

# STATE BAR OF NEVADA

February 23, 2021



## LETTER OF REPRIMAND

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Alda Anderson, Esq.  
6312 Eagle Pass Ct.  
North Las Vegas, NV 89084

Re: State Bar of Nevada Disciplinary Grievances:  
OBC20-0799 (State Bar of Nevada)

Dear Ms. Anderson:

A Screening Panel of the Southern Nevada Disciplinary Board reviewed the above-referenced grievance and unanimously determined to issue you a Letter of Reprimand for violations of Rules of Professional Conduct (RPC) set forth below regarding your handling of a criminal case.

### GRIEVANCE

On June 30, 2020, you appeared on a criminal matter in Las Vegas Justice Court with your client, Ms. Winn, who was in custody. At that time, the court set the case for an in-custody preliminary hearing set on July 14, 2020.

On July 14, 2020, you failed to appear for the scheduled preliminary hearing for Ms. Winn who was still in custody. The Court rescheduled the preliminary hearing for July 30, 2020.

On July 30, 2020, you appeared late for the scheduled preliminary hearing for Ms. Winn who was still incarcerated. During a bench conference, counsel for Ms. Winn's co-defendant stated that his client wanted to waive the preliminary hearing and be bound

over to district court. When the prosecutor asked you if your client wanted to waive up without negotiations, you asked "what does that mean?"

The transcript of the hearing confirms that, despite the State having six witnesses present and ready to testify, you advised the Court that you were not ready to go forward with the preliminary hearing and that you did not know much about criminal law. The Court then asked you if you could be prepared at the next date set for preliminary hearing. You informed the Court you could not guarantee that you would be ready to conduct the preliminary hearing at the next date. As a result, due to concerns that you could not effectively represent your client, the Court removed you from the case and appointed a track attorney to represent your client moving forward.

### REPRIMAND

Based upon the foregoing, you are hereby REPRIMANDED for your conduct related to representation of the foregoing client(s), which conduct violated the Nevada Rules of Professional Conduct ("RPC") as follows:

RPC 1.1 (Competence) – for failing to demonstrate the understanding of basic criminal law concepts and procedure.

RPC 1.3 (Diligence) and RPC 3.2 (Expediting Litigation) – for missing a scheduled in-custody preliminary hearing date for your client. Additionally, for failing to appear on time and be prepared to conduct the preliminary for your client who was still in custody on the subsequent setting.

The Nevada Supreme Court and the American Bar Association Standards for Imposing Lawyer Sanctions adopted an analysis of four factors to consider for disciplinary sanctions: the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors..." In re Lerner, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (Nev. 2008).

You have a duty to understand the legal concepts and demonstrate skill, thoroughness, and preparation in any area of law in which you agree to represent a client. You also have a duty to act with reasonable diligence and promptness when representing a client. The evidence shows that you demonstrated a failure to understand the basic criminal procedure of waiving a preliminary hearing to proceed to district court. Alternatively, you were unprepared to conduct preliminary hearing on your client's case. As a result, the presiding judge removed you from the case because she lacked confidence that you could adequately represent your client. Your conduct has injured your client by delaying her preliminary hearing while she was in custody.

Thus, weighing the rules violated, your mental state, the potential or actual injury caused, two ABA Standards are applicable. They are: (1) ABA Standard 4.53, which states that "Reprimand is generally appropriate when a lawyer: (a) demonstrates failure to understand relevant legal doctrines or procedures and causes injury or potential injury

to a client; or (b) is negligent in determining whether he or she is competent to handle a legal matter and causes injury or potential injury to a client;" and (2) ABA Standard 7.3, which states that "Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal profession."

The Supreme Court of Nevada has provided two types of reprimand: a Public Reprimand or a Letter of Reprimand. The latter is the lowest form of discipline available. Based upon the above factors, the Panel finds that the lesser of the two sanctions is appropriate.

Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500.

Sincerely,

*Luke Puschnig*

Luke Puschnig (Feb 23, 2021 11:40 PST)

Luke Puschnig, Esq.,  
Screening Panel Chair  
Southern Nevada Disciplinary Board