

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,

LEILA L. HALE,
Bar No. 033212

Respondent.

PDJ 2021-9041

**FINAL JUDGMENT AND
ORDER OF RECIPROCAL
DISCIPLINE**

[State Bar No. 20-1464-RC]

FILED JULY 20, 2021

On June 4, 2021, the Office of the Presiding Disciplinary Judge (PDJ), pursuant to Rules 54(h) and 57(b), Ariz. R. Sup. Ct., sent Respondent Leila L. Hale notice and a certified copy of her public reprimand dated January 28, 2020, as imposed by the State Bar of Nevada Southern Nevada Disciplinary Board. The State Bar filed its response on June 25, 2021, urging imposition of the same discipline, as Arizona's reprimand is identical to Nevada's public reprimand. Respondent did not file a response.

Rule 57(b)(3), Ariz. R. Sup. Ct., generally provides that the PDJ "shall impose the identical or substantially similar discipline." The PDJ concurs with the State Bar's position that Nevada's sanction of reprimand is identical to Arizona's reprimand.

IT IS THEREFORE ORDERED that Respondent **LEILA LOUISE HALE**,
Bar No. 033212, is reprimanded.

IT IS FURTHER ORDERED Ms. Hale shall pay the State Bar's costs and
expenses in the sum of \$1,200.00.

DATED this 20th day of July 2021.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

Copy of the foregoing e-mailed
this 20th day of July 2021 to:

Leila L. Hale
Hale Injury Law
1661 W. Horizon Ridge Parkway
Suite 200
Henderson, NV 89012-3518
Email: lhale@haleinjurylaw.com
Respondent

Maret Vessella
Chief Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, AZ 85016-6288
Email: LRO@staff.azbar.org

by: SHunt

H | **HALE**
INJURY LAW

1661 West Horizon Ridge Parkway, Suite 200
Henderson, Nevada 89012
(702) 736-5800 Fax: (702) 534-4655

PDJ 2021-9041

Leila L. Hale, Esq.
*Nevada, Idaho, Illinois,
Washington, Oregon,
Arizona, Georgia, Texas,
Kentucky, Michigan, Iowa,
Pennsylvania, Minnesota*

Jolene Manke, Esq.
*Nevada, *California*

Israel P. Whitbeck, Esq.
Nevada, California

**Inactive*

June 28, 2020

via USPS

Arizona State Bar
4201 North 24th Street, Suite 100
Phoenix, AZ 85016-6266

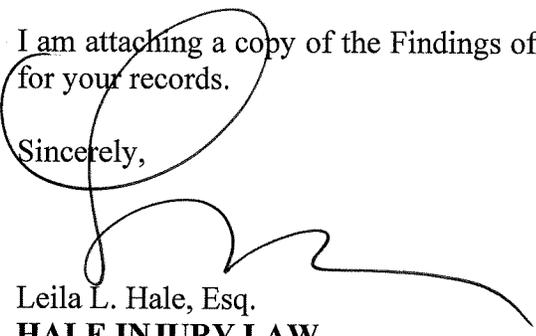
Re: Leila Hale
Bar Number 033212

To Whom It May Concern:

This letter is to advise you that I recently received a public reprimand from the Nevada State Bar. Nevada makes no distinction between a public and a private reprimand. They changed the law in 2007.

I am attaching a copy of the Findings of Fact, Conclusions of Law and Decision and Reprimand for your records.

Sincerely,


Leila L. Hale, Esq.
HALE INJURY LAW
LLH/lg

1 Case Nos: OBC 17-0374
2 OBC 17-0553
3
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5
6 **STATE BAR OF NEVADA**
SOUTHERN NEVADA DISCIPLINARY BOARD

7
8 STATE BAR OF NEVADA,)
9)

9 Complainant,)

10 vs.)

11 Leila L. Hale, ESQ.,)

12 NV Bar No. 7368,)

Respondent.)

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND DECISION

13 To: Leila L. Hale, Esq.

14 C/O: William B. Terry, Esq.

15 NV Bar No.

530 South Seventh Street

16 Las Vegas, NV 89101

Counsel for Leila Hale.

