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From: [Amanda Fisher](#)
To: [Louise Watson](#); [James J. Jimmerson, Esq.](#)
Subject: RE: Grievance File No. OBC20-0163
Date: Friday, May 8, 2020 9:18:11 AM

Good morning Louise,

We have received your email along with the correspondence. We will submit a response to you regarding requested information before May 22nd

Thank you and stay safe!

Best regards,

Amanda Fisher
Bookkeeper/Office Manager
The Jimmerson Law Firm, P.C.
415 South 6th Street, Suite 100
Las Vegas, Nevada 89101
(702) 388-7171 (Office)
(702) 380-6422 (Facsimile)
af@jimmersonlawfirm.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: Louise Watson <LouiseW@nvbar.org>
Sent: Friday, May 8, 2020 8:19 AM
To: James J. Jimmerson, Esq. <jjj@jimmersonlawfirm.com>
Cc: Amanda Fisher <af@jimmersonlawfirm.com>
Subject: Grievance File No. OBC20-0163

Mr. Jimmerson:

Please see attached correspondence requesting some additional information regarding the above-referenced matter.

Please don't hesitate to contact me if you have any questions.

Sincerely,

Sr. Investigator/Program Manager
Office of Bar Counsel
Main: 702-382-2200
Direct: 702-317-1453
Fax: 702-382-8747
www.nvbar.org

The Office of Bar Counsel (OBC) is committed to fighting the outbreak of coronavirus (COVID-19). All OBC staff will work remotely for the immediate future. We will not receive physical mail on a regular basis. This may delay or adversely affect your matter with the OBC. We ask that you communicate through email to louisew@nvbar.org. Thank you for your patience and cooperation during this difficult time.

Notice of Confidentiality: The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking any action in reliance upon, this information by anyone other than the intended recipient is not authorized.

STATE BAR OF NEVADA,
Complainant,

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SUBPOENA DUCES TECUM
SERVED VIA CERTIFIED MAIL

vs.

JAMES J. JIMMERSON, ESQ.
Bar No. 264

Respondent.

TO: Attn: Subpoena Research
Nevada State Bank
1875 Redwood Road
Mailstop UTSC 0929
Salt Lake City, UT 84104

YOU ARE HEREBY directed to set aside any and all business and excuses and provide to Bar Counsel for the State Bar of Nevada at 3100 W. Charleston Boulevard, Suite 101, Las Vegas, Nevada, 89102, on Friday February 28, 2020, by 5:00 p.m. copies of the following records from accounts maintained by the above-captioned individual in conjunction with his law office.

NOTE: Your production of the requested items relieves your obligation to personally appear before Bar Counsel on the designated date and time. Any questions or documents produced can be directed to the attention of:

Louise Watson, CP
Senior Paralegal/Investigator
Office of Bar Counsel
702-317-1453
louisew@nvbar.org

For any and all trust and business accounts owned by James J. Jimmerson, date of birth April 8, 1951, in conjunction with his law practice, including but not limited to account number 002107126, please provide copies of the following:

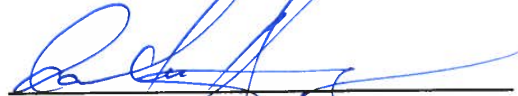
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1. All signature cards.
2. All monthly and/or periodic statements for the time period January 1, 2019, to present.
3. Front and back images of all checks written for the time period of January 1, 2019, to present.
4. Front and back images of all checks deposited for the time period of January 1, 2019, to present.
5. Deposit slips, if available, for the time period of January 1, 2019, to present;
6. Withdrawal slips, wire transfers and counter deposits for the time period of January 1, 2019, to present.
7. Cashier's checks issued from the account and related documents for the time period of January 1, 2019, to present.

