

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF LISA MARIE  
FRAAS, ESQ., BAR NO. 4990.

No. 59561

**FILED**

NOV 09 2012

TRACIE K. LINDSEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER DECLINING TO IMPOSE RECIPROCAL DISCIPLINE

This is a petition under SCR 114 to reciprocally discipline attorney Lisa Marie Fraas, based on discipline imposed upon her in California. Fraas did not file a response to the petition.

On May 18, 2010, this court issued an order imposing reciprocal discipline on Fraas in another matter. In re: Discipline of Fraas, Docket No. 55682 (Order Imposing Reciprocal Discipline, May 18, 2010). The misconduct which led to that order stemmed from the California representation of a client in a divorce proceeding wherein Fraas: (1) claimed her fee was nonrefundable and failed to refund unearned fees in violation of California Rule of Professional Conduct 3-700(D)(2); (2) withdrew disputed client funds from her trust account prior to resolution of the fee dispute in violation of California Rule of Professional Conduct 4-100(A)(2); (3) disclosed confidential information during the arbitration process in violation of California Business and Professions Code section 6068(e); and (4) misrepresented that she had not

deposited fees into her trust account in violation of California Business and Professions Code section 6106.<sup>1</sup>

As discipline for these acts, Fraas was ordered by the California Supreme Court to complete one year of probation. She was given 30 days of actual suspension, plus a one-year stayed suspension. The California order was issued on October 6, 2009. However, the effective date of the order was not until November 5, 2009.

Fraas believed that her 30 days of actual suspension was effective from the date of the order, and thus she discontinued practicing law from October 6, 2009, to November 6, 2009. Thereafter, she recommenced representing clients as an attorney. In late November, Fraas learned that her belief was possibly in error, thus she contacted the Probation Office to notify them and request clarification. According to the California Supreme Court, Fraas' belief was incorrect, as she was supposed to have ceased practice between November 5, 2009 and December 5, 2009.

In response to this technical violation of probation, the California Supreme Court revised its prior order of discipline, with findings that Fraas had additionally violated California Business and Professions Code sections 6068(a), 6125, and 6126.<sup>2</sup> As such, Fraas is now

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<sup>1</sup>Nevada's counterparts are RPC 1.6 (confidentiality of information); RPC 1.15 (safekeeping property); RPC 1.16 (declining or terminating representation); and RPC 8.4 (misconduct).

<sup>2</sup>These California code provisions discuss the unauthorized practice of law and an attorney's oath. The Nevada equivalents are found in RPC 5.5 (unauthorized practice of law), NRS 7.285 (same), and SCR 73 (attorney's oath).

subject to a two-year probationary period, with the terms and conditions of said probation to be decided by her probation officer. She is to submit quarterly reports to her probation officer and to pay all costs and fees associated with the disciplinary proceedings.

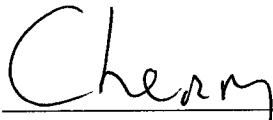
SCR 114(4) provides that this court shall impose identical reciprocal discipline unless the attorney demonstrates, or this court finds, either: (a) there was a lack of due process in the other jurisdiction; (b) the decision of the other jurisdiction lacked fairness due to infirmity of evidence; (c) the misconduct deserves a punishment substantially different than that imposed by the other jurisdiction; or (d) the acts do not constitute misconduct in Nevada.

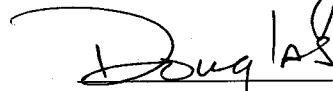
Since Fraas self-reported and confessed to the unauthorized practice of law, we find that exceptions (a), (b), and (d) do not apply. However, we do find that an exception based on SCR 114(4)(c) is applicable, and thus decline to order reciprocal discipline. Fraas did cease the practice of law for 30 days, though it was the wrong 30 days. Thus, we find no malevolence in Fraas' mistake warranting an additional two years' probation in Nevada.


However, some level of accountability is required for Fraas' technical violation. Accordingly, we order that: (1) Fraas is placed on probation in Nevada; (2) within 60 days from the date of this order, Fraas shall provide to the State Bar of Nevada notification of successful completion of probation from either the California Supreme Court or the California State Bar; and (3) Fraas' probation in Nevada will expire when bar counsel receives satisfactory notification as outlined in the second condition. We note that Fraas' failure to comply with the second condition

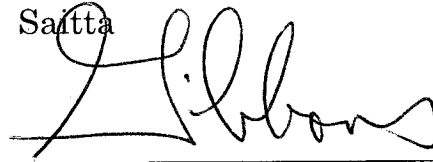
may subject her to additional disciplinary proceedings.<sup>3</sup> Fraas and the State Bar shall comply with SCR 115 and SCR 121.1.

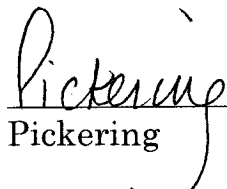
It is so ORDERED.

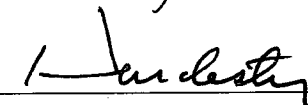
  
\_\_\_\_\_, C.J.  
Cherry

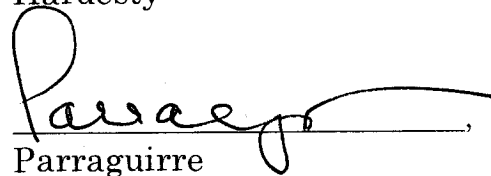
  
\_\_\_\_\_, J.  
Douglas

  
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Saitta

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

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<sup>3</sup>This order constitutes our final disposition of this matter. Any future proceedings concerning Fraas shall be filed under a new docket number.

cc: Glenn M. Machado, Assistant Bar Counsel  
Kimberly K. Farmer, Executive Director, State Bar of Nevada  
Lisa Marie Fraas  
Perry Thompson, Admissions Office, United States Supreme Court