

1 Case Nos: OBC15-1150
2 OBC15-0937



FILED

FEB 10 2017

3 STATE BAR OF NEVADA
4 BY *Anna C. Quintana*
5 OFFICE OF BAR COUNSEL

6 STATE BAR OF NEVADA
7 SOUTHERN NEVADA DISCIPLINARY BOARD
8

9 STATE BAR OF NEVADA,)
10 Complainant,)
11 vs.)
12 NADIN J. CUTTER, ESQ.,)
13 State Bar No. 11548)
14 Respondent.)

15
16 PUBLIC REPRIMAND

17 TO: NADIN J. CUTTER, ESQ.
18 6786 W. Tropicana Ave., #268
19 Las Vegas, NV 89103
20 *Respondent*

21 TO: Michael C. Van, Esq.
22 SHUMWAY VAN
23 8985 South Eastern Ave., Suite 100
24 Las Vegas, NV 89123
25 *Respondent's Attorney*

OBC15-1150

On February 27, 2015, you substituted in as counsel for the defendant in a Title VII action in the United States District Court. Pursuant to United States District Court

1 (“USDC”) Local Rule IA10-6(c), your signature on the substitution of counsel
2 “constituted an express acceptance of all dates then set for pretrial proceedings, for
3 trial or hearing, by the discovery plan or in any court order.” Nonetheless, at the time
4 or your appearance, you did not adequately review the court docket and did not
5 adequately familiarize yourself with the USDC Local Rules.

6 Consequently, you did not timely submit the required pre-ENE statement to
7 USDC Magistrate Judge Koppe, and ultimately the ENE was rescheduled to allow you
8 to familiarize yourself with the case and the rules of practice, and to complete the
9 CM/ECF training, which you did.

10 On April 29, 2015, the ENE was held and the case settled. Judge Koppe
11 ordered that a Stipulation to Dismiss and Proposed Order be submitted to the court by
12 June 5, 2015. The Stipulation to Dismiss was not filed on or before the due date.
13 After opposing counsel submitted a status report advising the court of your refusal to
14 sign the Stipulation to Dismiss, Judge Koppe ultimately issued an Order to Show
15 Cause and held a Show Cause hearing on July 24, 2015. Subsequently, you executed
16 and filed the Stipulation to Dismiss on July 30, 2015.

17 On September 3, 2015, you were sanctioned by Judge Koppe in the amount of
18 \$2,000 in a court fine, plus plaintiff’s attorney’s fees, as a consequence of the Judge
19 finding that you lacked diligence in either responding to court orders or seeking
20 additional court rulings by promptly filing appropriate motions.

21 Your conduct as described above caused harm to the administration of the court
22 as a result of your conduct, and you are hereby PUBLICLY REPRIMANDED for
23 violating Rules of Professional Conduct (RPC”) 1.1 (Competence) and 1.2
24 (Diligence).

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1 OBC15-0937

2 On October 21, 2014, a client retained you to represent her in an ongoing court
3 proceeding. The Retainer Agreement executed between you and the client required
4 you to provide monthly billing statements showing legal services provided in the
5 preceding month and the charges and expenses paid or incurred during that time.

6 You provided the client with an itemized billing statement on or about
7 November 10, 2014, but, although you continued to diligently pursue the client's case
8 through motion and discovery practice, you did not thereafter submit a billing
9 statement to the client advising her of the ongoing fees and cost being incurred in
10 pursuit of the case.

11 The client did not receive a second billing statement until May 18, 2015,

12 Your failure to send monthly billing statements to the client, prevented the
13 client from making informed financial decisions in evaluating the direction of the
14 litigation, the litigation strategy, and the scope of representation in relation to the cost
15 of the litigation and her ability to pay for your services, resulting in financial harm to
16 the client. This business practice failure was in violation of your obligation to
17 communicate with the client as required by RPC 1.4 (Communication), and you are
18 hereby PUBLICLY REPRIMANDED for your actions.

19 DATED this 10th day of February, 2017.

20 SOUTHERN NEVADA DISCIPLINARY PANEL

21 By: 

22 Joshua M. Dickey, Esq., Formal Hearing Chair