

1 Case Number: NG14-0677



FILED

SEP 14 2015

STATE BAR OF NEVADA

BY: *[Signature]*
OFFICE OF BAR COUNSEL

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STATE BAR OF NEVADA

NORTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEFFREY DICKERSON, ESQ.

STATE BAR NO. 2690

Respondent.

PUBLIC REPRIMAND

15 TO: Jeffrey Dickerson, Esq.
16 9585 Prototype Ct., Ste. A
17 Reno, Nevada 89521

18 On or about October 31, 2012, a Hearing Panel of the Northern Nevada Disciplinary
19 Board recommended that you be suspended from the practice of law in Nevada. On or
20 about September 13, 2013, the matter was fully briefed and submitted to the Nevada
21 Supreme Court for its automatic review of the recommendation.

22 While that matter was pending, in February 2014, a potential Client met with you to
23 discuss a claim related to her employment. You offered to her fee arrangements, one of
24 which included a provision for a "nonrefundable" retainer of \$10,000. The client agreed to
25 that particular fee agreement. The executed fee agreement contained a provision that if
she terminated your services she would be responsible only for the unpaid cost of your

1 hourly rate for the hours you spent on the matter. On or about March 17, 2014, the Client
2 retained you and paid the \$10,000 retainer.

3 During your initial meeting with the Client, and any time before she ultimately
4 retained you for the matter, you did not inform her of the potential that you might be
5 suspended from the practice of law during the pendency of her matter.

6 On May 9, 2014, the Nevada Supreme Court accepted the Hearing Panel's
7 recommendation and suspended you from the practice of law for eighteen (18) months.
8 This decision was issued less than two months after the Client retained you and before any
9 substantial work was done on her matter.

10 On or about May 14, 2014, the Client learned of your suspension and contacted you
11 about it. You assured her that your law license was still active and in good standing when
12 you agreed to represent her and explained that you could still represent her before the
13 EEOC, just not as a lawyer.

14 On or about May 15, 2014, the Client terminated your representation of her and
15 requested a refund of the \$10,000 retainer. You told her that funds would be transferred
16 back to her in "about a week."

17 However, you did not refund the retainer to her. Instead, you sent the Client a letter
18 on or about May 21, 2014 stating that the fee agreement she signed included that the
19 retainer was "non-refundable" and thus you would not be returning the \$10,000 to her. You
20 did not address, or even acknowledge, the term regarding fees in the event of termination
21 in your fee agreement. You did maintain in your correspondence that you could continue
22 to represent her in the matter.

23 The Client submitted a claim to the State Bar of Nevada Client Security Fund
24 because of your failure to refund the \$10,000 retainer. The Client Security Fund found
25 your refusal to be unreasonable and it awarded the Client \$10,000. As part of this

1 disciplinary matter, you agreed to and are ordered to reimburse the State Bar of Nevada
2 for its refund of your retainer to the Client.

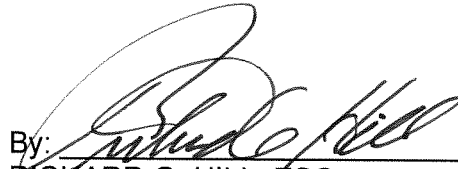
3 RPC 1.4 requires that you, as a lawyer, “reasonably consult with the client about the
4 means by which the client’s objectives are to be accomplished,” “consult with the client
5 about any relevant limitation on [your] conduct when [you] know that the client expects
6 assistance not permitted by the Rules of Professional Conduct or other law,” and “explain
7 a matter to the extent reasonably necessary to permit the client to make informed decisions
8 regarding the representation.” You violated these provisions of RPC 1.4 when you failed
9 to inform the Client of the pending disciplinary matter and the potential that you would be
10 suspended from practicing law for 18 months before she retained you and paid a \$10,000
11 “nonrefundable” retainer.

12 RPC 8.4(a) states that it is misconduct to attempt to violate another Rule of
13 Professional Conduct. You attempted to violate RPC 5.5 (Unauthorized Practice of Law)
14 when you maintained that you could continue to represent the Client before the EEOC,
15 despite being suspended from the practice of law by the Nevada Supreme Court. The
16 practice of law involves the application of general legal knowledge to a client’s specific
17 problem and advocacy on behalf of another. *See In re Discipline of Lerner*, 124 Nev. 1232,
18 1238-1241 (2008); *see also A.R. Salman v. Newell*, 110 Nev. 1333 (1994) (finding that a
19 non-attorney cannot represent an organization in court) and Kentucky Bar Association
20 Opinion U-52 (although statute allowed non-lawyer workers compensation specialists to
21 represent applicants before the agency, advising of rights and obligations under law and
22 assisting in presentation of claims constitutes the practice of law). Although the EEOC
23 regulations allow a non-lawyer to represent, and advocate on behalf of, another person in
24 their proceedings, you were specifically suspended from applying your legal knowledge to
25 a client’s specific problem and advocating for another before a judicial or administrative

1 body and hence, your appearance on behalf of another, even as a "layperson," would have
2 been a violation of RPC 5.5.

3 In light of the foregoing, you violated Rule of Professional Conduct ("RPC") 1.4
4 (Communication) and RPC 8.4(a) (Misconduct- attempting to violate RPC 5.5) and are
5 hereby PUBLICLY REPRIMANDED.

6 DATED this 10th day of Sept, 2015.

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9 By: _____
RICHARD G. HILL, ESQ.
10 Formal Hearing Panel Chair
Northern Nevada Disciplinary Board

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