

A photograph of a football field with a football in the foreground. The football is brown with white stripes and is positioned on the grass. The background shows the green grass and white yard lines of the field.

# OFFICE OF BAR COUNSEL

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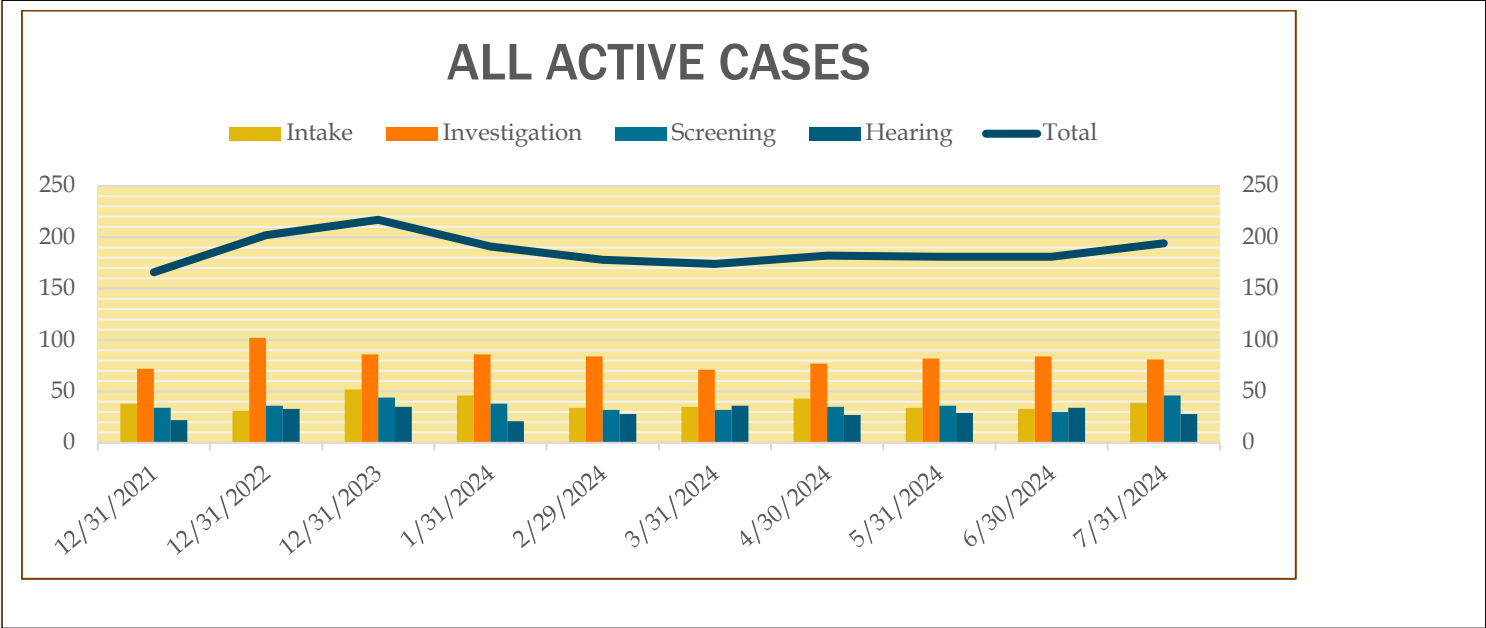
*Daniel Hooge*  
**BAR COUNSEL**

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# BOARD REPORT

September 2024

# DISCIPLINE STATISTICS



- 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.
- The OBC’s active case load increased slightly in July, in part due to cancellation of the monthly screening, but this will improve following August screenings in the North and South.

