



FILED

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STATE BAR OF NEVADA

BY: M. J. Galt
OFFICE OF BAR COUNSEL

Case Nos.: SG13-1035, SG13-1036,
SG13-1037, SG13-1038, SG13-1063,
SG13-1064, SG14-0763, SG14-1233,
OBC15-1324, OBC15-0396, OBC15-0465,
OBC15-0608, OBC15-0570

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

GLENN H. TRUITT, ESQ.,
Nevada Bar No. 12506,
Respondent.

PUBLIC REPRIMAND

TO: GLENN H. TRUITT, ESQ.,

This public reprimand is issued pursuant to a "Conditional Guilty Plea" you entered on June 6, 2016.

SG13-1035 et al.

In these matters, multiple clients' advanced cost payments were not appropriately maintained in a trust account. In a written response to the Bar's inquiry, you stated that

"[d]ue to the speed and volume of these transactions, these funds are *not* maintained in a separate account. It would be unduly burdensome require [*sic*] the deposit of *de minimus* [*sic*] amounts for costs in *hundreds* of new matters per month for only a few days, and as result [*sic*], these costs are *accounted* for separately, but not deposited in an individual trust account."

This was an unacceptable practice by your firm. As Rule of Professional Conduct 1.15(a) states in part, "[a]ll funds received or held for the benefit of clients by a lawyer or firm, including advances for costs

1 and expenses, shall be deposited in one or more identifiable bank accounts designated as a trust account..."

2 The alleged burden does not excuse you from compliance with this Rule when handling client funds.

3 SG14-1233

4 In this matter, the State Bar opened an investigation after receiving a grievance. A letter of
5 investigation was sent to you, asking for a response in the matter. In total, five letters were sent to you
6 by the State Bar asking for a response. But you did not reply for almost a year. As Rule of
7 Professional Conduct 8.1 states in part, a lawyer in connection with a disciplinary matter shall not
8 "knowingly fail to respond to a lawful demand for information from an admissions or disciplinary
9 authority..." Your failure to timely respond was a violation of this Rule.

10 OBC15-1324

11 In this matter, a prospective client saw that your firm's website advertised that it could get
12 started on most cases for as little as a \$100.00 down payment. The prospective client was hoping to
13 take advantage of that provision. But when she came in to hire your firm, she instead had to agree to
14 go through a finance company to pay your \$1,800.00 retainer fee. On the payment plan she entered
15 into, the client ultimately had to pay \$2,608.81 for the representation- \$806.81 more than the original
16 retainer amount. In addition, your firm told the client that in accordance with your former firm's
17 policy, the fee had to be paid in full before any work was begun. Rule of Professional Conduct 7.1
18 states that "[a] lawyer shall not make a false or misleading communication about the lawyer or the
19 lawyer's services." The contradiction between what your website stated to the client, and how your
20 firm handled the client once she came in to hire you, was a violation of this Rule.

21
22 In addition, after your firm was paid in full and reviewed the client's case more fully, it was
23 determined that your firm could not assist the client. You sent the client a letter terminating your
24 representation. But your firm refused to refund any portion of the fee paid by her, and told her that the
25 firm didn't give refunds, especially since the client had paid through a finance company. No refund
was given to the client until over eight months later, when the State Bar inquired into the matter.

1 Rule of Professional Conduct 1.16(d) states in part that "[u]pon termination of representation, a
2 lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as...
3 refunding any advance payment of fee or expense that has not been earned or incurred." In this
4 instance, your firm failed to refund all or part of the client's payment to you when the relationship
5 ended, until the State Bar became involved. Since your firm had done little work and had not earned
6 the fee paid to you, this was a violation of the Rule.

7 OBC15-0396, OBC15-0465, OBC15-0608

8 These grievances occurred as your previous law firm shut down. In all three instances, the
9 clients paid all or part of their retainer fee to the firm. The firm did no actual work on any of three
10 clients' legal matters. When the firm shut down, the clients were not told that by your firm, and were
11 not told what would happen to the money they had already paid. You made arrangements for other
12 attorneys to represent the clients, with full credit for what had been paid to your firm. But in at least
13 one instance, a client who had already paid your firm in full had to spend an additional \$300.00 for his
14 legal work to be completed.

15 Rule of Professional Conduct 1.16(d) states in part that "[u]pon termination of representation, a
16 lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving
17 reasonable notice to the client... and refunding any advance
18 payment of fee or expense that has not been earned or incurred." In these instances, you failed to give
19 the clients notice of the firm's closure, and instead relied on others to fulfill your own professional
20 responsibility. In addition, you failed to refund any part of the clients' payments to your firm. Since
21 your firm had done no work and had not earned the fees paid to you, these were violations of the Rule.
22 In addition, since your firm had done no work on these clients' matters, keeping the fees paid to you
23 was unreasonable. Rule of Professional Conduct 1.5(a) states in part that "[a] lawyer shall not make
24 an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses."
25

1 Your conduct in these matters constituted violations of Rule 1.5 as well.

2 OBC15-0570

3 This matter concerns your new firm. Upon the State Bar's investigation, it was determined
4 that a nonlawyer was the President, Secretary, Treasurer and Director of your new firm's corporation.
5 You acknowledged to the State Bar that this man was an officer and director of your new firm, and
6 that he is not a licensed attorney.

7 Rule of Professional Conduct 5.4(d)(2) states that "[a] lawyer shall not practice with or in the
8 form of a professional corporation or association authorized to practice law for a profit, if... (2) [a]
9 nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in
10 any form or association other than a corporation..." In this instance, you had a nonlawyer serving as
11 both a director and an officer. This is a violation of the Rule.

12 Pursuant to negotiation and your "Conditional Guilty Plea," in light of the foregoing, you
13 violated Rules of Professional Conduct ("RPC") 1.15 (Safekeeping Property), RPC 1.16 (Declining or
14 Terminating Representation), RPC 1.5 (Fees), RPC 8.1 (Bar Admission and
15 Disciplinary Matters), RPC 7.1 (Communications Concerning a Lawyer's Services), and RPC
16 5.4 (Professional Independence of a Lawyer), and are hereby **PUBLICLY REPRIMANDED**.

17 Dated this 12TH day of October, 2016.

18
19 By: 

20 SHANN WINESETT, ESQ.
21 Formal Hearing Panel Chair
22 Southern Nevada Disciplinary Board
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