



February 18, 2020

LETTER OF REPRIMAND

Evan D. Schwab, Esq.
7455 Arroyo Crossing Pkwy, Ste. 220
Las Vegas, NV 89113

3100 W. Charleston Blvd.
Suite 100
Las Vegas, NV 89102
phone 702.382.2200
toll free 800.254.2797
fax 702.385.2878

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
phone 775.329.4100
fax 775.329.0522

Re: Grievance OBC19-1296 & OBC19-1480

Dear Mr. Schwab:

www.nvbar.org

On February 18, 2020, a Screening Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievances. Based on the evidence presented, the Panel concluded that you violated the Rules of Professional Conduct ("RPC") and should be issued a Letter of Reprimand. This letter shall constitute a delivery of that reprimand.

OBC19-1296 pertains to your handling of your client trust account. RPC 1.15 (Safekeeping Property) states, in pertinent part, that "[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." Specifically, RPC 1.15(c) states that "[a] lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred." You withdrew funds from your client trust account to repay loan(s) for your law firm. Under ABA Standard 4.12, 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. In this case, you should have known that you were improperly dealing with your client trust account. This type of ethical breach could potentially have caused injury to your client(s).

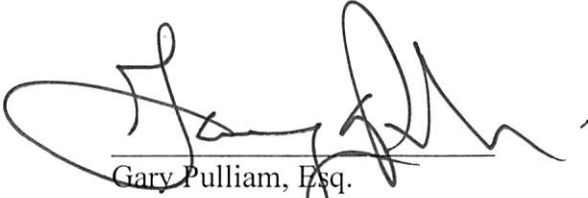
With regard to OBC19-1480, you were retained to assist Gilbert Romero (hereinafter "Mr. Romero") in filing for bankruptcy. RPC 1.3 (Diligence) states that a "lawyer shall act with reasonable diligence and promptness in representing a client." There was an unreasonable delay in filing Mr. Romero's bankruptcy. Under ABA Standard 4.44, admonition is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes little or no actual or potential injury to a client. In this case, your delay in filing Mr. Romero's bankruptcy was negligent. This type of ethical breach could potentially have caused injury to Mr. Romero.

Lastly, RPC 3.4 (Fairness to Opposing Party and Counsel) states, in pertinent part, that a lawyer shall not “[r]equest a person other than a client to refrain from voluntarily giving relevant information to another party unless: (1) [t]he person is a relative or an employee or other agent of a client; and (2) [t]he lawyer reasonably believes that the person’s interests will not be adversely affected by refraining from giving such information.” You offered to provide Mr. Romero with a full refund of his fees paid in exchange for the withdrawal of his bar grievance against you. Under ABA Standard 6.33, reprimand is generally appropriate when a lawyer is negligent in determining whether it is proper to engage in communication with an individual in the legal system, and causes injury or potential injury to a party or interference or potential interference with the outcome of the legal proceeding. In this case, offering Mr. Romero full refund in exchange for the withdrawal of his bar grievance was negligent. This type of ethical breach not only interferes with the outcome of a legal proceeding, but diminishes public confidence in the legal profession as well.

Under ABA Standard 4.12, suspension is generally appropriate for your violation of RPC 1.15. Under ABA Standard 4.44, admonition is generally appropriate for your violation of RPC 1.3. Under ABA Standard 6.33, reprimand is generally appropriate for your violation of RPC 3.4. However, based on your absence of a prior disciplinary record, your cooperative attitude toward the instant proceedings, and your remorse for your actions, we believe that mitigation of your disciplinary sanction is appropriate. Moreover, in OBC19-1296, your retention of a CPA demonstrates your efforts to rectify the consequences of your misconduct and an absence of a dishonest or selfish motive.

Accordingly, you are hereby **REPRIMANDED** for violating RPC 1.3, 1.15, and 3.4. In addition, pursuant to Supreme Court Rule 120(3), you are required to remit to the State Bar of Nevada the amount of \$1,500 *within 30 days* of this letter. I trust that this reprimand will serve as a reminder to you of your ethical obligations, and that no such problems will arise in the future.

DATED this 18th day of February, 2020.



Gary Pulliam, Esq.
Screening Panel Chair
Southern Nevada Disciplinary Board