

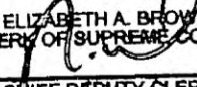
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
R. ALLEN LEAVITT, JR, BAR NO.  
12019.

No. 88037

FILED

FEB 18 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF PUBLIC REPRIMAND*

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court publicly reprimand attorney R. Allen Leavitt, Jr., for violating RPC 1.3 (diligence), RPC 1.4(a) (communication), and RPC 1.16(a) (declining or terminating representation).

The record demonstrates that when it came time to close a probate matter for a client, Leavitt stopped communicating with the client and failed to timely file the requisite pleadings to close the matter. During a six-month period, Leavitt failed to communicate or respond to the client's voicemails and email inquiries, as well as those from the client's out-of-state lawyer. Leavitt also failed to respond to a certified mail-return receipt letter sent by the client. After the client filed a grievance with the State Bar, Leavitt quickly filed a first and final accounting in the probate matter.

Leavitt and the State Bar have filed briefs in this matter. In his opening brief, Leavitt does not challenge the hearing panel's findings that he violated RPC 1.3 (diligence), RPC 1.4 (communication), and RPC 1.16(a) (declining or terminating representation). Instead, Leavitt raises

issues relevant to the discipline recommended by the hearing panel and argues that a letter of caution is the appropriate discipline.

First, Leavitt argues that the hearing panel should not have considered a prior letter of caution he received related to a different matter, because the letter of caution could not be considered an aggravating factor in a future discipline. *See* SCR 102(8) (2022) (providing that “[a] letter of caution may not be used as an aggravating factor in any subsequent disciplinary proceeding”).<sup>1</sup> The record demonstrates that the panel did not use the letter of caution as an aggravating factor. Rather, the hearing panel only considered the letter of caution in determining Leavitt’s mental state. Moreover, as set forth below, even absent the letter of caution, substantial evidence supports the hearing panel’s findings and the recommended discipline. We thus reject Leavitt’s argument as to the prior letter of caution.

Second, Leavitt also contends that the record does not support the hearing panel’s finding that the client was injured or potentially injured. Leavitt thus asserts a letter of caution would be more appropriate than the recommended public reprimand. We review the hearing panel’s recommendation de novo. SCR 105(3)(b). In determining the appropriate

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<sup>1</sup>SCR 102 was recently amended. *See In the Matter of Amendments to Supreme Court Rules Relating to Attorney Misconduct*, ADKT 0608 (Order Amending Supreme Court Rules 99-122, Sept. 26, 2023). SCR 122, as amended, provides that disciplinary proceedings “pending on that date in which bar counsel has filed a formal complaint” are governed by the previous version of the SCRs. *See* SCR 122 (“These rules are effective on October 26, 2023; any disciplinary proceeding or matter either previously concluded, or pending on that date in which bar counsel has filed a formal complaint shall be governed by SCR 99 to 122 in effect prior to the effective date.”). Because the complaint in this matter was filed before October 26, 2023, we apply the previous version of SCR 102.

discipline, we weigh four factors: “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).

Leavitt knowingly violated three duties owed to his client (diligence and communication) and one duty owed to the profession (declining or terminating representation). Leavitt argues that the hearing panel improperly concluded that the client’s anxiety was sufficient to establish an actual or potential injury, but substantial evidence supports the hearing panel’s finding that the client was injured or potentially injured. Leavitt’s failure to respond or otherwise update the client on the status of the case strained the client’s relationship with the client’s siblings and a friend who had contributed to \$14,000 in administrative expenses that the client paid during the probate matter. Leavitt did not respond to the client’s email inquiries about whether the client would get these expenses reimbursed. As a result, the client’s blood pressure, which had been consistent for ten years, spiked during this period, which forced her to alter her medication dosage. Additionally, Leavitt’s failure to diligently close the probate temporarily deprived the client of the \$14,000 in administrative expenses and any property the client was awarded through the probate.

The baseline sanction for the misconduct, before consideration of aggravating and mitigating circumstances, is suspension. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.42(a) (Am. Bar Ass’n 2023) (providing that suspension is appropriate when “a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client”). The

hearing panel found, and the record supports, two aggravating circumstances (vulnerability of the victim-client, and substantial experience in the practice of law) and four mitigating circumstances (absence of a prior disciplinary record, personal or emotional problems, full and free disclosure to disciplinary authority or cooperative attitude toward proceedings, and remorse). Considering the four *Lerner* factors, we reject Leavitt's request for a letter of caution but agree with the hearing panel's recommendation that a downward deviation from the baseline discipline of suspension to a public reprimand serves the purpose of attorney discipline. *In re Discipline of Arabia*, 137 Nev. 568, 571, 495 P.3d 1103, 1109 (2021) (recognizing that the purpose of attorney discipline is to protect the public, the courts, and the legal profession).

Accordingly, we hereby publicly reprimand attorney R. Allen Leavitt, Jr., for violating RPC 1.3 (diligence), RPC 1.4 (communication), and RPC 1.16(a) (declining or terminating representation). Additionally, Leavitt must pay the actual costs of the disciplinary proceeding plus \$1,500 under SCR 120, within 30 days from the date of this order. The parties shall comply with SCR 121.1.

It is so ORDERED.

Pickering, J.  
Pickering

Cadish, J.  
Cadish

Pfe, J.  
Lee

cc: R. Allen Leavitt, Jr.  
Bar Counsel, State Bar of Nevada  
Chair, Southern Nevada Disciplinary Board  
Executive Director, State Bar of Nevada  
Admissions Office, U.S. Supreme Court