

SEP 10 2007



2 STATE BAR OF NEVADA

3 SOUTHERN NEVADA DISCIPLINARY BOARD STATE BAR OF NEVADA

4 STATE BAR OF NEVADA, )  
 )  
 5 Complainant, )  
 )  
 6 vs. )  
 )  
 7 RULON HUNTSMAN, ESQ., )  
 )  
 8 Respondent. )

PUBLIC REPRIMAND

9  
10 **TO: RULON HUNTSMAN, ESQ.**

11 This matter was heard by a Formal Hearing Panel of the Southern Nevada  
 12 Disciplinary Board on October 12, 2005. The Panel unanimously found that you violated  
 13 SCR 153 (Diligence), SCR 187 (Responsibilities regarding nonlawyer assistants), and  
 14 SCR 189 (Unauthorized practice of law) and recommended that you be suspended for six  
 15 (6) months, to be stayed under the following conditions: (1) that you enter into a one-  
 16 year mentoring agreement within thirty (30) days of entry of this court's order; (2) that you  
 17 refrain from providing unbundled legal services for six (6) months; (3) that you no longer  
 18 be associated in any way with pro se documents prepared by non-lawyers for third  
 19 parties, with any documents prepared by a non-lawyer associated with you to be signed  
 20 by you only, and (4) that you pay the actual costs of the disciplinary proceedings within  
 21 sixty (60) days of receipt of a billing from the State Bar. The Panel further recommended  
 22 that you receive a Public Reprimand upon successful completion of the one-year  
 23 mentoring agreement.

24 ...

25 ...

1 The Supreme Court having approved the Panel's Recommendation in its entirety  
2 and your having successfully completed the one (1) year mentoring agreement, you are  
3 hereby PUBLICLY REPRIMANDED as follows:

4 Amber Maier ("Maier") and her husband Robert ("Robert") sought legal counsel to  
5 defend them in a contested paternity and custody action regarding her minor child, who  
6 was born during the marriage of Maier and Robert. Eventually the Maiers called  
7 Affordable Legal Services and asked to speak to a lawyer. They were connected to Paul  
8 Kelley ("Kelley"), a nonlawyer. As such, both Maier and Robert assumed that Kelley was  
9 a lawyer.

10 Kelley told them he could "do everything" for \$750. When asked for a written  
11 agreement, Kelley stated that he had been doing this for 40 years and did everything with  
12 a "handshake agreement" only. The Maiers were put on a payment plan and eventually  
13 made two payments totaling \$400 towards the total quoted. No further installments were  
14 made after the Maiers learned Kelley was not a lawyer.

15 Maier met with Kelley approximately three times at Kelley's office, which is located  
16 inside the building that houses your law practice. Your building lacked any signage  
17 inside or out that designated Kelley as a business separate from you. At no time up to  
18 this point did Kelley inform Maier or Robert that he was not a lawyer. You testified at the  
19 time of hearing that Kelley was responsible for taking care of signage, but had not to that  
20 point done so.

21 When asked for a business card, the only business card Kelley provided to Maier  
22 was that of paralegal and notary Gladys Gordon ("Gordon").

23 Kelley drafted an *Answer and Counterclaim* as well as a multiple issue Motion on  
24 behalf of Maier, which she filed in proper person. The Motion Kelley prepared included  
25 an application to waive court fees and proceed *in forma pauperis*. Upon Kelley's  
instruction, Maier signed the documents, including the Verification and  
Acknowledgement, outside the presence of a notary. Kelley further instructed Maier to  
concomitantly sign the notary book for Gordon, who was not present, and stated that  
Gordon would notarize everything the following day.

Subsequently, Maier was served with Plaintiff's motion to perform DNA testing.  
She called Kelley to see if he received a copy and it was then, for the first time, that  
Kelley informed her he was only a paralegal. When Maier asked if she needed to meet  
with the attorney, Kelley stated that "your lawyer doesn't need to be there." When  
pressed, Kelley disclosed that he worked specifically for you and that if Maier wanted to  
meet with him, Kelley could arrange it.

Maier's *pro se* Answer and Counterclaim were filed November 4, 2004, and the  
Counter-motion for Sole Legal Custody was filed January 5, 2005. A hearing was set  
before Judge Ritchie for January 26, 2005.

1 On the morning of the hearing, Robert tried several times to reach either you or  
2 Kelley by telephone to see if you or any attorney were going to appear. Initially the  
3 Maiers were told that you were not in the office. However, just prior to the hearing and  
only after Robert stated a malpractice suit would be filed if you did not appear, Robert  
was told you would be available, but only because you had nothing on your calendar.

4 You thereafter met very briefly with the Maiers before the hearing and appeared in  
5 court before Judge Ritchie as Maier's counsel but were unfamiliar with her case. Robert  
6 was not allowed in the courtroom. The Judge ordered the paternity test and set the  
matter over until February 15, 2005.

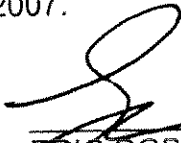
7 The Panel determined that Kelley was your assistant for purposes of SCR 187  
8 (Responsibilities regarding nonlawyer assistants). This conclusion was based, in large  
9 part, upon your own testimony that: (1) you share joint files with Kelley and rely upon  
10 Kelley to prepare Withdrawal Orders in cases where you appear in an unbundled  
capacity, (2) Kelley collects legal fees for you and pays you \$150 per hour for court  
appearances, and (3) you and Kelley presented to the Maiers and to the public as a  
single business entity, being housed in the same building with a lack of any signage  
indicating different businesses.

