

Bar Counsel Report

In Re: DAVID L. GOLDFARB
Bar No.: 10356
Case No.: 88126
Filed: 10/24/2024

ORDER OF DISBARMENT

This is a petition to reciprocally discipline attorney David L. Goldfarb pursuant to SCR 114. Goldfarb was disbarred from the practice of law in Arizona and he timely reported the same to the Nevada State Bar. See SCR 114(1). Goldfarb has opposed the State Bar's petition. See SCR 114(3).

Goldfarb, whose practice includes family law, self-reported to the Arizona bar that he had engaged in a single consensual sex act with a female client. Thereafter, in May 2023, he disclosed additional inappropriate and sexual conduct occurring on a consistent basis between 2016 and 2023 with seven other female clients. Separate from the originally disclosed sex act with a female client, Goldfarb admitted to engaging in oral sex twice with a client in 2017 or 2018, as well as to conducting explicit video chats and text messages with this client, whom Goldfarb represented in three matters between 2016 and 2021. Their personal relationship only ended when the client remarried. During late 2021 or early 2022, Goldfarb became improperly involved with three other clients. One client he represented in post-decree matters involving the father of her children. They kissed during an after-hours meeting and engaged in conversations and text message exchanges of a personal and/or sexual nature. Goldfarb kissed another client and received photos of her in her lingerie, and he admits to having crossed professional boundaries with a third client while representing her on a paternity or modification matter. Goldfarb further disclosed crossing professional boundaries with yet another client in 2023, and he admitted to having had inappropriate conversations with two other female clients, one of whom he was representing in a modification and later contempt case, though he did not provide dates for those instances.

During the Arizona proceedings Goldfarb acknowledged this conduct violated various Arizona Ethics Rules. He first stipulated to an interim suspension, which established that Goldfarb repeatedly engaged in inappropriate and sexual conduct with his clients and that this conduct "caused substantial harm to his clients, and damage to the public, the legal profession or the administration of justice." Goldfarb thereafter filed a request and consent for an order of disbarment, and Arizona disbarred him in September 2023. That order conclusively establishes Goldfarb's misconduct for purposes of reciprocal discipline. See SCR 114(5).

Goldfarb notified the Nevada State Bar of his Arizona disbarment, and the Bar petitions for reciprocal discipline, arguing Goldfarb's violations of Nevada's Rules of

Professional Conduct 1.7(a)(2), 1.8(j), and 8.4(d) warrant disbarment. In support, the Bar points to Goldfarb's pattern of misconduct, his multiple offenses, the victims' vulnerability, Goldfarb's selfish motive, and his substantial experience in the practice of law. Goldfarb opposes the petition, arguing that an exception to SCR 114(4)'s reciprocal discipline rule is appropriate here because disbarment in Arizona is not permanent and such misconduct generally warrants suspension instead of disbarment. He also contends that while no mitigating factors were introduced into the record because of the summary nature of the Arizona proceedings, mitigating factors exist that would support a sanction less than disbarment.

SCR 114(4) requires us to impose identical reciprocal discipline unless the attorney demonstrates, or we determine, that one of four exceptions applies. We conclude that none of the four exceptions are present in this case. Goldfarb does not raise a due process argument, and he admits to the facts establishing the misconduct, precluding the exceptions in SCR 114(4) (a), (b) and (d). That Arizona's disbarment permits reinstatement does not require us to find SCR 114(4) (c)'s exception applies here. *Cf. In re Discipline of Parsa*, No. 71158, 2016 WL 6662268 (Nev. Nov. 10, 2016) (Order Imposing Reciprocal Discipline and Disbarring Attorney) (imposing reciprocal disbarment after the attorney was disbarred in California); Cal. State Bar R. Proc. 5.442(B) (allowing a disbarred attorney to apply for reinstatement). The record clearly shows that Goldfarb had a pervasive pattern of inappropriate and often sexual conduct with his female clients, at least some of whom Goldfarb was representing in family court matters. As an attorney, Goldfarb held a position of trust and authority over his female clients, and his improper and unprofessional conduct was self-serving, exploitative, and highly injurious to his clients and/or the legal profession, and violated Nevada's Rules of Professional Conduct 1.7(a)(2) (conflicts of interest with a client), 1.8(j) (lawyer shall not have sexual relations with a client), and 8.4(a) & (d) (professional misconduct for a lawyer to knowingly violate the rules or engage in conduct prejudicial to the administration of justice). Goldfarb consistently engaged in repeated inappropriate and sexual conduct with multiple female clients over the course of seven years and he admitted in his stipulation that his conduct was intentional and inappropriate, demonstrated "a serious disregard for the ethical rules," substantially harmed his clients, and damaged the public, legal profession, or the administration of justice. Even taking as true that mitigating factors exist,¹ disbarment is appropriate where, as here, the lawyer has engaged in misconduct with the intent to obtain a benefit for himself or another and causes serious or potentially serious injury to his client, the public, or the legal system. *Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 7.1.

