

# Bar Counsel Report

**In Re: STEVEN T. LOIZZI**  
**Bar No.: 10920**  
**Case No.: 82622**  
**Filed: 05/06/2021**

## ORDER OF SUSPENSION

*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 Steven T. Loizzi. Under the agreement, Loizzi admitted to violating RPC 1.15 (safekeeping property) and RPC 5.1 (responsibilities of partners, managers, and supervisory lawyers) and agreed to a 135-day suspension.<sup>1</sup>*

As part of his guilty plea agreement, Loizzi admitted to the facts and violations and agreed that he knew or should have known that his conduct violated the rules of professional conduct. The record therefore establishes that Loizzi, as the resident attorney for a multijurisdictional practice, violated RPC 5.1 by failing to supervise an attorney not licensed to practice law in Nevada in safekeeping funds that should have been held in trust and by failing to take remedial action or recognize and act at a time when the consequences of the misconduct could have been avoided or mitigated. Loizzi violated RPC 1.15 by allowing the trust account for another firm in which he is a partner to be overdrawn by roughly \$4,000.

The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. See *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (stating 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).

Based on the duties Loizzi violated, and because his clients or third-party claimants and the legal profession were harmed or potentially harmed by his misconduct, the baseline sanction before considering aggravating and mitigating circumstances is suspension. See *Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.12 (Am. Bar Ass'n 2017) (providing that suspension is appropriate when "a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client"); Standard 7.2 ("Suspension 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."). The record supports the panel's findings of one aggravating circumstance (prior disciplinary offenses) and five mitigating circumstances (absence of dishonest or selfish motive, personal or emotional problems, full and free disclosure to disciplinary authority/cooperative attitude, imposition of other penalties and sanctions, and remorse). Under the Lerner factors, we conclude that the recommended discipline is appropriate and serves the purpose of attorney discipline.

Accordingly, we hereby suspend attorney Steven T. Loizzi from the practice in law in Nevada for 135 days, commencing from the date of this order. Additionally, Loizzi must pay \$2,500 in administrative costs pursuant to SCR 120 and the actual costs of the disciplinary proceeding within 30 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

**In Re: KELLY HUANG**  
**Bar No.: 10372**  
**Case No.: 82463**  
**Filed: 04/16/2021**

## 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 Kelly Huang. Under the agreement, Huang admitted to violating RPC 1.3 (diligence), RPC 1.15 (safekeeping property), RPC 5.3 (responsibilities regarding nonlawyer assistants), and RPC 5.5 (unauthorized practice of law). He agreed to a six-month suspension stayed for one year, subject to certain conditions.*

Huang has admitted to the facts and violations as part of his guilty plea agreement. The record therefore establishes that he violated the above-listed rules by failing to promptly pay his clients' lienholders and by having a nonlawyer assistant advise a client and execute the retainer agreement with the client. While Huang did not promptly pay the lienholders, he did hold the funds in trust and there was no misappropriation or misuse of those funds.

The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. See *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (explaining 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).

Huang admitted to negligently violating duties owed to his clients (diligence and safekeeping property) and to the profession (unauthorized practice of law). His clients were exposed to potential injury when their lienholders were not promptly paid. Additionally, some of his clients suffered needless worry, frustration, and anxiety. The baseline sanction for such misconduct, before considering aggravating or mitigating circumstances, is suspension. *Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.42(b) (Am. Bar Ass’n 2017) (providing that suspension is appropriate when “a lawyer engages in a pattern of neglect and causes injury or potential injury to a client”). The record supports the panel’s findings of four aggravating circumstances (prior disciplinary offenses, pattern of misconduct, multiple offenses, and substantial experience in the practice of law) and seven mitigating circumstances (absence of dishonest or selfish motive, personal or emotional problems, timely good faith effort to make restitution or rectify consequences of his misconduct, character or reputation, physical disability, remorse, and remoteness of prior offenses). Considering all four factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, we hereby suspend Kelly Huang from the practice of law for six months from the date of this order, stayed for one year subject to the following conditions. Huang shall submit quarterly reports to the State Bar during the stayed suspension as described in the panel’s order and obtain a mental health evaluation from a licensed mental health provider and complete the recommended treatment. If bar counsel determines Huang has breached a term of the conditional guilty plea agreement, the parties shall follow the procedure outlined in the panel’s order. Huang shall also pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order, if he has not done so already. The State Bar shall comply with SCR 121.1.

