



FILED

SEP 16 2013

Case Nos. SG11-1557, SG11-1060,
SG11-1848, SG12-0661 and SG12-1119

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

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
 Complainant,)
)
 vs.)
)
 ADAM M. VANDER HEYDEN, ESQ.)
)
 Respondent.)
)

PUBLIC REPRIMAND

TO: ADAM M. VANDER HEYDEN, ESQ.

702-Traffic is now and at all times pertinent herein was a business owned and operated by a non-lawyer, Mr. Kirk Helmick ("Helmick"), located at 4086 Spring Leaf Drive, Las Vegas, Nevada 89147. You conducted had a business relationship with 702-Traffic, which included certain protocols and procedures as set forth herein.

702-Traffic provided advertising services with respect to legal matters concerning traffic citations and related matters. All potential clients would be met at the 702-Traffic office by administrative, non-lawyer, staff employed by 702-Traffic. Each potential client would be presented by a non-lawyer at this initial meeting with a Fee Agreement. The non-lawyer staff from 702-Traffic would also collect a retainer fee from each client who signed a fee agreement.

You were supposed to act as legal counsel for all clients obtained by 702-Traffic. 702-Traffic deposited the funds paid by clients signed up by its non-lawyer staff into a

1 business account for 702 Traffic LLC and issued periodic checks to you from this account.

2 You did not have access to this account.

3 **COUNT 1**

4 **SG11-1557 / Edoziem**

5 In April 2011, Ofunne Edoziem ("Edoziem") was visiting Las Vegas where she
6 received a speeding ticket. Edoziem contacted 702-Traffic and was told the office could
7 represent her for a fee of \$192. After faxing all relevant documents, Edoziem received a
8 document entitled "702-Traffic Agreement and Intake Form for Traffic Ticket". The
9 Agreement stated that you would be acting as her legal counsel.

10 Edoziem had no further contact either 702-Traffic regarding the status of her traffic
11 matter. On or about October 26, 2011, Edoziem received a Notice of Bench Warrant from
12 the Henderson Justice Court. Edoziem immediately contacted a court clerk at the
13 Henderson Justice Court who told her that when you had appeared in court on Edoziem's
14 behalf, the traffic ticket was reduced to a parking citation and Edoziem was assessed a \$305
15 fine which was due on August 29, 2011. The court instructed you to inform Edoziem of the
16 outcome.

17 Edoziem contacted 702-Traffic and was told by a staff member that a letter had been
18 sent out in June, although there was no actual proof of the mailing. Edoziem demanded to
19 speak with you, but was told by a staff member that "the owner of the building" would not
20 allow her to speak with the attorney on this matter and she would have to deal with any
21 outstanding issues on her own.

22 In your response to the State Bar, you confirmed that you were retained to adjudicate
23 a traffic ticket on Edoziem's behalf and that the speeding ticket was reduced to an illegal
24 parking ticket. You claimed Edoziem was instructed to pay the \$305 fine by August 29,
25 2011, and provided an unsigned copy of a letter that you claimed was sent from your office
on June 20, 2011 advising Edoziem of the status of the traffic matter.

1 In light of the foregoing, you violated Rule of Professional Conduct ("RPC) 1.4
2 (Communication), RPC 5.4 (Professional Independence of a Lawyer) and RPC 5.5
3 (Unauthorized Practice of Law) and are hereby **PUBLICLY REPRIMANDED**.

4 **COUNT 2**

5 **SG11-1060 / Larson**

6 In April of 2011, Andrew Larson ("Larson") paid a visit to 702-Traffic in connection with
7 a moving violation received. Larson was met by a non-lawyer employee who explained the
8 procedures to him. Larson paid a fee of \$125 for handling the case, and signed a retainer
9 agreement listing you as his counsel.

10 Larson stated that he was promised that his fine would be between \$50 to \$150, that
11 he would not have to appear in court, and that he would not have to go to traffic school or he
12 would get his money back. Larson said that when he asked how he would be notified
13 regarding the outcome, he was told to contact 702-Traffic in three (3) months if he hadn't
14 gotten any news from them regarding the disposition of the citation.

15 Larson stated he called back three (3) months later as instructed. He was given
16 another number to call. He called the other number, and said he was kept on hold for fifteen
17 (15) minutes, and then told a manager would call him back. Larson stated that the person
18 who returned his call was the son of Kirk Helmick, who he described as rude, dismissive and
19 stonewalling.

20 Larson subsequently called the court and was told that there was a bench warrant for
21 his arrest. Larson personally had to go to court to get the bench warrant lifted and the fine
22 paid, which he said was over \$300. Larson stated he never met with you once during then
23 entire process.

24 In response to the State Bar, you stated that you adjudicated Larson's ticket as
25 agreed in his contract. You also stated you mailed a letter to Larson regarding the outcome

1 of the case, and that his issues were the result of his failure to pay the adjudicated fine. You
2 enclosed a copy of 702-Traffic intake form and contract and an unsigned letter to Larson
3 from your own law firm dated May 27, 2011.

4 In light of the foregoing, you violated RPC 1.4 (Communication), RPC 5.3
5 (Responsibilities Regarding Non-lawyer Assistants), RPC 5.4 (Professional Independence of
6 a Lawyer) and RPC 5.5 (Unauthorized Practice of Law) and are hereby **PUBLICLY**
7 **REPRIMANDED.**

8 **COUNT 3**

9 **SG11-1848 / Richards**

10 In November of 2011, Tina Richards ("Richards") paid a visit to 702-Traffic in
11 connection with a moving violation she received in Barstow California. Richards was met by
12 a non-lawyer employee who explained the procedures to her. Richards paid a fee for \$395
13 for handling the case.

