

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF	§	
LEILA LOUISE HALE,	§	CAUSE NO. 65263
STATE BAR CARD NO. 24088781	§	

AGREED JUDGMENT OF PUBLIC REPRIMAND

On this day, the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared in person as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law, and orders set forth below solely for the purposes of this proceeding which has not been fully adjudicated. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Leila Louise Hale, whose State Bar Card number is 24088781, is an attorney licensed by the Supreme Court of Texas and authorized to practice law in the State of Texas;
- (2) On or about May 30, 2018, a Complaint was filed with the State Bar of Nevada, Southern Nevada Disciplinary Board, in a matter styled: *State Bar of Nevada, Complainant, vs. Leila L. Hale, Esq., NV Bar No. 7368, Respondent*, in Case Nos. OBC 17-0374 and OBC 17-0553, alleging violation of the following Nevada Rules of Professional Conduct: Count One RPC 1.4 (Communication); Count Two RPC 1.5 (Fees); Count Three RPC 1.8 (Conflict of Interests: Current Clients: Specific Rules); Count Four RPC 5.3 (Responsibilities Regarding Non-Lawyer Assistant); Count Five RPC 7.3 (Communications with Prospective Clients).
- (3) On or about December 3, 2018, Findings of Fact, Conclusions of Law and Recommendation was filed with the State Bar of Nevada, Southern Nevada Disciplinary Board, in a matter styled: *State Bar of Nevada, Complainant, vs. Leila L. Hale, Esq., NV Bar No. 7368, Respondent*, in Case Nos. OBC

17-0374; and OBC 17-0553, which states in pertinent part:

...This Panel was designated by the Southern Nevada Disciplinary Board Chair and has jurisdiction over this matter;

Respondent is now, and at all times pertinent herein was, a licensed attorney in the State of Nevada. Respondent, at all times pertinent herein, had a place of business for the practice of law in Clark County, Nevada;

Respondent was first licensed to practice law in the State of Nevada on September, 2000;

Based on the testimony of witnesses and the documentary evidence presented during the hearing, the Panel finds that the State Bar proved by clear and convincing evidence that Respondent violated Rule of Professional Conduct ("RPC") 1.5 (Fees). The Panel also finds that the State Bar did not prove by clear and convincing evidence that Respondent violated RPC 1.4 (Communication), RPC 1.8 (Conflict of Interests: Current Clients: Specific Rules), RPC 5.3 (Responsibilities Regarding Non-Lawyer Assistants), or RPC 7.3 (Communications with Prospective Clients).

- (4) On or about January 9, 2020, a Conditional Guilty Plea in Exchange for a Stated Form of Discipline was filed with the State Bar of Nevada, Southern Nevada Disciplinary Board, in a matter styled: State Bar of Nevada, Complainant, vs. Leila L. , Esq., NV Bar No. 7368, Respondent, in Case Nos. OBC 17-0374 and OBC 17-0553, which states in pertinent part:

...Respondent pleads guilty and admits that she violated the Rules of Professional Conduct as set forth in Counts 2 and four of the Formal Complaint filed on May 30, 2018, and in accordance with the Stipulation of Facts stated herein violated the following Rules of Professional Conduct ("RPC"): 1.5 (Fees) and 5.3 (Responsibilities Regarding Nonlawyer Assistants).

- (5) Counts 2 and 4 of the Conditional Guilty Plea in Exchange for a Stated Form of Discipline establish the following:

Fermin G. Serafin is a non-attorney employee of the Hale Law Firm. Serafin met with grievant, Rochelle Mortensen, in Mortenson's home on January 10, 2017 to discuss Respondent representing Mortenson in a personal injury case. Serafin presented Mortensen with a retainer agreement. Serafin also presented Mortensen with various other legal documents, including a HIPPA release, a general authorization, a Medicare, Medicaid, and SCHIP Extension act reporting form, and a power of attorney form.

