



December 16, 2021

LETTER OF REPRIMAND

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Re: Grievance SBN21-99070

Dear Mr. Arnold:

On December 14, 2021, a Screening Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. Based on the evidence presented, the Panel unanimously 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.

On May 1, 2018, R.R. appeared in the Las Vegas Justice Court for an initial appearance and was appointed a Public Defender. After R.R. left the courtroom, you introduced yourself to him in the hallway and suggested that you could get his case dismissed. Following this conversation, R.R. went to your office, signed a fee agreement, and paid a \$500.00 for your services.

R.R. claimed that "weeks passed with no word" from you. As R.R.'s next court appearance was set for May 15, 2018, he decided to stick with his appointed Public Defender. On May 14, 2018, you were informed of the same. You informed the State Bar that this was the only conversation you had with R.R. after your initial meeting in the hallway.

There is no evidence of you taking any action on behalf of R.R. between May 1, 2018, and May 15, 2018. Further, your name does not appear anywhere in R.R.'s court documents and/or court docket. In your response to the State Bar, you explained that you were working for the now-defunct Law Office of Joshua L. Harmon (hereinafter "Firm") throughout 2018, and that you "could not any [*sic*] file for Mr. Ross on the computer system" because the Firm "no longer exists."

On May 30, 2018, R.R. sent you a text message following up on several unanswered

calls and/or text messages regarding a refund. There is no evidence of you returning any of R.R.'s calls and/or text messages. On or about July 23, 2021, R.R. filed a fee dispute against you. On September 9, 2021, you sent the State Bar a check for R.R.'s refund.

RPC 1.4 (Communication) states, in pertinent part, that a lawyer shall "[r]easonably consult with the client about the means by which the client's objectives are to be accomplished," "[k]eep the client reasonably informed about the status of a matter," and "promptly comply with reasonable requests for information." You negligently failed to reasonably communicate with R.R. and confirmed that you only had one conversation with him following your initial meeting in the hallway. Further, if there were issues with filing on behalf of R.R., you should have notified him of the same. This type of ethical breach caused potential injury to your client.

RPC 1.5 (Fees) states, in pertinent part, that a lawyer "shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses." You negligently collected \$500.00 from R.R. without performing any work on his behalf. This type of ethical breach caused injury to your client.

RPC 1.16 (Declining or Terminating Representation) states, in pertinent part, that "[u]pon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred." You negligently failed to promptly provide R.R. with a \$500.00 refund. It was only after R.R. filed a fee dispute against you that he received his money back. This type of ethical breach caused injury to your client.

RPC 7.3 (Solicitation of Clients) states, in pertinent part, that "a lawyer shall not solicit professional employment from a prospective client with whom the lawyer has no family or prior professional relationship, by mail, in person or otherwise, when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain. The term 'solicit' includes contact in person, by telephone, telegraph or facsimile, by letter or other writing, or by other communication directed to a specific recipient." Since you have no family or prior professional relationship with R.R., your solicitation of him in the hallway was negligent.

Under ABA Standard 4.14, admonition is generally appropriate when a lawyer is negligent in dealing with client property and causes little or no actual or potential injury to a client. Under ABA Standard 4.43, reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client. Under ABA Standard 7.3, reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system.

Accordingly, you are hereby REPRIMANDED for violating RPC 1.3 (Diligence). In addition, pursuant to Supreme Court Rule 120, you are required to remit to the State Bar of Nevada the amount of \$1,500.00, plus the hard costs of these proceedings, *no later than*

30 days after receiving a billing from the State Bar. 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 15th day of December, 2021.

Nell Christensen

Nell Christensen, Esq.
Formal Hearing Panel Chair
Southern Nevada Disciplinary Board