

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
CARRIE E. HURTIK, BAR NO. 7028

No. 85714

FILED

FEB 17 2023

BETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation to approve a conditional guilty plea agreement pursuant to SCR 113 in exchange for a stated form of discipline for attorney Carrie E. Hurtik. Under the agreement, Hurtik admitted to violating RPC 1.3 (diligence), 1.4 (communication), 1.5 (fees), and 1.15 (safekeeping property). She agreed to a two-year suspension stayed subject to conditions during a corresponding probationary period.

Hurtik admitted to the facts and violations as part of her guilty plea agreement. Thus, the record establishes that Hurtik violated the above-listed rules by delaying distribution of funds to clients and their lienholders; failing to timely communicate with clients about client fund distributions and withholdings or respond to clients' requests for such information; failing to provide clients with distribution statements; withdrawing client funds in probate matters before court approval; dealing improperly with client property by comingling client funds with firm operating funds, including issuing checks from her client trust account to the operating account without identifying the purpose for the withdrawal, but later inappropriately using those funds for payroll, personal expenses, office expenses, and loans; and failing to keep client and trust account

ledgers and maintain adequate accounting practices, which led to her trust account being out of balance over a four-year period.

The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. *See In re Discipline of Arabia*, 137 Nev., Adv. Op. 59, 495 P.3d 1103, 1109 (2021) (stating the purpose of attorney discipline). In determining the appropriate discipline, we weigh four factors: “the duty violated, the lawyer’s mental state, the potential or actual injury caused by the lawyer’s misconduct, and the existence of aggravating or mitigating factors.” *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Hurtik admitted to knowingly engaging in conduct that violated duties owed to her clients and the legal system. Hurtik’s misconduct harmed her clients who did not receive timely distributions of funds owed to them and their lienholders. The baseline sanction before considering aggravating or mitigating factors is suspension. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.12 (providing that suspension is appropriate when “a lawyer knows or should know he is dealing improperly with client property and causes injury or potential injury to a client”), and Standard 7.2 (“Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.”).

The record supports the panel’s finding that Hurtik’s substantial experience in the practice of law is the sole aggravating factor in this matter. The record likewise supports the four mitigating factors found by the panel. First, Hurtik, after more than 23 years of practice, has

no prior disciplinary record. Second, Hurtik dealt with personal or emotional problems and numerous significant hardships between 2017 and 2021, including serving as a live-in caretaker for her parents who suffered serious health issues. Third, Hurtik maintained a cooperative attitude toward the proceedings and made significant efforts to bring her trust account into balance by hiring an outside accountant and repaying most of the funds she owed to clients. Fourth, the record supports the panel's finding as to Hurtik's character and reputation as a lawyer and member of the community, including her pastor's testimony and a letter from the client who filed the grievance against her. While knowingly failing to properly preserve client property often corresponds with an actual suspension as discipline, considering all four factors and the safeguard conditions by which Hurtik must abide during her probation, we conclude that the agreed-upon discipline is appropriate to protect the public, the courts, and the legal profession here.

Accordingly, we hereby suspend attorney Carrie Hurtik from the practice of law for two years, stayed subject to an equal-length probation to which the following conditions apply as set forth more specifically in the guilty plea agreement: Hurtik must (1) create and maintain individual client ledgers; (2) open individual client accounts consistent with the parameters in the guilty plea agreement; (3) maintain an IOLTA ledger; (4) reconcile her IOLTA account monthly; (5) limit attorney fee withdrawals and manage disbursements as stated in the plea agreement; (6) hire a third-party CPA-licensed or otherwise qualified accountant to review her trust accounting, monitor her compliance with the stay conditions, and submit monthly reports to the State Bar; (7) and pay \$132,355.27 plus interest in restitution to her clients if she has not already done so. Finally, Hurtik

must pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. The State Bar shall comply with SCR 121.1.

It is so ORDERED.

Stiglich, C.J.
Stiglich

Pfe, J.
Lee

B, J.
Bell

cc: Chair, Southern Nevada Disciplinary Board
Lipson Neilson P.C.
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court