noted that the first
8 set of documents, which he signed in July 2004 and subsequently gave to you, were found in
9 his file after it was turned over to his new attorney, Egan Walker ("Walker"), in March 2006.

10 Davis retained Walker on or about January 2006, then contacted your office and
11 advised you that he no longer required your services. He asked that his file be sent to
12 Walker; however, you did not relinquish the file until March 4, 2006.

13 In mid-January 2006, Walker spoke telephonically with opposing counsel and was
14 informed of the warrant as well as the unanswered pleadings that had been served upon
15 you. Walker then contacted Davis and asked him if he was aware of the warrant, filings or
16 the missed hearing dates. Davis was not. Following this conversation with Walker, Davis
17 called you and left a voice mail message regarding his conversation with Walker. According
18 to Davis, you left him a voice message admitting fault on or about January 20, 2006.

19 Judge Elliot lifted the bench warrant for Davis on January 27, 2006, when you paid the
20 \$2,860.67 in fees that had been awarded at the August 18, 2005, hearing.

21 Davis filed a grievance with the State Bar on February 23, 2006, after which a
22 grievance file was opened. You did not respond to the four (4) pieces of correspondence
23 sent to you via certified mail from the State Bar despite being informed that failure to do so
24 would be considered a violation of SCR 200(2) (Bar Admission and Disciplinary matters).
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1 On June 21, 2006, the Office of Bar Counsel received a facsimile letter from you
2 apologizing for the delay and stating that a response would be in the office within the next
3 two (2) weeks. No response was received by the State Bar within this time period.

4 On September 22, 2006, the Bar received a letter from you indicating that you had
5 sent a response to the State Bar on or about August 27, 2006, but the letter was returned,
6 although you were not sure as to why, and that you had been out of the office from August
7 28 to September 19, 2006. Attached to the September 22nd correspondence was a letter to
8 the State Bar dated August 18, 2006, responding to Davis' grievance.

9 The August 18th letter apologized for the delay in getting your response to the Bar.
10 You stated that your life had been in utter chaos since September 2005 due to the breast
11 cancer diagnoses of both your sister-in-law and a close friend.

12 You further stated that you did not notify Davis of the show-cause hearing because,
13 until the morning of the hearing, you believed that the issue had been resolved and the
14 hearing would be vacated. You further stated that you had paid the attorney's fees imposed
15 in the August 2005 order because it was not Davis' fault you had misunderstood the
16 arrangement with opposing counsel.

17 You also stated that you believed that you had left Davis a message after learning of
18 the warrant. However, you did not indicate that you took any steps to quash the bench
19 warrant after learning of its issuance.

20 You ended your response acknowledging that you certainly could have been more
21 diligent in your follow-up calls to Davis, and apologized to Davis for the anguish he
22 experienced.

23 In a second matter, Shari Johnson ("Johnson") retained you in February 2005 with
24 regard to her divorce proceeding. After her divorce was finalized in July 2005, she asked
25 you to withdraw from the matter, which you failed to do.

1 In April 2006, Johnson's ex-husband filed a *Motion to Modify Child Support* and
2 served a copy upon you, as you were still listed as Johnson's attorney-of-record. You failed
3 to file a response to the *Motion to Modify Child Support*. As a result, an *Order Modifying*
4 *Support* in favor of the ex-husband was entered on July 6, 2006.

5 On August 1, 2006, Johnson filed a grievance with the State Bar and a file was
6 opened. You did not respond to the three (3) pieces of correspondence sent to you via
7 certified mail from the State Bar despite being informed that failure to do so would be
8 considered a violation of SCR 200(2) (Bar Admission and Disciplinary matters). You were
9 further advised that failure to respond would result in the matter being presented to a
10 screening panel of the Northern Nevada Disciplinary Board with the assumption that
11 Johnson's allegations were true.

12 On September 22, 2006, the Bar received a letter from you indicating that you had
13 sent a response to the State Bar on or about August 27, 2006, but the letter was returned,
14 although you were not sure as to why, and that you had been out of the office from August
15 28 to September 19, 2006.

16 Attached to the September 22, 2006, correspondence was a letter to the State Bar
17 dated August 27, 2006, requesting an extension of thirty (30) days in which to respond to
18 Johnson's grievance. It was not until a January 10, 2008, meeting with Bar Counsel that you
19 provided a response to Johnson's grievance.

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1 In light of the foregoing, your conduct violated SCR 153 (Diligence), SCR 154
2 (Communication) and SCR 200(2)/RPC 8.1(b) (Bar Admissions and Disciplinary Matters)
3 with respect to the Ronald Davis grievance and SCR 153 (Diligence) and SCR
4 154(Communication) with respect to the Shari Johnson grievance. You are hereby
5 **PUBLICLY REPRIMANDED.**

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9 Dan R. Reaser, Esq., Chair
10 Northern Nevada Disciplinary Panel
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