Bar Counsel Report

In Re: CHRISTOPHER G. BECKOM
California Bar No.: 306557
Case No.: 81222
Filed: 09/11/2020

ORDER OF INJUNCTION

This is an automatic review of the Southern Nevada Disciplinary Board hearing panel's recommendation that this court permanently enjoin California attorney Christopher G. Beckom from the practice of law in the State of Nevada.

The record reflects that Beckom, a California attorney who is not licensed to practice law in Nevada, filed an application to register his California law firm as a multijurisdictional law firm in Nevada pursuant to RPC 7.5A. The State Bar rejected the first application but accepted Beckom's second application and registered his firm. Thereafter, the resident Nevada attorney for Beckom's law firm withdrew from the firm, telling the State Bar that Beckom had forged the resident attorney's signature on the second application. After being questioned by the State Bar, Beckom stated he would provide information about a new resident Nevada attorney. Beckom neither provided information regarding a new resident Nevada attorney nor communicated with the State Bar thereafter.

Because Beckom failed to respond to the disciplinary complaint or appear at the formal hearing, the allegations in the complaint are deemed admitted.[1] SCR 105(2). Thus, Beckom has violated RPC 7.5A (registration of multijurisdictional law firms) and RPC 8.4(c) (misconduct: engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation). When imposing discipline on an attorney who is not licensed in this state, penalties must be tailored accordingly. *In re Discipline of Droz,* 123 Nev. 163, 168, 160 P.3d 881, 885 (2007). Such penalties may include public reprimand; a temporary or permanent prohibition on future admission, including pro hac vice admission; injunctive relief; contempt sanctions; fines; and payment of disciplinary proceeding costs. Id.

We conclude that the panel's recommended discipline in this matter is appropriate considering the underlying misconduct and the aggravating factors identified by the panel:[2] bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders, refusal to acknowledge the wrongful nature of the conduct, and illegal conduct. See SCR 102.5(1); SCR 105(3)(b) (explaining that this court's automatic review of a disciplinary panel's recommendations is de novo, while its review of the panel's findings of facts is deferential).

Accordingly, Christopher G. Beckom is hereby permanently enjoined from the practice of law in Nevada. Further, pursuant to SCR 120, he is required to pay the actual costs of the disciplinary proceedings, totaling $421.94, as stated in the State Bar's memorandum of costs, and $3,000 for administrative costs, within 30 days from the date of this order.

It is so ORDERED.

In Re: MARK T. GALLAGHER
California Bar No.: 180514
Case No.: 81079
Filed: 09/11/2020

ORDER OF INJUNCTION

This is an automatic review of the Southern Nevada Disciplinary Board hearing panel's recommendation that this court permanently enjoin California attorney Mark T. Gallagher from the practice of law in Nevada based on violations of RPC 1.2 (scope of representation), RPC 1.15 (safekeeping property), RPC 5.5 (unauthorized practice of law), RPC 8.1 (disciplinary matters), and RPC 8.4(c) (misconduct involving dishonesty, fraud, deceit, or misrepresentation).

Because Gallagher failed to respond to the disciplinary complaint or appear at the formal hearing, the allegations in the complaint are deemed admitted. SCR 105(2). The record therefore establishes that Gallagher violated the above-referenced rules by practicing law in Nevada without a Nevada license or pro hac vice admission, fraudulently settling a wrongful death action without his clients' consent by forging their signatures, misappropriating the settlement funds, misleading the clients into believing a larger settlement was imminent over a two-year period, and failing to respond to the State Bar's formal complaint.[3]

For an attorney not licensed in this state, penalties must be tailored accordingly. *In re Discipline of Droz,* 123 Nev. 163, 1.68, 160 P.3d 881, 885 (2007). Such penalties may include a temporary or permanent prohibition on future admission, including pro hac vice admission; injunctive relief; contempt sanctions; fines; and payment of disciplinary proceeding costs. Id. Based on our review of the record, we conclude that the panel's recommended discipline of a permanent injunction and payment of the disciplinary proceeding costs is appropriate. SCR 99(1); SCR 105(3)(b); *In re Discipline of Lerner,* 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008) (recognizing four factors in determining appropriate discipline: "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"); Droz, 123 Nev. at 168, 160 P.3d at 885.

