

STATE BAR OF NEVADA

July 23, 2021



LETTER OF REPRIMAND

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Re: State Bar of Nevada Disciplinary Grievances:
OBC21-0357 (Kimberly Pruitt)

Dear Mr. Langsdale:

A Screening Panel of the Southern Nevada Disciplinary Board reviewed the above-referenced grievance and unanimously determined to issue you a Letter of Reprimand for violations of Rules of Professional Conduct (RPC) set forth below regarding your handling of a collection matter.

GRIEVANCE

Grievant, Kimberly Pruitt, owed money to Pennsylvania State Employees Credit Union ("PSECU") for a loan and credit card debt. You were retained by the Ohio law firm of Weltman & Weinberg to represent PSECU in its collection efforts in Nevada. You negotiated a settlement with Pruitt to settle her debts to PSECU for \$20,000.

On December 14, 2020, Pruitt delivered a check to your office that was cashed on or about December 23, 2020. On April 5, 2021, Pruitt complained to the State Bar that you had not forwarded the funds to PSECU on her behalf to settle her outstanding debts.

As a result of Pruitt's grievance, the State Bar of Nevada reviewed your trust account records between December 2020, and April of 2021. The records showed that between January 4, 2021, and January 2021, your trust account balance fell below the \$20,000 that you were holding in trust to pay PSECU on behalf of Ms. Pruitt. The records also showed that on several occasions you failed to withdraw earned fees from your trust account after you had earned the fees. Lastly, the records also showed that you failed to communicate your fee to PSECU on this matter which resulted in you withdrawing a 33%

fee from the \$20,000 that you recovered from Ms. Pruitt without having authorization from PSECU.

REPRIMAND

Based upon the foregoing, you are hereby REPRIMANDED for your conduct related to representation of the foregoing client(s), which conduct violated the Nevada Rules of Professional Conduct ("RPC") as follows:

RPC 1.5(b) (Fees) – for withdrawing legal fees without having communicated the rate of the fee to your client and without having your client agree to the rate.

RPC 1.15 (Safekeeping) – for commingling earned fees with trust funds because you failed to withdraw earned fees from your trust account when they were earned. And for failing to safekeep funds for PSECU between January 4, 2021, and January 31, 2021, because your trust account balance fell below the \$20,000 you were holding in trust for PSECU.

RPC 8.4 (Misconduct) – for violating the Rules of Professional Conduct relating to fees and safekeeping.

The Nevada Supreme Court and the American Bar Association Standards for Imposing Lawyer Sanctions adopted an analysis of four factors to consider for disciplinary sanctions: the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors..." In re Lerner, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (Nev. 2008).

You have a duty communicate the rate of fee for your services to your client. You also have a duty to safeguard client funds. The evidence shows that you failed to communicate your rate of fee to PSECU before you charged them a fee of 33% of the funds recovered in this case. Also, you failed to safeguard client funds because your trust account balance fell below the \$20,000 that you held in trust for PSECU between January 4, 2021, and January 31, 2021. Further, records show that on several occasions you failed to withdraw earned fees from your trust account after they were earned. Your failure to withdraw your earned fees resulted in you improperly commingling personal funds with trust funds.

Your conduct could have resulted in actual injury to PSECU had you not replenished the balance in your trust account sufficient to pay the full \$20,000 owed to your client. Thus, weighing the rules violated, your mental state, the potential or actual injury caused, the applicable ABA Standard is 4.13, which states that: "Reprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client."

The Supreme Court of Nevada has provided two types of reprimand: a Public Reprimand or a Letter of Reprimand. The latter is the lowest form of discipline available. Based upon the above factors, the Panel finds that the lesser of the two sanctions is appropriate.

Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500.

Sincerely,

Dana P. Oswalt
Dana P. Oswalt (Jul 22, 2021 15:59 PDT), Esq.,
Screening Panel Chair
Southern Nevada Disciplinary Board

Letter of Reprimand - Caleb Langsdale

Final Audit Report


2021-07-22

Created:	2021-07-22
By:	Jennifer Moreno (jenniferm@nvbar.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAhStxH-J56laqk42alEHqEE-unLYclP4R

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 Document created by Jennifer Moreno (jenniferm@nvbar.org)


2021-07-22 - 10:52:52 PM GMT- IP address: 98.180.225.67

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2021-07-22 - 10:53:17 PM GMT

 Email viewed by Dana P. Oswalt (dana@bensonbingham.com)

2021-07-22 - 10:58:56 PM GMT- IP address: 184.184.230.226

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