It is so ORDERED.

**In Re: HAROLD P. GEWERTER**  
**Bar No.: 499**  
**Case No.: 81540 + 81817**  
**Filed: 04/23/2021**

## ORDER OF SUSPENSION

*These are automatic reviews of Southern Nevada Disciplinary Board hearing panels’ recommendations that attorney Harold P. Gewerter be suspended in Docket No. 81540 for one year based on violations of RPC 1.15 (safekeeping property), RPC 8.1 (disciplinary matters),*

*and SCR 78(1)(b) (maintenance of trust funds) and disbarred in Docket No. 81817 based on violations of RPC 1.2 (scope of representation), RPC 1.5 (fees), RPC 1.9 (duties to former clients), RPC 1.15 (safekeeping property), and RPC 1.16(d) (declining or terminating representation: refunding unearned fees).<sup>2</sup> In Docket No. 81817, Gewerter’s counsel withdrew before briefing and advised the court that Gewerter intends to resign from the State Bar rather than litigate the matter given the adverse medical diagnoses he recently received. Thus, that matter stands submitted for decision based on the record. SCR 105(3)(b). In Docket No. 81540, Gewerter’s amended opening brief and notice of appearance of new counsel are overdue.<sup>3</sup> Thus, we submit that matter for decision based on the record as well. SCR 105(3)(b).*

The State Bar has the burden of showing by clear and convincing evidence that Gewerter committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). This court determines the appropriate discipline de novo. SCR 105(3)(b). In doing so, 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).

## Docket No. 81540

We defer to the panel’s findings that Gewerter violated the above listed rules in Docket No. 81540 as those findings are supported by substantial evidence and are not clearly erroneous. See SCR 105(3)(b); *Sowers v. Forest Hills Subdivision*, 129 Nev. 99, 105, 294 P.3d 427, 432 (2013). The record demonstrates that Gewerter accepted \$750,000 from his client to be held in trust, continued to bill the client separately from the \$750,000 but also withdrew the \$750,000 as attorney fees without any accounting of how the funds were distributed, and failed to provide the State Bar with records it requested.

Gewerter violated duties owed to his client (safekeeping property) and the profession (disciplinary matters). The record supports the panel’s finding that Gewerter acted knowingly and that his client and the profession suffered at least potential injury.<sup>4</sup> The baseline sanction for Gewerter’s conduct, before consideration of aggravating and mitigating circumstances, is suspension. See *Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.12 (Am. Bar Ass’n 2017) (“Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client.”). The record supports the four aggravating circumstances found by the panel (prior discipline; submission of false evidence, false statements, or other deceptive practices

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during the disciplinary hearing; refusal to acknowledge the wrongful nature of his conduct; and substantial experience in the practice of law). The record, however, does not support the two mitigating circumstances found by the panel, as no evidence was admitted as to Gewerter's character and reputation and at least one of Gewerter's prior offenses is not remote. Considering all of the factors, we conclude that the recommended discipline of a one-year suspension is appropriate.

## Docket No. 81817

We defer to the panel's findings that Gewerter violated the above listed rules in Docket No. 81817 as those findings are supported by substantial evidence and are not clearly erroneous. See SCR 105(3)(b); *Sowers*, 129 Nev. at 105, 294 P.3d at 432. When a client met with Gewerter to discuss an estate, he did not adequately define his scope of representation for the client. He charged the client a flat fee of \$10,000 and encouraged the client to pay the fee by charging the \$10,000 to the decedent's credit card, despite knowing any payment from the estate would have to be first approved by the court. Once the client terminated Gewerter's representation, he released confidential communications he had with the client. Lastly, he commingled and/or misappropriated the \$10,000 and failed to refund his unearned fees.