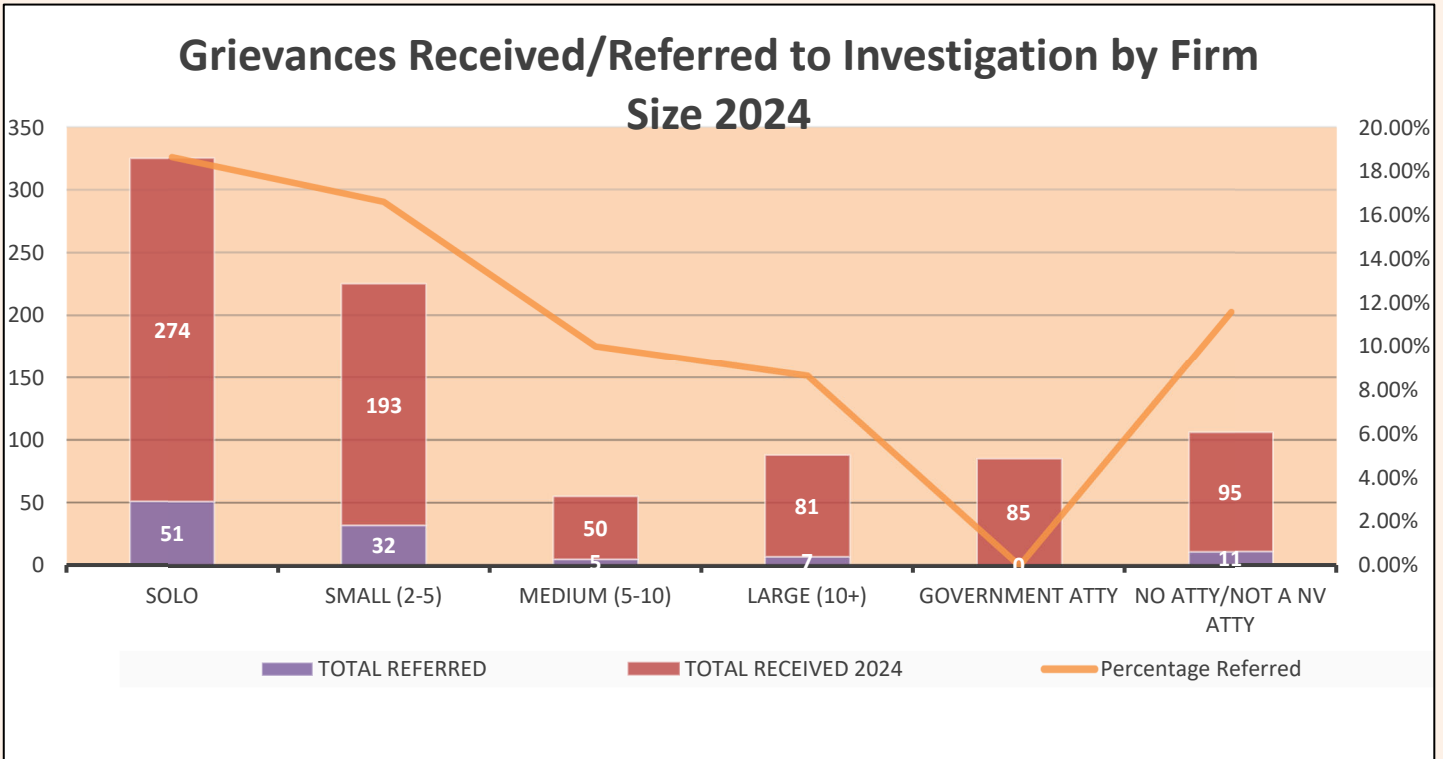
## INTAKE

	New Grievances	Grievances Reviewed	Grievances Pending	Over 90 Days
End of 2023			52	0
January	106	112	46	0
February	79	91	34	0
March	95	94	35	0
April	124	113	41	0
May	133	142	34	0
June	101	102	33	0
July	140	134	39	0

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

- Intake staff processed files efficiently to keep pending grievances well below 100.
- New grievances in 2024 have varied significantly. Since February’s low, receipt of new grievances increased each month from March through May, took a dip in June, then increased again in July.
- The pending matters include those tasked for initial review by intake counsel, those waiting for an attorney’s response to an intake letter of investigation, and those waiting for more information from the grievant.

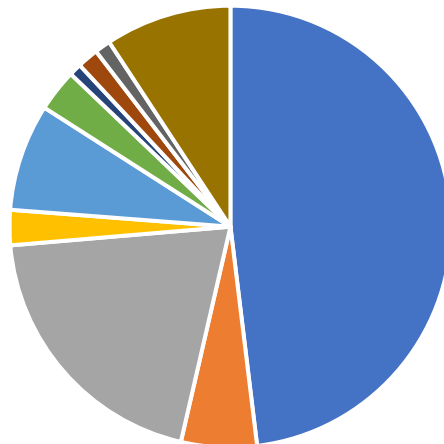
## GRIEVANCE DEMOGRAPHICS



- Of the 778 grievances the OBC has processed through August 1, 2024, 60% named solo and small firm attorneys, with the remainder split between attorneys at medium to large firms, government attorneys, or grievances that do not name a Nevada-licensed attorney.<sup>1</sup> This percentage split has been consistent since we began tracking the data in 2023.
- Through August 1, 2024, 106 (13.75%) of grievances have been referred to investigation. Of those referred, 83 (78%) related to solo or small firm attorneys.
- Grievances referred to investigation on solo or small firm attorneys remains consistent at around 20% of total grievances received in those categories.