Based on the duties Gallagher violated, his intentional mental state, and the injury he caused to his clients and the profession, the baseline sanction for an attorney licensed in this state would be disbarment. Standards for Imposing

Lawyer Sanctions, *Compendium of Professional Responsibility* Rules and Standards, Standard 4.11 (Am. Bar Ass'n 2018) (providing that disbarment is generally appropriate when a lawyer injures a client by knowingly converting client property); *Id.* Standard 4.61 (calling for disbarment "when a lawyer knowingly deceives a client with the intent to benefit the lawyer … and causes serious injury or potential serious injury to a client"). Since Gallagher is not licensed in Nevada, a permanent injunction on his practice of law in this state is equivalent discipline. The eight aggravating circumstances identified by the panel (prior disciplinary offenses, dishonest or selfish motive, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders, refusal to acknowledge the wrongful nature of the conduct, vulnerability of victim, substantial experience in the practice of law, indifference to making restitution, and illegal conduct), as well as the absence of any mitigating circumstances, further support that Gallagher should be permanently enjoined from practicing law in Nevada.

Accordingly, we hereby permanently enjoin Mark T. Gallagher from the practice of law in Nevada. Additionally, pursuant to SCR 120, Gallagher must pay the actual costs of the disciplinary proceedings plus $3,000 in administrative costs within 30 days from the date of this order.

It is so ORDERED.

In Re: STEPHEN M. CARUSO
Bar No.: 6588
Case No.: 80557
Filed: 09/11/2020

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Stephen M. Caruso be suspended for three years based on violations of RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.7 (conflict of interest), RPC 1.15 (safekeeping property), and RPC 5.3 (responsibilities regarding nonlawyer assistants). Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(b).

The State Bar has the burden of showing by clear and convincing evidence that Caruso committed the violations charged. *In re Discipline of Drakulich,* 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). We employ a deferential standard of review with respect to the hearing panel's findings of fact, SCR 105(3)(b), and thus, will not set them aside unless they are clearly erroneous or not supported by substantial evidence, see generally *Sowers v. Forest Hills Subdivision,* 129 Nev. 99, 105, 294 P.3d 427, 432 (2013); Ogawa v. Ogawa, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009).

Having reviewed the record, we conclude that substantial evidence supports the panel's findings that the State Bar established by clear and convincing evidence that Caruso violated the above-referenced rules as follows. First, he allowed his office manager to assume lawyer responsibilities for personal injury matters. Second, he failed to supervise his office manager, who had access to his firm's bank accounts and was in charge of all accounting, including disbursing personal injury settlements. As a result, the office manager transferred client funds to the business account to cover expenses and payroll and embezzled funds for her personal use. This continued for about four years, during which time Caruso failed to take appropriate steps to supervise his trust or business accounts, and thus, failed to discover the office manager's misappropriation and embezzlement of roughly $1.2 million in client funds, which affected more than 80 clients and their lienholders. During this time, Caruso failed to act with diligence to ensure prompt disbursement of settlement funds and failed to maintain communication with clients, instead relying on the office manager, who provided clients with false information about the status of their settlements. Third, Caruso represented both parties in a divorce matter without a written conflict waiver and advised the wife to waive her interest in the husband's pension in exchange for child support without evaluating and discussing with her whether she was entitled to additional child support and spousal support as well as a portion of the pension.

In determining whether the panel's recommended discipline is appropriate, 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). Considering the duties violated, that Caruso acted knowingly, and that his conduct injured his clients, the legal system, and the public; and taking into account the mitigating factors (no prior discipline) and aggravating factors (substantial experience in the practice of law, pattern of misconduct, multiple offenses, refusal to acknowledge wrongful nature of conduct, vulnerability of victim, and indifference to making restitution), we conclude that the recommended three-year suspension is appropriate and sufficient to serve the purpose of attorney discipline. *State Bar of Nev. v. Claiborne,* 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (recognizing that the purpose of attorney discipline is to protect the public, the courts, and the legal profession); see SCR 105(3)(b) (observing that on automatic review of public discipline, this court reviews de novo the hearing panel's conclusions of law and recommended discipline); Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility*, 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").