Gewerter violated duties owed to his client (scope of representation, fees, preserving client confidences, safekeeping property, and refunding unearned fees). The record supports the panel's findings that Gewerter acted negligently in violating RPC 1.2 and RPC 1.16 and knowingly in violating RPC 1.5, RPC 1.9, and RPC 1.15. Gewerter's client and the decedent's estate were injured or exposed to potential injury. Gewerter released the client's confidential communications, which could adversely affect her in the probate matter. Further, the decedent's estate has been deprived of the \$10,000. The baseline sanction for Gewerter's conduct, before consideration of aggravating and mitigating circumstances, is disbarment. See Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.11 (Am. Bar Ass'n 2017) ("Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client."); *id.* at Standard 8.1(b) (providing that disbarment is appropriate when a lawyer "has been suspended for the same or similar misconduct, and intentionally or knowingly engages in further similar acts of misconduct that cause injury or potential injury to a client"). The record supports the four aggravating circumstances found by the panel (substantial experience in the practice of law, prior discipline, multiple offenses, and refusal to acknowledge the wrongful nature of his conduct).

Considering all four factors and this court's previously imposed discipline for similar misconduct, we conclude a downward deviation from the recommended discipline of disbarment is warranted. While Gewerter has yet to return the \$10,000, he has indicated a willingness to do so. Further, nothing in the record indicates the estate has suffered actual injury by the delay in the \$10,000 refund. Thus, we conclude that a four year suspension will serve the purpose of attorney discipline. See *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (explaining the purpose of attorney discipline).

Accordingly, commencing from the date of this order, we hereby impose a one-year suspension on attorney Harold P. Gewerter's practice of law in Nevada based on the misconduct in Docket No. 81540, and a four-year concurrent suspension on his practice of law based on the misconduct in Docket No. 81817.<sup>5</sup> Additionally, Gewerter shall pay the costs of both disciplinary proceedings, including \$2,500 for each as mandated by SCR 120(3), within 30 days from the date of this order. The State Bar shall comply with SCR 121.1.

It is so ORDERED.

## SILVER, J., with whom HERNDON, J., agrees, dissenting:

I respectfully dissent. Based on the violations, disbarment is the appropriate discipline for Gewerter's misconduct. See Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.11 (Am. Bar Ass'n 2017) ("Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.").

**In Re: LAURENCE MARC BERLIN**

**Bar No.: 3227**

**Case No.: 82305**

**Dated: 04/16/2021**

## ORDER IMPOSING RECIPROCAL DISCIPLINE AND SUSPENDING ATTORNEY

*This is a petition under SCR 114 to reciprocally discipline attorney Laurence Marc Berlin based on his six-month suspension from the practice of law in Arizona for violating RPC 1.4 (communication), RPC 1.15 (safekeeping property), RPC 3.2 (expediting litigation), and RPC 8.4(c) (misconduct prejudicial to the administration of justice).*<sup>6</sup>

Pursuant to a discipline-by-consent agreement, Berlin admitted to knowingly violating those rules by failing to diligently litigate a civil action and communicate with a client about the status of the case; failing to promptly disburse settlement funds to the client and her lienholders

and safekeep funds in a trust account; comingling client and operating funds and using one client's funds to pay another client; failing to account for the disbursement of a client's settlement; and failing to respond to the Arizona State Bar's requests for information. Berlin has not responded to the SCR 114 petition.

Under SCR 114(4), this court must impose identical reciprocal discipline unless the attorney demonstrates or this court determines that (1) the other jurisdiction failed to provide adequate notice, (2) the other jurisdiction imposed discipline despite a lack of proof of misconduct, (3) the established misconduct warrants substantially different discipline in this jurisdiction, or (d) [sic] the established misconduct does not constitute misconduct under Nevada's professional conduct rules. None of those exceptions apply here, and "[i]n all other respects, a final adjudication in another jurisdiction that an attorney has engaged in misconduct conclusively establishes the misconduct for the purposes of a disciplinary proceeding in this state." SCR 114(5). Accordingly, we grant the petition for reciprocal discipline and hereby suspend Laurence Marc Berlin from the practice of law in Nevada for six months commencing from the date of this order and subject to the same conditions set forth in the Arizona order.<sup>7</sup>

It is so ORDERED.