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Accordingly, we grant the petition for reciprocal discipline and disbar David L. Goldfarb from the practice of law in Nevada. Such disbarment is irrevocable. SCR 102(1). The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

PICKERING, J., with whom LEE, J., agrees, concurring in part and dissenting in part:

I would not disbar David Goldfarb but instead suspend him from the practice of law in Nevada for five years and one day, with any petition for reinstatement in Nevada conditioned on Goldfarb first being readmitted in Arizona. A five-year-and-one-day suspension rather than disbarment is proper for two reasons.

First, with certain specified exceptions, Nevada's Supreme Court Rule 114(4) requires that this court impose "identical" reciprocal discipline. In Arizona, a disbarred attorney may seek readmission after five years if the attorney can demonstrate their rehabilitation, whereas in Nevada, disbarment is permanent. *Compare* Ariz. R. Sup. Ct. 64(d) (permitting reinstatement after disbarment), and 65 (outlining application requirements and reinstatement proceedings), *with* SCR 102(1)(a) (providing for irrevocable disbarment). We have recognized this disparity between Nevada, where disbarment is forever, and other states, where a disbarred lawyer may apply for reinstatement after five or more years, in other reciprocal discipline cases. *Cf. In re Discipline of Cantor*, No. 83736, 2022 WL 419901, at *1 (Nev. Feb. 10, 2022) (Order Denying Petition for Reciprocal Discipline and Suspending Attorney) ("disbarment in Nevada is not equivalent to [disbarment] in California, as ... in California a disbarred attorney may seek reinstatement after five years"). A five-year-and-one-day suspension in Nevada, with Goldfarb's ability to apply for reinstatement conditioned on him being readmitted in Arizona, would most closely approximate the "identical" reciprocal discipline SCR 114(4) generally requires. *See In re Discipline of VanderSchuit*, No. 87175, 2023 WL 6940752, at *1 (Nev. Oct. 19, 2023) (Order Denying Reciprocal Discipline and Suspending Attorney) (addressing reciprocal discipline under SCR 114(4)(c) and concluding suspension rather than disbarment was warranted where in the other state the disbarred attorney could seek reinstatement after five years); *Cantor*, No. 83736, 2022 WL 419901, at *1 (same); *In re Discipline of Freedman*, No. 80276, 2020 WL 1972331, at *1 (Nev. Apr. 23, 2020) (Order Denying Petition for Reciprocal Discipline and Suspending Attorney) (same).

Second, the record is not sufficiently developed to depart from SCR 114(4)'s general rule that reciprocal discipline should be "identical." In Nevada discipline matters, we weigh not only the duty violated, but also "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 deciding the appropriate discipline. *In re Discipline of Lerner*, 124 Nev.

1232, 1246, 197 P.3d 1067, 1077 (2008). The Arizona proceeding was uncontested and based on Goldfarb's self-report and consent to disbarment, and thus the disciplinary board made no findings as to these additional considerations. Notwithstanding the seriousness of Goldfarb's misconduct, the record does not provide an adequate factual basis to increase the penalty beyond the equivalent of that imposed in Arizona. Accordingly, although I concur that discipline is warranted, I respectfully dissent from the majority's decision to impose permanent disbarment.

I concur: Justice Lee.