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Accordingly, commencing from the date of this order, we hereby suspend attorney Stephen M. Caruso from the practice of law in Nevada for three years. During the period of suspension, Caruso must pay restitution in full to his clients and their lienholders, as identified in the State Bar's exhibit 37. Finally, Caruso must pay the costs of the disciplinary proceeding, including $2,500 under SCR 120, 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: KARLA M. GABOUR
Bar No.: 13123
Case No.: 80352
Filed: 09/11/2020

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 Karla M. Gabour. Under the agreement, Gabour admitted to violating RPC 1.3 (diligence), RPC 1.4 (communication), RPC 8.1(b) (disciplinary matters), and RPC 8.4 (misconduct). She agreed to a suspension for a period of six months and one day from the date of this court's order approving the guilty plea or until she completes one year of mental health, drug, and alcohol abuse treatment, whichever period is longer.

Gabour has admitted to the facts and violations as part of her guilty plea agreement. The record therefore establishes that she violated the above-listed rules by failing to oppose a summary judgment motion in a client's personal injury matter, leading to dismissal of the action and the opposing party's request for attorney fees and costs. Further, she falsely told a partner at the law firm where she worked that the matter settled even though she never communicated any settlement offer to the client and none existed. She then failed to respond to the State Bar's inquiries about the resulting grievance.

The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. 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 Gabour violated, and because she acted knowingly and her conduct resulted in actual injury to her client and the profession, 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 4.42 (Am. Bar Ass'n 2018) (Suspension is generally appropriate when a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client").[4] The record supports the panel's findings of three aggravating circumstances (prior disciplinary offenses, pattern of misconduct, and multiple offenses), and four mitigating circumstances (personal or emotional problems, full and free disclosure to disciplinary authority/cooperative attitude, mental disability or chemical dependency, and remorse). Considering the factors outlined in Lerner, we conclude that the recommended discipline is appropriate and serves the purpose of attorney discipline. See *State Bar of Nev. v. Claiborne,* 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (recognizing that the purpose of attorney discipline is to protect the public, courts, and the legal profession, not to punish the attorney).

Accordingly, we hereby suspend attorney Karla M. Gabour from the practice of law in Nevada for a period of six months and one day commencing from the date of this order or until she completes one year of mental health, drug, and alcohol abuse treatment through the Nevada Lawyer Assistance Program or another qualified course of treatment, whichever period is longer. Additionally, Gabour must pay the costs of the disciplinary proceeding, including $2,500 under SCR 120, 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: MICHAEL H. HAMILTON
Bar No.: 7730
Case No: 81256
Filed: 09/11/2020

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 Michael H. Hamilton. Under the agreement, Hamilton admitted to violating RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.15 (safekeeping property), and RPC 8.1(b) (disciplinary matters). He agreed to a four-year suspension to run concurrently with a previously imposed suspension, and to the payment of costs.

Hamilton has admitted to the facts and violations as part of his guilty plea agreement. The record therefore

establishes that Hamilton violated the above-referenced rules by failing to (1) pay a client's lienholders following settlement of a personal injury claim, (2) falsely telling the client that he had paid the lienholders when he instead misappropriated the money, (3) return the client's phone call, and (4) respond to the State Bar's inquiries about the client's grievance.

The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. 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 Hamilton violated, and because he acted knowingly in violating RPC 1.15 and RPC 8.1(b) and with a pattern of neglect in violating RPC 1.3 and 1.4, which resulted in actual injury to his client and the profession, 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 2018) ("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 panel's findings of four aggravating circumstances (prior disciplinary offenses, pattern of misconduct, multiple offenses, and substantial experience in the practice of law), and three mitigating circumstances (absence of dishonest or selfish motive, cooperative attitude toward proceedings, and remorse). Considering the factors outlined in Lerner, we conclude that the agreed upon discipline is appropriate and serves the purpose of attorney discipline. See *State Bar of Nev. v. Claiborne,* 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (recognizing that the purpose of attorney discipline is to protect the public, courts, and the legal profession, not to punish the attorney).

Accordingly, we hereby suspend attorney Michael H. Hamilton from the practice of law in Nevada for a period of four years to run concurrently with his suspension addressed in Docket Nos. 78101 and 80556,[5] such that both periods of suspension will end on November 8, 2023. Additionally, Hamilton must pay the costs of the disciplinary proceeding, including $2,500 under SCR 120 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: AREZOU H. PIROOZI
Bar No.: 10187
Case Nos.: OBC19-0740 & OBC19-0519
Dated: 08/12/2020

LETTER OF REPRIMAND

To Arezou H. Piroozi:

A Screening Panel of the Southern Nevada Disciplinary Board has reviewed the above-referenced grievances and unanimously determined that a Letter of Reprimand be issued for violations of Rules of Professional Conduct ("RPC") as set forth below.

