



July 23, 2019

LETTER OF REPRIMAND

Danny M. Winder, Esq.
3507 W. Charleston Blvd.
Las Vegas, Nevada 89102

RE: Grievance Files: OBC17-1673/Holmes; OBC19-0139/Shiferaw;
OBC19-0383/Allen

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Dear Mr. Winder:

On July 23, 2019, a Screening Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. The Panel concluded that you violated two Rules of Professional Conduct and should be reprimanded. This letter shall constitute delivery of that reprimand.

OBC17-1673:

In July 2017, Derrick Holmes ("Holmes") retained your office to assist with probate matters involving his deceased wife. Holmes' wife and mother-in-law held title to the house in which Holmes lived, and after his wife's death, the mother-in-law threatened to sell the home and force Holmes out. You charged Holmes \$2,500, of which \$1,500 was paid by August 2017. Holmes made no additional payments. In December 2017, Holmes contacted the State Bar requesting assistance in obtaining information from your office concerning the status of his matter.

In response to the initial grievance, you contacted Holmes and agreed to waive the outstanding balance. In January 2018, your office filed a Petition for Summary Administration of the estate and a complaint against Holmes' mother-in-law in an attempt to establish Holmes' legal interest in the property. The complaint included the following causes of action: a quiet title; breach of contract; and unjust enrichment. Holmes withdrew his grievance at that time.

On February 9, 2018, apparently unbeknownst to you and Holmes, the property was foreclosed by the HOA. Despite this, in July 2018, your firm filed an ex parte motion to extend the time for service of the previously filed complaint. The motion was granted, and an amended complaint was then served on Holmes' mother-in-law.

Holmes' mother-in-law did not contest Holmes' right to the property. However, because she received nothing from the foreclosure sale, her motion to dismiss the lawsuit was granted.

OBC19-0139:

Moges Shiferaw ("Shiferaw") and approximately 250 other taxicab drivers retained your office to represent them in unemployment actions against their former employer, the Frias Corporation ("Frias"). At that time, Frias owned five taxicab companies, and had terminated approximately 300 drivers for participation in an unauthorized "wildcat" strike over a collective bargaining agreement ("CBA") the drivers believed was illegally executed.

Shiferaw's and the other employees' unemployment claims were denied at the hearing level. You appealed on their behalf, and after a two-day hearing the denial was affirmed. The district court affirmed the denial on judicial review, and the Supreme Court, in a 4-3 decision, affirmed the district court.

During the pendency of the state court appeal, you filed a federal lawsuit on behalf of another driver, Tadios Tessema ("Tessema") who, during negotiation of the CBA, served as Unit Chair for the bargaining unit. The complaint named Tessema in a "representative capacity" for all full-time and regular part-time drivers Frias employed.

The federal court action was dismissed on Frias' motion, though a motion for sanctions for failure to meaningfully prosecute the matter was denied. Your office timely appealed the dismissal to the Ninth Circuit, where a briefing schedule originally set June 19, 2017 as the due date for the Opening Brief.

The parties mediated the appeal, which resulted in an amended briefing schedule, making the opening brief due July 3, 2017. The case was released from the mediation program on June 30, 2017. That order did not modify the briefing schedule. According to you, a former associate in your office filed a streamlined extension on opening brief on June 9, 2017. The docket does not reflect this claim, and you did not provide a copy of the filing or the email referenced in the billing entry from your office.

On August 3, 2017 the Court of Appeals dismissed the appeal. The following day, you filed a motion to reinstate the appeal and extend time to file the opening brief, in which you claimed the streamlined extension made the due date August 2, 2017. No exhibit was attached to support the August 2, 2017 deadline. Additionally, you did not attach a copy of the opening brief despite acknowledging that even under the extension it was due two days prior to the filing. The motion was denied on September 18, 2017. On October 30, 2017, you filed another motion to extend, this time accompanied by an opening brief. The motion was denied.

Mr. Danny M. Winder, Esq.
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OBC19-0383:

On or about July 23, 2018, Johnathan Allen (“Allen”) retained you to file quiet title actions for four separate cases. Allen did not own the properties, but had entered into agreements with the property owners to allow him to retain counsel who would act on their behalf. Allen paid you \$10,000.00. No retainer agreement was executed. All four actions were filed in late August and early September 2018.

You filed complaints in each matter and obtained temporary restraining orders in two cases. On or about October 17, 2018, your client requested a refund of all fees. At that time, motions to dismiss were pending in all matters, and a hearing was pending on your preliminary injunction in one matter. You failed to attend the hearing, and did not oppose any of the motions, despite not having filed motions to withdraw or obtaining court permission to do so.

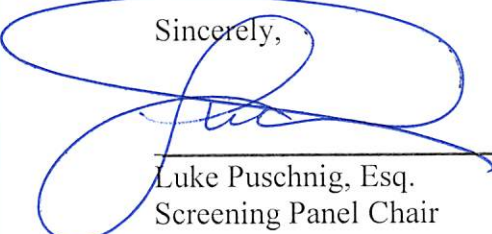
Nevada Rule of Professional Conduct (“RPC”) 1.3 (Diligence) requires a lawyer to act with reasonable diligence and promptness in representing a client. Your lack of diligence in the Holmes matter prevented your client from attempting to recover his home or otherwise stay the foreclosure proceedings. Your lack of diligence in timely filing an opening brief or timely requesting an extension in the Tessema matter prevented your client, and those he represented, from pursuing their appeal.

RPC 1.16 (Declining or Terminating Representation) requires a lawyer to comply with applicable law requiring permission of the tribunal when terminating representation. Your failure to timely obtain permission to withdraw in the Allen matters reflects negatively on the profession.

Accordingly, you are hereby **REPRIMANDED** for having violated RPC 1.3 (Diligence) and RPC 1.16 (Declining or Terminating Representation). In addition, within 30 days of this Letter of Reprimand you are to reimburse the State Bar of Nevada for investigation and prosecution costs of \$1,500 pursuant to Supreme Court Rule 120(3).

We trust that this reprimand will serve as a reminder to you of your ethical obligations, and that no such problems will arise in the future.

Sincerely,



Luke Puschnig, Esq.
Screening Panel Chair