In Re: AMBER ROBINSON
Bar No.: 10731
Case No.: 88347
Filed: 10/17/202

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Amber Robinson. Under the agreement, Robinson admitted to violating RPC 1.3 (diligence), RPC 1.4(a) (communication), RPC 3.2(a) (expediting litigation), RPC 3.4(c) (fairness to opposing party and counsel), and RPC 8.1(b) (bar disciplinary matters). Robinson agreed to a 4-month suspension, stayed in favor of a 12-month probationary period to be monitored by the State Bar.

Robinson admitted to the facts and violations as part of the guilty plea agreement. Robinson failed to file two separate draft orders – as directed by the courts in those actions, failed to timely file a complaint in a separate action, failed to adequately communicate with two clients, and failed to provide a requested refund to one client. Robinson also failed to timely respond to the State Bar's inquiries. Robinson eventually refunded the one client's fees and the orders at issue were filed.

The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. *See In re Discipline of Arabia*, 137 Nev. 568, 571, 495 P.3d 1103, 1109 (2021) (stating the purpose of attorney discipline). In determining the appropriate discipline, we weigh four factors: "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 Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

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Robinson admitted to knowingly violating duties owed to her clients (diligence and communication) and the profession (expediting litigation, fairness to opposing party and counsel, and bar disciplinary matters). Robinson further admitted harm to her clients. The baseline sanction for such violations, before considering the aggravating or mitigating circumstances, is suspension. *Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.42(a) (Am. Bar Ass'n 2023) (providing that suspension is appropriate when "a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client"); *id.*, Standard 6.22 (providing that suspension is appropriate "when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or party, or causes interference or potential interference with a legal proceeding"); *id.*, Standard 7.2 (providing that suspension is appropriate "when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system"). The record supports three aggravating circumstances (pattern of misconduct, multiple offenses, and substantial experience in the law) and three mitigating circumstances (absence of prior discipline, personal or emotional problems, and full and free disclosure to the disciplinary authority or cooperative attitude toward the proceeding). We agree with the panel's conclusion that the mitigating circumstances here warrant a downward deviation from an actual suspension to a stayed suspension. Considering all four factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, we hereby suspend attorney Amber Robinson from the practice of law in Nevada for four months, with the suspension stayed for twelve months from the date of this order subject to the conditions outlined in the conditional guilty plea agreement. Those conditions include the requirement that Robinson participate in individual and group counseling; she continue active participation with a business coaching regimen; she obtain an attorney mentor approved by the State Bar; she meet monthly with the attorney mentor regarding general legal practice management and attorney well-being; her selected and approved attorney mentor timely provide quarterly reports to the State Bar probation monitor; and she engage in no professional misconduct following the date of the entry of plea here that results in a screening panel recommending new disciplinary charges be filed. Robinson shall also pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. The State Bar shall comply with SCR 121.1.

It is so ORDERED.

Case No.: SBN23-00835

Filed: July 23, 2024

ADMONITION

To [Attorney]:

A Southern Nevada Disciplinary Board Screening Panel convened on June 11, 2024, to consider the above-referenced grievance against you. The Panel concluded that you violated the Nevada Rules of Professional Conduct ("NRPC") and admonished you for your handling of your client's personal injury matter. This letter constitutes delivery of the Panel's admonition.

On April 28, 2022, you were retained by the Client for any personal injury claims arising from a car accident on February 19, 2022. In December 2022, your office started to gather the Client's medical records in anticipation of preparing a demand letter. You sent UIM/UM Policy Limit and Med Pay Demand Letters to Progressive Direct Insurance Company (Progressive) on February 17, 2023.

The Insurance Claims Adjuster acknowledged receipt of the UIM/UM demand on March 9, 2023, and offered a "compromise settlement" of \$32,593. Your non-lawyer assistant signed and sent a counteroffer for policy limits. You have asserted that you "reviewed, edited, and approved" of the counteroffer letter; however, that assertion is belied by the lack of interoffice communication and the nonlawyer's signature on the letter instead of your own. Further, nowhere in the letter does it indicate that the nonlawyer assistant is acting on your behalf.

The Insurance Claims Adjuster notified your office of the formal acceptance of the supplemental demand for policy limits on March 15, 2023. That letter also included a proposed Full Release of All Claims with Indemnity and a check for the full settlement amount. The adjuster asked for the return of the signed Release from you before "negotiating the associated payment."