This subpoena is issued pursuant to Supreme Court Rule (SCR) 110 in connection with a **CONFIDENTIAL INVESTIGATION** undertaken pursuant to the Nevada Supreme Court Rules. It shall be regarded as contempt of the Supreme Court Rules for you to in any way breach the confidentiality of this investigation. It shall not be regarded as a breach of confidentiality for you to consult with an attorney or answer questions asked at the above time and place. For failure to provide as herein directed, you will be deemed in contempt of the Southern Nevada Disciplinary Board and subject to citation from the District Court of the State of Nevada in and for the County of Clark to show cause why you should not be punished for such contempt as provided in SCR 110.

ISSUED this 6 day of February, 2020

STATE BAR OF NEVADA



Daniel Hooge, Bar Counsel
Nevada Bar No. 10620
3100 W. Charleston Blvd., Suite 100
Las Vegas, Nevada 89102
702-382-2200

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CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our web site at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

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Attn: Subpoena Research
Nevada State Bank
1875 Redwood Rd.
Mailstop UTSC 0929
Salt Lake City, UT 84104

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 3090 0000 060E 8102 0922 516E

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

AFFIDAVIT OF CUSTODIAN OF RECORD

CASE NAME: James J. Jimmerson

CASE NO: OBC20-0163

COMES NOW, **Janet Young**, who does swear and affirm the following:

I am a duly authorized custodian of the records for Zions Bancorporation, N.A. dba **Nevada State Bank** and as such have access to the records and data maintained by this division in the regular course of its business.

I hereby certify that it is a regular practice of the above-described entity to make and keep records of the acts, events, conditions, and opinions of such entity in the ordinary course of its business.

I hereby certify that the attached documents are true and correct copies of all records described in the legal order that are in my possession or control as a custodian of such records.

I further certify that the original records, from which the attached documents were copied, were made by the personnel of the above-described entity at or near the time of the original business transactions by, or from information transmitted by, a person with knowledge of those matters. Such documents are made in the ordinary course of business at said entity and are regularly kept in order to record the acts, events, conditions, or opinions of said business entity in the course of its regular business practice.

I hereby declare under penalty of perjury under the laws of the State of **Nevada** that the foregoing is true and correct.



AFFIANT

SUBSCRIBED AND SWORN to before me on February 19, 2020 by Janet Young



Notary Public

Trisha Holmes

Commission No. 691933

Notary Public

State of Utah

My commission expires 11/4/2020

On 11/21/19, \$46,958.87 transfer made from corp a/c to payroll a/c	Ex 27 p.1468 Ex 28 p.187 Ex 28 p.193
No further deposit into payroll a/c until 12/5/19	
\$46,772.53 disbursed from payroll a/c between 11/22/19 & 11/27/19 as follows:	
11/22/19 – direct debit of \$30,025 for payroll	Ex 28 p.187
11/22/19 – checks issued totaling \$5,861.26	Ex 28 pp.191-192, 197
11/26/19 – check issued for \$703.47	Ex 28 p.191
11/27/19 – direct debit of \$10,182.80 to IRS	Ex 28 p.187
Re: November 21, 2019, transfer	
11/21/19 – \$45K transfer made from IOLTA to corp a/c	Ex 26 p.195 Ex 27 p.1466
Respondent statement that transfer represented earned fees on behalf of 13 clients	Ex. 13 p.26
\$19,221.79 of transferred funds were not in IOLTA on day of transfer as follows:	
Denise Cashman \$4,365.89 payment made as part of 11/22/19 deposit	Ex 13 p.105 Ex 26 pp.195, 111-113
James Vance \$14,855.90 payment made as part of 11/22/19 deposit of \$25,000 from Snowed Inn LLC	Ex 13 pp.135-137, 146-147 Ex 26 pp.195, 109-110
Re: November 14, 2019, transfer	
11/14/19 – transfer of \$40K from IOLTA to corp a/c	Ex 26 p.195 Ex 27 p.1466
Respondent statement that transfer represented earned fees on behalf of 4 clients	Ex 13 p.25
\$32,499.02 of transferred funds were not in IOLTA on day of transfer as follows:	
Jennifer Kraft \$250 credit card payment made 11/16/19 & deposited 11/19/19	Ex 13 pp.74, 78 Ex 26 p.195
Lorena Baker \$300 credit card payment made 11/15/19 & deposited 11/19/19	Ex 13 pp. 74, 80 Ex 26 p.195
Denise Cashman \$31,949.02 payment made as part of 11/22/19 deposit	Ex 13 pp. 74, 83 Ex 26 pp.195, 111-113
Re: November 25, 2019, transfer	
11/25/19 – transfer of \$60K from IOLTA to corp a/c	Ex 26 p.195 Ex 27 p.1466
Respondent statement that transfer represented earned fees on behalf of 10 clients	Ex 13 p.26 Ex 13 p.145
\$29,255.90 of transferred funds were not in IOLTA on day of transfer as follows:	
Lorena Baker \$300 credit card payment made 11/29/19 & deposited 12/3/19	Ex 13 pp. 145, 152 Ex 26 p.201

