

The background of the entire page is a photograph of the Statue of Liberty in New York City. The statue is on the left side, holding its torch high. The sky is a vibrant mix of orange, red, and purple, indicating a sunset or sunrise. The city skyline is visible in the background, with several skyscrapers. The overall mood is patriotic and professional.

BOARD REPORT

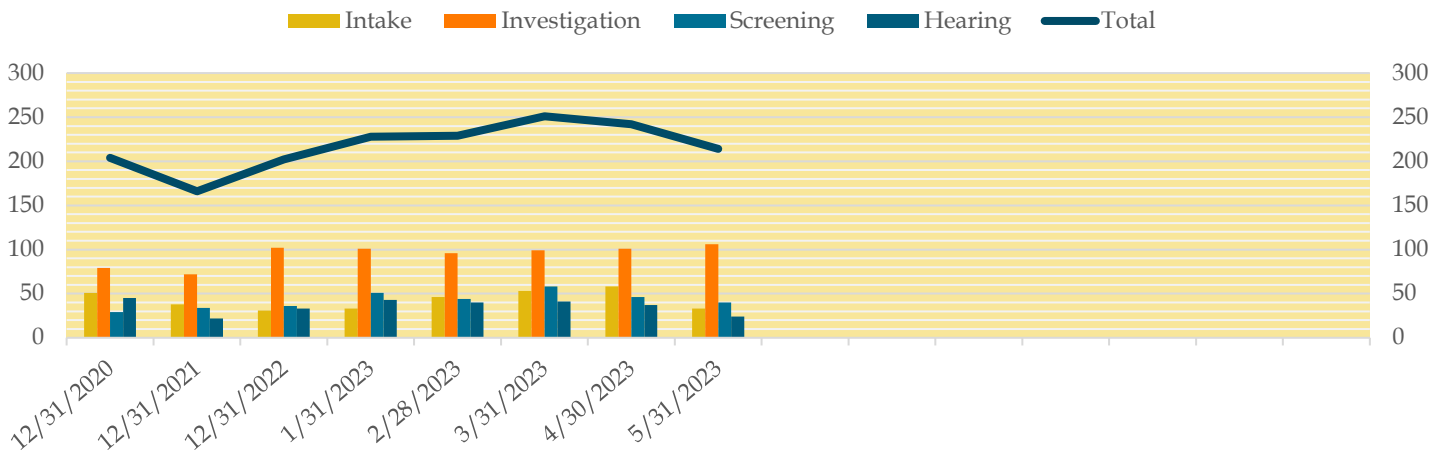
June 2023

OFFICE OF BAR COUNSEL

Daniel Hooge
BAR COUNSEL

DISCIPLINE STATISTICS

ALL ACTIVE CASES



- The OBC aims to keep active cases under 250. This allows for about half (125) in investigations and half (125) split between intake, screening, and hearing.
- The OBC works efficiently with active cases below 250. We are within that range.
- Active cases trended upward in 2022 as we came out of the pandemic. Active cases in 2023 have leveled off after a slight increase during the first part of the year.

INTAKE

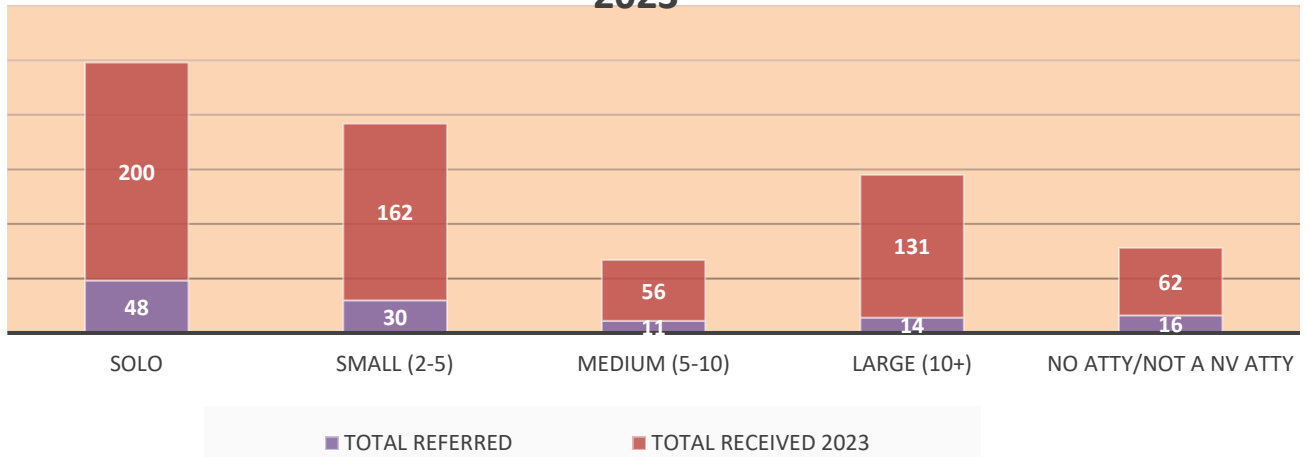
	New Grievances	Grievances Reviewed	Grievances Pending	Over 90 Days
End of 2021			38	0
2022	1353	1360	31	0
January	105	103	33	1
February	101	88	46	0
March	154	101	53	0
April	98	93	58	1
May	153	178	33	1