Your office attempted to contact the Client on March 15 and March 21, 2023, for authorization to accept the settlement and have the release signed. On March 22, 2023, at 3:03 p.m., the nonlawyer assistant emailed the client requesting that she come to the office to sign the Release.

However, a scanned copy of the "signed" Release was provided to the Insurance Claims Adjuster before 2:20 p.m. that same day. The returned Release was dated March 20, 2023. You did not have the client's authorization to accept the settlement when the signed Release was provided to the insurance company.

The Client did subsequently authorize you to accept the policy limits settlement. You then diligently disbursed the settlement funds to the client, her lienholders, and your office.

NRPC 1.2 (Scope of Representation and Allocation of Authority between Client and Lawyer) requires a lawyer to abide by a client's decision whether to settle a matter.

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There are no exceptions to this requirement, even if the lawyer deems the client's decision unreasonable. Here, you failed to wait for the client's decision on whether to settle her UIM/UM claim and instead bound her to a result without her knowledge. Further, you had a provision in your retainer agreement that states, "If the client becomes unavailable for any reason during the conduct of the client's case, and attorney, in his reasonable judgment, believes the client's interest would be best served by a timely settlement of the case, attorney may, after reasonable efforts to contact the client, negotiate settlements on the client's behalf." This is directly contrary to the requirements of NRPC 1.2. You must remove this language from your retainer agreements.

The requirement of NRPC 1.2 is not vague or complicated to apply – the client must authorize any decision to settle her matter. Thus, your misconduct was made with a "knowing" mental state. Although the injury caused by your misconduct could have been substantial, in this instance, the injury was minimal because the client ultimately accepted the offered settlement terms.

The baseline sanction for your conduct here is suspension. ABA Standards for Imposing Lawyer Sanctions (2nd ed. 2019), Section 7.2 states: "[s]uspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system."

A downward deviation from the suspension baseline is warranted. You have only one minor prior instance of discipline and no similar discipline in the course of your sixteen years of practicing law. Further, you cooperated with the State Bar's investigation, have made subsequent changes in your office procedures, and accepted responsibility for your misconduct in this instance.

Based on the foregoing, you are hereby ADMONISHED for a violation of NRPC 1.2. Please promptly conclude this matter by remitting the cost of \$750 within 30 days of the issuance of this sanction. SCR 120(3). You are also cautioned that your nonlawyer assistants must refrain from communicating with third-parties and/or clients in a manner that suggests they are authorized to practice law, such as signing demand letters directly.

Please allow this Admonition to serve as a thoughtful reminder of your professional ethical obligations. We wish you well in your practice and trust that no similar problems will arise in the future.

Case No.: SBN24-00026
Filed: September 26, 2024

ADMONITION

To [Attorney]:

On September 10, 2024, a screening Panel of the Southern Nevada Disciplinary Board carefully considered the January 21, 2024, grievance of Sylvia Rich. Ms. Rich retained you to assist her with a modest probate matter, for which she had been designated as the estate executor. The client raised concerns about your legal handling of that probate matter. The client raised concerns about client communication involving a courtroom date, your courtroom preparedness, your handling of a probate deposit and the bank not honoring your return of the deposit return [sic] due to insufficient funds in a personal account. The Panel specifically considered the findings of the State Bar's investigation into the client's claims, along with the State Bar's recommendation for further action.

We write to admonish and remind you of your ethical obligations under Nevada Rules of Professional Conduct 1.15(a) (Safekeeping Property) which states in relevant part:

"(a) A lawyer shall hold funds or other property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. All funds received or held for the benefit of clients by a lawyer or firm, including advances for costs and expenses shall be deposited in one or more identifiable bank accounts designated as a trust account maintained in the states where the lawyer's office is situated ..."

Here, you did not place a June 2023 \$1,000 deposit on the probate matter directly into your IOLTA upon receipt. You placed that sum into your personal account and timely disclosed receipt of that sum in a probate filing. Upon demand from Ms. Rich of the deposit, you issued a personal check for the sum and left for a planned vacation. Days later, your bank dishonored the \$1,000 check due to insufficient funds. Upon your return, you learned of the dishonored check and immediately hand-delivered a money order for the sum due directly to Ms. Rich.

