

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
 OFFICE OF THE CHIEF TRIAL COUNSEL
 2 JAYNE KIM, No. 174614
 CHIEF TRIAL COUNSEL
 3 JOSEPH R. CARLUCCI, No. 172309
 DEPUTY CHIEF TRIAL COUNSEL
 4 MIA R. ELLIS, No. 228235
 ACTING ASSISTANT CHIEF TRIAL COUNSEL
 5 BROOKE A. SCHAFER, No. 194824
 SUPERVISING SENIOR TRIAL COUNSEL
 6 ANN J. KIM, No. 259222
 DEPUTY TRIAL COUNSEL
 7 845 South Figueroa Street
 Los Angeles, California 90017-2515
 8 Telephone: (213) 765-1230

FILED

DEC 23 2015
 STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

10 STATE BAR COURT
 11 HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 15-J-10991
 14 RORY JOSEPH VOHWINKEL,)
 No. 276102,) NOTICE OF DISCIPLINARY CHARGES
 15)
 16) (Bus. & Prof. Code, § 6049.1; Rules Proc. of
 A Member of the State Bar.) State Bar, rules 5.350 to 5.354

NOTICE - FAILURE TO RESPOND!

18 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
 19 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
 THE STATE BAR COURT TRIAL:

- 20 (1) YOUR DEFAULT WILL BE ENTERED;
- 21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 22 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
 AND THE DEFAULT IS SET ASIDE, AND;
- 23 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
 24 OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
 ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
 25 FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
 RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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kwiktag • 197 148 377


1 The State Bar of California alleges:

2 JURISDICTION

3 1. Rory Joseph Vohwinkel ("respondent") was admitted to the practice of law in the
4 State of California on May 25, 2011, and is currently a member of the State Bar of California.

5 PROFESSIONAL MISCONDUCT IN A FOREIGN JURISDICTION

6 2. On or about November 20, 2014, the State Bar of Nevada Southern Nevada
7 Disciplinary Board ordered that respondent be disciplined upon findings that respondent had
8 committed professional misconduct in that jurisdiction as set forth in the Notice of Entry of
9 Order filed November 20, 2014, and the attached Conditional Guilty Plea in Exchange for a
10 Stated Form of Discipline; Findings of Fact, Conclusions of Law and Recommendation
11 Approving Conditional Guilty Plea in Exchange for a State Form of Discipline; and Public
12 Reprimand. Thereafter, the decision of the foreign jurisdiction became final.

13 3. A certified copy of the final order of disciplinary action of the foreign jurisdiction is
14 attached as Exhibit 1 and incorporated by reference.

15 4. A copy of the statutes, rules or court orders of the foreign jurisdiction found to have
16 been violated by respondent is attached as Exhibit 2 and incorporated by reference.

17 5. Respondent's culpability as determined by the foreign jurisdiction indicates that the
18 following California statutes or rules have been violated or warrant the filing of this Notice of
19 Disciplinary Charges: rule 3-110(A) and rule 1-300(A) of the Rules of Professional Conduct and
20 Business and Professions Code section 6068(m).

21 ISSUES FOR DISCIPLINARY PROCEEDINGS

22 6. The attached findings and final order are conclusive evidence that respondent is
23 culpable of professional misconduct in this state subject only to the following issues:

24 A. The degree of discipline to impose;

25 B. Whether, as a matter of law, respondent's culpability determined in the
26 proceeding in the other jurisdiction would not warrant the imposition of discipline in the State of
27 California under the laws or rules binding upon members of the State Bar at the time the member
28 committed misconduct in such other jurisdiction; and

1 C. Whether the proceedings of the other jurisdiction lacked fundamental
2 constitutional protection.

3 7. Respondent shall bear the burden of proof with regard to the issues set forth in
4 subparagraphs B and C of the preceding paragraph.

5 **NOTICE - INACTIVE ENROLLMENT!**

6 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
7 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
8 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
9 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
10 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
11 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
12 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
13 RECOMMENDED BY THE COURT.**

14 **NOTICE - COST ASSESSMENT!**

15 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
16 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
17 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
18 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
19 PROFESSIONS CODE SECTION 6086.10.**

20 Respectfully submitted,

21 THE STATE BAR OF CALIFORNIA
22 OFFICE OF THE CHIEF TRIAL COUNSEL

23 DATED: December 23, 2015

24 By: _____

25 
26 Ann J. Kim
27 Deputy Trial Counsel
28

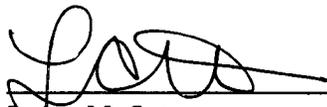
**STATEMENT OF THE CUSTODIAN OF DISCIPLINARY RECORDS
FOR THE STATE BAR OF NEVADA**

The undersigned, in her capacity as the Hearings Administrator and Custodian of Disciplinary Records for the State Bar of Nevada, hereby certifies that she is authorized to make this certification and has duly searched the records of the State Bar of Nevada. The Affiant certifies that the following documents are true and correct copies of the Original in the records of the Office of Bar Counsel within the State Bar of Nevada:

Attorney	Bar No.	Document
Rory J. Vohwinkel	8709	Notice of Entry of Order filed November 20, 2014 (included with exhibits)

DATED this 13th day of January 2015.

