



April 4, 2017

**LETTER OF REPRIMAND**

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Re: Grievance File No. OBC17-0068 / Timothy Geswein

Dear Mr. Jensen:

A Screening Panel of the Southern Nevada Disciplinary Board (the "Panel") convened on April 4, 2017, to consider the above-referenced grievance against you. The Panel concluded that you violated the Rules of Professional Conduct ("RPC"), and that you should be reprimanded. This letter constitutes delivery of that reprimand.

You were originally licensed to practice law in Nevada on October 11, 2002 but were suspended by the Nevada Supreme Court on December 28, 2012 for failure to comply with CLE requirements. You have never rectified that suspension and remain suspended as of this date.

Grievant Timothy J. Geswein (Geswein) alleges that his company, FRIAS Transportation (FRIAS), received a letter from you advising that you are representing a plaintiff in a PI case against FRIAS for an accident that occurred in Las Vegas, where FRIAS is located. Geswein discovered via the State Bar of Nevada's website that you were suspended from practicing law in Nevada.

On January 9, 2017, you sent a letter to FRIAS advising them that he represented Heather Barrett (Barrett) in a claim against the company. FRIAS is located in Las Vegas, Nevada.

A letter of investigation was sent to you which resulted in an irate telephone call to the State Bar investigator in which you described your outrage at the State Bar for acting upon Geswein's spurious grievance. After you spoke with Assistant Bar Counsel

Pattee, you submitted your response that included a six page, single spaced letter which was received on February 7, 2017.

You explained that you were hired by Barrett, who is an Arizona resident. Barrett was involved in a traffic collision in Las Vegas on November 17, 2016. Geswein's company, FRIAS is a limousine company. Las Vegas Metro Police Department records provided by you indicate that the matter was a "name exchange only" with a reference number of 161117-0987. Barrett alleges that she sustained physical injuries in that accident and hired you to represent her in a personal injury action. You submitted her medical bills to Allstate Insurance who declined payment. On January 9, 2017, you sent your letter of representation to FRIAS, kicking off this instant grievance.

You stated that when you take on representation of a PI client, you "always" sends a letter of representation to the opposing party, and that this often involves sending a letter out of state, and is "particularly the case when I am dealing with an insurance company." You claimed that if the case had come to the point that required the filing of a lawsuit, you would associate with local counsel or help the client find an attorney in that jurisdiction. You also provided a copy of the retainer agreement between yourself and Barrett.

The practice of law has been defined by the Nevada Supreme Court as applying the law to specific facts. *In the Matter of Discipline of Glen Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1078 (2008). It does not matter whether this is done inside or outside a courtroom. RPC 5.5 (Unauthorized Practice of Law) prohibits the unauthorized practice of law. In this case, you accepted a personal injury case with Nevada jurisdiction in violation of that rule.

Based on the foregoing you are hereby **REPRIMANDED** for violation of RPC 5.5 (Unauthorized Practice of Law). We 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.

Sincerely,



Jason Gerber, Esq.  
Screening Panel Chair  
Southern Nevada Disciplinary Board

JG/jvi