The Screening Panel found that under these unique circumstances this matter constitutes minor misconduct where there was little injury and little likelihood that you will repeat this misconduct. This admonition will serve as private discipline. However, bar counsel may use this admonition in any subsequent matter as an aggravating

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factor. The Disciplinary Board wishes you the very best in your practice and trusts that no similar problems will arise in the future.

Case No.: SBN24-00016
Filed: October 17, 2024

ADMONITION

To [Attorney]:

A Screening Panel of the Southern Nevada Disciplinary Board reviewed the above-referenced grievance and voted to issue you an ADMONITION for violating rules 1.1, 3.1, and 8.4(d) of the Nevada Rules of Professional Conduct (“RPC”).

UNDERLYING FACTS

You filed a complaint against several defendants on behalf of a client. After seeking leave to amend your complaint but before filing the first amended complaint, you received discovery from one of the defendants that demonstrated a claim against this defendant was meritless. Counsel for this defendant provided caselaw to illustrate his request and asked you to dismiss this claim before incurring additional costs. You claimed you were “fully aware” of the caselaw and did not dismiss the claim. Discovery and motion work began for approximately two (2) years.

After you filed a motion for partial summary judgment, defendants filed their own motions for summary judgment. At a hearing for these competing motions, the court found you knew or should have known the aforementioned claim was meritless. At this hearing, you also notified the court and opposing counsel for another defendant you were dropping a different claim against that defendant. The court admonished you for raising new authority in a reply brief to your own motion and expressed frustration as you made other representations not supported by points of authority. The court granted defendants’ motions for summary judgment and denied your motion after questioning you about other misrepresentations made to the court and noting that even your briefing was replete with errors and inconsistencies.

Defendants filed motions for attorney’s fees and sought sanctions based upon your alleged bad faith and reckless behavior. You demanded a hearing. After the court took the matter under advisement, the court issued a sixteen-page order granting the defendants’ motions after finding you acted (i) recklessly by failing to voluntarily dismiss a claim when it became clear that the claim was meritless; and (ii) in bad faith by failing to inform opposing counsel and the court that you were abandoning a separate claim until after the issue had been fully briefed at the summary-judgment stage.

The court also found you acted in bad faith by making misrepresentations about evidence and case law, raising novel arguments on reply and at oral argument, and by violating local rules.

The court concluded – at a minimum – you acted recklessly despite a clear pattern of similarly reckless litigation tactics before other judicial officers, which the court listed to demonstrate a troubling disregard for court rules. The court awarded significant attorney’s fees to each of the defendants against you personally for your misconduct.

VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

The Screening Panel concludes you violated the following rules:

RPC 1.1 (Competence) states that “[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” You failed to demonstrate the legal knowledge, skill, thoroughness, and preparation necessary to represent a client after you (i) failed to dismiss a claim after you knew or should have known that the claim was meritless; and (ii) failed to inform opposing counsel and the court you were abandoning a separate claim until a hearing for competing motions for summary judgment.

RPC 3.1 (Meritorious Claims and Contentions) states that “[a] lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.” You brought or defended a proceeding and/or asserted or controverted an issue therein without a basis in law and fact by (i) pursuing a claim against one defendant after you knew or should have known the claim was meritless; and (ii) failing to notify the court and opposing counsel for another defendant that you were dropping a different claim until appearing at a hearing for competing motions for summary judgment.

RPC 8.4(d) (Misconduct) states that “[i]t is professional misconduct for a lawyer to ...[e]ngage in conduct that is prejudicial to the administration of justice ...” You engaged in conduct prejudicial to the administration of justice by engaging in bad faith and other reckless misconduct by bringing or defending a proceeding and/or asserting or controverting an issue that unreasonably multiplied court proceedings.

APPLICATION OF ABA STANDARDS

Pursuant to Annotated Standards for Imposing Lawyer Sanctions (2019 ed.) (hereinafter “ABA Standard”) 3.0, when imposing a sanction after a finding of lawyer misconduct, the Screening Panel should

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consider the following factors: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating circumstances.