CUSTODIAN OF RECORDS
STATE BAR OF NEVADA



Luisa M. Cota
Hearings Administrator, Office of Bar Counsel



1 Case Nos.: SG10-0181, SG11-1436 and SG12-0892

2 STATE BAR OF NEVADA

3 SOUTHERN NEVADA DISCIPLINARY BOARD



4 FILED

5 NOV 20 2014

6 STATE BAR OF NEVADA,)
7 Complainant,)
8 vs.)
9 RORY J. VOHWINKEL, ESQ.,)
10 NEVADA BAR NO. 8709)
11 Respondent.)

STATE BAR OF NEVADA
BY:
OFFICE OF BAR COUNSEL

NOTICE OF ENTRY OF ORDER

12 PLEASE TAKE NOTICE that the **CONDITIONAL GUILTY PLEA IN EXCHANGE**
13 **FOR A STATED FORM OF DISCIPLINE; FINDINGS OF FACT, CONCLUSIONS OF**
14 **LAW AND RECOMMENDATION APPROVING CONDITIONAL GUILTY PLEA IN**
15 **EXCHANGE FOR A STATED FORM OF DISCIPLINE; and PUBLIC REPRIMAND** in the
16 above-referenced matter were entered on November 20, 2014. True and correct copies
17 are attached hereto as **EXHIBIT 1, EXHIBIT 2 and EXHIBIT 3.**

18 DATED this 20th day of November, 2014.

19 STATE BAR OF NEVADA
20 David A. Clark, Bar Counsel

21 By:
22 Janeen V. Isaacson, Assistant Bar Counsel
23 600 E. Charleston Boulevard
24 Las Vegas, Nevada 89104
25 (702) 382-2200
Attorney for State Bar of Nevada

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
NOTICE OF ENTRY OF ORDER was placed in a sealed envelope and sent by U.S.
regular mail and certified mail in Las Vegas, Nevada, postage fully prepaid thereon for
first class regular mail and certified mail addressed to:

Rory J. Vohwinkel, Esq.
c/o Joseph Garin, Esq. & Shannon Nordstrom, Esq.
Lipson, Neilson, Cole, Seltzer & Garin
9900 Covington Cross Road, Suite 100
Las Vegas NV 89144-7052
CERTIFIED MAIL NO.: 7012 1010 0001 2501 9787

DATED this 20th day of November, 2014.



LUISA COTA, an employee of
the State Bar of Nevada.

EXHIBIT 1

1 Case No. SG10-0181, SG11-1436 and SG12-0892

2 STATE BAR OF NEVADA

3 SOUTHERN NEVADA DISCIPLINARY BOARD

4 STATE BAR OF NEVADA,)
)
 5 Complainant,)
)
 6 vs.)
)
 7 RORY J. VOHWINKEL, ESQ.,)
)
 8)
)
 9 Respondent.)
)

CONDITIONAL GUILTY PLEA
IN EXCHANGE FOR A STATED
FORM OF DISCIPLINE

10
11 Rory J. Vohwinkel ("Respondent"), a duly licensed attorney in the State of Nevada, and
12 named Respondent herein, hereby tenders to Bar Counsel for the State Bar of Nevada
13 ("State Bar") the following Conditional Guilty Plea pursuant to Supreme Court Rule ("SCR")
14 113(1) and agrees to the imposition of the following Stated Form of Discipline in the above-
15 captioned Case.

16 I.

17 CONDITIONAL GUILTY PLEA

18 Through the instant Plea, Respondent agrees and admits as follows:

19 1. Respondent pleads guilty and admits that he violated the following Rules of
20 Professional Conduct as set forth in the formal Complaint filed on June 5, 2014, and in
21 accordance with the Stipulation of Facts stated herein:

22 Count 1 - SG10-0181: Respondent violated RPC 1.3 (Diligence), RPC 1.4
23 (Communication), RPC 1.5 (Fees), RPC 5.3 (Responsibilities Regarding Non-lawyer
24 Assistants) and RPC 5.5 (Unauthorized Practice of Law). In exchange, the State Bar agrees
25 to dismiss RPC 1.15 (Safekeeping Property) and RPC 8.4 (Misconduct).