17
18 Rochelle Mortensen (“Mortensen”) and Mahogeny Bennett (“Bennett”) retained you to
19 represent them in personal injury matters. In both matters, you, pursuant to office policy, sent your
20 non-attorney employee, Fermin G. Serafin (“Serafin”) to conduct ‘home visits’. In these visits,
21 Serafin presented the potential clients with retainer agreements as well as various other legal
22 documents, including a HIPPA release, a general authorization, a Medicare, Medicaid, and SCHIP
23 Extension act reporting form, and a power of attorney form. Pursuant to your office policy, Serafin
24 read through these documents with Mortensen and Bennett.
25

1 In addition, in the Bennet matter, Serafin advised Bennett regarding potential attorney's
2 liens that may be filed by her already-retained counsel if she were to switch counsel. Serafin also
3 advised Bennett that it would be best to have one attorney handle both matters.

4 Pursuant to the decision of the Supreme Court, these home visits constituted the
5 unauthorized practice of law, and, as such, Serafin's actions under your supervision constitute a
6 violation of Rule of Professional Conduct 5.3 (Responsibilities Regarding Non-Lawyer
7 Assistants).

8 Further, in both the Bennett and Mortensen matters, the retainer agreement presented
9 contained a provision which, in the event of withdraw by Hale Law, or the early discharge of Hale
10 Law called for, at a minimum, a "combined firm rate" of \$1,000 per hour for "all attorney and staff
11 time".

12 As this panel found, such an agreement is unreasonable and violates Rule of Professional
13 Conduct 1.5 (Fees).

14 In light of your violation of Rules of Professional Conduct 1.5 and 5.3, you are hereby
15 PUBLICLY REPRIMANDED.

16 DATED this 28th day of January, 2020.

18 SOUTHERN NEVADA DISCIPLINARY BOARD

19
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21 By: 
22 Christopher J. Laurent, Esq.,
23 Formal Hearing Panel Chair
24
25

1 Case Nos: OBC 17-0374
2 OBC 17-0553

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

7
8 STATE BAR OF NEVADA,)

9 Complainant,)

10 vs.)

11 Leila L. Hale, ESQ.,)

12 NV Bar No. 7368,)

Respondent.)

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND DECISION

13 This matter came before a designated Formal Hearing Panel ("Panel") of the Southern
14 Nevada Disciplinary Board on January 9, 2020. The presiding Panel consisted of Christopher
15 Laurent, Esq., Chair, Frank Toddre, Esq. and lay-member William Holland. The State Bar of
16 Nevada ("State Bar") was represented by Assistant Bar Counsel Matthew R. Carlyon. Respondent
17 was present and represented by William B. Terry, Esq.

18 The parties presented the panel with a Conditional Guilty Plea in Exchange for a Stated
19 Form of Discipline ("CGP") which the panel unanimously accepted. Based upon the pleadings
20 filed, witness testimony, the documents admitted into evidence and the legal arguments presented,
21 the Panel submits the following Findings of Fact, Conclusions of Law and Decision.

22 ///

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3 **FINDINGS OF FACT**

4 1. Respondent is currently an active member of the State Bar of Nevada having been
5 licensed to practice law in the State of Nevada since September, 2000, and at all times pertinent to
6 this Complaint having a principal place of business for the practice of law located in Clark County,
7 Nevada.

8 1. Fermin G. Serafin (“Serafin”) is a non-attorney employee of the Hale Law Firm
9 (“Hale Law”).

10 2. Serafin met with grievant, Rochelle Mortensen (“Mortensen”), in Mortenson’s
11 home on January 10, 2017 to discuss Respondent representing Mortenson in a personal injury case.

12 3. Serafin presented Mortensen with a retainer agreement (the “Mortensen Retainer”).

13 4. Serafin also presented Mortensen with various other legal documents, including a
14 HIPPA release, a general authorization, a Medicare, Medicaid, and SCHIP Extension act reporting
15 form, and a power of attorney form.

16 5. It was Respondent’s policy for non-attorney staff to conduct home visits such as
17 this, and to read through the provided forms with the client.

18 6. The Mortensen Retainer states that it is a contingency fee agreement.