Virginia Shaw \$603.93 credit card payment 12/3/19 & deposited 12/9/19	Ex 13 pp.145, 155-156 Ex 26 p. 201
James Vance \$4,894.56 credit card payment made 12/5/19 & deposited 12/9/19	Ex 13 pp.145, 157 Ex 26 p.201
Roby Roy \$293.14 credit card payment made 12/5/19 & deposited 12/9/19	Ex 13 pp.145, 162 Ex 26 p.201
Jessica Spielman \$772.50 credit card payment made 12/11/19 & deposited 12/13/19	Ex 13 pp.145, 165 Ex 26 p.201
Lorena Baker \$300 credit card payment made 12/13/19 & deposited 12/17/19	Ex 13 pp.145, 167 Ex 26 p.201
Jenna Kraft \$250 credit card payment made 12/16/19 & deposited 12/18/19	Ex 13 pp.145, 170 Ex 26 p.201
Patricia Curtis \$20,600 credit card payment made 12/20/19 & deposited 12/24/19	Ex 13 pp.145, 177 Ex 26 p.201
Re: Jay Nady	
12/19/19 – transfer of \$10,000 from IOLTA to corp a/c	Ex 26 p. 201 Ex 27 p. 1478
Respondent statement that \$10,000 transfer represented earned fees from Nady	Ex 13 p.28
Invoice Respondent provided in support of transfer	Ex 13 p. 227-228
Re: \$15,000 transfer to family trust	
12/20/19 – transfer made from IOLTA to Jimmerson Family Trust a/c	Ex 26 p.201 Ex 33 p.34
12/27/19 – transfer made from corp a/c to IOLTA to replace the funds transferred to Jimmerson Family Trust	Ex 27 p.1480 Ex 26 p.201

Aggravating and Mitigating Circumstances

“A baseline sanction under any given Sanctions Standard can be adjusted upward or downward depending on the weight [Panels] assign to the mitigating or aggravating factors in a given case.” Also, Panels should “weigh the strength of aggravating and mitigating factors against each other when both are present in a case.”³

These aggravating circumstances may justify an increase in the degree of discipline:

<input type="checkbox"/> prior disciplinary offenses	<input type="checkbox"/> dishonest or selfish motive	<input type="checkbox"/> a pattern of misconduct	<input type="checkbox"/> multiple offenses
<input type="checkbox"/> bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders	<input type="checkbox"/> submission of false evidence, false statements, or other deceptive practices during the disciplinary hearing	<input type="checkbox"/> refusal to acknowledge the wrongful nature of conduct	<input type="checkbox"/> vulnerability of victim
<input type="checkbox"/> substantial experience in the practice of law	<input type="checkbox"/> indifference to making restitution	<input type="checkbox"/> illegal conduct, including that involving the use of controlled substances	

These mitigating circumstances may justify a decrease in the degree of discipline:

<input type="checkbox"/> absence of a prior disciplinary record	<input type="checkbox"/> absence of a dishonest or selfish motive	<input type="checkbox"/> mental disability or chemical dependency including alcoholism or drug abuse	<input type="checkbox"/> delay in disciplinary proceedings
<input type="checkbox"/> personal or emotional problems	<input type="checkbox"/> inexperience in the practice of law	<input type="checkbox"/> interim rehabilitation	<input type="checkbox"/> imposition of other penalties or sanctions
<input type="checkbox"/> timely good faith effort to make restitution or to rectify consequences of misconduct	<input type="checkbox"/> full and free disclosure to disciplinary authority or cooperative attitude toward proceeding	<input type="checkbox"/> remorse	<input type="checkbox"/> remoteness of prior offenses
<input type="checkbox"/> character or reputation	<input type="checkbox"/> physical disability		

Key Evidence for Factual Findings _____

³ ANNOTATED STANDARDS FOR IMPOSING LAWYER SANCTIONS, Standard 9.0 (2014).

Preface

This handbook seeks to assist panel members and parties during disciplinary hearings. It is not meant to be a comprehensive explanation of ethics rules and procedures in Nevada. Instead, it is intended to be a quick reference to relevant case law, Supreme Court-mandated rules and the American Bar Association's standards for imposing sanctions upon attorneys.

The handbook provides explanations regarding the duties of panel members and the types of disciplinary actions that are available. It also contains information on the types of discipline that may be imposed, and options that panel members can utilize even when they conclude dismissal of charges is appropriate.

The State Bar of Nevada – particularly the Office of Bar Counsel – gratefully acknowledges the ABA for granting its permission to re-print excerpts of its 598-page Annotated Standards for Imposing Lawyer Sanctions.

How to Use this Book

This handbook references selected ethics rules, Nevada Supreme Court rulings and ABA standards that are regularly seen in disciplinary matters. It does not contain every possible rule or ethics standard that could pertain to various cases. Primary sources should be referenced if information, not contained here, is needed.

The intent of this handbook is to provide a resource for panel members and parties during actual disciplinary hearings. Information that can be quickly assessed includes:

1. Types of discipline and related costs;
2. Case law and ABA standards recently cited by the Nevada Supreme Court;
3. Rules of Professional Conduct that are most likely to be charged; and
4. Requirements mandated for Reinstatement Hearings.

Information contained herein can be referenced in the Table of Contents or the Keyword Index. As noted above, primary sources can be consulted for more rules and rulings, as this publication was never intended to be all-inclusive. The Office of Bar Counsel routinely references sources – including the Rules of Professional Conduct, Supreme Court Rules, and ABA’s Standards for Imposing Lawyer Sanction – during disciplinary hearings.

The handbook provides explanations regarding the duties of panel members and the types of disciplinary actions that are available. It also contains information on the types of discipline that may be imposed and options that panel members can utilize even when they conclude dismissal of charges is appropriate.

The State Bar of Nevada – particularly the Office of Bar Counsel – gratefully acknowledges the ABA for granting its permission to re-print excerpts of its Annotated Standards for Imposing Lawyer Sanctions.

Recommended Use: Digital Format

The state bar recommends utilizing this document in digital PDF format. It contains a number of interactive features to enhance efficiency and readability. Features include:

- Interactive, clickable Table of Contents that will jump readers to a desired page
- Interactive bookmarks panel that allows the contents to be browsed quickly; bookmarks will also jump users to desired contents’ locations.
- Full-text search: use the “find” feature (Ctrl+f) to quickly search for specific words and phrases
- Interactive indices: page numbers can be clicked to jump to content location.

Duties of Disciplinary Panel Members

The Disciplinary Panel members serve the integral purpose of considering the evidence presented by the Office of Bar Counsel and the respondent attorney for a particular grievance, and applying the guidance of the Nevada Supreme Court and the Standards for Imposing Sanctions to arrive at an appropriate response to that evidence. Such response might, ultimately, be dismissal of the matter, ordering certain types of discipline be imposed, or recommending to the Nevada Supreme Court that particular discipline should be imposed.