1 case will be assigned to the most appropriate loan modification specialist or
2 senior attorney to secure the best possible outcome."

3 4. Paladin offered educational seminars to the public at least one time per month
4 between 2008 and 2010. Seminars took place every Wednesday in March at 6 p.m. at 9980
5 Flamingo Road, Las Vegas, NV 89147.

6 5. People who attended these seminars were encouraged to retain Paladin for
7 legal services.

8 6. Zachary B. Roberts ("Roberts"), a California licensed attorney who is not
9 licensed to practice law in Nevada, was also an attorney for Paladin.

10 **COUNT 1 – SG10-0181 (Nesbitt)**

11 7. In September of 2009, Sharyn Nesbitt ("Nesbitt") retained the Paladin Legal
12 Advocacy Center to negotiate two loan modifications.

13 8. Nesbitt paid Paladin \$5,500 for these services.

14 9. Roberts conducted Nesbitt's initial consultation, and facilitated the signing of
15 her fee agreement.

16 10. Roberts provided Nesbitt legal advice as to her best course of action based on
17 her situation, and counseled her regarding the documentation that would be required by her
18 to submit her application with the bank.

19 11. Nesbitt provided the required documentation to Paladin.

20 12. On November 30, 2009, Nesbitt was contacted by non-lawyer Jackie Maglaya
21 ("Maglaya") requesting information she had previously provided.

22 13. Nesbitt resent the information and was told that she would have word in
23 approximately two weeks.

24 14. On January 11, 2010, Nesbitt received an email claiming that her loans were
25 being reviewed by Aurora Loans and that the review process could take up to four months.

1 15. On April 23, 2010, she received a letter requesting her financial information
2 again.

3 16. Nesbitt tried to get in touch with someone at Paladin to discuss their request,
4 but received no response.

5 17. On June 17, 2010, Nesbitt received notice that both of her properties were to
6 be sold at a trustee's sale.

7 18. Nesbitt forwarded the notices of sale to Paladin and requested an explanation
8 regarding what happened with her modifications.

9 19. Nesbitt subsequently received a letter from Respondent stating that her file was
10 being closed due to her failure to communicate.

11 20. Nesbitt stated the termination letter was the first communication she ever had
12 from Respondent during the course of her representation.

13 21. Respondent refused to refund any of the \$5,500 paid by Nesbitt despite failing
14 to obtain either loan modification.

15 22. On June 22, 2010, Nesbitt filed a grievance with the State Bar.

16 23. On July 6, 2010, the State Bar sent correspondence to Respondent enclosing
17 Nesbitt's grievance and requesting a response to the allegations.

18 24. In July of 2010, Roberts exchanged a series of emails with Nesbitt in which he
19 promised her \$2,000 in exchange for a withdrawal of her bar grievance. Nesbitt forwarded
20 these emails to the State Bar.

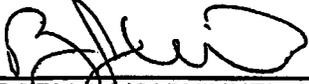
21 25. In his response to the State Bar, Respondent claimed that his office did all the
22 work they were hired to do on Nesbitt's files, and that she was the one who failed to
23 communicate with his office. Respondent also stated he thought the matter had been
24 concluded, and that she wanted to withdraw her grievance.

25 ///

1 noncompliance.

2 DATED this 11th day of September, 2014.

3 STATE BAR OF NEVADA

4 

5 RORY J. VOHWINKEL, ESQ.
6 c/o Shannon Nordstrom, Esq.
7 9900 Covington Cross Dr., #120
8 Las Vegas, Nevada 89144
9 Respondent

10 SHANNON NORDSTROM, ESQ.
11 9900 Covington Cross Dr., #120
12 Las Vegas, Nevada 89144
13 Counsel for Respondent

14 V.

15 APPROVAL OF ASSISTANT BAR COUNSEL

16 Having read the Conditional Guilty Plea in Exchange for a Stated Form of Discipline
17 tendered by Respondent, and being satisfied with the contents therein, I hereby approve and
18 recommend the Plea for approval by the Formal Hearing Panel.

19 DATED this ____ day of August, 2014

20 STATE BAR OF NEVADA

21 JANEEN V. ISAACSON, Assistant Bar Counsel
22 Bar No. 6429
23 600 E. Charleston Boulevard
24 Las Vegas, NV 89104
25 Attorney for Complainant

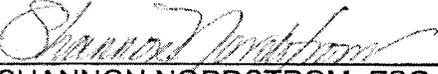
1 noncompliance.

