

FILED

MAR 05 2007

Elizabeth Broussard
STATE BAR OF NEVADA

1 Case Nos. N06-12-828

2
3 STATE BAR OF NEVADA

4 NORTHERN NEVADA DISCIPLINARY BOARD

5 STATE BAR OF NEVADA,)

6 Complainant,)

7 vs.)

8 JOE M. LAUB, ESQ.,)

9 Respondent.)

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION

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11 This matter came before a designated Formal Hearing Panel of the Northern
12 Nevada Disciplinary Board on February 21, 2007, at 9:00 a.m. The presiding Panel
13 consisted of Chair Michael Pinter, Esq., John B. Mulligan, Esq., John P. Schlegelmitch,
14 Esq., Linda N. Daykin, Esq., and Laymember Lin R. Phillips. The State Bar of Nevada
15 ("State Bar") was represented by Acting Bar Counsel David A. Clark. Joe M. Laub
16 ("Respondent") was present and represented by Jeffrey Dickerson, Esq.

17 Exhibits 1 through 7 were submitted into evidence, without objection. Leslie
18 Carlen testified on behalf of the State Bar. Respondent testified on his own behalf and
19 produced the following witnesses: Lawrence Winking, Esq., Leonard Jaffe and Bette
20 Jaffe. All witnesses were sworn, testified on direct and cross examination and were
21 examined by members of the Panel.

22 Based upon the pleadings filed, the testimony presented at the hearing, the
23 documents admitted into evidence and the legal arguments presented, the Panel submits
24 the following Findings of Fact, Decision and Recommendation.
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1 **FINDINGS OF FACT.**

2 1. This Panel was designated by the Northern Nevada Disciplinary Board
3 Chair and has jurisdiction over this matter.

4 2. Respondant is now and at all times pertinent herein was, a licensed
5 attorney in the State of Nevada, having his principal place of business for the practice of
6 law in Washoe County, Nevada.

7 3. Leslie Carlen was involved in a motor vehicle accident on or about January
8 5, 2006. She decided to consult with Respondent's law firm in Carson City regarding her
9 injuries and possible representation.

10 4. Ms. Carlen met with Leonard Jaffe, a nonlawyer employee of Respondent.

11 5. At the meeting with Mr. Jaffe, Ms. Carlen decided to retain Respondent's
12 firm and Mr. Jaffe gave her a Contingent Fee Agreement.

13 6. Ms. Carlen signed and dated the agreement.

14 7. Ms. Carlen never met nor communicated with Respondent or a Nevada-
15 licensed attorney during the process that Respondent's firm established the attorney-
16 client relationship with Ms. Carlen.

17 8. Respondent allowed an attorney-client relationship to be formed between
18 the claimant and a nonlawyer from his office, Mr. Jaffe.

19 9. Respondent improperly delegated the task of advising counsel to
20 nonlawyers.

21 10. Respondent failed to review the file and/or failed to take reasonable efforts
22 to adequately supervise Mr. Jaffe and indirectly allowed him to engage in conduct that
23 constituted the unauthorized practice of law.

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1 **CONCLUSIONS OF LAW.**

2 Based upon the foregoing Findings of Fact, the Panel hereby unanimously issues
3 the following Conclusions of Law:

4 1. As to Count 1 of the Complaint, the Panel finds by clear and convincing
5 evidence that Respondent assisted Mr. Jaffe in the unauthorized practice of law in
6 violation of SCR 187 (Responsibilities regarding nonlawyer assistants) and SCR 189
7 (Unauthorized Practice of Law).

8 2. Respondent's past conduct and discipline is an aggravating factor in
9 consideration of the disciplinary sanction to be imposed.

10 **DECISION AND RECOMMENDATION.**

11 Based upon the foregoing Findings of Fact and Conclusions of Law, the Panel, by
12 a vote of four (4) to one (1), concludes and respectfully recommends to the Supreme
13 Court of the State of Nevada the following:

- 14 1. That Respondent be suspended from the practice of law for a period of (6)
15 months and one (1) day;
- 16 2. That pursuant to SCR 120, Respondent be ordered to pay all costs of these
17 proceedings within thirty (30) days of his receipt of the State Bar's Bill of Costs
18 in this matter.
- 19 3. That Mr. Jaffe should be reported to the State Bars of Nevada and Florida and
20 investigated for the unauthorized practice of law without a license.

21 DATED this 8th day of March 2007.

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23 
24 MICHAEL PINTAR, ESQ., Chair
25 Northern Nevada Disciplinary Board
Panel

1 Respectfully submitted:

2 STATE BAR OF NEVADA

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4 By: _____

DAVID A. CLARK, Acting Bar Counsel

5 Nevada Bar Number 4443

9456 Double R. Blvd., Suite B

6 Reno, NV 89521

(775) 329-4100

7 Attorney for State Bar of Nevada

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9 APPROVED AS TO FORM:

10

11 By: _____

JEFFREY DICKERSON, ESQ.

12 Nevada Bar Number 2690

9655 Gateway Drive, Ste. B

13 Reno, NV 89521

(775) 786-6884

14 Attorney for Respondent

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1 CERTIFICATE OF SERVICE BY MAIL

2 I, Elizabeth Borrowman, certify that I am a citizen of the United States, over 21
3 years of age, a resident of Lyon County, and not a party to the within action. That I am
4 an employee of the State Bar of Nevada and my business address is 9456 Double R
5 Boulevard, Suite B, Reno, Nevada 89521.

6 That the undersigned hereby certifies that a true and correct copy of the attached
7 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** was
8 placed in a sealed envelope and deposited in the U.S. mail in Reno, Nevada, postage
9 fully prepaid thereon for first class regular mail and certified mail, addressed to Joe
10 Laub, Esq., c/o Jeffrey Dickerson, Esq. at 9655 Gateway Drive, Suite B, Reno, NV
11 89521.

12
13 DATED this 21st day of March, 2007.

14
15 Elizabeth Borrowman
16 Elizabeth Borrowman, an employee
17 of the State Bar of Nevada
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