

# STATE BAR OF NEVADA

February 23, 2021



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## **LETTER OF REPRIMAND**

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Re: Grievance OBC20-0898

Dear Mr. Stein:

On February 16, 2021, a Screening Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. Based on the evidence presented, the Panel concluded that you violated the Rules of Professional Conduct ("RPC") and should be issued a Letter of Reprimand. This letter shall constitute a delivery of that reprimand.

On May 21, 2019, Grievant paid you \$1,500.00 to assist her daughter with a criminal record seal. Between May 2019 and August 2020, Grievant stated that either she, her husband, or her daughter, has contacted you a minimum of once a month to follow up on the record seal. Grievant stated that your answer to them was always that the file was "up north" and are just waiting to hear back.

On or about August 9, 2020, Grievant attempted to contact you but was told that you are no longer in the practice and had not left a forwarding number. Grievant eventually hired Nevada Expungement Services who confirmed that you had done nothing on behalf of Grievant's daughter. On or about December 8, 2020, you spoke with an investigator with the State Bar and admitted that you failed to provide any services to Grievant's daughter.

RPC 1.3 (Diligence) states that a lawyer "shall act with reasonable diligence and promptness in representing a client." In this case, you failed to perform any of the services you were retained for. This type of ethical breach caused potential injury to Grievant's daughter. Under ABA Standard 7.3, 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 system.

RPC 1.4 (Communication) states, in pertinent part, that a lawyer shall “[k]eep the client reasonably informed about the status of a matter” and “explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.” In this case, Grievant and her family members contacted you on multiple occasions, to which you would respond that you were waiting to hear back from the court. This type of ethical breach caused potential injury to Grievant’s daughter. Under ABA Standard 7.3, 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 system.

RPC 1.15 (Safekeeping Property) states, in pertinent part, that “[a] lawyer shall 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.” Specifically, RPC 1.15(c) states that “[a] lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.” In this case, you kept the \$1,500.00 retainer Grievant paid you without performing any work. This type of ethical breach caused injury to Grievant’s daughter. Under ABA Standard 4.13, reprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client.

RPC 1.16 (Declining or Terminating Representation) states, in pertinent part, that “a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if . . . [t]he representation will result in violation of the Rules of Professional Conduct or other law.” In this case, you should have terminated your representation of Grievant’s daughter as your conduct resulted in violations of the RPCs. This type of ethical breach caused injury to Grievant’s daughter. Under ABA Standard 7.3, 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 system.

Accordingly, you are hereby REPRIMANDED for violating RPCs 1.3 (Diligence), 1.4 (Communication), 1.15 (Safekeeping Property), and 1.16 (Declining or Terminating Representation). In addition, pursuant to Supreme Court Rule 120(3), you are required to remit to the State Bar of Nevada the amount of \$1,500 **within 30 days** of this Letter. I 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 23 day of February, 2021.

*Luke Puschnig*

Luke Puschnig (Feb 23, 2021 10:35 PST)

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