



FILED

Jun 12, 2023

STATE BAR OF NEVADA

BY: 
OFFICE OF BAR COUNSEL

Case No: SBN22-00250

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,

Complainant,

vs.

JOSEPH W. HOUSTON,
Nevada Bar No. 1440

Respondent.

PUBLIC REPRIMAND

On April 19, 2023, a Formal Hearing Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. The Panel unanimously accepted the Conditional Guilty Plea and concluded that you should be issued a Public Reprimand for a violation of Rule of Professional Conduct (“RPC”) 1.16 (Declining or Terminating Representation).

On November 30, 2021, C.W. filed a complaint for divorce against J.W. (hereinafter “Grievant”). On November 31, 2021, Grievant met with JOSEPH W. HOUSTON (hereinafter “Respondent”) for an initial consultation and paid a \$250.00 consultation fee. Grievant was told that Respondent’s retainer was \$5,000.00 and that he charged \$400.00 per hour. On December 2, 2021, Grievant mailed Respondent a \$5,000.00 check to retain him for legal services. On December 7, 2021, Grievant emailed Respondent to confirm receipt of the \$5,000.00 check and inquired about executing a retainer. Respondent stated that the retainer agreement would be

1 prepared and ready for his signature the next time Grievant visited his office. Grievant never
2 visited Respondent's office again because on, about, or between December 2021 and April 2022,
3 Grievant and C.W. reconciled their differences and decided to stay together.

4 On April 19, 2022, C.W. filed a Notice of Voluntary Dismissal. That same day, Grievant
5 sent Respondent a copy of the Notice asking him to explain what that meant. On May 2, 2022,
6 Respondent explained that the Court dismissed the case and offered to discuss the matter if he
7 wished to pursue the divorce at any time. On May 12, 2022, Grievant emailed Respondent and
8 stated that the divorce is no longer going forward and requested an accounting of the time billed,
9 as well as a refund of any remaining funds from the \$5,000.00 retainer. On May 18, 2022,
10 Respondent informed Grievant that he accepted the case on a flat fee basis and that he was not
11 willing to provide a refund. Grievant believes that there was a complete misunderstanding of the
12 \$5,000.00 being a flat fee.

13 On May 23, 2022, and May 29, 2022, Grievant emailed Respondent repeating his request
14 for an accounting and a refund. On June 7, 2022, Grievant filed a complaint against Respondent
15 with the State Bar. On June 13, 2022, the State Bar sent a Letter of Investigation ("LOI") to
16 Respondent. After receiving the State Bar's LOI, Respondent sent Grievant an invoice for
17 attorney's fees and issued a partial refund of \$1,295.00 on June 14, 2022. The invoice showed
18 that Respondent billed Grievant for 9.25 hours at a rate of \$400.00 per hour. On June 20, 2022,
19 Grievant disputed the invoice Respondent provided and requested an additional \$800.00 refund.
20 On June 24, 2022, Respondent agreed to issue an additional refund of \$500.00.

21 RPC 1.16 (Declining or Terminating Representation) states, in pertinent part, that "[u]pon
22 termination of representation, a lawyer shall take steps to the extent reasonably practicable to
23 protect a client's interests, such as giving reasonable notice to the client, allowing time for
24
25

1 employment of other counsel, surrendering papers and property to which the client is entitled and
2 refunding any advance payment of fee or expense that has not been earned or incurred.” You
3 refused to provide Grievant with a refund until the State Bar sent you an LOI. Under ABA
4 Standard 7.2, suspension is generally appropriate when a lawyer knowingly engages in conduct
5 that is a violation of a duty owed as a professional and causes injury or potential injury to a client,
6 the public, or the legal system. This type of ethical breach caused potential injury to Grievant.

7 The Panel unanimously found that your substantial experience in the practice of law was
8 an aggravating factor. *See* SCR 102.5(1)(i). The Panel also unanimously found that the following
9 mitigating factors applied: (1) absence of a prior disciplinary record; (2) absence of a dishonest
10 or selfish motive; (3) personal or emotional problems; and (4) full and free disclosure to
11 disciplinary authority or cooperative attitude toward proceeding. *See* SCR 102.5(2). Based upon
12 the aggravating and mitigating factors listed above, the Panel unanimously agreed that a
13 downward deviation from the baseline sanction – ABA Standard 7.2 – was warranted.

14 **DISCIPLINE IMPOSED**

15 In light of the foregoing, you are hereby PUBLICLY REPRIMANDED for violating RPC
16 1.16 (Declining or Terminating Representation). In addition, pursuant to SCR 120(3), you shall
17 pay a \$1,500.00 fee plus the hard costs of the instant proceedings. You shall make such payment
18 no later than thirty (30) days after receiving a billing from the State Bar.

19 DATED this 12th day of June, 2023.

20 *Reed Werner*

21 [Reed Werner \(Jun 12, 2023 09:55 PDT\)](#)

22 **REED WERNER**, Esq., Panel Chair
23 Southern Nevada Disciplinary Panel
24
25

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the **PUBLIC**
3 **REPRIMAND** was electronically served upon:

- 4 1. Reed Werner, Esq. (Panel Chair): reed.werner@thehartford.com
5 2. Joseph W. Houston, Esq. (Respondent): jwh7408@yahoo.com
6 3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

7
8 DATED this 12th day of June 2023.

9 *Sonia Del Rio*

10 _____
11 Sonia Del Rio an employee of
12 the State Bar of Nevada.
13
14
15
16
17
18
19
20
21
22
23
24
25