11 You contend that you were only responsible for the paternity test aspect of this  
12 matter as an unbundled service, despite the fact that there were several other legal  
13 issues contained in the Motion prepared by Kelley. You did not address in any way at  
14 that time or thereafter Maier's or Robert's rights, the contents of the pleadings previously  
provided, or the argument that under Nevada law, Maier and Robert were entitled to a  
presumption of parentage because the child was born inside the marriage. Maier has  
since continued in this action *pro se*.

15 Despite you appearing in Court pursuant to EDCR 5.28 and this "unbundled  
16 service" as an acceptable method of representation, this Panel finds such procedures as  
17 a potential breeding ground for poor and unprofessional representation of the public.  
18 This Panel believes that if a lawyer is going to appear in Court pursuant to EDCR 5.28  
that he or she should be well versed in both the facts and the law regarding all issues that  
are before the Court for that particular hearing. Moreover, the public should be well  
informed and understand that they have a lawyer for only a limited purpose and time.

19 Your conduct in this matter violates SCR 153 (Diligence), SCR 187  
20 (Responsibilities regarding nonlawyer assistants), and SCR 189 (Unauthorized practice  
of law) and you are hereby PUBLICLY REPRIMANDED.

21 Dated this 6<sup>th</sup> day of September, 2007.

22  
23   
24 ERIC DOBBERSTEIN, ESQ., Chair  
25 Southern Nevada Disciplinary Board Panel

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
RULON S. HUNTSMAN, ESQ.

No. 46272

**FILED**

MAY 04 2006

*[Signature]*  
DEPUTY CLERK

ORDER OF STAYED SUSPENSION AND OTHER CONDITIONS

This is an automatic appeal from a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Rulon Huntsman be disciplined, based on its conclusion that Huntsman violated SCR 153 (diligence), SCR 187 (responsibilities regarding nonlawyer assistants) and SCR 189 (unauthorized practice of law). The panel has recommended that Huntsman receive a six-month suspension, to be stayed subject to several conditions: (1) Huntsman must participate in a mentorship for one year, with the mentor approved by bar counsel; (2) Huntsman must not provide "unbundled" legal services for six months; (3) Huntsman must not associate in any way with nonlawyers who prepare legal documents for third parties on a pro se basis, and any documents prepared by nonlawyers must be drafted for Huntsman's signature only; and (4) upon successful completion of the one-year mentorship, the suspension shall not be imposed and Huntsman shall receive a public reprimand.

As we recognized in In re Stuhff, "[t]hough persuasive, the [panel's] findings and recommendations are not binding on this court. This court must review the record de novo and exercise its independent

*[Handwritten initials]*  
Effective Date: May 2006  
Bar Number: 968

06-09329

judgment to determine whether and what type of discipline is warranted.”<sup>1</sup> The panel's findings must be supported by clear and convincing evidence.<sup>2</sup>

Huntsman concedes that the violations found by the panel are supported by clear and convincing evidence, and he does not contest most elements of the recommended discipline. But Huntsman maintains that a public reprimand is too harsh, and asks instead that he receive no more than a private reprimand upon completion of the mentorship.

Having reviewed the briefs and the record, we conclude that the violations found by the panel are supported by clear and convincing evidence. Also, in light of aggravating factors, particularly Huntsman's discipline history, which includes private reprimands for similar misconduct concerning lack of supervision over non-lawyer personnel, we conclude that the recommended discipline is appropriate.

Accordingly, we approve the panel's recommendation in its entirety. Huntsman shall be suspended for six months, to be stayed subject to the conditions described above. Upon successful completion of the one-year mentorship, the hearing panel shall issue the public reprimand attached to its recommendation.<sup>3</sup> Huntsman shall also pay the costs of the disciplinary proceeding within thirty days of the date of this

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<sup>1</sup>108 Nev. 629, 633, 837 P.2d 853, 855 (1992).

<sup>2</sup>In re Drakulich, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995).

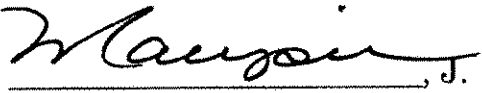
<sup>3</sup>See SCR 105(3)(c) (providing that proposed public reprimands shall be submitted to this court for approval, unless agreed to by the disciplined lawyer under SCR 113).

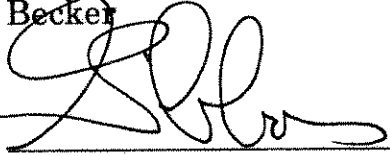
order. If Huntsman fails to abide by any of the conditions, bar counsel may file a petition for immediate imposition of the six-month suspension.


It is so ORDERED.<sup>4</sup>

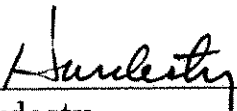
  
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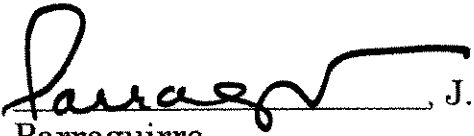
  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Howard Miller, Chair, Southern Nevada Disciplinary Board  
Rob W. Bare, Bar Counsel  
Allen W. Kimbrough, Executive Director  
Rulon J. Huntsman

<sup>4</sup>This is our final disposition of this matter. Any new proceedings concerning Huntsman shall be docketed under a new docket number.