GRIEVANCES

OBC19-0519:

On May 16, 2018, you consulted with Elianys Orozco and her husband Aminidad regarding Aminidad's immigration status and completing the consular processing by filing a I-601A application and brief in support of that application with the United States Citizenship and Immigration Service ("USCIS"). The Grievants signed a retainer agreement in Spanish and English and agreed to pay you a retainer fee of $5,000 for attorneys fees. The retainer agreement also specified that there were two additional fees to be paid (i) two National Visa Center bills totaling $445 and (ii) the I-601A filing fee of $715. The fee retainer was paid by (i) an initial $2,500 payment and (ii) four payments of $625. The last payment of $625 was paid on September 1, 2018. The Grievants believed that upon receipt of their personal information the application would be completed and submitted.

The Grievants returned to your office no later than August 2018 and were assisted by your nonlawyer employee, Juan. The Grievants gave Juan what they believed to be all the requested information for the I-601A application. The Grievants believed that nothing else was needed. The Grievants understood from Juan that after submitting the I-601A application the process would be rather long and it could take six to eight months for USCIS to reply. They believed that Aminidad would need to return to his country, Honduras, by December 2018 or January 2019 but they should not travel anywhere until there was an answer from USCIS. Based on this belief the Grievants were stressed and cancelled a trip to Miami.

On or about August 31, 2018, your staff identified that additional information was needed to complete the I-601A application. In addition, the Grievants never provided you with the filing fee necessary to submit the I-601A application. However, the Grievants were never contacted and the necessary information and fee was never obtained.

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On February 08, 2019, the Grievants went to your office to inquire about the I-601A application. The Grievants were assisted by your non-lawyer employee Thalia. They understood, for the first time, from meeting with her that the application had not been submitted to the USCIS. The Grievants observed that all their original documents/information was [sic] laying on top of the same desk from months ago and appeared to be untouched. The Grievants were upset and very concerned because it appeared to them that nothing substantive had been done with their case in the nine months since they retained your office. The Grievants requested to speak with you and, based on everyone's availability, a meeting was scheduled for four days later.

When you met with the Grievants, you attempted to address their concerns with the delay and suggested that they could communicate directly with you in the future to alleviate any ongoing concerns. The Grievants decided to discontinue the attorney-client relationship and requested return of their documents. You declined the verbal request and instructed them that all requests needed to be made in writing. The Grievants retained new counsel, with whom you communicated thereafter, including providing the clients' documentation.

OBC19-0740:

You were retained on July 5, 2018 to represent Franco Gallo in immigration proceedings. Gallo has come to the United States from Italy and wished to remain. Gallo paid $5,000 for the representation which included attending his interview on a previously filed I-485 petition on July 10, 2018 and preparing an I-360 Petition. Gallo was pursuing an I-360 Petition because the I-485 Petition, which was filed without counsel, was going to be rejected based on Gallo's recent divorce from his sponsoring spouse. An I-360 Petition is used by spouses or ex-spouses of an abusive U.S. Citizen.

The I-485 Petition was denied in August 2018. At your direction, Gallo collected the information necessary for the I-360 Petition. By the end of October 2018, Gallo had provided your office with all necessary information for the I-360 Petition except proof of his ex-wife's legal U.S. residency. At the same time, you represented Gallo in trying to set aside a default divorce decree to give him an opportunity to dispute the property division and custodial arrangement for his son. Gallo's ability to stay in the United States was precarious based on the fact that his wife divorced him and his I-485 Petition was denied. Despite knowing this, for the next seven months, neither you, nor your nonlawyer employees, advanced the I-360 Petition. You were waiting for an evidentiary hearing in family court to obtain testimony from Gallo's ex-wife to support a claim for emotional cruelty in the I-360 Petition.

On or about May 20, 2019, Gallo terminated the representation stating that he was disappointed that his immigration matter had taken so long and that he could no longer try to wait it out in the United States. Nonetheless and even though the evidentiary hearing had not yet been held, on May 31, 2019, you filed Gallo's I-360 Petition using the exact information he provided in October 2018. On July 16, 2019, USCIS sent a Notice of Action, which informed Gallo, through your office, that his I-360 Petition had been received and it would be using his previously provided biometric information. On August 5, 2019, your office sent the Notice of Action to Gallo with a $435 refund check because new biometrics were not needed. On August 7, 2019, the USCIS requested additional evidence from Gallo for the I-360 Petition. However, Gallo returned to Italy in August 2019.

