



September 16, 2019

LETTER OF REPRIMAND

Keith D. Cable, Esq.
101 Parkshore Drive, Suite 100
Folsom, CA 95630

RE: Case No. OBC18-0400

Dear Mr. Cable:

On August 27, 2019, a Screening Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. The Panel concluded that you violated the Rules of Professional Conduct ("RPC") and should be reprimanded. This letter shall constitute delivery of that reprimand.

On May 22, 2014, Diane Amsler ("Amsler") and Susan Katz ("Katz") retained Cable Gallagher to handle the wrongful death matter of Dr. Roger Foster. On January 29, 2015, Sterling Law, LLC and Cable Gallagher filed a Complaint, Amsler v. Marquis Companies, Case No. A-15-713150-C (the "Amsler lawsuit"). While the primary contact for Amsler and Katz was Mark Gallagher ("Gallagher"), you and local counsel Beau Sterling signed the Complaint and were the attorneys of record. It appears that the case was settled for \$15,000, although Amsler and Katz never authorized a settlement.

On October 18, 2016, you signed a Stipulation and Order to Dismiss the Amsler matter. You indicated that you signed the Stipulation after Gallagher advised you the case settled. You also indicated you did not know the specifics of the settlement, but that you had no reason to doubt Gallagher's representation of settlement. You also indicated, however, that your signature on the settlement documents was forged. The case was subsequently dismissed and Amsler and Katz remain unpaid.

Rules of Professional Conduct

RPC 1.15 (Safekeeping Property) requires a lawyer to 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. RPC 1.15(a) also requires an attorney to keep complete records of such account.

You and Gallagher were both signators on the firm's IOLTA Account. You advised the State bar that you and Gallagher each channeled your own client files, billings and accountings. You also advised that you and Gallagher did not reconcile the

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

www.nvbar.org

account. As partners and signatories on the IOLTA Account, you were both responsible for monitoring the IOLTA account. That you and Gallagher had separate clients does not absolve you from your duties to monitor and reconcile the trust account. Had you reconciled the account on a regular basis, and maintained complete records, as required by RPC 1.15, you may have discovered that client funds were missing from the account. Your failure to reconcile the account on a regular basis and after the firm dissolved, and to maintain complete records of the IOLTA Account violates RPC 1.15.

RPC 5.1(c) (Responsibilities of Partners, Managers, and Supervisory Lawyers) provides:

(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:

(1) The lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or


(2) The lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

You breached RPC 5.1(c) by signing the Stipulation to Dismiss the Amsler lawsuit, when the firm did not have client authority to settle. While you indicated you did not know the specifics of the settlement, you nevertheless should not have signed a settlement agreement without being sure you had settlement approval from the client, especially since the Settlement Agreement contains a purported forgery of your signature. It would have been more prudent to review the settlement documents before signing the Stipulation to dismiss.

Accordingly, you are hereby **REPRIMANDED** for violating RPC 1.15 and RPC 5.1(c). In addition, within 30 days of this Letter of Reprimand you are required to remit to the State Bar of Nevada the amount of \$1,500 pursuant to Supreme Court Rule 120(3).

We 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 16th day of September 2019



Tom Edwards, Esq.
Chair, Screening Panel
Southern Nevada Disciplinary Board