19 7. However, in the event of withdraw by Hale Law, or the early discharge of Hale
20 Law by Mortensen, the Mortensen Retainer calls for, at a minimum, a “combined firm rate” of
21 \$1,000 per hour for “all attorney and staff time”.

22 8. On March 23, 2017, Mahogeny Bennett (“Bennett”) was involved in a vehicle
23 accident.

24 9. The next day, March 24, 2017, she retained attorney Adam Kutner (“Kutner”) to
25 represent her.

1 **Aggravation/Mitigation**

2 8. Pursuant to SCR 102.5(1) (Aggravation and mitigation), the Parties considered the
3 following *aggravating* factors in considering the discipline to be imposed:

- 4 (a). prior disciplinary offenses
5 (d). multiple offenses
6 (i). substantial experience in the practice of law

7 Pursuant to SCR 102.5(2) (Aggravation and mitigation), the Parties considered the
8 following *mitigating* factors in considering the discipline to be imposed:

- 9 (d). timely good faith effort to make restitution.
10 (e). full and free disclosure to disciplinary authority or cooperative attitude toward
11 proceedings.
12 (k). interim rehabilitation.
13 (m). remorse

14 9. Balancing the aggravating and mitigating factors, the Panel does not see fit to adjust
15 the baseline sanction.

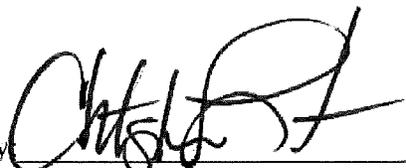
16 **Stated Form of Discipline**

17 Based upon the foregoing, the Panel finds that Respondent violated Rules of Professional
18 Conduct ("RPC") as follows: RPC 1.5 (Fees) and RPC 5.3 (Responsibilities Regarding Non-
19 Lawyer Assistants) and issues following attorney discipline:

- 20 1. Respondent shall be reprimanded in accordance with SCR 102(6).
21 2. Respondent shall pay SCR 120(1) fees in the amount of \$1,500, and shall pay the
22 actual costs of the disciplinary proceeding. That amount is to be paid in full within sixty (60)
23 days of receipt of a billing from the State Bar.
24
25

1 DATED this 28th day of January, 2020.

2 SOUTHERN NEVADA DISCIPLINARY BOARD

3
4
5 By 
6 Christopher J. Laurent, Esq.,
7 Formal Hearing Panel Chair

8 Submitted By:

9 STATE BAR OF NEVADA

Daniel Hooge, Bar Counsel

10
11
12 By: _____
13 Matthew Carlyon
14 Assistant Bar Counsel
15 Nevada Bar No. 12712
16 3100 W. Charleston Blvd.
17 Suite 100
18 Las Vegas, Nevada, 89102

19 Approved as to form and content:

20 DATED this ___ day of January, 2020

21 _____
22 William B. Terry, Esq.
23 NV Bar No.
24 530 South Seventh Street
25 Las Vegas, NV 89101
Counsel for Leila Hale.

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Case Nos. OBC17-0374
OBC17-0553

 FILED
JAN 28 2020
STATE BAR OF NEVADA
BY Jan P. N.
OFFICE OF BAR COUNSEL

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

STATE BAR OF NEVADA,)
Complainant,) **PUBLIC REPRIMAND**
vs.)
LEILA HALE, ESQ.,)
NV BAR NO. 7368)
Respondent.)

To: Leila L. Hale, Esq.
C/O: William B. Terry, Esq.
530 South Seventh Street
Las Vegas, NV 89101
Counsel for Leila Hale.

Rochelle Mortensen ("Mortensen") and Mahogeny Bennett ("Bennett") retained you to represent them in personal injury matters. In both matters, you, pursuant to office policy, sent your non-attorney employee, Fermin G. Serafin ("Serafin") to conduct 'home visits' . In these visits, Serafin presented the potential clients with retainer agreements as well as various other legal documents, including a HIPP A release, a general authorization, a Medicare, Medicaid, and SCI-HP Extension act reporting form, and a power of attorney form . Pursuant to your office policy, Serafin read through these documents with Mortensen and Bennett.

1 In addition, in the Bennet matter, Serafin advised Bennett regarding potential attorney's
2 liens that may be filed by her already-retained counsel if she were to switch counsel. Serafin also
3 advised Bennett that it would be best to have one attorney handle both matters.