2 DATED this 23rd day of September, 2014.

3 STATE BAR OF NEVADA

4 

5 RORY J. VOHWINKEL, ESQ.
6 c/o Shannon Nordstrom, Esq.
7 9900 Covington Cross Dr., #120
8 Las Vegas, Nevada 89144
9 Respondent

10 

11 SHANNON NORDSTROM, ESQ.
12 9900 Covington Cross Dr., #120
13 Las Vegas, Nevada 89144
14 Counsel for Respondent

15 V.

16 APPROVAL OF ASSISTANT BAR COUNSEL

17 Having read the Conditional Guilty Plea in Exchange for a Stated Form of Discipline
18 tendered by Respondent, and being satisfied with the contents therein, I hereby approve and
19 recommend the Plea for approval by the Formal Hearing Panel.

20 DATED this 20th day of ~~August~~ ^{Nov.} 2014

21 STATE BAR OF NEVADA

22 

23 JANEEN V. ISAACSON, Assistant Bar Counsel
24 Bar No. 6429
25 600 E. Charleston Boulevard
Las Vegas, NV 89104
Attorney for Complainant

EXHIBIT 2

1 Case Nos. SG10-0181, SG11-1436 and SG12-0892

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STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
 Complainant,)
)
 vs.)
)
 RORY J. VOHWINKEL, ESQ.,)
)
 Respondent.)

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND RECOMMENDATION
APPROVING CONDITIONAL GUILTY
PLEA IN EXCHANGE FOR A STATED
FORM OF DISCIPLINE

This matter came before a designated Formal Hearing Panel of the Southern Nevada Disciplinary Board ("Panel") at 9:00 a.m. on September 23, 2014, for consideration of the Conditional Guilty Plea in Exchange for a Stated Form of Discipline ("Plea") regarding attorney Rory J. Vohwinkel, Esq., ("Respondent"). Respondent is a licensed Nevada attorney, Bar No. 8709. The Panel consisted of Chair Shann D. Winesett, Esq., Donna Wittig, Esq. and, Robert Valdez, Lay-member. Assistant Bar Counsel Janeen V. Isaacson, Esq., represented the State Bar of Nevada ("State Bar"). Respondent was present with counsel, Joseph Garin, Esq. and Shannon Nordstrom, Esq.

Pursuant to Supreme Court Rule ("SCR") 113, Respondent tendered the proposed Plea, attached hereto as Exhibit 1, which contains Assistant Bar Counsel's approval and recommendation for approval by the Panel. The Plea also contains Respondent's approval. The Panel also considered an affidavit of the State Bar's custodian of records regarding Respondent's licensure and disciplinary record, which is attached hereto as Exhibit 2.

1 5. Respondent's stipulation to the violations set forth in the Plea is hereby
2 adopted.

3 **CONCLUSIONS OF LAW**

4 Based upon the foregoing Findings of Fact, the Panel hereby issues the following
5 Conclusions of Law:

- 6 1. That the Southern Nevada Disciplinary Board has jurisdiction over Respondent
7 and the subject matter of these proceedings pursuant to SCR 99;
- 8 2. That the Panel shall approve the Plea which was submitted in accordance with
9 SCR 105(2)(d) and SCR 113;

10 **RECOMMENDATION**

11 Based upon the foregoing Findings of Fact and Conclusions of Law, the Panel hereby
12 orders that Respondent be sanctioned as follows:

- 13 1. A Public Reprimand;
- 14 2. Respondent shall pay the actual costs of the disciplinary proceeding, excluding
15 Bar Counsel and staff salaries, within thirty (30) days of receipt of a billing from
16 the State Bar.
- 17 3. Respondent shall pay restitution within thirty (30) days as follows:

18 a. Nesbitt \$ 500
19 b. Lindsey \$ 750

20 Total: \$ 1,250

21 DATED this 23rd day of September, 2014.

22 

23
24 SHANN D. WINESETT, ESQ., Chair
25 Southern Nevada Disciplinary Panel

EXHIBIT 3

1 Case No. SG10-0181, SG11-1436 and SG12-0892

2 STATE BAR OF NEVADA

3 SOUTHERN NEVADA DISCIPLINARY BOARD

4 STATE BAR OF NEVADA,)
)
 5 Complainant,)
)
 6 vs.)
)
 7 RORY J. VOHWINKEL, ESQ.)
)
 8 Respondent.)
)
 9 _____)

10 PUBLIC REPRIMAND

11 TO: RORY J. VOHWINKEL, ESQ.

12 You were the supervising Nevada attorney of Paladin Legal Advocacy Center
13 ("Paladin"). Paladin advertised as being able to provide assistance with loan modifications,
14 short sales, and bankruptcies.