ABA Standard 4.53 (Lack of Competence) states that a Reprimand is generally appropriate when a lawyer (a) demonstrates a failure to understand relevant legal doctrines or procedures and causes injury or potential injury to a client; or (b) is negligent in determining whether he or she is competent to handle a legal matter and causes injury or potential injury to a client.

ABA Standard 6.23 (False Statements, Fraud, and Misrepresentation) states that a Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule and causes injury or potential injury to a client or other party or causes interference or potential interference with a legal proceeding.

Rule 102.5(1) of the Nevada Supreme Court Rules defines aggravating circumstances as any considerations or factors that may justify an increase in the degree of discipline to be imposed. SCR 102.5(2) defines mitigating circumstances as any considerations or factors that may justify a reduction in the degree of discipline to be imposed.

CONCLUSION

Your absence of a prior disciplinary record, inexperience in the practice of law, and the imposition of other penalties or sanctions are mitigating circumstances and justify a downward deviation from the ABA baseline sanction. You are therefore **ADMONISHED** for violating RPC 1.1 (Competence), RPC 3.1 (Meritorious Claims and Contentions), and RPC 8.4(d) (Misconduct). Please promptly conclude this matter by remitting the cost of \$750 within thirty (30) days of the issuance of this Admonition. SCR 120(3).

Please allow this Admonition to serve as a thoughtful reminder of your professional ethical obligations. We wish you well in your practice and trust that no similar problems will arise in the future.

Case No.: SBN23-01047
Filed: October 3, 2024

ADMONITION

To [Attorney]:

A Screening Panel of the Southern Nevada Disciplinary Board reviewed the above-referenced grievance and voted to issue you an **ADMONITION** for violating rules 1.1, 1.3, 1.4(a), 1.4(b), 1.16(a)(2), 3.2(a), 3.4(c), and 8.4(d) of the Nevada Rules of Professional Conduct ("RPC").

The Nevada Supreme Court ordered you to file a docketing statement and transcript request form. The Court advised you that failure to file these documents could result in sanctions, but you did not file the requisite

documents. The Court then issued an order conditionally imposing sanctions and ordered you to pay a \$250 fine and file the requisite appellate documents. The Court advised you that failure to comply with the order would result in a referral to the State Bar, but you did not file all requisite documents again. The Court therefore removed you as attorney of record and referred you to the State Bar.

Before the Court removed you as attorney of record, opposing counsel offered to stipulate and remand the appeal back to district court for an evidentiary hearing. You notified opposing counsel that your client wished to proceed with the appeal instead. After the Court removed you as attorney of record, opposing counsel made the same offer to the client's new attorney. The client accepted the offer and stated that the new lawyer better explained how the offer achieved his objectives.

During the State Bar's investigation, you voluntarily surrendered medical records to the State Bar that demonstrated a physical condition that would have likely impaired your ability to represent your client around or about this time. You also admitted to the State Bar you had not communicated with your client throughout the time about your condition or the status of his appeal. You were clearly unfamiliar with the Court's online filing system and admitted to the State Bar that you had "zero appellate experience outside of moot court in law school."

VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

The Screening Panel concludes that you violated the following rules:

RPC 1.1 (Competence) states that "[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." You violated RPC 1.1 after you failed to demonstrate the legal knowledge, skill, thoroughness, and preparation reasonably necessary to handle an appeal by failing to adhere to the Nevada Rules of Appellate Procedure and understand the Court's online filing system.

RPC 1.3 (Diligence) states that "[a] lawyer shall act with reasonable diligence and promptness in representing a client." You violated RPC 1.3 after you repeatedly failed to file appellate documents with the Court despite warnings by the Court of the deficiency.

RPC 1.4(a) (Communication) states that "[a] lawyer shall ... keep the client reasonably informed about the status of the matter" You violated RPC 1.4(a) after you failed to keep your client reasonably informed about the status of his appeal.

RPC 1.4(b) (Communication) states that "[a] lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." You violated RPC 1.4(b) after you failed to explain opposing counsel's offer to remand your client's appeal back to district court to the extent reasonably necessary for him to make an informed decision.