REPRIMAND

Your conduct violated Nevada Rules of Professional Conduct ("RPC") as follows:

RPC 1.3 (Diligence) for failing to promptly and diligently address Gallo's immigration matter;

RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants) for failing to make reasonable efforts to ensure that your nonlawyer assistants' conduct was compatible with your professional obligations of diligence and communication as evidenced by your nonlawyer employees failing to communicate with the Grievants for many months regarding additional information and fees necessary to complete the I-601A application and the Grievants' misunderstanding of the application process and their obligations.

Standard 4.43 of the ABA Standards for Imposing Lawyer Sanctions provides that "reprimand is generally appropriate when a lawyer is negligent and does not act with reasonably diligence in representing a client and causes injury or potential injury to a client." The lack of diligence in handling these clients' matters caused them additional anxiety and stress and the potential injury due to the delay in Arminidad's application was great.

In Nevada, a reprimand can be a Public Reprimand or a Letter of Reprimand, with the later [sic] being the lowest form of discipline available. Taking into consideration your absence of prior discipline, the Panel finds that the lesser of the two sanction [sic] is appropriate.

Based upon the foregoing, you are hereby REPRIMANDED for violating RPC 1.3 (Diligence) and RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants).

The Panel also cautions you that a best practice would be to tell clients in writing (i) what you expect them to provide to you before you will perform particular tasks in their immigration matters and (ii) what their obligations are during a particular immigration proceeding. It is also a best practice to establish a procedure for checking in with clients when a particular proceeding is taking a long time to process. The Panel acknowledges that after representing Arminidad and Gallo you have already implemented some such procedures.

Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of $1,500 which is due 30 days from the issuance of this letter.

In Re: ALEX B. GHIBAUDO
Bar No.: 10592
Case Nos.: OBC20-0349, OBC20-0453 and OBC20-0509
Dated: 09/04/2020

LETTER OF REPRIMAND

To Alex B. Ghibaudo:

A Screening Panel of the Southern Nevada Disciplinary Board reviewed the above-referenced grievances and unanimously determined to issue you a Letter of Reprimand for violations of Rules of Professional Conduct (RPC) regarding your handling of the following cases.

GRIEVANCES

Steve Sanson, State Bar Grievance No. OBC20-0349:

You met nonlawyer Steve Sanson in 2017. After meeting him you expressed to him an interest in him referring litigants to you in exchange for a referral fee of twenty percent of any fees that you collected. Between 2017 and 2018 Mr. Sanson referred approximately twelve new clients to you. In exchange for the referrals you paid Mr. Sanson referrals fees in cash or via PayPal.

Ali Shahrokhi, State Bar Grievance No. OBC20-0453:

Ali Shahrokhi, stated that on April 28, 2019, he met with you for a free consultation related to his pending child custody case. Shahrokhi claimed that your paralegal, Mark Diciero, completed the intake, and he provided Diciero with paperwork from his case, as it was sealed. However, Shahrokhi decided not to retain you following the consultation.

Subsequently, on April 9, 2020, Shahrokhi claimed that Diciero publicly discussed his case on social media and made false statements about his character, which Shahrokhi believed had violated his attorney/client privilege.

In the online post, Diciero called out Shahrokhi's comment on a website stating, "Ali, like Sanson and most of his followers, is homophobic and an abuser/stalker who lost custody of his kid (I know this because Ali came to me asking for help once)."

In response to the allegation, you stated that that Shahrokhi was referred to you by Diciero, who in addition to being employed by you operates a document preparation service called Pro Se Pros. You claim that Shahrokhi contacted Pro Se Pros for assistance, so Diciero was present during the consultation as he was aware of the procedural posture of the case and some of the substantive issues and facts.

Monique Epperson, State Bar Grievance No. OBC20-0509:

On or about June 20, 2017, Monique Epperson retained you to represent her in an ongoing family law dispute with her ex-husband, Tony Velasco. Epperson paid you a $2,500 retainer fee that was to be billed against on an hourly basis. Epperson complained inter alia that you did not provide her with a detailed billing.

You stated that you provided Epperson with a final bill but failed to provide the State Bar with records in support of your claim.

REPRIMAND

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

RPC 1.5 (Fees) – for failing to provide Ms. Epperson with a detailed billing which prevented her from challenging the reasonableness of your fees.

