

STATE BAR OF NEVADA



October 15, 2021

LETTER OF REPRIMAND

Dennis Leavitt, Esq.
Leavitt Law Firm
510 S. Ninth Street
Las Vegas, NV 89101

RE: Grievance / Pamela Estrem
Reference No. OBC21-0415

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Dear Mr. Leavitt:

You represented Pamela Estrem in the Eighth Judicial District Court in a Family Court matter, including a five-day trial that ended on or about April 6, 2021.

As part of its decision, the court awarded \$15,000 to Ms. Estrem as a lump sum alimony payment. The opposing party's counsel subsequently sent you a check in that amount, which was deposited into your firm's trust account. Your law firm filed a Motion of Attorney's Lien on April 9, 2021, in the amount of \$25,229.92, which you claim Ms. Estrem then owed to Leavitt Law Firm.

On April 15, 2021, you filed a Motion to Withdraw as Attorney of Record for Defendant, to Adjudicate Attorney's Rights, and To Enforce Attorney's Lien." In your motion, you requested that the court permit your firm to apply the \$15,000 alimony payment to Ms. Estrem's outstanding bill.

Your motion also referenced Ms. Estrem's testimony under oath during the trial where she claimed to have paid \$40,000 to your firm, which you described as "false and perjurious." You wrote that, "When counsel spoke with Pamela about her misstatement on the witness stand, she refused to correct her statement thinking it 'it would make her look bad to the Judge.'"

Her testimony, you wrote, essentially convinced the judge that you had been paid in full and, therefore, attorney fees were not awarded.

Later in your motion, you wrote:

To make matters worse, the Defendant (Ms. Estrem) committed perjury on the witness stand when she testified that she had paid

the undersigned law firm \$40,000 as and for attorney's fee, which definitely was a factor in this Honorable Court awarding no attorney's fees.

In your affidavit in support of your motion, you reiterated:

That when Pamela Estrem-Gilmore testified in open Court that she paid the undersigned counsel's law firm \$40,000 as and for attorney's fees she perjured herself on the witness stand. Furthermore, the Defendant (Ms. Estrem) refused to correct that statement stating that she thought that would make her look bad to the Court.

On or about June 10, 2021, Ms. Estrem filed an unsigned opposition to your motion to enforce your lien. In her opposition, Ms. Estrem stated that you gave her "instructions of what to say on the stand."

With her motion, Ms. Estrem attached a December 8, 2020, email from you which stated:

I forgot what I told you, but when I ask you what you want you need to say that she has been giving you \$5k per month and a place to live. You also need a car to drive and you have spent \$40k on lawyer fees.

The judge ultimately granted your motion and permitted your firm to receive the \$15,000 held in your trust account.

Rule of Professional Conduct 3.3 (Candor Toward the Tribunal) prohibits an attorney from making a false statement to a court and requires an attorney to correct a false material statement previously made to the tribunal.

In this instance, apparently conflicting representations regarding your fees had the potential of misleading the court. You sent your client an email instructing her to testify that she had paid \$40,000 in attorney fees, failed to correct the misstatement during the proceeding, and then belatedly told the court that her testimony about paying that amount was a lie when you tried to collect fees from her.

Standard 6.13 of the ABA Standards for Imposing Lawyer Sanctions provides that "reprimand is generally appropriate when a lawyer is negligent in either determining whether statements or documents are false or in taking remedial action when material information is being withheld, and causes injury or potential injury to a party to the legal proceedings, or causes an adverse or potentially

adverse effect on the legal proceeding.” The words set forth in your email to your client are troubling enough, as you should never counsel a client to lie to the court. However, even if your instructions were misinterpreted, when your client testified, you failed to take remedial action to correct the misinformation.

Your motion to the court, in which you are brutally throwing your client under a bus, admitted that such failure caused an adverse result for your client and ultimately resulted in the court having to further address the payment of your attorney’s fees.

There are two types of reprimand available in Nevada: a Letter of Reprimand and Public Reprimand. The main distinction between the two is that the Letter of Reprimand is officially a lesser sanction (and the lowest sanction available). Considering your 32 years of practice as a lawyer in Nevada, the Panel believes issuance of the lesser sanction, a Letter of Reprimand, is appropriate in this circumstance.

This was not an easy decision for us. The entire Panel was disappointed by your actions and gave serious consideration to more severe sanctions. We believe that you are better than these facts present. Be that better attorney in the future.

Accordingly, you are hereby Reprimanded for violating Rule of Professional Conduct 3.3 (Candor Toward the Tribunal). Finally, in accordance with Nevada Supreme Court Rule 120 (Costs) you are assessed costs in the amount of \$1,500.

Sincerely,

A handwritten signature in cursive script that reads "Robert J. Caldwell".

Robert J. Caldwell, Esq.
Screening Panel Chair
Southern Nevada Disciplinary Board






10152021 Leavitt Letter of Reprimand

Final Audit Report

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