



FILED

Apr 12, 2023

STATE BAR OF NEVADA

BY: 
OFFICE OF BAR COUNSEL

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,

Complainant,

vs.

THOMAS J. GIBSON,
Nevada Bar No. 3995

Respondent.

PUBLIC REPRIMAND

On March 16, 2023, a Formal Hearing Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. The Panel unanimously accepted the Conditional Guilty Plea and concluded that you should be issued a Public Reprimand for violations of Rule of Professional Conduct (“RPC”) 1.3 (Diligence), RPC 1.15 (Safekeeping Property), RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants), RPC 5.4 (Professional Independence of a Lawyer), RPC 5.5 (Unauthorized Practice of Law), and RPC 8.4 (Misconduct).

On or about March 7, 2018, R.S. (hereinafter “Grievant”) went to your office and met with your nonlawyer assistant, Dawn Mayer (hereinafter “Ms. Mayer”), seeking assistance in clearing up the titles of several of his properties and to prepare them for sale. Ms. Mayer is a paralegal who does business as Legal Services of Pahrump, LLC and/or Cahlan-West Legal Services, and is an independent contractor for you. You were not present during the initial

1 consultation when Grievant retained your services. Records indicate that Grievant paid Ms.
2 Mayer directly with two (2) checks in the amount of \$2,000.00 each, totaling \$4,000.00. You did
3 not receive any of the \$4,000.00 Grievant paid to Ms. Mayer.

4 You directed Ms. Mayer to draft four (4) Complaints to Quiet Title regarding Grievant's
5 properties. On October 13, 2019, three (3) of the complaints, which noted that Grievant was
6 representing himself "in Proper Person," were filed. The filing fees for the complaints were paid
7 via check(s) issued by Cahlan-West Legal Services. The fourth complaint was filed on November
8 13, 2020. The filing fee for this complaint was also paid via a check issued by Cahlan-West Legal
9 Services. On September 17, 2021, the Court entered a judgment in favor of Grievant regarding
10 his fourth case. You have taken no action in Grievant's three (3) remaining cases since January
11 30, 2020, when Notices of Lis Pendens were "submitted by plaintiff Ron Sharp, in proper person."
12 The filing fees for the Notices of Lis Pendens were also paid via check(s) issued by Cahlan-West
13 Legal Services. Lastly, a review of your client ledger and the Court's documented fees and costs
14 to date revealed that while you "wrote off" \$107.50 owed by Grievant, you overbilled for his
15 costs and/or failed to account for \$809.00 in filing and recording fees Ms. Mayer paid in
16 connection with Grievant's matters.

17 RPC 1.3 (Diligence) states that a lawyer "shall act with reasonable diligence and
18 promptness in representing a client." You failed to act with reasonable diligence and promptness
19 while representing Grievant. Over seventeen (17) months elapsed between the date Grievant
20 retained you and the date the first set of complaints were filed. Moreover, although Grievant you
21 failed to take any action on Grievant's remaining cases since Notices of Lis Pendens were filed
22 on January 30, 2020. Under ABA Standard 7.3, reprimand is generally appropriate when a lawyer
23 negligently engages in conduct that is a violation of a duty owed as a professional, and causes
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1 injury or potential injury to a client, the public, or the legal system. This type of ethical breach
2 caused injury to Grievant.

3 RPC 1.15 (Safekeeping Property) states, in pertinent part, that “[a] lawyer shall hold funds
4 or other property of clients or third persons that is in a lawyer’s possession in connection with a
5 representation separate from the lawyer’s own property.” The Rule further states that “[c]omplete
6 records of such account funds and other property shall be kept by the lawyer and shall be
7 preserved for a period of five years after termination of the representation.” You failed to keep
8 complete records of funds received from Grievant and/or failed to preserve the same. Under ABA
9 Standard 7.3, reprimand is generally appropriate when a lawyer negligently engages in conduct
10 that is a violation of a duty owed as a professional, and causes injury or potential injury to a client,
11 the public, or the legal system. This type of ethical breach caused injury to Grievant.

