

STATE BAR OF NEVADA

LETTER OF REPRIMAND

August 4, 2022



Frederick D. Williams, Esq.
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Sparks, NV 89431

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Re: State Bar of Nevada Disciplinary Grievance No. SBN21-99238

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

Dear Mr. Williams:

www.nvbar.org

A Screening Panel of the Northern Nevada Disciplinary Board has reviewed the above-referenced grievances and unanimously determined that a Letter of Reprimand be issued for violations of Rule 1.7, Rule 1.4, and Rule 4.3 of the Nevada Rules of Professional Conduct ("RPC").

UNDERLYING FACTS

A client engaged you to prepare a quitclaim deed for his mother's signature while she was hospitalized. The mother did not execute the quit claim deed before she died. After his mother died, the client returned and retained you to accomplish a streamlined probate process to benefit him and his siblings. You met in-person with the client and his brother. The client, and not the brother, executed a Retainer Agreement and his sister forwarded you the \$3,200 advance funds retainer. The funds were paid from the mother's account. The express purpose of the representation was to review, analyze, investigate and draft appropriate documents to settle the real estate that was part of the mother's estate, and to pursue, as necessary, prosecution of a civil claim and cause of action pertaining to the administration of the mother's estate. The siblings did not understand that they were not included as clients in the representation.

The client's siblings were included in the client's communications to your office and believed themselves to be included as your clients. The siblings requested information directly from you relating to the anticipated petition and expressed frustration with delays in proceeding. You did not sufficiently clarify to them that you only had one client and that you were not representing them.

You did prepare the necessary documents for the anticipated estate matter, but were never instructed by the client to file them.

Ultimately, the client and his siblings lost confidence in you proceeding with the estate matter and sought other counsel. The other counsel opened the estate matter with the court.

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VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

You negligently violated RPC 1.7 (Conflicts of Interest: Current Clients) when you failed to disclose the potential risk that the representation would be limited by responsibilities to third parties/prospective clients—the siblings—and obtaining informed consent to proceed.

You negligently violated RPC 1.4 (Communication) when you failed to adequately explain to Settle and his siblings the limitations of his representation of Settle alone and/or the siblings in total.

You negligently violated RPC 4.3 (Dealing with Unrepresented Person) when you failed to (i) initially inform the three siblings that you represented only the one sibling and were not disinterested as among them, (ii) make reasonable efforts to correct the other siblings' misunderstanding of the scope of your representation in the probate matter, and (iii) advise the other siblings to secure counsel.

APPLICATION OF THE ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS

Standard 4.33 of the ABA Standards for Imposing Lawyer Sanctions provides that “reprimand is generally appropriate when a lawyer is negligent in determining whether the representation of a client may be materially affected by the lawyer’s own interests, or whether the representation will adversely affect another client, and causes injury or potential injury to a client.” In this instance your negligent failure to identify the ways in which the siblings’ interests might adversely affect your ability to represent the one sibling caused injury by creating confusion and anxiety for the siblings and their loss of confidence in the profession.

In Nevada, a reprimand can be a Public Reprimand or a Letter of Reprimand, with the later being the lowest form of discipline available. Taking into consideration your absence of prior discipline over an almost thirty-year career practicing law, the Panel finds that the lesser of the two sanction is appropriate.

REPRIMAND

Based upon the foregoing, you are hereby REPRIMANDED for your negligent violation of RPC 1.7 (Conflict of Interest: Current Clients), RPC 1.4 (Communication), and RPC 4.3 (Dealing with Unrepresented Person). Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500.

Sincerely,



Richard Williamson (Aug 1, 2022 09:09 PDT)

Richard Williamson, Esq.,
Screening Panel Chair
Northern Nevada Disciplinary Board
RW/rkf