15 Paladin used the internet to advertise their law firm and would run ads on various
16 media sites such as YouTube. The advertisements stated the following:

17 "The Paladin Legal Advocacy Center employs an experienced team of real
18 estate professionals, including loss mitigation specialists and mortgage
19 professionals....and most importantly, all work is overseen by experienced real
20 estate attorneys in our office who are committed to providing the highest
21 quality service for every client.

22 Every one of our clients receive the benefit of an individual evaluation of all
23 relevant documentation, personalized consultation to discuss the critical
24 issues and explore all available options (including litigation), and then your
25 case will be assigned to the most appropriate loan modification specialist or
senior attorney to secure the best possible outcome."

Paladin also offered educational seminars to the public at least one time per month
between 2008 and 2010. Seminars took place every Wednesday in March at 6 p.m. at 9980

1 Flamingo Road, Las Vegas, NV 89147. People who attended these seminars were
2 encouraged to retain Paladin for legal services. Zachary B. Roberts ("Roberts"), a California
3 licensed attorney who is not licensed to practice law in Nevada, was also an attorney for
4 Paladin.

5 In September of 2009, Sharyn Nesbitt ("Nesbitt") retained the Paladin Legal Advocacy
6 Center to negotiate two loan modifications. Nesbitt paid Paladin \$5,500 for these services.

7 Roberts conducted Nesbitt's initial consultation, and facilitated the signing of her fee
8 agreement. Roberts provided Nesbitt legal advice as to her best course of action based on
9 her situation, and counseled her regarding the documentation that would be required by her
10 to submit her application with the bank. Nesbitt provided the required documentation to
11 Paladin.

12 On November 30, 2009, Nesbitt was contacted by non-lawyer Jackie Maglaya
13 ("Maglaya") requesting information she had previously provided. Nesbitt resent the
14 information and was told that she would have word in approximately two weeks.

15 On January 11, 2010, Nesbitt received an email claiming that her loans were being
16 reviewed by Aurora Loans and that the review process could take up to four months.

17 On April 23, 2010, Nesbitt received a letter requesting her financial information again.
18 Nesbitt tried to get in touch with someone at Paladin to discuss their request, but received no
19 response.

20 On June 17, 2010, Nesbitt received notice that both of her properties were to be sold
21 at a trustee's sale. Nesbitt forwarded the notices of sale to Paladin and requested an
22 explanation regarding what happened with her modifications.

23 Nesbitt subsequently received a letter from you stating that her file was being closed
24 due to her failure to communicate. Nesbitt stated the termination letter was the first
25 communication she ever had from you during the course of her representation.

1 You refused to refund any of the \$5,500 paid by Nesbitt despite failing to obtain either
2 loan modification.

3 On June 22, 2010, Nesbitt filed a grievance with the State Bar. On July 6, 2010, the
4 State Bar sent correspondence to you enclosing Nesbitt's grievance and requesting a
5 response to the allegations.

6 In July of 2010, Roberts exchanged a series of emails with Nesbitt in which he
7 promised her \$2,000 in exchange for a withdrawal of her bar grievance. Nesbitt forwarded
8 these emails to the State Bar.

9 In your response to the State Bar, you claimed that your office did all the work you
10 were hired to do on Nesbitt's files, and that she was the one who failed to communicate with
11 his office. You also stated you thought the matter had been concluded, and that she wanted
12 to withdraw her grievance.

13 On April 2, 2009, Joe Yakubik ("Yakubik") retained the Paladin Legal Advocacy
14 Center to negotiate loan modifications for six residential properties. Yakubik paid Paladin
15 \$8,000 for these services.

16 Roberts conducted Yakubik's initial consultation, and facilitated the signing of his fee
17 agreement. Roberts provided Yakubik legal advice as to his best course of action based on
18 his situation, and counseled him regarding the documentation that would be required by him
19 to submit his application with the bank. Yakubik provided the required documentation to
20 Paladin.

21 Yakubik stated that no work was ever done on his modifications with the exception of
22 a 3rd party authorization form being sent to a few of his lenders. When Yakubik complained
23 to Roberts, Roberts referred Yakubik to you stating that you were actually the local attorney
24 assigned to Yakubik's files.

25 Yakubik filed a bar grievance on September 26, 2011, stating that he had demanded
an accounting from you but had never received a response or his money back.