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RPC 1.16(a)(2) (Declining or Terminating Representation) states that “a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if ... [t]he lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client ... “ You violated RPC 1.16(a)(2) after you suffered a physical condition that materially impaired your ability to represent your client around the time of this misconduct and did not withdraw from representation.

RPC 3.2(a) (Expediting Litigation) states that “[a] lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.” You violated RPC 3.2(a) after you failed to follow the Nevada Rules of Appellate Procedure and file the requisite appellate documents with the Court.

RPC 3.4(c) (Fairness to Opposing Party and Counsel) states that “[a] lawyer shall not ... [k]nowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists ... “You violated RPC 3.4(c) after you failed to follow Court orders to file the requisite appellate documents consistent with the Nevada Rules of Appellate Procedure.

RPC 8.4(d) (Misconduct) states that “[i]t is professional misconduct for a lawyer to ... [e]ngage in conduct that is prejudicial to the administration of justice ... “ You violated RPC 8.4(d) after you repeatedly failed to respond to or comply with the Court’s orders regarding the deficient appellate documents, thus failing to expedite litigation consistent with the interests of your client.

APPLICATION OF ABA STANDARDS

Pursuant to Annotated Standards for Imposing Lawyer Sanctions (2019 ed.) (hereinafter “ABA Standard”) 3.0, when imposing a sanction after a finding of lawyer misconduct, the Screening Panel should consider the following factors: (1) the duty violated; (2) the lawyer’s mental state; (3) the actual or potential injury caused by the lawyer’s misconduct; and (4) the existence of aggravating or mitigating circumstances.

ABA Standard 4.43 (Lack of Diligence) states that a Reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client and causes injury or potential injury to a client.

ABA Standard 4.53 (Lack of Competence) states that a Reprimand is generally appropriate when a lawyer (a) demonstrates a failure to understand relevant legal doctrines or procedures and causes injury or potential injury to a client; or (b) is negligent in determining whether he or she is competent to handle a legal matter and causes injury or potential injury to a client.

ABA Standard 6.23 (False Statements, Fraud, and Misrepresentation) states that a Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule and causes injury or potential

injury to a client or other party or causes interference or potential interference with a legal proceeding.

ABA Standard 7.3 (Violations of Duties Owed as a Professional) states that a Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public or the legal system.

Rule 102.5(1) of the Nevada Supreme Court Rules defines aggravating circumstances as any considerations or factors that may justify an increase in the degree of discipline to be imposed. SCR 102.5(2) defines mitigating circumstances as any considerations or factors that may justify a reduction in the degree of discipline to be imposed.

CONCLUSION

Your misconduct, mental state, and the degree of injury suggest that a Reprimand is appropriate. However, based upon your absence of a prior disciplinary record, personal or emotional problems, inexperience in the practice of law, and physical disability, a reduction in the degree of discipline to be imposed is justified. You are therefore **ADMONISHED** for violating RPC 1.1 (Competence), RPC 1.3 (Diligence), RPC 1.4(a) (Communication), RPC 1.4(b) (Communication), RPC 1.16(a)(2) (Declining or Terminating Representation), RPC 3.2(a) (Expediting Litigation), RPC 3.4(c) (Fairness to Opposing Party and Counsel), and RPC 8.4(d) (Misconduct).

Within thirty (30) days of the issuance of this Admonition, you are hereby ordered to pay the \$250 fine previously ordered by the Nevada Supreme Court to the Supreme Court Law Library and submit proof to the Office of Bar Counsel. If you have already complied with the Court’s prior order, you must submit proof of compliance within this same period of time. This condition is intended to create protection of the public and increase confidence in the integrity of the profession. SCR 102(2). Please conclude this matter by then remitting the cost of \$750 within thirty (30) days of the issuance of this Admonition. SCR 120(3).

Please allow this Admonition to serve as a thoughtful reminder of your professional ethical obligations. We wish you well in your practice and trust that no similar problems will arise in the future.

ENDNOTE:

1. SCR 114(4) requires us to evaluate reciprocal discipline “on the face of the record upon which the discipline is predicated,” and that rule does not provide an option to refer the matter to the State Bar’s Disciplinary Board for a hearing and findings on aggravating and mitigating evidence. See *In re Discipline of Peirce*, 122 Nev. 77, 80-81, 128 P.3d 443, 445 (2006).

