

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
GEORGE R. CARTER, ESQ.

No. 46424

FILED

MAR 10 2006

BENEFICIAL BLOOM
CLERK OF SUPREME COURT
[Signature]
DEPUTY CLERK

ORDER APPROVING PUBLIC REPRIMAND

This is an automatic appeal from the Southern Nevada Disciplinary Board hearing panel's recommendation that attorney George R. Carter be publicly reprimanded, fined \$500, and assessed the costs of the disciplinary proceedings, based on its conclusion that Carter violated SCR 152 (scope of representation), SCR 153 (diligence), SCR 154 (communication), SCR 187 (responsibilities regarding nonlawyer assistants), and SCR 189 (unauthorized practice of law). Carter has not filed briefs.

After reviewing the record, we conclude that clear and convincing evidence supports the panel's findings. In particular, the record demonstrates that Carter impermissibly delegated to nonlawyer assistants the tasks of initiating the lawyer-client relationship and maintaining client communication, and that he enabled their unauthorized practice of law. We further conclude that the monetary penalties and public reprimand are appropriate in light of aggravating factors, specifically Carter's previous three private reprimands, and mitigating factors, including Carter's prompt efforts to remedy his


Effective Date: Mar 10, 2006
Bar Number: 169

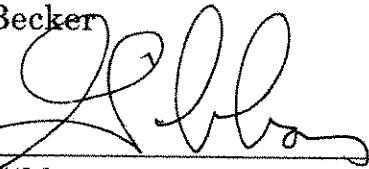
misconduct. Accordingly, we approve the panel's recommendation in its entirety,¹ and issue the public reprimand attached hereto as Exhibit 1.


It is so ORDERED.²

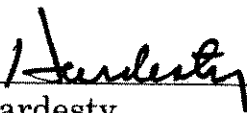

_____, C.J.
Rose

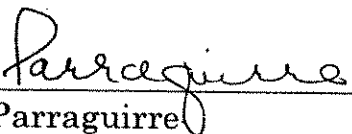

_____, J.
Becker


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Howard Miller, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
George R. Carter

¹The panel's recommendation acknowledged that Carter has already paid the fine and costs of the proceedings.

²This is our final disposition of this matter. Any new proceedings concerning Carter shall be docketed under a new docket number.

1 Case Nos. 04-043-0320; 04-076-0320

2
3 STATE BAR OF NEVADA

4 SOUTHERN NEVADA DISCIPLINARY BOARD

5 STATE BAR OF NEVADA,)

6 Complainant,)

7 vs.)

8 GEORGE R. CARTER, ESQ.,)

9 Respondent.)

PUBLIC REPRIMAND

10
11 TO: George R. Carter, Esq.
12 1630 E. Sahara Avenue
Las Vegas, NV 89104

13 In one matter, you represented a client in a personal injury matter arising from a
14 January 2002 accident. This client speaks little or no English and dealt primarily, if not
exclusively, with your nonlawyer assistant, Fernando Vela ("Vela").

15 The client's medical expenses totaled \$3,110 and consisted of treatment from a single
16 provider based on a medical lien dated December 31, 2002, and conveyed to your office. The
lien received back had what appeared to be your signature.

17 The doctor's office staff subsequently had frequent conversations with Vela regarding
18 the status of settlement, and was repeatedly told, among other things, that the case was still
open. On or about December 29, 2003, Vela specifically told the doctor's office manager that
19 the case was still open and to check back in January.

20 On or about March 2, 2004, the office manager learned that, in fact, the case settled in
21 2003 and the client had received his portion of the settlement from you on or around
December 5, 2003. In response to inquires from the State Bar, you refused to acknowledge
22 the doctor's lien, stating that it "was signed by someone other than myself." In a subsequent
letter to the State Bar, you stated that "Apparently Mr. Vela signed it."

23 You provided the State Bar with a disbursal sheet, purportedly signed by the client,
24 showing a \$3,000.00 settlement. You paid the client \$1,950.00 and took a fee of \$1,050.00.
The disbursal sheet includes a disclaimer that the client understood that \$3,110.00 in medical
25 bills remained outstanding. The disbursal sheet was written in English and there is no
evidence that the contents were translated or otherwise communicated to the client in Spanish
to ensure he understood the contents.

EXHIBIT
1

1 During this time period, Vela was a part owner in an independent business, "Claims
2 Management," whose legal support services you used frequently and, in particular, in cases
3 where clients did not speak English. Vela handled most, if not all, of the communication with
4 the client, including explaining fees and procedures. You admitted that all communications
5 regarding the disbursement of the settlement proceeds were handled in Spanish by Vela and
6 that you never spoke personally with your client. Of the \$1,050.00 that you earned as a fee,
7 you paid Claims Management \$900.00 for fifteen (15) hours of work.

8 Your office had notice of the doctor's lien but failed to provide notice to him of the
9 settlement. You failed to check the file or confirm personally whether or not there was a lien
10 before disbursing the settlement proceeds.

11 In a second matter, a client was in a motor vehicle accident in December 1999, and
12 was referred to you by another nonlawyer assistant you employed and who maintained an
13 office in your building. You accepted the case and assigned the matter to Rene Ontivero
14 ("Ontivero"), a non-lawyer assistant who had all subsequent client contact and performed all
15 the work on his case.

16 After several weeks passed with no contact, the client called your office and was
17 informed that Ontivero had left your employ. Almost a year later, the client finally was able to
18 speak to you. You advised him the file was lost and asked what the case was about. You
19 took his information and promised to take care of the matter.

20 One week later, a secretary of yours contacted the client and stated the documents
21 had been found. Approximately six months later, the same secretary called the client and
22 advised him of an alleged court date. As the court date approached, the client contacted your
23 office and was apprised by staff that the date had been changed because the defendant had
24 a death in the family. In February 2004, the client still had not received any proof of progress
25 on his case and grieved to the State Bar.

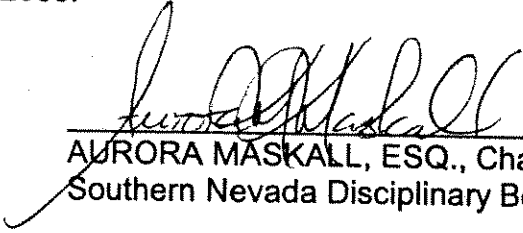
In all of your responses to the State Bar, you stated that you have no record nor any
recollection of this client. You also asserted that your current secretary likewise had no
recollection of this client and denied ever speaking with him. However, Court records showed
that you had filed a Verified Complaint in the Eighth Judicial District Court on behalf of the
client, whose verification was notarized by your current secretary. The Complaint bore your
stamped signature. The lawsuit was dismissed on May 1, 2003.

Your conduct in these two matters violated Supreme Court Rule ("SCR") 152 (Scope of
representation); SCR 153 (Diligence); SCR 154 (Communication); SCR 187 (Responsibilities
regarding non-lawyer assistants); and SCR 189 (Unauthorized practice of law). The Panel
imposed a fine and various conditions upon you, including implementing a case management
system in your office.

...
...
...

1 You have complied with the conditions and have disassociated yourself from the
2 nonlawyers involved in these two matters. Based upon the foregoing, you are hereby
PUBLICLY REPRIMANDED.

3 DATED this 22nd day of November 2005.

4
5 
6 AURORA MASKALL, ESQ., Chair
Southern Nevada Disciplinary Board Panel

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25