1 In response to the State Bar, you confirmed that Yakubik had retained the services of
2 Paladin. You stated that Yakubik paid \$7,000, not \$8,000, for six loans, and signed a fee
3 agreement stating that **"AN ADVANCE PAYMENT FOR LEGAL SERVICES RENDERED**
4 **TO THE CLIENT AND SHALL BE IMMEDIATELY PAYABLE TO THE FIRM FOR**
5 **SERVICES RENDERED.** According to you, that meant that the \$7,000 immediately was the
6 property of the firm, and that you didn't owe Yakubik any refund. You further stated that
7 Yakubik should have actually paid the firm another \$3,500 as full payment for six loans.

8 In your response to the State Bar, you referred to Roberts as your "partner" and
9 confirmed that Yakubik had his initial contact with him, but maintained that Roberts did not
10 give Yakubik any "legal advice", but instead only explained how the loan modification
11 process worked.

12 You also claimed that Yakubik provided only minimal documentation, preventing
13 Paladin from doing any meaningful work on his modifications. You blamed Yakubik for being
14 non-responsive and claimed that Paladin "monitored" the cases for about a year.

15 You also claimed the first communication Paladin had with Yakubik was a demand for
16 his money back on January 21, 2011. You stated that by this time, Roberts had left your
17 firm, and you thought Roberts would handle Yakubik's complaints.

18 You and Yakubik agreed to have your fee dispute heard through the State Bar's Fee
19 Arbitration program. You participated in the fee dispute mediation with Mark Alden, resulting
20 in an agreement that you would refund \$3,000 to Yakubik over a period of ten (10) months,
21 making monthly payments of \$300. You paid the debt in full.

22 Robert & Adela Lindsey retained the services of Paladin Legal Advocacy Center to
23 pursue a loan modification for their home on May 6, 2009. Mr. and Mrs. Lindsey paid Paladin
24 \$1,500 for these services.

25 Roberts conducted Mr. and Mrs. Lindsey's initial consultation, and facilitated the
signing of their fee agreement. Roberts provided Mr. and Mrs. Lindsey legal advice

1 regarding their best course of action based on their situation, and counseled them regarding
2 the documentation that would be required of them to submit their application with the bank.
3 Mr. & Mrs. Lindsey provided the required documentation to Paladin.

4 Over the next several months, Mr. and Mrs. Lindsey made frequent attempts to
5 contact the office for information about progress of their modification with no response.

6 In December of 2009, Mrs. Lindsey went into the office and demanded their money
7 back. This was the first and only time she or her husband had ever spoken with you. You
8 refused to provide a refund.

9 Paladin did not obtain a modification for Mr. and Mrs. Lindsey, and they terminated
10 Paladin's services. After terminating the services of Paladin, Mr. and Mrs. Lindsey retained
11 the services of another attorney, who was able to get them a loan modification approximately
12 one month later.

13 In response to the State Bar, you confirmed that Paladin Legal Advocacy Center was
14 retained to handle the loan modification for Mr. and Mrs. Lindsey. You claimed that your
15 office was very diligent, but that the bank had determined that Mr. and Mrs. Lindsey did not
16 qualify for a modification.

17 You stated you met personally with Mrs. Lindsey to go over their options after they
18 were denied, including a discussion of short sale or foreclosure mediation. You confirmed
19 that these services would require additional funds to be paid by Mr. and Mrs. Lindsey. You
20 maintained that under the fee agreement, no promise of an outcome was made, and that the
21 fee was immediately earned.

22 ///

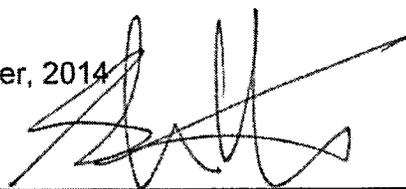
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1 In light of the foregoing, you violated Rule of Professional Conduct ("RPC) 1.3
2 (Diligence), RPC 1.4 (Communication), RPC 1.5 (Fees), RPC 5.3 (Responsibilities
3 Regarding Non-lawyer Assistants) and RPC 5.5 (Unauthorized Practice of Law) and are
4 hereby **PUBLICLY REPRIMANDED**.

5 Dated this 23rd day of September, 2014



7 SHANN D. WINESETT, ESQ.
8 Formal Hearing Panel Chair
9 Southern Nevada Disciplinary Board

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MODEL RULE COMPARISON—2006

Rule 1.2 (formerly Supreme Court Rule 152) is the same as ABA Model Rule 1.2.

