



FILED

DEC 20 2016

1 Case No. OBC15-0849

STATE BAR OF NEVADA  
BY: *[Signature]*  
OFFICE OF BAR COUNSEL

2 STATE BAR OF NEVADA

3 SOUTHERN NEVADA DISCIPLINARY BOARD

4 STATE BAR OF NEVADA, )  
5 Complainant, )  
6 vs. )  
7 ERIC P. ROY, Esq., )  
8 Nevada Bar No. 11869, )  
9 Respondent. )

PUBLIC REPRIMAND

10 TO: ERIC P. ROY, ESQ.

11 This public reprimand is issued pursuant to a Conditional Guilty Plea you entered on  
12 October 10, 2016.

13 Your office was retained by a client to handle her divorce proceedings. After a trial  
14 was held, your previously filed Motion to Withdraw was heard by the Court, and you were  
15 ordered to stay on the case until after the Decree for Divorce had been filed. On November  
16 4, 2014, the opposing party filed a Motion for Attorney's Fees and Costs against your client.  
17 You received but did not oppose this motion, nor did make your client aware that this motion  
18 had been filed.

19 The Decree of Divorce in this matter was filed on November 14, 2014, and you filed  
20 your Notice of Withdrawal from the case on November 18, 2014. Your client did not receive  
21 a copy of the Notice of Withdrawal.

22 On January 21, 2015, the Court issued its Order Granting Defendant's Motion for  
23 Attorney's Fees and Costs, noting in the Order that it had received no opposition to the  
24 Motion. In the Order, your client was ordered to pay over \$10,000 in fees and costs. Your  
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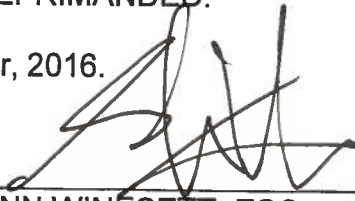
1 client learned that you had withdrawn as her counsel when she received a copy of the Order,  
2 and called your office.

3 Rule of Professional Conduct 1.16(b) (Declining or Terminating Representation) states in  
4 part that "a lawyer may withdraw from representing a client if... [w]ithdrawal can be  
5 accomplished without material adverse effect on the interests of the client..." 1.16(d) also  
6 states in part that "[u]pon termination of representation, a lawyer shall take steps to the extent  
7 reasonably practicable to protect a client's interests, such as giving reasonable notice to the client,  
8 allowing time for employment of other counsel..."

9 In this matter, you violated Rule 1.16 by withdrawing at a time when a motion seeking a  
10 significant amount of money from your client had been filed, and you had not opposed the motion or  
11 told your client about it. This did, in fact, have a "material adverse effect on the interests of the  
12 client"— the Order to pay thousands of dollars— because you had not taken "steps to the extent  
13 reasonably practicable to protect" your client's interests. And you violated Rule 1.16 as well by not  
14 giving reasonable notice to the client of your withdrawal, which may have given her a chance to hire  
15 new counsel and defend against the motion for fees and costs.

16 Pursuant to negotiation and your Conditional Guilty Plea, in light of the foregoing, you  
17 violated Rule of Professional Conduct 1.16 (Declining or Terminating Representation) in this  
18 instance and are hereby PUBLICLY REPRIMANDED.

19 Dated this 10<sup>TH</sup> day of October, 2016.

20   
21 \_\_\_\_\_  
22 SHANN WINESETT, ESQ.  
23 Formal Hearing Panel Chair  
24 Southern Nevada Disciplinary Board  
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1 CERTIFICATE OF SERVICE

2 The undersigned hereby certifies a true and correct copy of the foregoing **PUBLIC**  
3 **REPRIMAND** was deposited in the United States Mail at Las Vegas, Nevada, postage fully  
4 pre-paid thereon for first-class regular and certified mail, addressed to:

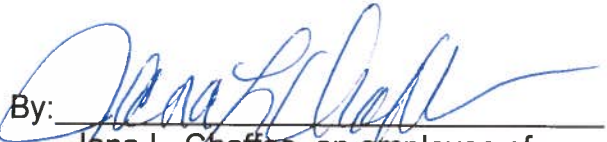
5 Eric Roy, Esq.  
6 c/o Michael J. Warhola, Esq.  
7 625 S. 6<sup>th</sup> Street  
8 Las Vegas, NV 89101  
9 Counsel for Respondent  
10 **CERTIFIED MAIL RECEIPT NO. 7013 1710 0000 7430 1904**

11 And was deposited via electronic mail to:

- 12
- 13 1. Shann D. Winesett, Esq. (Panel Chair): [Shann@pecoslawgroup.com](mailto:Shann@pecoslawgroup.com) ;  
14 [allan@pecoslawgroup.com](mailto:allan@pecoslawgroup.com) (COURTESY COPY)
  - 15 2. Michael J. Warhola, Esq. (Respondent's Counsel) [michaelwarhola@yahoo.com](mailto:michaelwarhola@yahoo.com)
  - 16 3. David J. Rickert, Esq. (Assistant Bar Counsel): [davidr@nvbar.org](mailto:davidr@nvbar.org)
- 17

18 DATED this 20<sup>th</sup> day of December, 2016.

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21  
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By:   
Jana L. Chaffee, an employee of  
the State Bar of Nevada.