

STATE BAR OF NEVADA



April 6, 2020

Harold P. Gewerter, Esq.
1212 S. Casino Center Blvd.,
Las Vegas, NV 89104

LETTER OF REPRIMAND

Re: Grievance OBC19-1044

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Dear Mr. Gewerter:

On March 24, 2020, a Screening Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievances. Based on the evidence presented, the Panel concluded that you violated the Rules of Professional Conduct (“RPC”) and should be issued a Letter of Reprimand. This letter shall constitute a delivery of that reprimand.

This grievance addresses four rules: RPC 1.2 (Scope of Representation), 1.3 (Diligence), 1.4 (Communication), and 1.16 (Withdrawal).

Here, the grievant Christine Hillyer was named in a lawsuit between co-owners of the business for which she worked. One co-owner sued Hillyer and the other co-owner. The defendant co-owner retained you to represent him in the suit. He also asked you to represent Hillyer although he paid the legal fees.

You represented both from approximately March 2018 until February 2019 when you attempted to withdraw from representation for lack of payment. Before your attempt to withdraw, Hillyer would not receive any communications from you unless she asked your staff. Further, you did not discuss the reasons for withdrawal with Hillyer or notify her of your intent to withdraw. You filed a motion with the court but sent it to Hillyer at a wrong address. The court verbally granted your motion but asked you to file a written order. You did not file an order until November 2019—nine months later. During that time Hillyer was to produce discovery, prepare for a non-jury trial, and oppose a motion for summary judgment. She obtained new counsel in October 2019—before you filed the order granting your motion to withdraw as counsel. Fortunately, Hillyer’s new counsel was able to protect her rights and avoid summary judgment, but your lack of diligence and communication created a potential for harm.

Rule 1.2 states, “a lawyer shall abide by a client’s decision concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued.”

Although the defendant co-owner paid your legal fees, you had an obligation to Hillyer. Your obligation required you to consult with Hillyer sufficiently about her objectives and your ultimate withdraw.

Rule 1.3 states, “A lawyer shall act with reasonable diligence and promptness in representing a client.” This includes all actions until the lawyer completes his withdrawal.

Rule 1.16 states, a lawyer may withdraw from representing a client if: (1) Withdrawal can be accomplished without material adverse effect on the interests of the client; ... [or] (5) The client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; ... ”

Here, you attempted to withdraw from representing Hillyer while discovery, trial, and a motion for summary judgment were imminent. Further, you did not diligently file the order granting your motion to withdraw.

Accordingly, you are hereby **REPRIMANDED** for violating RPC 1.2, 1.3, 1.4, and 1.16. In addition, pursuant to Supreme Court Rule 120(3), you are required to remit to the State Bar of Nevada the amount of \$1,500 *within 30 days* of this letter. I 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.

DATED this 6th day of April 2020.

Dana P. Oswalt

Dana P. Oswalt (Apr 6, 2020)

Dana Oswalt Esq.
Screening Panel Chair
Southern Nevada Disciplinary Board