Rule 1.3. Diligence. A lawyer shall act with reasonable diligence and promptness in representing a client. [Added; effective May 1, 2006.]

MODEL RULE COMPARISON—2006

Rule 1.3 (formerly Supreme Court Rule 153) is the same as ABA Model Rule 1.3.

Rule 1.4. Communication.

(a) A lawyer shall:

- (1) Promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these Rules;
- (2) Reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) Keep the client reasonably informed about the status of the matter;
- (4) Promptly comply with reasonable requests for information; and
- (5) Consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

(c) **Lawyer's Biographical Data Form.** Each lawyer or law firm shall have available in written form to be provided upon request of the State Bar or a client or prospective client a factual statement detailing the background, training and experience of each lawyer or law firm.

(1) The form shall be known as the "Lawyer's Biographical Data Form" and shall contain the following fields of information:

- (i) Full name and business address of the lawyer.
- (ii) Date and jurisdiction of initial admission to practice.
- (iii) Date and jurisdiction of each subsequent admission to practice.
- (iv) Name of law school and year of graduation.

(v) The areas of specialization in which the lawyer is entitled to hold himself or herself out as a specialist under the provisions of Rule 7.4.

(vi) Any and all disciplinary sanctions imposed by any jurisdiction and/or court, whether or not the lawyer is licensed to practice law in that jurisdiction and/or court. For purposes of this Rule, disciplinary sanctions include all private reprimands imposed after March 1, 2007, and any and all public discipline imposed, regardless of the date of the imposition.

(vii) If the lawyer is engaged in the private practice of law, whether the lawyer maintains professional liability insurance, and if the lawyer maintains a policy, the name and address of the carrier.

(2) Upon request, each lawyer or law firm shall provide the following additional information detailing the background, training and experience of each lawyer or law firm, including but not limited to:

(i) Names and dates of any legal articles or treatises published by the lawyer, and the name of the publication in which they were published.

(ii) A good faith estimate of the number of jury trials tried to a verdict by the lawyer to the present date, identifying the court or courts.

(iii) A good faith estimate of the number of court (bench) trials tried to a judgment by the lawyer to the present date, identifying the court or courts.

(iv) A good faith estimate of the number of administrative hearings tried to a conclusion by the lawyer, identifying the administrative agency or agencies.

(v) A good faith estimate of the number of appellate cases argued to a court of appeals or a supreme court, in which the lawyer was responsible for writing the brief or orally arguing the case, identifying the court or courts.

(vi) The professional activities of the lawyer consisting of teaching or lecturing.

(vii) The names of any volunteer or charitable organizations to which the lawyer belongs, which the lawyer desires to publish.

(viii) A description of bar activities such as elective or assigned committee positions in a recognized bar organization.

(3) A lawyer or law firm that advertises or promotes services by written communication not involving solicitation as prohibited by Rule 7.3 shall enclose with each such written communication the information described in paragraph (c)(1)(i) through (v) of this Rule.

(4) A copy of all information provided pursuant to this Rule shall be retained by the lawyer or law firm for a period of 3 years after last regular use of the information.

[Added; effective May 1, 2006; as amended; effective November 21, 2008.]

MODEL RULE COMPARISON—2007

Rule 1.4 (formerly Supreme Court Rule 154) is the same as ABA Model Rule 1.4, except that the 2007 amendments include language in paragraph (c) that was previously part of repealed Rule 7.2A(a) through (d) and (f) (formerly Supreme Court Rule 196.5) which is Nevada-specific language and has no counterpart in the Model Rules.

Rule 1.5. Fees.

(a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

(1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

- (3) The fee customarily charged in the locality for similar legal services;
- (4) The amount involved and the results obtained;
- (5) The time limitations imposed by the client or by the circumstances;
- (6) The nature and length of the professional relationship with the client;
- (7) The experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) Whether the fee is fixed or contingent.

(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.

(c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. A contingent fee agreement shall be in writing, signed by the client, and shall state, in boldface type that is at least as large as the largest type used in the contingent fee agreement:

- (1) The method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal;
- (2) Whether litigation and other expenses are to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculated;
- (3) Whether the client is liable for expenses regardless of outcome;
- (4) That, in the event of a loss, the client may be liable for the opposing party's attorney fees, and will be liable for the opposing party's costs as required by law; and
- (5) That a suit brought solely to harass or to coerce a settlement may result in liability for malicious prosecution or abuse of process.

Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.

(d) A lawyer shall not enter into an arrangement for, charge, or collect:

- (1) Any fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a divorce or upon the amount of alimony or support, or property settlement in lieu thereof; or
- (2) A contingent fee for representing a defendant in a criminal case.