GOAL – Review grievances within 90 days and have no more than 100 pending at any time.

- Intake staff continues to process files efficiently to keep pending grievances well below 100.
- New grievances increased by 50 percent in March and May causing the number of pending grievances to rise. Grievances pending in intake at any given time are still at healthy levels.

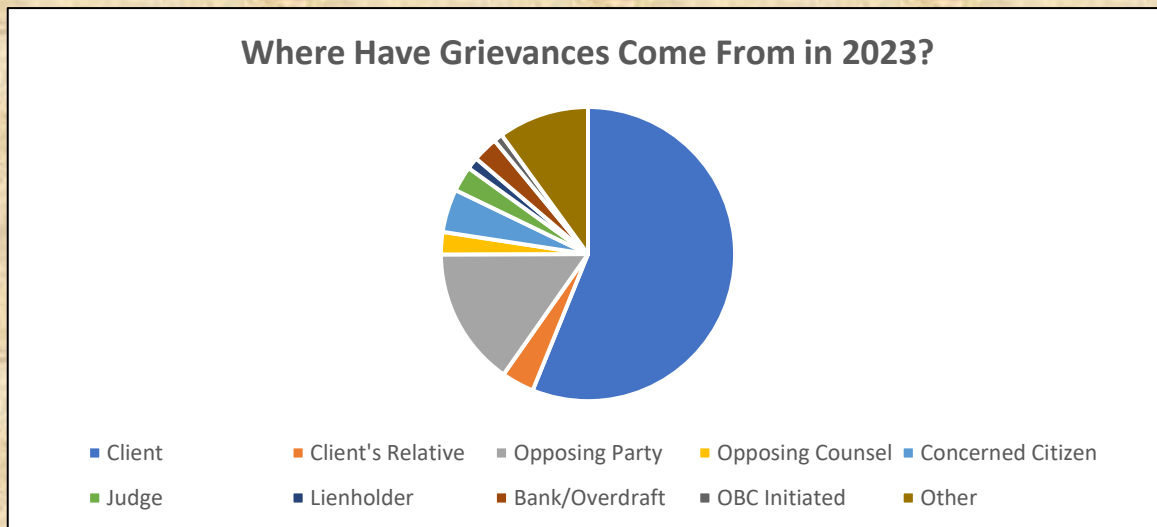
GRIEVANCE DEMOGRAPHICS

**Grievances Received/Referred to Investigation by Firm Size
2023**



- Of the 611 grievances the OBC has processed through May 31, 2023, 60% named solo and small firms, with the remainder split between medium to large firms, or grievances that do not name a Nevada licensed attorney.¹

Where Have Grievances Come From in 2023?



- Of the grievances received through May 31, 2023, clients submitted 56.25% and opposing parties submitted 15.25%. Judges and opposing counsel submitted 5.25%. The OBC self-initiated from public news just under 1%.

¹ The State Bar does not collect information on firm size from its members. The OBC is collecting this data using information available from the Internet and Membership Services, so there is a margin of error.

- As you would expect, in direct relationship to the types of grievances received, 65.5% of all grievances referred to investigation were against solo/small firms.
- The OBC dismissed 80% of grievances received against solo/small firms at intake. It referred 20% to investigation.
- Despite opinion to the contrary, the OBC refers matters to investigation based on the issues raised in the grievance and not the size of the law firm.
- The most common issues raised in grievances referred to investigation on solo/small law firms are lack of diligence, communication, and safekeeping property.
- It does appear that the OBC refers fewer files to investigation regarding larger firms, but this category includes district attorneys and public defenders who are often the subject of meritless wrongful prosecution or ineffective counsel claims.

INVESTIGATION

	New Invest.	Invest. Completed	Invest. Pending	Over 6 Months
End of 2021			72	2
2022	250	220	102	5
January	25	26	101	5
February	17	22	96	9
March	29	26	99	9
April	22	20	101	8
May	37	32	106	6

GOAL – Investigate grievances within 6 months and keep active investigations under 125.