**In Re: J. MARK SHOCKLEY**  
**Bar No.: 7514**  
**Case No.: OBC19-1173**  
**Dated: 04/21/2021**

## **PUBLIC REPRIMAND**

To J. Mark Shockley:

A Disciplinary Panel of the Southern Nevada Disciplinary Board unanimously approved a conditional guilty plea agreement wherein you agreed to accept a Public Reprimand for violations of Rules of Professional Conduct (RPC) set forth below regarding your handling of a traffic case.

## **GRIEVANCE**

During the time of your conduct set forth below, 702-Traffic was owned by non-lawyer Kirk Helmick. You are the lawyer who shares office space with and handles the traffic tickets for 702-Traffic.

On July 3, 2019, Mario Verdejo-Torrecilla received a ticket for failing to yield from a stop sign. Verdejo-Torrecilla was required to appear in court on August 21, 2019.

On or about July 16, 2019, Verdejo-Torrecilla, went to 702-Traffic to inquire about traffic ticket services. Kirk Helmick quoted \$199 to handle the ticket for him. Verdejo-Torrecilla informed 702-Traffic that he wanted

to shop around. Subsequently, Kirk Helmick spoke to Verdejo-Torrecilla and said that he would reduce their fee to \$100 to handle the traffic ticket. You never spoke to Verdejo-Torrecilla.

On July 17, 2019, Verdejo-Torrecilla paid the \$100 retainer to 702-Traffic. 702-Traffic staff informed him they would go to court for him, and he should receive something in the mail by December 15, 2019.

On September 10, 2019, Las Vegas Justice Court sent Verdejo-Torrecilla a notice advising him that he had failed to pay his balance or failed to appear on his scheduled court date.

On September 11, 2019, Verdejo-Torrecilla called your office, 702-Traffic, for a case status update. Verdejo-Torrecilla stated that the receptionist could not find his file or his proof of payment of the \$100 retainer. He further stated that the receptionist told him they would contact the court and call him back. Verdejo-Torrecilla did not receive a call back from your office. Verdejo-Torrecilla paid the Justice Court fines himself later that day.

The next day, Verdejo-Torrecilla went to your office, 702-Traffic, and demanded a refund. Verdejo-Torrecilla spoke telephonically with Helmick who refused to issue a refund. Verdejo-Torrecilla stated that he was subsequently contacted by you. He stated that you explained to him that you were on vacation and you tried to explain why you had missed his court appearance date.

In this case, you did not do the client intake at 702-Traffic for the Verdejo-Torrecilla matter. Instead, you allowed non-lawyer assistants at 702-Traffic complete the intake for Verdejo-Torrecilla. You allowed non-lawyer assistants to complete the retainer agreement, which is stamped with your signature. You also allowed non-lawyer assistants at 702-Traffic to complete all communication with the client. You failed [sic] conduct an attorney consultation and maintain a personal relationship with your client. Lastly, you shared your legal fee on the traffic matter with non-lawyer owner of 702-Traffic, Kirk Helmick.

## **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 1.1 (Competence) – for failing to calendar and attend the court hearing for your client.

RPC 1.3 (Diligence) – for failing to resolve your client's matter before or on the required court date.

RPC 1.4 (Communication) – for failing to comply with Verdejo-Torrecilla's request for information about the status of his case.

RPC 1.5 (Fees) – for collecting a fee for services that you failed to complete.

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RPC 5.4 (Professional Independence of a Lawyer) – for sharing legal fees with a non-lawyer.

RPC 5.5 (Unauthorized Practice of Law) – for allowing non-lawyer owner and staff to meet the clients during the initial intake/consultation and stamp your name to the intake form/retainer agreement, as well as, allowing a non-lawyer to negotiate your retainer fee. You improperly permitted 702-Traffic to decide if the representation should be accepted. You had no direct relationship with Verdejo-Torrecilla. You knew 702-Traffic's office policies and procedures were improper, therefore, you ratified said conduct.