12 RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants) states, in pertinent part, that
13 a lawyer “having direct supervisory authority over the nonlawyer shall make reasonable efforts
14 to ensure that the person’s conduct is compatible with the professional obligations of the lawyer.”
15 You failed to adequately supervise Ms. Mayer and/or ensure that the services provided by Ms.
16 Mayer were compatible with your professional obligations. Under ABA Standard 7.3, reprimand
17 is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty
18 owed as a professional, and causes injury or potential injury to a client, the public, or the legal
19 system. This type of ethical breach caused injury to Grievant.

20 RPC 5.4 (Professional Independence of a Lawyer) states, in pertinent part, that unless one
21 of five narrow exceptions are applicable, a lawyer or law firm “shall not share legal fees with a
22 nonlawyer.” The Rule further states that a lawyer “shall not form a partnership with a nonlawyer
23 if any of the activities of the partnership consist of the practice of law.” You allowed Ms. Mayer
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1 to provide legal advice on Grievant's quiet title claims. Under ABA Standard 7.3, reprimand is
2 generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty
3 owed as a professional, and causes injury or potential injury to a client, the public, or the legal
4 system. This type of ethical breach caused injury to the public and/or the legal system.


5 RPC 8.4 (Misconduct) states that "[i]t is professional misconduct for a lawyer to: (a)
6 violate or attempt to violate the RPC, knowingly assist or induce another to do so, or do so through
7 the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty,
8 trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving
9 dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the
10 administration of justice; (e) state or simply imply an ability to influence improperly a government
11 agency or official or to achieve results by means that violate the RPC or other law; or (f)
12 knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of
13 judicial conduct or law." The State Bar's Standing Committee on Ethics and Professional
14 Responsibility, *Formal Opinion No. 34* (revised June 24, 2009), states that "'ghost-lawyering' is
15 **unethical unless** the 'ghost-lawyer' under Rule 11 upon every paper filed with the court for which
16 the 'ghost-lawyer' gave 'substantial assistance' to the *pro se* litigant by drafting or otherwise."
17 (emphasis in original). You engaged in conduct involving dishonesty, fraud, deceit or
18 misrepresentation by directing Ms. Mayer to draft three (3) complaints that identified Grievant
19 was proceeding "in Proper Person." Under ABA Standard 5.13, reprimand is generally
20 appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty,
21 fraud, deceit, or misrepresentation that adversely reflects on the lawyer's fitness to practice law.
22 This type of ethical breach caused injury to the public and/or the legal system.

1 **DISCIPLINE IMPOSED**

2 In light of the foregoing, you are hereby PUBLICLY REPRIMANDED for violating RPC
3 1.3 (Diligence), RPC 1.15 (Safekeeping Property), RPC 5.3 (Responsibilities Regarding
4 Nonlawyer Assistants), RPC 5.4 (Professional Independence of a Lawyer), RPC 5.5
5 (Unauthorized Practice of Law), and RPC 8.4 (Misconduct). In addition, pursuant to SCR 120(3),
6 you shall pay a \$1,500 fee plus the hard costs of the instant proceedings. You shall make such
7 payment no later than thirty (30) days after receiving a billing from the State Bar.

8 DATED this 12 day of April, 2023.

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MARC COOK, Esq., Panel Chair
Southern Nevada Disciplinary Panel

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the **PUBLIC REPRIMAND** was
3 electronically served upon:

- 4 1. Marc Cook, Esq. (Panel Chair): mcook@bckltd.com; sfagin@bckltd.com
5 2. Thomas Gibson, Esq. (Respondent): thomas@nyelegal.com
6 3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

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8 DATED this 12th day of April 2023.

9 Sonia Del Rio
10 Sonia Del Rio an employee of
11 the State Bar of Nevada.
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