RPC 1.15 (Safekeeping) – for failing to render an accounting of the retainer that you held for Ms. Epperson.

RPC 5.3 – (Responsibilities regarding nonlawyer assistants) for failing to supervise your assistant, Mark Diciero's, conduct of posting online comments regarding Mr. Shahrokhi's case.

RPC 5.4 (Professional Independence of a Lawyer) for splitting legal fees with nonlawyer Mr. Sanson.

RPC 7.2(a) (Advertising) for agreeing with nonlawyer Mr. Sanson to have him refer new cases to you and paying him a referral fee for each case that he referred to you.

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).

The evidence shows that you were negligent in supervising your paralegal Mark Diciero's conduct. You were also negligent in failing to ensure that you provided Ms. Epperson a final billing of the funds that she had on retainer with you. Additionally, the evidence shows that you knowingly entered into an agreement to share fees with nonlawyer Sanson.

Your decision to share fees with Sanson has caused injury to the legal profession. Your conduct also caused injury to Shahrokhi by posting facts about his case out into the public. Further, Ms. Epperson was harmed by not having a billing with which she might use to challenge the reasonableness of your fees through the fee dispute process.

Thus, weighing the rules violated, your mental state, the potential or actual injury caused, ABA Standard 7.3 provides the most appropriate discipline. It states that "Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty

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owed as a professional, and causes injury or potential injury to a client, the public, or the legal profession."

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.

ENDNOTES:

1. The State Bar sent the complaint, the first designation of hearing panel members, and the notice of intent to proceed on a default basis by regular and certified mail to Beckom at the address provided on his RPC 7.5A application for registration of a multijurisdictional law firm. The notice of initial telephone conference, the scheduling order, the order appointing hearing panel chair, the State Bar's initial summary of evidence, and the notice of hearing were sent to Beckom at the same address as well as emailed to him.
2. The panel found no mitigating factors.
3. California disbarred Gallagher on October 31, 2019, for similar misconduct in representing other clients.
4. Gabour agreed to and the panel applied Standard 4.41(b), which provides that "[d]isbarment is generally appropriate when a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client." Based on the facts that Gabour admitted, we conclude that Standard 4.42 is the more appropriate standard.
5. Hamilton's misconduct in this matter occurred during roughly the same time as the misconduct addressed in In re Discipline of Hamilton, Docket No. 78101 (Order Approving Conditional Guilty Plea, May 14, 2019), for which he was suspended for 4 years, with all but the first 6 months stayed. We imposed the remaining 42 months of that suspension in Docket No. 80556, after Hamilton violated certain conditions of the stay. In re Discipline of Hamilton, Docket No. 80556 (Order of Suspension, May 8, 2020).

TIP FROM THE BAR COUNSEL

Contact with Clients is Essential, Especially During These Times.

That the pandemic has changed our lives is not a revelation. Neither is fact that everybody has been impacted somehow in our personal and professional lives.

In March 2020, a time that seems so long ago, businesses closed almost overnight, and employees went home. The lucky ones kept their jobs and worked remotely.

Attorneys were deemed as "essential" by state officials, so law firms could stay open if they chose to do so. Some did, some didn't.

Despite the pandemic and its effects, clients continued to get into situations that required legal help. Or they were already inside the legal machinery and smacked headfirst into the COVID-19 wall.

If attorneys were frustrated with Zoom meetings and court appearances via BlueJeans, their non-lawyer clients often experienced confusion with court and legal procedures with which they were not familiar. Many reacted with exasperation.

Since the pandemic began, the Office of Bar Counsel has received more and more grievances from clients who complain that their attorneys aren't communicating with them or have simply vanished.

They describe empty courtrooms and continued hearings or trials about which they were not informed. And when they try to contact their attorneys, they encounter closed law offices, full voicemail boxes and unanswered emails.

Rule of Professional Conduct 1.4 (Communication) requires, *inter alia,* that attorneys keep their clients reasonably informed about the status of their matters and promptly respond to reasonable requests for information.

Changed court dates qualify as information that clients should know about. Radio silence from a suddenly missing lawyer also isn't acceptable.

Times are tough for our legal community, but it's tougher for clients who, almost by definition, do not understand how our legal systems work. Lawyers should make an extra effort to be available for clients and let them know what's going on with their legal matters. It's required by ethics rules, and it's the right thing to do.