The primary duty of a disciplinary panel member on a Screening Panel is to consider whether a matter should be dismissed or whether it warrants issuance of a Letter of Reprimand, or may warrant a greater sanction. For a matter that would proceed to a formal hearing or be dismissed, the panel members consider the evidence presented and determine if it is sufficient to potentially prove a violation of the Rules of Professional Conduct. For the issuance of a Letter of Reprimand, the panel members consider the evidence presented and determine if it is sufficient to warrant the issuance of a Letter of Reprimand and whether such discipline is appropriate given the totality of the circumstances.

The primary duty of a disciplinary panel member in a formal hearing is to serve as the finder of fact in the disciplinary matter. This means the panel member must consider the documents presented to it and the testimony of the witnesses at the hearing. Considering testimony includes measuring the credibility of the witnesses. The panel members also arrive at conclusions of law and decisions, or recommendation, for discipline. The Nevada Supreme Court regards the conclusions and recommendations from the panel members as advisory in matters that are submitted to it; it gives deference to the panel members' findings of fact.

The chair of any type of panel is a disciplinary panel member with additional particularized duties. These duties include monitoring and managing the pre-hearing procedures in disciplinary matters, issuing written Orders, ruling on evidentiary objections at pre-hearing conferences and formal hearings, and executing any written discipline issued by the panel and/or the Findings of Fact, Conclusions of Law and Recommendation to be submitted to the Nevada Supreme Court.

The particularized duty of the layperson panel member on any type of panel is to provide a "common person" perspective to the consideration of the evidence.

Types of Discipline

Discipline a Formal Hearing Panel Can Recommend to

Nevada Supreme Court /SCR 102

1. Disbarment (which is irrevocable).
2. Suspension of more than six months (Reinstatement Hearing required).
3. Suspension up to six (6) months (Reinstatement Hearing not required).
4. Public Reprimand, with or without conditions, including restitution and/or a fine.

Discipline Which a Formal Hearing Panel May Directly Impose

1. Public Reprimand if submitted with a Conditional Guilty Plea pursuant to SCR 113 (Discipline by Consent).
2. Letter of Reprimand, with or without a fine up to \$1,000, and with or without conditions, including restitution. A Letter of Reprimand is public; it is no longer confidential or unpublished.

Dismissal

1. Letter of Caution (a dismissal with cautionary language regarding conduct or disciplinary rules).
2. Dismissal.

Note

1. As of September 3, 2015, there are no Private Reprimands.
2. As of December 27, 2016, all discipline is published.

Costs

Effective June 4, 2017, Supreme Court Rule 120 (Costs) was amended by the Nevada Supreme Court to impose the following *mandatory* Administrative Costs with the imposition of discipline:

- Disbarment: \$3,000
- Suspension: \$2,500
- Reprimand: \$1,000

The foregoing Administrative Costs shall not include:

1. Reporter's Fees;
2. Investigation Fees;
3. Witness Expenses;
4. Service Costs;
5. Publication Costs; and
6. Any other fees or costs deemed reasonable by a hearing panel and allocable to the proceeding.

Case Law Recently Cited by Nevada Supreme Court

In determining appropriate discipline, four factors shall be considered: 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 Discipline of Lerner, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

When imposing discipline on an attorney who is not licensed in this state, penalties must be tailored accordingly. Such penalties may include public reprimands; a temporary or permanent injunction on future admission, including *pro hac vice* admission; injunctive relief; contempt sanctions; fines; and payment of disciplinary proceeding costs.

Discipline of Droz, 123 Nev. 163, 168. 160 P.3d 881 885 (2007).

The panel's findings must be supported by clear and convincing evidence.

SCR 105(2)(e); *In Re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995).

The findings and recommendations of a disciplinary board hearing panel, though persuasive, are not binding on the Nevada Supreme Court.

In Re Stuhff, 108 Nev. 629, 633, 837 P.2d 885 (1992).

The automatic review of a panel decision recommending public discipline is conducted *de novo*, requiring the exercise of independent judgment by the Nevada Supreme Court.