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 to understand the legal concepts and demonstrate skill, thoroughness, and preparation in any area of law in which you agree to represent a client. You also have a duty to act with reasonable diligence and promptness when representing a client and to keep your client informed about his case. The evidence shows that you failed to attend the court date on behalf of your client which resulted in your client paying his own court fine so that his case would not go to warrant. You also failed to provide your client with a cases [sic] status report after he tried to contact you to find out what was going on with his case.

You also have a duty to collect a reasonable fee, to not share legal fees with non-lawyers, and to not assist in the unauthorized practice of law. The evidence shows that you shared your retainer in this case with a non-lawyer and then failed to complete the work that was agreed upon. Your failure to perform the work made the fee unreasonable. Finally, you allowed the non-lawyers at 702-Traffic to engage in the unauthorized practice of law by negotiating your retainer fee and deciding if the representation should be accepted. Your conduct has injured your client and the legal profession.

Thus, weighing the rules violated, your mental state, the potential or actual injury caused, two ABA Standards are applicable. They are: (1) ABA Standard 4.43, which states that “Reprimand is the appropriate baseline sanction when Respondent is negligent and fails to act with reasonable diligence on representing or communicating with his client,” and (2) ABA Standard 7.3, which states that “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 profession.”

Based upon the above factors, the Panel finds that a Public Reprimand is appropriate.

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

## RESIGNATIONS (VOLUNTARY, NO DISCIPLINE PENDING)

S.C.R. 98(5)(a) states:

*Any member of the state bar who is not actively engaged in the practice of law in this state, upon written application on a form approved by the state bar, may resign from membership in the state bar if the member: (1) has no discipline, fee dispute arbitration, or clients' security fund matters pending and (2) is current on all membership fee payments and other financial commitments relating to the member's practice of law in Nevada. Such resignation shall become effective when filed with the state bar, accepted by the board of governors, and approved by the supreme court.*

The following members resigned pursuant to this Rule:

NAME	BAR NO.	ORDER NO.	FILE DATE
Gary T. Ashman	7981	82513	02/26/2021
Dean R. Cox	6941	82512	02/26/2021
Patricia J. Curtis	3191	82518	02/26/2021
Gregory V. Etter	3662	82519	02/26/2021
David B. Faerberg	7329	82520	02/26/2021
Russell W. Gaidzik	6980	82522	02/26/2021
Scott D. Gordon	2834	82523	02/26/2021
David Andrew Krausz	10912	82527	02/26/2021
Richard Mcknight	1313	82529	02/26/2021
Kimberly K. Miller	11483	82531	02/26/2021
Valerie L. Green	10358	82535	02/26/2021
Ashley H. Joyce	12233	82536	02/26/2021
Thomas J. Ray	2123	82541	03/02/2021
Bradley J. Nicholson	6757	82543	03/02/2021
Robert E. Owens	1411	82544	03/02/2021
Donald L. Soderberg	3607	82545	03/02/2021
Dawn B. Stewart	7046	82546	03/02/2021
Donald A. Thorpe	12	82547	03/02/2021
Michael Vukcevich	4077	82549	03/02/2021

**ENDNOTES:**

1. The agreement called for a suspension between 90 and 180 days, which the panel accepted, recommending a 135-day suspension.
2. Gewerter is currently suspended. *In re Discipline of Gewerter*, Docket No. 80198 (Order of Suspension, Oct. 26, 2020).
3. Gewerter's original opening brief was struck. *In re Discipline of Gewerter*, Docket No. 81540 (Order, Nov. 12, 2020).
4. The panel concluded that Gewerter's misconduct resulted in little or no injury, likely because in a separate civil action brought by the client, the district court found that despite the absence of an agreement providing that the \$750,000 was for attorney fees, Gewerter performed legal work for the client for which he was not paid and the client owed Gewerter at least \$750,000 for that work.
5. The panel recommended that the suspension in Docket No. 81540 "run concurrent to any other suspension previously imposed" without specifying whether the commencement date should be retroactive to the date of suspension in Docket No. 80198. We conclude that it should not, and thus the concurrent suspensions imposed in the two dockets addressed in this order shall commence from the date of this order.
6. His suspension was also based on violations of Arizona specific rules 43(b) (trust account) and 54(d)(2) (failure to furnish information), which in Nevada are covered under RPCs 1.15 and 8.1.
7. Berlin's six-month suspension in Arizona requires that he complete a half-day Trust Account Ethics Program, submit to a Law Office Management Assistance Program examination of his office procedures and comply with any reporting requirements, and complete a two-year probation upon reinstatement, during which he must not violate any professional conduct rules.

