

# Informational Brochure



# ATTORNEY DISCIPLINE

## ⊙ *What is attorney discipline?*

All attorneys licensed to practice law in Nevada are sworn to uphold the ethical standards of conduct adopted by the Supreme Court of Nevada. These standards are listed in the Nevada Rules of Professional Conduct 1.1 through 8.5 and are enforced by the State Bar of Nevada. Any attorney who violates these ethical standards is subject to discipline.

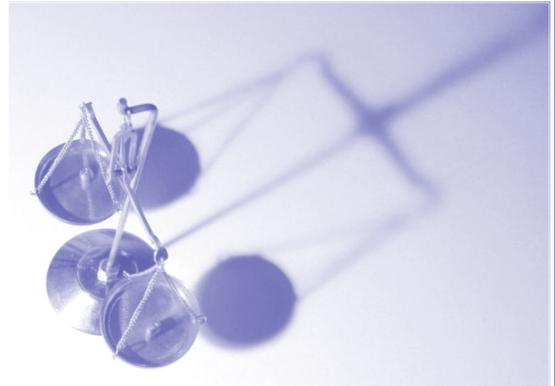
## ⊙ *How are attorneys disciplined?*

Discipline of lawyers in Nevada may take one of four forms depending on the particular circumstances and the severity of the offense. These four disciplinary sanctions are as follows:

1. A letter of reprimand, which is kept on permanent file with the state bar. This may be accompanied by a fine or restitution up to \$1,000;
2. A public reprimand, which is published in the local newspapers and official state bar publications;
3. Suspension of the lawyer's license to practice law; or
4. Disbarment. (Note: Effective March 1, 2007, disbarment is irrevocable.)

## ⊙ *Who should file a complaint?*

A formal complaint against a lawyer is a serious matter. If you believe a lawyer has committed an unprofessional or unethical act, file a complaint. However, if your grievance is the result of some misunderstanding or breakdown in communication with your lawyer, maybe you should sit down and talk openly and honestly with the lawyer. Tell your lawyer that you are unhappy or confused and ask for a full explanation in terms that you can understand. Such a meeting may clear up the problem.



## ⊙ *How do I file a complaint?*

You may file a complaint by writing a letter which clearly states the facts involved in your grievance. Send your letter with copies of any supporting documents to the State Bar of Nevada Office of Bar Counsel at the address on the back of this pamphlet. No special language or form is necessary. You may send your complaint via U.S. Mail, fax, e-mail (at [complaint@nvbar.org](mailto:complaint@nvbar.org)), or you can visit our website at [www.nvbar.org](http://www.nvbar.org) to fill out an online complaint form.

While an initial e-mail or online complaint will be accepted, all correspondence from the state bar will be in writing via U.S. Mail. If you send attachments, you should confirm that they were received. Please note that you may be required to resubmit any online attachments in hard-copy by U.S. Mail. The Office of Bar Counsel usually completes the initial review of all complaints within 10 business days of receipt. We will let you know if we require additional information. Unfortunately, we are unable to meet with you in person about your complaint. Should you have any questions about the status of your complaint, please call the State Bar of Nevada.

## ⊙ *What happens next?*

Your complaint will be reviewed by Office of Bar Counsel staff to determine whether or not the conduct complained of raises an ethical issue under the Rules of Professional Conduct. If your complaint does involve an ethical issue, then bar counsel asks the lawyer involved for a written response to your complaint and an investigation is conducted. The matter is then presented to an impartial screening panel, who decides whether the case should be heard by a hearing panel of the disciplinary board. If your complaint has no factual basis, or even if true would not constitute misconduct, your complaint will be dismissed and you will be notified of that dismissal.

You should recognize, however, that the Office of Bar Counsel and the disciplinary board **cannot and do not** give legal advice, **do not** have jurisdiction over damage or malpractice claims against attorneys and **cannot** alter or affect in any way the outcome of private legal matters in court. If you need additional advice on your case, you must obtain the assistance of your own attorney.

*Over for more* →

## ATTORNEY DISCIPLINE *(continued from other side)*

### ⊙ *What is a disciplinary board?*

Disciplinary boards are the pool of lawyers and non-lawyers who are appointed to individual hearing panels to hear the case against an attorney. There are two disciplinary boards, one each in northern and southern Nevada. Supreme Court Rules require that at least one non-lawyer be appointed to each hearing panel.

### ⊙ *What are the procedures for hearing a complaint?*

When a complaint is referred to a hearing panel, the chair of the disciplinary board will appoint either three or five members to hear a particular complaint. Bar counsel serves as the prosecutor. Hearings can be either informal or formal depending on the severity of the alleged misconduct.

### ⊙ *Is the discipline process public or confidential?*

Proceedings before a screening panel are confidential. For matters filed after March 1, 2007 (when the Supreme Court changed the rule), matters become public when a formal complaint is filed or the matter is concluded.

### ⊙ *What can you expect from the state bar?*

You can expect us to treat your complaint with fairness and dispatch. We are genuinely concerned about your complaint and we will handle it as quickly as possible. The Office of Bar Counsel will keep you informed at each stage of your case. If your complaint is referred to a hearing panel you may be contacted by the investigator assigned to your case. You may be called as a witness before a hearing panel. At the conclusion of the case, we will notify you of the final outcome with an explanation of the result.

In certain limited cases, a panel may order restitution, requiring the attorney to repay fees or other monies given to the attorney. The possibility of restitution depends on the specific facts of each case.

### ⊙ *What if you have a complaint about a judge?*

The state bar does not have any jurisdiction over the conduct of judges in Nevada. If you have a complaint about a judge, you may contact the Commission on Judicial Discipline, P.O. Box 48, Carson City, NV 89702. Telephone: (775) 687-4017.

### ⊙ *Where should you write or call to contact the Office of Bar Counsel?*

#### **In Southern Nevada:**

State Bar of Nevada  
Attn: Office of Bar Counsel  
600 E Charleston Blvd.  
Las Vegas, NV 89104  
(702) 382-2200

#### **In Northern Nevada:**

State Bar of Nevada  
Attn: Discipline Department  
9456 Double R Blvd., Suite B  
Reno, NV 89521  
(775) 329-4100

#### **Written and/or Edited by:**

Office of Bar Counsel, State Bar of Nevada

#### **State Bar of Nevada Las Vegas Office**

600 E. Charleston Blvd., Las Vegas, NV 89104  
Ph: (702) 382-2200 or toll-free 1-800-254-2797  
Fax: (702) 385-2878 or toll-free 1-888-660-6767

#### **Reno Office**

9456 Double R Blvd., Suite B, Reno, NV 89521  
Ph: (775) 329-4100 Fax: (775) 329-0522

**<http://www.nvbar.org>**



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