14 Richards stated that she was promised that her fine would likely be non-existent, that
15 she would not have to appear in court, and that she would not have to go to traffic school.
16 She stated that the gentlemen helping her told her that only one person during the six (6)
17 months he'd worked there had gotten a fine.

18 Richards stated that she paid the high fee so that a speeding ticket would not go on
19 her record, and based on the promise of no fine. Instead her result was a citation for
20 speeding with a \$347 fine, which she stated she could have gotten on her own by simply
21 handling the matter herself. When she called back to 702-Traffic to discuss the matter with
22 you, she was given the run around and nobody would speak with her.

23 On February 9, 2012, Respondent called the State Bar and spoke with Assistant Bar
24 Counsel Patrick King ("King"). You denied being a part of 702-Traffic, and stated you had
25 nothing to do with Richards or her case. However, when asked about the address and

1 telephone number on the paperwork provided by Richards, you admitted that they were your
2 address and phone number. At the end of the conversation, you stated you would respond
3 to the grievance. You later clarified that you meant that you didn't own or operate 702-
4 Traffic, and it was not your intention to mislead King in any way.

5 On or about February 21, 2012, you provided a written response to the State Bar
6 confirming that Richards was a client and denied all of her statements about what she was
7 promised by the employee of 702-Traffic. You stated that the ticket was referred to a
8 California attorney who did an adequate job handling the case. You also stated Richards
9 simply had to complete an eight (8) hour traffic school class to reduce the citation to a
10 parking violation.

11 In light of the foregoing, you violated RPC 5.3 (Responsibilities Regarding Non-lawyer
12 Assistants), RPC 5.4 (Professional Independence of a Lawyer), RPC 5.5 (Unauthorized
13 Practice of Law) and 8.1(b)(Bar Admission and Disciplinary Matters) and are hereby
14 **PUBLICLY REPRIMANDED.**

15 **COUNT 4**

16 **SG12-0661 / Stelteemeier**

17 Fred Stelteemeier ("Stelteemeier") retained 702-Traffic in connection with a moving
18 violation received in Needles, California. Stelteemeier paid the fee after being told that 85-
19 90% of the cases result in no points.

20 Stelteemeier stated that he paid the fine so that a speeding ticket would not go on his
21 record. However his case still resulted in a citation for speeding with a fine, which
22 Stelteemeier claimed he could have gotten on his own by simply handling the matter himself.
23 When he called back to 702-Traffic to find out why his case went so badly, he was told that
24 California matters were harder to resolve. He said he was never told that until after the fact.

25 On or about August 6, 2012, you provided a written response to the State Bar
confirming that Stelteemeier was a client of 702-Traffic. You stated that the ticket was

1 referred to a California attorney who did an adequate job handling the case. You argued
2 that the reason that the charges were not reduced was because the police officer showed up
3 for court. You did not address the representations made by the staff to encourage
4 Stelteemeier to hire 702-Traffic.

5 In light of the foregoing, you violated RPC 5.3 (Responsibilities Regarding Non-lawyer
6 Assistants), RPC 5.4 (Professional Independence of a Lawyer) and RPC 5.5 (Unauthorized
7 Practice of Law) and are hereby **PUBLICLY REPRIMANDED**.

8 **COUNT 5**

9 **SG12-1119 / Mallory**

10 On March 22, 2012, Michael Mallory ("Mallory") and his wife Cheryl Spollino
11 ("Spollino"), retained the services of you and 702-Traffic in connection with a moving violation
12 she received. Spollino paid the fee in full and was told to await further instructions.

13 On or about May 14, 2012, Mallory and his wife received a letter from you stating that
14 the ticket had been resolved and providing instructions for payment. Mallory stated that he
15 and his wife did as instructed.

16 On or about July 11, 2012, Mallory received a phone call from a friend in the court
17 system informing him that there was an active bench warrant out on Spollino. After looking
18 into the matter, he determined that your May 14th letter had referenced the citation number of
19 a different ticket previously received by his wife for speaking on her cell phone while driving.
20 They had retained different counsel for that matter and it had been resolved previously.

21 Mallory and his wife stated that they had to hire another lawyer to fix the mess caused
22 by your mistake. They forwarded a letter demanding a refund and received no response.

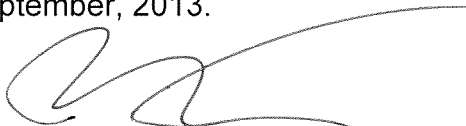
23 In your response to the State Bar, you stated that you correctly and adequately
24 resolved the traffic citation you was hired for, which resulted in the matter being reduced to a
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1 parking violation and a fine of \$205. You admitted, however, that the May 14th letter had the
2 wrong citation and payment information on it.

3 You stated that your staff, who prepared the letter, looked Spollino up in the court
4 computer, and somehow noted the wrong citation information. You claimed it was an honest
5 mistake and that it was only one out of thousands of successful representations. You agreed
6 that Mallory and Spollino should receive their money back.

7 In light of the foregoing, you violated RPC 1.3 (Diligence), RPC 1.4 (Communication),
8 RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants), RPC 5.4 (Professional
9 Independence of a Lawyer) and RPC 5.5 (Unauthorized Practice of Law) and are hereby
10 **PUBLICLY REPRIMANDED.**

11 Dated this 16th day of September, 2013.

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14 JAMES R. CHRISTENSEN, ESQ.
15 Formal Hearing Panel Chair
16 Southern Nevada Disciplinary Board
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