4 Pursuant to the decision of the Supreme Court, these home visits constituted the
5 unauthorized practice of law, and, as such, Serafin's actions under your supervision constitute a
6 violation of Rule of Professional Conduct 5.3 (Responsibilities Regarding Non-Lawyer
7 Assistants).

8 Further, in both the Bennett and Mortensen matters, the retainer agreement presented
9 contained a provision which, in the event of withdraw by Hale Law, or the early discharge of Hale
10 Law called for, at a minimum, a "combined firm rate" of \$1,000 per hour for "all attorney and staff
11 time".

12 As this panel found, such an agreement is unreasonable and violates Rule of Professional
13 Conduct 1.5 (Fees).

14 In light of your violation of Rules of Professional Conduct 1.5 and 5.3, you are hereby
15 PUBLICLY REPRIMANDED.

16 DATED this 28th day of January, 2020.

17
18 SOUTHERN NEVADA DISCIPLINARY BOARD

19
20 
21 By: _____
22 Christopher J. Laurent, Esq.,
23 Formal Hearing Panel Chair
24
25

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
LEILA L. HALE, BAR NO. 7368.

No. 77801

FILED

SEP 12 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office.

DATE: JUNE 1, 2021
Supreme Court Clerk, State of Nevada

By *[Signature]* Deputy

ORDER REJECTING RECOMMENDATION AND REMANDING

This is an appeal from a Southern Nevada Disciplinary Board hearing panel's findings of fact, conclusions of law, and recommendation to dismiss all counts charged against attorney Leila L. Hale in a disciplinary complaint and to direct the State Bar to issue Hale a letter of caution.¹

After receiving two client grievances, the State Bar filed a disciplinary complaint alleging Hale violated RPC 1.5 (fees) by charging an unreasonable flat rate of \$1,000 per hour in the event of her withdrawal or a client terminating her representation in matters for which payment of fees was otherwise contingent on recovery, and RPC 5.3 (responsibilities regarding nonlawyer assistants) by using paralegals to perform the work of attorneys and serve as the sole contact for her clients.² Following a hearing, the panel found that the State Bar proved by clear and convincing evidence

¹Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

²The complaint also alleged violations of RPC 1.4 (communication) RPC 1.8 (conflict of interest: current clients), and RPC 7.3 (communication with prospective clients), but the State Bar does not challenge on appeal the panel's recommendation to dismiss those counts.

that Hale violated RPC 1.5, but it did not prove that Hale violated RPC 5.3. The panel found two aggravating circumstances: prior disciplinary offenses and substantial experience in the practice of law; and five mitigating circumstances: timely good faith effort to pay restitution, full and free disclosure to disciplinary authority, character or reputation, delay in disciplinary proceeding, and interim rehabilitation. The panel made no findings about Hale's mental state or injury to clients or the profession. It recommended dismissing all counts and directing the State Bar to issue a letter of caution to Hale with regard to charging unreasonable fees.

On appeal, the State Bar argues that uncontested evidence shows that Hale violated RPC 5.3 by directing her paralegal to conduct initial client interviews, evaluate client claims, explain legal forms, advise clients about legal issues, and negotiate liens with insurance providers, and by using non-lawyers as clients' sole contact with her law firm. Hale argues that although her "certified paralegal sometimes would do 'home visits,'" he did not routinely conduct initial consultations, and instead "was merely getting intake information" that "would be no different than an individual that comes in to see a lawyer and is asked to fill out an intake questionnaire regarding their name, address, phone number, etc., and thereafter is asked background questions." Hale asserts that her paralegal did not exercise legal judgment on the clients' behalf and at most engaged in conduct that was limited and incidental to her representation.