- Six-month investigations keep an efficient balance in the active caseload.
- Pending investigations continue to remain below 125.
- Prolonged investigations have increased but pending investigations under 6 months remains above 90%. We currently have 6 investigations over 6 months.
- These prolonged investigations are complex cases. Complex cases address grievances of misappropriation, fraud, or criminal conduct, which can require more time. OBC investigators continue to prioritize these investigations.

HEARINGS

	New Filings	Hearings Resolved	Hearings Pending	Over 8 Months
End of 2021			14 (21 files)	1
End of 2022			26 (33 files)	1
January	7	3	30 (44 files)	2
February	2	4	30 (43 files)	2
March	9	8	28 (41 files)	2
April	4	6	26 (37 files)	3
May	1	3	24 (35 files)	3

GOAL – Prosecute 80 % of disciplinary hearings within 8 months

- After a screening panel approves a formal hearing, Bar Counsel files a complaint and the case moves into the prosecution/pending hearing stage.
- The OBC presses for a hearing within 8 months whenever possible. It has 3 cases pending over 8 months.
- Approximately half of respondents are now requesting in-person hearings but will often agree to convert back to a remote hearing if a plea is reached.

OTHER OBC ACTIVITIES

- The OBC monitors 40 attorneys: 8 in diversion, 21 on probation, and 11 conditional admittees.
- OBC educates the bar. From April-June 2023, OBC attorneys presented at the State Bar’s Unauthorized Practice of Law webinar, the IOLTA Town Hall CLE, and the Incubator Program’s session on succession planning.
- Since March 1, 2023, the OBC has answered approximately 250 ethics calls. Approximately 70% are received from solo or small law firms. Callers ask questions on a variety of issues, but the most popular questions relate to declining or terminating representation, conflicts of interest, safekeeping property, and the unauthorized practice of law.

2023 DISCIPLINE

DISBARMENT (3)

John MacDonald - consented to irrevocable disbarment for multiple rule violations including RPC 1.15 (Safekeeping Property) and RPC 8.4 (Misconduct).

Scott Cantor – consented to irrevocable disbarment for multiple rule violations including RPC 1.15 (Safekeeping Property) and RPC 8.4 (Misconduct).

Kevin Holtman – for violations of RPC 1.4 (Communication), RPC 1.15 (Safekeeping property) and RPC 8.4 (Misconduct).

SUSPENSION (5)

Mitchell Wright 6 months (appearing in multiple matters while administratively suspended)

Elaine Dowling 1 year (assisting a disbarred attorney in the unauthorized practice of law and failing to properly manage her client trust account)

Brent Blanchard 18 months (failing to complete conditions of reinstatement and diligently represent a client)

Randal Leonard 1 day (revocation of stayed portion of suspension for violating terms of probation)

Steven Szostek 1 year (revocation of stayed suspension for violating terms of probation)

STAYED SUSPENSION (2)

Carrie Hurtik 2 years stayed for 2 years (improper accounting practices/conversion of client funds)

Christine Owen 6 month + 1 day suspension stayed for 1 year (improper accounting practices/conversion of client funds)

TEMPORARY SUSPENSION (2)

Kerry Faughnan – criminal conviction for conspiracy to commit theft

Christopher Henderson – criminal conviction for assault with a deadly weapon

PUBLIC REPRIMAND (4)

Leila Hale for violations of RPC 1.15 (Safekeeping Property) and RPC 1.16 (Declining or Terminating Representation)

Randal Leonard for violations of RPC 1.3 (Diligence) and RPC 3.2 (Expediting Litigation)

Steven Szostek for violations of RPC 1.3 (Diligence), RPC 3.1 (Meritorious Claims and Contentions), RPC 3.3 (Candor Toward the Tribunal) and RPC 5.4 (Professional Independence of a Lawyer)

Rueben Gardner for violations of RPC 1.5 (Fees), RPC 1.7 (Conflict of Interest: Current Clients), and RPC 8.4 (Misconduct)

Thomas Gibson for violations of RPC 1.3 (Diligence), RPC 1.15 (Safekeeping Property), RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants), RPC 5.4 (Professional Independence of a Lawyer), RPC 5.5 (Unauthorized Practice of Law) and RPC 8.4 (Misconduct)

Byron Bergeron for violation of SCR 73 (Attorney Oath)

Brian Green for violations of RPC 1.3 (Diligence), RPC 3.4 (Fairness to Opposing Party and Counsel) and RPC 1.16 (Declining or Terminating Representation)

RESIGNATIONS (22)**PENDING WITH THE COURT (8)**