(e) A division of a fee between lawyers who are not in the same firm may be made only if:

- (1) Reserved;
- (2) The client agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and
- (3) The total fee is reasonable.

[Added; effective May 1, 2006.]

MODEL RULE COMPARISON—2006

Rule 5.2 (formerly Supreme Court Rule 186) is the same as ABA Model Rule 5.2.

Rule 5.3. Responsibilities Regarding Nonlawyer Assistants. With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) A partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

(b) A lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) A lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) The lawyer orders or, with the 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 person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

[Added; effective May 1, 2006.]

MODEL RULE COMPARISON—2006

Rule 5.4 (formerly Supreme Court Rule 188) is the same as ABA Model Rule 5.4 with one exception. Paragraph (a)(5) of the Rule is Nevada specific and is retained from former Supreme Court Rule 188(1)(b).

Rule 5.5. Unauthorized Practice of Law.

(a) **General rule.** A lawyer shall not:

- (1) Practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (2) Assist another person in the unauthorized practice of law.

(b) **Exceptions.** A lawyer who is not admitted in this jurisdiction, but who is admitted and in good standing in another jurisdiction of the United States, does not engage in the unauthorized practice of law in this jurisdiction when:

- (1) The lawyer is authorized to appear before a tribunal in this jurisdiction by law or order of the tribunal or is preparing for a proceeding in which the lawyer reasonably expects to be so authorized;
- (2) The lawyer participates in this jurisdiction in investigation and discovery incident to litigation that is pending or anticipated to be instituted in a jurisdiction in which the lawyer is admitted to practice;
- (3) The lawyer is an employee of a client and is acting on behalf of the client or, in connection with the client's matters, on behalf of the client's other employees, or its commonly owned organizational affiliates in matters related to the business of the employer, provided that the lawyer is acting in this jurisdiction on an occasional basis and not as a regular or repetitive course of business in this jurisdiction;
- (4) The lawyer is acting with respect to a matter that is incident to work being performed in a jurisdiction in which the lawyer is admitted, provided that the lawyer is acting in this jurisdiction on an occasional basis and not as a regular or repetitive course of business in this jurisdiction;
- (5) The lawyer is engaged in the occasional representation of a client in association with a lawyer who is admitted in this jurisdiction and who has actual responsibility for the representation and actively participates in the representation, provided that the out-of-state lawyer's representation of the client is not part of a regular or repetitive course of practice in this jurisdiction;
- (6) The lawyer is representing a client, on an occasional basis and not as part of a regular or repetitive course of practice in this jurisdiction, in areas governed primarily by federal law, international law, or the law of a foreign nation; or
- (7) The lawyer is acting as an arbitrator, mediator, or impartial third party in an alternative dispute resolution proceeding.

(c) **Interaction with Supreme Court Rule 42.** Notwithstanding the provisions of paragraph (b) of this Rule, a lawyer who is not admitted to practice in this jurisdiction shall not represent a client in this state in an action or proceeding governed by Supreme Court Rule 42 unless the lawyer has been authorized to appear under Supreme Court Rule 42 or reasonably expects to be so authorized.

(d) **Limitations.**

(1) No lawyer is authorized to provide legal services under this Rule if the lawyer:

- (i) Is an inactive or suspended member of the State Bar of Nevada, or has been disbarred or has received a disciplinary resignation from the State Bar of Nevada; or
- (ii) Has previously been disciplined or held in contempt by reason of misconduct committed while engaged in the practice of law permitted under this Rule.

(2) A lawyer who is not admitted to practice in this jurisdiction shall not:

- (i) Establish an office or other regular presence in this jurisdiction for the practice of law;
- (ii) Solicit clients in this jurisdiction; or
- (iii) Represent or hold out to the public that the lawyer is admitted to practice law in this jurisdiction.

(e) **Conduct and discipline.** A lawyer admitted to practice in another jurisdiction of the United States who acts in this jurisdiction pursuant to paragraph (b) of this Rule shall be subject to the Nevada Rules of Professional Conduct and the disciplinary jurisdiction of the Supreme Court of Nevada and the State Bar of Nevada as provided in Supreme Court Rule 99.

[Added; effective May 1, 2006.]

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 15-J-10991

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196 9008 9111 1007 7540, at Los Angeles, on the date shown below, addressed to:

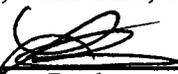
**Ellen A. Pansky
1010 Sycamore Ave. Unit 308
South Pasadena, CA 91030**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: December 23, 2015

Signed: 

Lupe Pacheco
Declarant