It was Respondent's policy for non-attorney staff to conduct home visits

such as this, and to read through the provided forms with the client. The Mortensen Retainer states that it is a contingency fee agreement. However, in the event of withdraw by Hale Law, or the early discharge of Hale Law by Mortensen, the Mortensen Retainer calls for, at a minimum, a "combined firm rate" of \$1,000 per hour for "all attorney and staff time".

On March 23, 2017, Mahogeny Bennett was involved in a vehicle accident. The next day, March 24, 2017, she retained attorney Adam Kutner to represent her. On March 28, 2017 Bennett was involved in a second vehicle accident. On March 29, 2017 Serafin went to Bennett's residence and provided a home visit regarding the March 28 car accident. At the March 29, 2017 home visit, Serafin presented Bennett with the same types of forms as described in the Mortensen matter, above. In addition, Serafin advised Bennett regarding potential attorney's liens that may be filed by Kutner if she were to switch counsel. Serafin also advised Bennett that it would be best to have one attorney handle both matters.

Serafin presented Bennett with a retainer agreement. The Bennett Retainer states that it is a contingency fee agreement. However, in the event of withdraw by Hale Law, or the early discharge of Hale Law by Bennett, the Bennett Retainer calls for, at a minimum, a "combined firm rate" of \$1,000 per hour for "all attorney and staff time".

Shortly after the home visit, Bennett terminated Kutner and retained Hale Law. On April 5, 2017, Bennett terminated Hale Law and again retained Kutner to handle both accidents. On April 17, 2017, Respondent created, but did not sign, a notice of attorney's lien in the amount of \$7,950, representing 7.45 hours of fees plus costs. However, a June 27, 2017 attorney's lien notice, also unsigned, covering the same period of time and the same entries as the April 17, 2017, attorney's lien shows that only 1.6 hours was [sic] billed by an attorney, with 5.2 hours billed by paralegals and 1.1 hours billed by assistants. In the second notice of attorney's lien, the attorney rate is \$1,000 per hour, the Paralegal rate is \$200 per hour, and the assistant rate is \$125 per hour. Respondent's agreement, which contained a billing rate of \$1,000 per hour for all time billed by any employee of the firm, was unreasonable.

Serafin's conduct during the home visits of Bennett and Mortensen constituted the unauthorized practice of law.

- (6) On or about January 28, 2020, a Public Reprimand was filed with the State Bar of Nevada, Southern Nevada Disciplinary Board, in a matter styled: *State Bar of Nevada, Complainant, vs. Leila L. , Esq., NV Bar No. 7368, Respondent*, in Case Nos. OBC 17-0374 and OBC 17-0553, which states in pertinent part:
...In light of your violation of Rules of Professional Conduct 1.5 and 5.3,

you are hereby PUBLICLY REPRIMANDED.

- (7) Respondent, Leila Louise Hale, is the same person as the Leila L. Hale, who is the subject of the Public Reprimand entered by the State Bar of Nevada, Southern Nevada Disciplinary Board; and
- (8) The Public Reprimand entered by the State Bar of Nevada, Southern Nevada Disciplinary Board is final.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(H), Texas Rules of Disciplinary Procedure;
- (2) Reciprocal discipline identical to that imposed by the State Bar of Nevada Southern Nevada Disciplinary Board is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Leila Louise Hale, State Bar Card No. 24088781, is hereby PUBLICLY REPRIMANDED as an attorney at law in the State of Texas.

Signed this 27th day of April _____ 2021

Tom G. 3/6/21

CHAIR PRESIDING
BOARD OF DISCIPLINARY APPEALS

APPROVED AS TO FORM AND CONTENT:

[Handwritten Signature]

Amanda M. Kates
Assistant Disciplinary Counsel
State Bar Card No. 24075987
Attorney for Petitioner

[Handwritten Signature]

Leila Louise Hale
State Bar Card No. 24088781
Respondent