

Attorney Discipline

What is attorney discipline?

All attorneys licensed to practice law in Nevada are sworn to uphold the ethical standards of conduct adopted by the Supreme Court of Nevada. These standards are listed in the Nevada Rules of Professional Conduct 1.1 through 8.5 and are enforced by the State Bar of Nevada and the Nevada Supreme Court. Any attorney who violates these ethical standards is subject to discipline.

How are attorneys disciplined?

Discipline of lawyers in Nevada may take one of four forms depending on the particular circumstances and the severity of the offense. These four disciplinary sanctions are as follows:

- A letter of reprimand, which may be accompanied by a fine up to \$1,000;
- A public reprimand;
- Suspension of the lawyer's license to practice law; or
- Irrevocable disbarment.

Who should file a complaint?

A formal complaint against a lawyer is a serious matter. If you believe a lawyer has committed an unprofessional or unethical act, file a complaint. However, if your grievance is the result of some misunderstanding or breakdown in communication with your lawyer, maybe you should sit down and talk openly and honestly with the lawyer. Tell your lawyer that you are unhappy or confused and ask for a full explanation in terms that you can understand. Such a meeting may clear up the problem.

How do I file a complaint?

You may file a complaint by writing a letter that clearly states the facts involved in your grievance. Send your letter with copies of any supporting documents to the State Bar of Nevada, Office of Bar Counsel at the address on the last page of this brochure. No special language or form is necessary. You may send your



CONTACT INFORMATION STATE BAR OF NEVADA

Las Vegas Office

3100 W. Charleston Blvd., Ste. 100
Las Vegas, NV 89104
Ph: 702-382-2200
Toll-free 1-800-254-2797
Fax: 702-385-2878
Toll-free 1-888-660-6767

Reno Office

9456 Double R Blvd., Ste. B
Reno, NV 89521
Ph: 775-329-4100
Fax 775-329-0522

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complaint via U.S. Mail, fax, email (at complaint@nvbar.org), or you can visit our website at www.nvbar.org to fill out an online complaint form. The state bar will communicate with you electronically.

If you send attachments, you should confirm that they were received. Please note that you may be required to resubmit any online attachments in hard copy by U.S. Mail. The Office of Bar Counsel usually completes the initial review of all complaints within 10 business days of receipt. We will let you know if we require additional information. Unfortunately, we are unable to meet with you in person about your complaint. Should you have any questions about the status of your complaint, please call the State Bar of Nevada.

What happens next?

Your complaint will be reviewed by Office of Bar Counsel staff to determine whether or not the conduct complained of raises an ethical issue under the Rules of Professional Conduct. If your complaint does involve an ethical issue, then bar counsel asks the lawyer involved for a written response to your complaint and an investigation is conducted. If your complaint has no factual basis, or even if true would not constitute misconduct, your complaint will be dismissed and you will be notified of that dismissal.

You should recognize, however, that the Office of Bar Counsel and the disciplinary board cannot and do not give legal advice, do not have jurisdiction over damage or malpractice claims against attorneys and cannot alter or affect in any way the outcome of private legal matters in court. If you need additional advice on your case, you must obtain the assistance of your own attorney.

What is a disciplinary board?

Disciplinary boards are the pool of lawyers and non-lawyers who are appointed to individual hearing panels to hear the case against an attorney. There are two disciplinary boards, one each in northern and southern Nevada. Supreme Court Rules require that at least one non-lawyer be appointed to each hearing panel.

What are the procedures for hearing a complaint?

When a complaint is referred to a hearing panel, the chair of the disciplinary board will appoint three members to hear a particular complaint. Bar counsel serves as the prosecutor.

Is the discipline process public or confidential?

All matters remain confidential while bar counsel investigates them. Once bar counsel files a formal complaint or dismisses the matter, then all records from that matter become public. The state bar will redact personal information such as medical records, social security numbers, and other personal identifying information.

What can you expect from the state bar?

You can expect us to treat your complaint with fairness and dispatch. We are genuinely concerned about your complaint and we will handle it as quickly as possible. The Office of Bar Counsel will keep you informed at each stage of your case. If your

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complaint is referred to a hearing panel, you may be contacted by the investigator assigned to your case. You may be called as a witness before a hearing panel. At the conclusion of the case, we will notify you of the final outcome with an explanation of the result.

In certain limited cases, a panel may order restitution, requiring the attorney to repay fees or other monies given to the attorney. The possibility of restitution depends on the specific facts of each case.

What if you have a complaint about a judge?

The state bar does not have any jurisdiction over the conduct of judges in Nevada. If you have a complaint about a judge, you may contact the Commission on Judicial Discipline, P.O. Box 48, Carson City, NV 89702. Telephone: (775) 687-4017.

Where should you write or call to contact the Office of Bar Counsel?

In Southern Nevada:

State Bar of Nevada

Attn: Office of Bar Counsel

3100 W. Charleston Blvd., Ste. 100

Las Vegas, NV 89102

(702) 382-2200

In Northern Nevada:

State Bar of Nevada

Attn: Discipline Department

9456 Double R Blvd., Suite B

Reno, NV 89521

(775) 329-4100