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# TIP

## FROM THE BAR COUNSEL

### Contact Information a Simple, Yet Vital Concept

Supreme Court Rule 79 tells us: “(1) Every member of the state bar, including both active and inactive members regardless of residency in Nevada, as well as attorneys certified to practice under SCR 49.1, shall provide to the state bar, for the purposes of state bar communication, the following: (a) A permanent mailing address; (b) A permanent telephone number; and (c) A current e-mail address.” Communication is so important that subsection (3) directs us: “Every member of the state bar and attorneys certified to practice under SCR 49.1 [Limited Practice Certifications] shall inform the state bar of any change in any of the information disclosed under this rule within 30 days after any such change. The member or certified attorney shall report a change of address, telephone number or e-mail address online.”

The SCR 79 rule is specifically tooled to facilitate communication between the state bar, the operational modality for our self-regulating profession, and the practitioner. However, everyone benefits from SCR 79. Communication connects us to the public, the courts, and to colleagues. Contact information is a simple, yet vital concept. Unfortunately, experience has shown that attorneys do neglect to update their contact information or respond.

From 2016-20, the Office of Bar Counsel received an average of 1,500 attorney grievances a year. Most grievances lacked merit. But many contained serious allegations that required investigation and input from all sides. Historically and inexplicably, respondents do not acknowledge state bar grievance inquiries in about 42 cases per year. Default is the only option for nonresponse. SCR 105(2); DRP 14(c). This generally leads to suspension or disbarment because without information from the attorney there is little other way to thoughtfully “... afford protection to the public, the courts and the legal profession.” *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213 (1988). Many practitioners frequently share their views to the state bar both directly and through the state bar governors

you elect. However, the state bar also needs to be able to communicate with you.

Trust is at the root of every meaningful business relationship. Good communication waters and nurtures that root of trust. In the attorney-client context, the Nevada Supreme Court said: “It cannot be overemphasized that communication with a client is, in many respects, at the center of all services. The failure to communicate creates the impression of a ‘neglectful’ attorney and leads to client discontent, even if the case is competently and expeditiously handled. This, in turn, brings disrepute upon the attorney and the legal profession as a whole.” *State Bar v. Schreiber*, 98 Nev. 464 (1982). This we know.

We have the privilege and responsibility of operating in a self-regulating profession. Communication is equally essential in this regulatory construct. The state bar often must intervene when an attorney’s conduct in a professional capacity results in too much friction with their clients and the courts. Respondent attorneys often dispel the accusations or mitigate the circumstances. We owe it to ourselves to keep the lines of communication open. Our Supreme Court has ruled, “failure to cooperate in the disciplinary investigation ‘violated one of [her] most fundamental duties as a professional,’ [citation omitted] and threatens the self-regulating disciplinary system that is crucial to the legal profession.” *In re Itts*, 2017 Nev. Unpub. LEXIS 371. *State Bar v. Watkins*, 98 Nev. 599, 601 (1982).

Our court’s observation reminds us of a painful truth. The impact of those far-frayed relationships extend beyond us and our clients. The public often paints us, whether the best or worst, with the same very broad brush.

Steven Colbert bleakly commented: “It used to be, everyone was entitled to their own opinion, but not their own facts. But that’s not the case anymore. Facts matter not at all. Perception is everything.”

When the state bar and its practitioners communicate well, we help bridge the perception gap with the public we serve. We, as licensed professionals, can correct misperceptions with frequent and clear communication. How about a new practice axiom? Can we talk?