<sup>1</sup> 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.

### Where have grievances come from 2024?



■ Client      ■ Client's Relative      ■ Opposing Party      ■ Opposing Counsel      ■ Concerned Citizen  
■ Judge      ■ Lienholder      ■ Bank/Overdraft      ■ SBN Initiated      ■ Other

- Of the grievances received through August 1, 2024, clients have consistently submitted the most at 48% with opposing parties second at 20%.
- 85% of grievances received relate to the Southern District, with 15% to the Northern District.
- Of the 106 grievances referred to investigation in 2024, lack of diligence and communication continue to be the most common issues raised.
- Other prevalent issues raised in grievances referred to investigation in 2024 relate to issues under RPC 8.4 (Misconduct), RPC 1.5 (Fees), and RPC 3.2 (Expediting Litigation).

INVESTIGATION				
	New Invest.	Invest. Completed	Invest. Pending	Over 6 Months
End of 2023			86	2
January	18	18	86	12
February	16	18	84	11
March	9	22	71	6
April	23	18	76	3
May	18	13	81	4
June	15	13	83	3
July	17	20	81	3

**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. After trending down in the first quarter, pending investigations are up slightly in correlation to the higher number of grievances received.
- Investigators have reduced the number of investigations over 6 months since the first quarter. They will continue to prioritize and complete these investigations.
- These prolonged investigations are complex cases. Complex cases address grievances of misappropriation, fraud, or criminal conduct, which can require more time.



## HEARINGS

	New Filings	Hearings Resolved	Hearings Pending	Over 8 Months
End of 2022			26 (33 files)	1
End of 2023			17 (35 files)	3
January	4	5	16 (21 files)	3
February	9	2	23 (28 files)	4
March	7	1	29 (36 files)	4
April	1	5	25 (27 files)	3
May	5	3	27 (29 files)	3
June	4	6	25 (34 files)	1
July	1	5	21 (28 files)	1

### 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 resolved two of its oldest cases in June. The remaining case over 8 months involves an incarcerated respondent, which has complicated the hearing process.

### OTHER OBC ACTIVITIES

- The OBC monitors 43 attorneys: 13 in diversion, 20 on probation, and 10 conditional admittees.
- OBC attorneys have answered approximately 560 ethics calls this year. Callers seek guidance on a wide range of ethical concerns. The most prevalent inquiries recently relate to the unauthorized practice of law (RPC 5.5), confidentiality of information (RPC 1.6), safekeeping property (RPC 1.15), and terminating representation (RPC 1.16).

# 2024 DISCIPLINE

## **DISBARMENT ( 1 )**

**Kelly Duford** – reciprocal to California for violations of RPC 1.15 (Safekeeping Property), RPC 8.1 (Bar Admission and Disciplinary Matters), RPC 5.5 (Unauthorized Practice of Law) and RPC 8.4 (Misconduct)

## **SUSPENSION ( 4 )**

**David Mann** – 6 months + 1 day (insufficient representation of a client)

**Jeffrey Thomas** – 5 years + 1 day (disobeying court rules and orders – reciprocal to disbarment in California)

**Sean Lyttle** – 3 months (failing to respond to the State Bar)

**Christopher Henderson** – 6 months + 1 day (criminal conduct/conspiracy to commit assault with a deadly weapon)

## **SUSPENSION - STAYED ( 1 )**

**Nickolas Giorgione** – 18 months suspension stayed for 3 years for violations of RPC 1.15 (Safekeeping Property) and RPC 8.4 (Misconduct)

## **REPRIMAND ( 3 )**

**Douglas Fermoile** – for violations of RPC 1.4 (Communication)

**Brent Blanchard** – reciprocal to Utah for violations of RPC 8.1(b)(Bar Admission and Disciplinary Matters)

**Aaron Bushur** - for violations of RPC 3.4 (c)(Fairness to Opposing Party and Counsel) and RPC 8.4(d)(Misconduct)

## **ADMONITIONS ( 17 )**

## **RESIGNATIONS ( 25 )**

## **PENDING WITH THE COURT ( 14 )**