Harnessing Generative AI Ethically: Four Practical Tips for Attorneys

Generative Artificial Intelligence (GAI) tools are transforming the legal profession, offering innovative ways to enhance efficiency and improve outcomes for clients. However, the use of these technologies comes with ethical responsibilities. Attorneys must navigate issues of client confidentiality, technological competence, accuracy, and communication to use GAI effectively without compromising their professional obligations.

Here are four actionable tips to help attorneys integrate GAI ethically and responsibly into their practice.

1. Safeguard Client Confidentiality

Client confidentiality is a cornerstone of legal ethics. RPC 1.6 obligates attorneys to protect all information related to the representation of a client. When using GAI tools, this means thoroughly vetting the platform for security risks and understanding how inputted data is processed and stored.

Practical Steps:

- **Read the Fine Print:** Examine the GAI tool's terms of use and privacy policy. Determine if the platform retains, shares, or repurposes inputted data.
- **Opt for Secure Platforms:** Use AI tools designed specifically for legal professionals that guarantee client data security and compliance with confidentiality standards.
- **Get Informed Consent:** If inputting client information into a GAI tool, disclose the risks and benefits to your client and obtain their informed consent.
- **Keep It Anonymous:** Whenever possible, anonymize client information before using it with AI tools to minimize risks.

2. Master Technological Competence

Competence in legal technology is no longer optional. RPC 1.1 requires attorneys to understand the risks and benefits associated with the tools they use. Familiarity with GAI capabilities and limitations ensures ethical and effective usage.

Practical Steps:

- **Invest in Training:** Attend continuing legal education (CLE) sessions focused on AI in legal practice. Consider consulting IT professionals or AI experts to deepen your understanding.
- **Test Before You Trust:** Use a small subset of non-confidential data to evaluate the tool's performance and accuracy before applying it in active matters.
- **Stay Updated:** Regularly review advancements in GAI technology to stay ahead of potential ethical and practical challenges.
- **Rely on Experts:** Collaborate with tech-savvy colleagues or third-party professionals when integrating complex AI tools into your workflow.

3. Avoid AI Hallucinations

"Hallucinations" occur when GAI tools generate outputs that seem plausible but lack factual or legal basis. Left unchecked, these errors can lead to misleading advice or filings, violating the duty of competence (RPC 1.1) and candor (RPC 3.3).

Practical Steps:

- **Verify Everything:** Treat GAI outputs as drafts, not definitive answers. Independently verify all generated content before sharing it with clients, courts, or opposing parties.
- **Use Reliable Data Sets:** Opt for tools trained on vetted and up-to-date legal databases. Tools designed specifically for the legal industry are less likely to produce unreliable outputs.
- **Develop a System:** Implement a standardized process for reviewing and validating AI-generated content, ensuring no critical detail is overlooked.
- **Learn from Mistakes:** Document instances of hallucinations and adjust your approach to minimize similar risks in the future.

4. Communicate with Your Client

Transparency about your use of GAI tools builds trust and ensures compliance with RPC 1.4, which governs attorney-client communication. Clients have the right to know if AI is part of the process, especially when it impacts fees or the strategy used in their case.

Practical Steps:

- **Be Proactive:** Explain how you intend to use GAI tools in the engagement letter, emphasizing how these tools improve efficiency and outcomes.
- **Tailor the Discussion:** If the client's case involves sensitive data, provide a detailed explanation of how AI will be used and what safeguards are in place.
- **Respond to Questions:** Be prepared to answer client inquiries about the role of AI in their case, ensuring they understand the benefits and risks.
- **Provide Updates:** Keep clients informed about significant developments, especially if the use of GAI tools affects the cost or timeline of their matter.

Generative AI offers enormous potential to enhance legal practice, but its use requires a careful balance of innovation and ethics. By safeguarding confidentiality, mastering the technology, avoiding hallucinations, and communicating effectively with clients, attorneys can harness the power of GAI ethically.

Integrating GAI responsibly is more than just a technological challenge—it's an opportunity to lead the legal profession into the future with integrity and competence.