In Re Schaefer, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001); *In Re Stuhff*, 108 Nev. 629, 837 P.2d 885 (1992).

The purpose of attorney discipline is to protect the public, the courts and the legal profession, not to punish the attorney.

State Bar of Nevada vs. Claiborne, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988).

Selected Rules of Professional Conduct

RPC 1.1: Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RPC 1.3: Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

RPC 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.

RPC 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.

RPC 1.6: Confidentiality of Information

- a) A lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraphs (b) and (d).
- b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:
 - 1) To prevent reasonably certain death or substantial bodily harm;
 - 2) To prevent the client from committing a criminal or fraudulent act in furtherance of which the client has used or is using the lawyer's services, but the lawyer shall, where practicable, first make reasonable effort to persuade the client to take suitable action;
 - 3) To prevent, mitigate, or rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services have been or are being used, but the lawyer shall, where practicable, first make reasonable effort to persuade the client to take corrective action;
 - 4) To secure legal advice about the lawyer's compliance with these Rules;
 - 5) To establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client; or
 - 6) To comply with other law or a court order.
 - 7) To detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.
- c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.
- d) A lawyer shall reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent a criminal act that the lawyer believes is likely to result in reasonably certain death or substantial bodily harm.

RPC 1.7: Conflict of Interest: Current Clients

- a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:
 - 1) The representation of one client will be directly adverse to another client; or
 - 2) There is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.
- b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:
 - 1) The lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
 - 2) The representation is not prohibited by law;
 - 3) The representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
 - 4) Each affected client gives informed consent, confirmed in writing.

RPC 1.8: Conflict of Interest: Current Clients: Specific Rules

- a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:
 - 1) The transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;
 - 2) The client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and
 - 3) The client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.
- ...
- e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

- 1) A lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and
- 2) A lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

RPC 1.9: Duties to Former Clients

- a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.
- b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client:
 - 1) Whose interests are materially adverse to that person; and
 - 2) About whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter;
 - 3) Unless the former client gives informed consent, confirmed in writing.
- c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:
 - 1) Use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or
 - 2) Reveal information relating to the representation except as these Rules would permit or require with respect to a client.

RPC 1.15: Safekeeping Property

- a) 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. All funds received or held for the benefit of clients by a lawyer or firm, including advances for costs and expenses, shall be deposited in one or more identifiable bank accounts designated as a trust account maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Other property in which clients or third persons hold an interest shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of seven years after termination of the representation.

- b) A lawyer may deposit the lawyer's own funds in a client trust account for the sole purpose of paying bank service charges on that account, but only in an amount necessary for that purpose.
- c) 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.
- d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.
- e) When in the course of representation a lawyer is in possession of funds or other property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the funds or other property as to which the interests are not in dispute.

RPC 3.1: Meritorious Claims and Contentions

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

RPC 3.2: Expediting Litigation

- a) A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.
- b) The duty stated in paragraph (a) does not preclude a lawyer from granting a reasonable request from opposing counsel for an accommodation, such as an extension of time, or from disagreeing with a client's wishes on administrative and tactical matters, such as scheduling depositions, the number of depositions to be taken, and the frequency and use of written discovery requests.

RPC 3.3: Candor Toward the Tribunal

- a) A lawyer shall not knowingly:
 - 1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
 - 2) Fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
 - 3) Offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.
- b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.
- c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.
- d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

RPC 3.4: Fairness to Opposing Party and Counsel

A lawyer shall not:

- a) Unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;
- b) Falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;
- c) Knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;
- d) In pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party;

- e) In trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused; or
- f) Request a person other than a client to refrain from voluntarily giving relevant information to another party unless:
 - 1) The person is a relative or an employee or other agent of a client; and
 - 2) The lawyer reasonably believes that the person's interests will not be adversely affected by refraining from giving such information.

RPC 4.2: Communication With Person Represented by Counsel

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

RPC 5.3: Responsibilities Regarding Non-lawyer Assistants

With respect to a non-lawyer 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 non-lawyer 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.