



July 26, 2017

LETTER OF REPRIMAND

Robert Pool, Esq.
7472 W. Sahara Ave.
Las Vegas, Nevada 89117

Re: Grievance File No. OBC15-0779 / Judge Bitu Khamsi

Dear Mr. Pool:

A Formal Hearing Panel of the Southern Nevada Disciplinary Board (the "Panel") convened on November 20, 2015, to consider the above-referenced grievance against you. The Panel concluded that you violated the Rules of Professional Conduct ("RPC"), and that you should be reprimanded. The Panel initially recommended a Public Reprimand, but provided you an opportunity to decrease your discipline to a Letter of Reprimand pending successful compliance your Probation Agreement. You have successfully completed the terms of your probation, and this letter constitutes delivery of your Letter of Reprimand.

You represented Kathleen Ray ("Ray") in the matter of *Deutsche Bank National Trust Company v. Kathleen Ray*, Case No. 14C008115, an Unlawful Detainer action pending in Department 6 of Las Vegas Justice Court. The Complaint for Unlawful Detainer was first filed on June 4, 2014.

On June 11, 2014, an Order to Show Cause Why Temporary Write of Restitution Should Not Issue was filed. After significant motion practice, on August 27, 2014, a Temporary Writ of Restitution was issued.

On or about January 1, 2015, the case was reassigned to Judge Bitu Khamsi.

On or about April 1, 2015, you filed a Notice of Appeal of the Temporary Writ of Restitution issued on August 27, 2014. The appeal, filed as Eighth Judicial District Court Case No. A-15-7165 was initially dismissed on April 24, 2015.

On or about April 27, 2015, you filed a motion to vacate the dismissal. A hearing was set for June 8, 2015 in District Court. The case was pending in District Court, under its jurisdiction, during the events that followed.

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On May 28, 2015 at 4:30 p.m., Judge Khamsi answered a phone call while in her office at the Regional Justice Center as she was "on call" to respond to search warrant requests. The caller was someone from your office requesting the Judge's email address in order to email a "courtesy copy" of certain pleadings. Judge Khamsi provided the address as she knew that you had an upcoming trial in her department.

The caller then asked Judge Khamsi to confirm if she had issued a lockout order to the Constable in Case No. 14C008115. Judge Khamsi advised the caller that it did not look as if she had issued such an order, and the matter was currently on appeal. Judge Khamsi claimed that the caller attempted to keep talking about the case, but she terminated the call because she didn't think discussing a case that originated in her department was appropriate, and she also needed to keep the line open for search warrant requests.

At approximately 5:33 p.m. the same afternoon, Judge Khamsi received an email from you requesting "an immediate telephonic hearing" in response to your client, Ray, being locked out by the Constable in the above referenced case. The email was more than a page long, alleging fraud on the part of the opposing party and attaching a picture of Ray posing with Governor Sandoval. Although the Judge had initially thought that you had neglected to include opposing counsel, it was determined that one of the email addresses was for the newly substituted opposing counsel who had not been updated to the court's system.

At 6:34 p.m., Judge Khamsi responded to your email to all listed, and to prior counsel, stating that your email was an inappropriate method to request a court hearing, and that she lacked jurisdiction on the matter because the case was on appeal.

At 6:51 p.m., you sent another email to Judge Khamsi which was also courtesy-copied to Ben Botkin (a local investigative journalist) and Ray stating that she was now homeless, and that the subject of her homelessness "would appear to be as an important an offense to consider as a request for a warrant." You asked Judge Khamsi to sign an "Order Restoring Defendant to Residence Pending June 8, 2015 District Court Hearing" which was attached to the email, or at least be available the following day for a hearing. This email was not sent to opposing counsel.

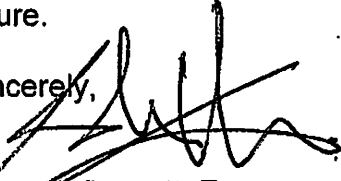
On the morning of May 29, 2015, Judge Khamsi also received an email from her Executive Assistant, Joel Rivas, who advised he had a frantic phone call from you the day before. He confirmed to you that given the pending appeal, the court had no jurisdiction over the case, and referred you to District Court 12's JEA.

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Judge Khamsi subsequently forwarded a grievance to the State Bar documenting your conduct. You argued that your actions were justified due to an emergency, because of the illegal lock out of Ray, which prevented Ray from retrieving her pets, several of which died, and paperwork from her ongoing litigation.

Based on the foregoing you are hereby **REPRIMANDED** for violation of RPC 3.4 (Fairness to Opposing Party and Counsel) and RPC 3.5 (Impartiality and Decorum of the Tribunal and Relations with the Jury). 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,

A handwritten signature in black ink, appearing to read 'Shann Winesett', written over a horizontal line.

Shann Winesett, Esq.
Panel Chair
Southern Nevada Disciplinary Board