Having reviewed the record and the briefs, we conclude that there is clear and convincing evidence that Hale violated RPC 5.3 by directing paralegals to perform the work of attorneys, and we therefore reject the panel's conclusion and recommendation with regard to that rule violation. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709,

715 (1995) (recognizing that ethical rule violations must be proven by clear and convincing evidence). The record shows that Hale's paralegal conducted "home visits" on his own with certain potential personal injury clients as a matter of firm policy. During those visits, the paralegal presented a packet of forms for the client to sign, including a HIPPA release, general authorization, Medicare, Medicaid, and SCHIP Extension Act reporting forms, a power of attorney allowing the firm to act on the client's behalf, and a retainer agreement allowing the firm to keep part of any recovery or bill a flat rate of \$1,000 per hour (for both staff and attorneys) for early termination of representation. When asked whether the paralegal explains the forms and agreements, Hale said, "Yes. It's my understanding that he reads through the documents with the client." The paralegal testified that he advised clients that signing the forms would allow him to obtain medical and accident reports, advised a client that it would be best to have one attorney handle both of her car accident claims, explained to her that another attorney might file a lien on her first claim, and provided her an explanation of property damage. That client testified that she did not receive any correspondence from Hale after signing the forms and she fired the firm a week later. Hale acknowledged that clients waive privacy rights by signing HIPPA forms and when asked if clients transfer any rights by signing a power of attorney, Hale said, "upon me signing the -- retainer." Nevertheless, although Hale did not sign the retainer agreements and never met with the clients to explain the scope of her representation or to explain the agreements or other forms and waivers they signed at the home visits, her paralegal sent lien notices to the clients' insurers on the firm's behalf based on the retainer agreements, billing \$1,000 per hour for the in-home client meetings, setting up the claims, and initial work on the cases.

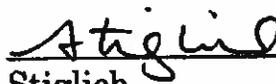
As this evidence establishes a violation of RPC 5.3, we reject the panel's conclusion to the contrary as well as its recommendation to dismiss the charge. *See In re Discipline of Lerner*, 124 Nev. 1232, 1234, 1241, 197 P.3d 1067, 1070, 1074 (2008) (reprimanding an attorney for assisting in the unauthorized practice of law where, consistent with the law firm's policy, the attorney's unlicensed employee conducted initial client consultations, decided whether to accept representation, negotiated claims, and served as clients' sole contact with firm, as those activities involved the "exercise of legal judgment on a client's behalf"); *see also* SCR 105(3)(b) (observing that on automatic review of public discipline, this court gives deference to the panel's factual findings and reviews de novo its conclusions of law and recommended discipline); *LK Operating, LLC v. Collection Group, LLC*, 331 P.3d 1147, 1157 (Wash. 2014) (stating, in a legal malpractice action, that "[w]hether a given set of facts establish an RPC violation is a question of law subject to de novo review"). Because the disciplinary panel considered the RPC 1.5 and RPC 5.3 violations alleged in the complaint together, and it did not make any findings with regard to Hale's mental state, whether the violations caused injury or potential injury to clients or the profession, and how the aggravating and mitigating circumstances weigh on the RPC 5.3 violation, we decline to determine the appropriate discipline in the first instance.³ *See Lerner*, 124 Nev. at 1246, 197 P.3d at 1077 (listing four

³The State Bar argues that the panel gave undue weight to an unsubstantiated mitigating factor—delay in disciplinary proceedings—and insufficient weight to an aggravating factor—Hale's 2016 discipline for similar misconduct. We agree that delay in disciplinary proceedings is unsubstantiated and thus it should not be considered a mitigating circumstance on remand. As to the other mitigating and aggravating

factors used to determine attorney discipline). Accordingly, we remand this matter for further proceedings before the Southern Nevada Disciplinary Board.⁴

It is so ORDERED.⁵


_____, C.J.
Gibbons


_____, J.
Stiglich


_____, S.J.
Douglas

cc: Chair, Southern Nevada Disciplinary Board
Bar Counsel, State Bar of Nevada
William B. Terry, Chartered

circumstances, those should be weighed based on our conclusion that the evidence establishes an RPC 5.3 violation.

⁴To the extent that Hale questions the finding that she charged an unreasonable fee, we conclude that substantial evidence supports that finding, and based on that finding, we agree with the panel's conclusion that Hale violated RPC 1.5. *See Attorney Grievance Comm'n of Md. v. Korotki*, 569 A.2d 1224, 1234 (Md. Ct. App. 1990) (indicating that whether a legal fee violates a disciplinary rule is a question of law).

⁵The Honorable Michael Douglas, Senior Justice, participated in the decision of this matter under a general order of assignment.