

FILED

JAN 25 2013

L. B.
STATE BAR OF NEVADA

1 Case Number: NG11-0471

2 STATE BAR OF NEVADA
3 NORTHERN NEVADA DISCIPLINARY BOARD

4 STATE BAR OF NEVADA,)
5)
6 Complainant,)
7 vs.)
8 SUSAN WASKO, ESQ.)
9 STATE BAR NO. 3840,)
Respondent.)

10 **PUBLIC REPRIMAND**

11 TO: Susan Wasko, Esq.
12 206 S. Division St. #4
13 Carson City NV 89703

14 On or about September 13, 2008, Mary McCarty met with you to discuss her
15 extensive tax problems which dated back to 1989. McCarty gathered paperwork pertaining
16 to her tax issues, including IRS transcripts, and delivered them to you a month later when
17 she paid you a retainer of seventy-five hundred dollars (\$7,500).

18 After you were retained by McCarty, communication between you and McCarty
19 became almost non-existent. After not hearing from you in over a year, McCarty sent you a
20 certified letter terminating legal services and requested the return of her file within twenty
21 (20) days. McCarty also requested an accounting of the billable charges and a refund of the
22 unearned portion of the retainer. The certified letter was signed for on December 9, 2010.
23 You explained to the Bar that you did not open the letter because of the holiday season.

24 A pretrial settlement conference concerning McCarty's case was held in Reno on
25 February 23, 2011. Outside the courtroom, McCarty again advised you that your services

1 were terminated and she requested the prompt return of her file, an accounting and a refund.
2 At that time, you told her you would try to have the paperwork out within thirty (30) days.

3 On August 12, 2008, the United States had moved for an entry of default judgment
4 against McCarty. On October 14, 2008, you prepared and filed an answer to the US
5 Attorney's complaint against McCarty, but you did not move to have the default judgment set
6 aside. McCarty understood that that you would move to set aside the default judgment when
7 you filed the answer.

8 On April 20, 2011, the Office of Bar Counsel sent a letter of investigation to you along
9 with a copy of the correspondence from McCarty. A grievance file was opened when you did
10 not provide a timely response. A response was eventually received by the Bar on June 10,
11 2011. In your response, you explained that you were unaware of the default order when you
12 filed the answer for McCarty. With the answer filed, you waited for a response from the
13 attorneys for the Department of Justice ("DOJ").

14 Also in your response, you assured the Bar that all documents in your possession
15 were returned to McCarty. You further stated that you would require an additional 7-10
16 business days to provide a supplemental response, including a billing statement. No further
17 correspondence has been received by this office.

18 When McCarty terminated you in December 2010, you informed the third assigned
19 DOJ attorney that you would no longer be working on McCarty's behalf. The DOJ's
20 response indicated that it might entertain an Offer of Compromise as resolution.

21 On February 23, 2011, a settlement conference was held in federal court before
22 Judge McQuaid. You made a verbal Motion for Withdrawal as McCarty's attorney which was
23 granted.
24
25

1 Outside the courtroom, McCarty requested that her file be returned to her, which you
2 said you would do within 30 days. McCarty also demanded an accounting and the return of
3 any unused retainer.

4 In light of the forgoing, you were alleged to have violated Rule of Professional
5 Conduct ("RPC") 1.3 (Diligence), RPC 1.4 (Communication) and RPC 8.1 (b) (Bar Admission
6 and Disciplinary Matters).

7 As a mitigating factor you did eventually cooperate with Bar Counsel, accepted
8 responsibility for the violations and explained the remedial measures you intend to implement
9 to insure you will not have similar problem in the future.

10 As part of the agreement for a conditional guilty plea, Bar Counsel has agreed to
11 dismiss the alleged violation of RPC 8.1 (b) Bar Admission and Disciplinary Matters and you
12 have agreed to plead guilty to the charges of RPC 1.3 (Diligence) and RPC 1.4
13 (Communication). The Panel also directed that you successfully complete two (2) hours of
14 Continuing Legal Education focusing on Ethics and Law Practice Management.

15 Dated this 25th day of January, 2013.

16
17
18 By: 

19 Craig S. Denney, Esq.
20 Formal Hearing Panel Chair
21 Northern Nevada Disciplinary Panel
22
23
24
25