

# STATE BAR OF NEVADA



September 21, 2018

## LETTER OF REPRIMAND

Lucas A. Grower, Esq.  
1810 E. Sahara Avenue, Suite 112  
Las Vegas, NV 89104

RE: Grievance File No. OBC18-0362 / Frances Manuel, Esq.

Dear Mr. Grower:

A Screening Panel of the Southern Nevada Disciplinary Board has considered the above-referenced grievance initiated by your former client, Frances Manuel. The Panel concluded that you failed to comply with the Rules of Professional Conduct and that a Letter of Reprimand is appropriate. This letter shall constitute delivery of that reprimand.

As you know, you represented Ms. Manuel in a civil action related to her surgery in or about November 2015 and her subsequent treatment at HealthSouth Rehabilitation Hospital of Las Vegas.

You pleaded your civil complaint, filed on January 19, 2017, as a general negligence case on the primary theory that HealthSouth had been negligent in hiring the nurse who allegedly harmed your client in December 2015.

During the State Bar's investigation, you indicated that a medical malpractice claim was not pursued because neither you nor Ms. Manuel could afford the costs of bringing such an action, particularly the expense of obtaining the required affidavit from a medical expert. Therefore, you proceeded with her lawsuit based on a negligence theory.

Ultimately, the District Court judge ruled that HealthSouth was a healthcare provider which was "rendering services" to Ms. Manuel when her injuries occurred. Therefore, her claim was time barred because it was filed more than one year after she discovered her injury, and the judge granted the defendant's motion to dismiss the complaint.

The Screening Panel felt that when you realized that neither you nor your client could fund a medical malpractice claim, you should have declined the

600 East Charleston Blvd.  
Las Vegas, NV 89104-1563  
phone 702.382.2200  
toll free 800.254.2797  
fax 702.385.2878

9456 Double R Blvd., Ste. B  
Reno, NV 89521-5977  
phone 775.329.4100  
fax 775.329.0522

[www.nvbar.org](http://www.nvbar.org)

representation and allowed her to seek an attorney or law firm with the resources to handle her case.

Rule of Professional Conduct 1.1 (Competence) requires an attorney to provide competent representation which requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

By failing to recognize that the actions of Ms. Manuel's health care provider would surely trigger time limitations applied to medical malpractice cases, and then choosing to move forward on negligence theories, her action was dismissed.

Accordingly, you are hereby Reprimanded for violating RPC 1.1 (Competence). You also are assessed costs of \$1,500 pursuant to Supreme Court Rule 120 (Costs).

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Frank A. Toddre, II, Esq.  
Screening Panel Chair  
Southern Nevada Disciplinary Board

FAT/pjp