

1 Case Number: OBC19-0750



FILED

MAY 18 2020

STATE BAR OF NEVADA  
BY: B. Felix  
OFFICE OF BAR COUNSEL

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STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

LUIS AYON, ESQ.,

BAR NO. 9752

Respondent.

PUBLIC REPRIMAND

TO: Luis Ayon, Esq.  
c/o Maximiliano D. Couvillier, III, Esq.  
1077 W. Twain Ave., 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89135

You represented a group of corporate defendants and related individuals in a federal lawsuit. On March 26, 2019, US District Judge Jennifer Dorsey referred the lawsuit to Judge Koppe for a mandatory settlement conference.

On March 27, 2019, Judge Koppe entered an order setting the settlement conference in chambers on May 9, 2019. The order stated that all parties are to appear. The deadline to seek an exception for attendance was April 3, 2019. Settlement Statements were to be submitted to the judge's law clerk by May 2, 2019. No one filed an exception to attend by April 3, 2019.

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1           You failed to submit the required settlement statement by May 2, 2019.

2           The Judge issued a Minute Order for you to submit the Settlement Statement by May  
3 6, 2019. The Minute Order stated that a “failure to comply with [the] order may result in the  
4 imposition of sanctions and/or the vacation of the settlement conference.”

5           You submitted a settlement statement by the second deadline. In that statement you  
6 identified all of the individual defendants as having full settlement authority over defendants  
7 and stated you would be in attendance at the settlement conference. You did not request  
8 accommodations for any parties that could not personally attend the settlement conference.

9           On May 7, 2019, the parties submitted a stipulation to continue the settlement  
10 conference because the representative of another party had a personal family conflict and  
11 could not attend the settlement conference. In a conference held that afternoon, it was  
12 determined that the conference could proceed, nonetheless. At no point in the May 7, 2019  
13 communication with the Court did you request a continuance due to your clients’ schedules  
14 or request permission for any client to not personally attend the settlement conference.

15           On May 9, 2019, you appeared at the settlement conference with only one individual  
16 client, who you represented had settlement authority for all represented defendants;  
17 however, the other three individual clients were missing. The court ordered the missing  
18 clients to appear within 20 minutes. You represented that was impossible because your  
19 clients were out of the country. You also told the Court that this was something you only  
20 recently discovered. You asked for the conference to proceed because you believed  
21 settlement negotiations could be achieved with the single individual client who your  
22 represented had full settlement authority for all of your defendant clients; but the Court  
23 disagreed and continued the settlement conference.

24           You had also been previously admonished for similar conduct in another Federal  
25 lawsuit, in which you did not produce all individual defendants at the court ordered

1 settlement conference, although you did submit a belated request for telephonic appearance  
2 of the client.

3       Although you knew of the Mandatory Settlement Conference date on March 27, 2019,  
4 the clients were not informed of the date and their required attendance until May 7, 2019.  
5 This is because you relied on support staff to communicate the necessary information and  
6 did not confirm that timely communication with the clients was done. Two of the three  
7 absent clients had other business commitments that prevented them from being in  
8 attendance on May 9, 2019 and which could not be changed with such short notice.  
9 However, only one of those clients was actually out of the country. You also advised the  
10 clients that one client's appearance was not required because she was a nominal party to the  
11 lawsuit, but you did not make that clear in in the filed Settlement Conference Statement,  
12 and thus, the court required that client's appearance.

13       The Court found that you falsely represented in the settlement statement that all of  
14 the individual clients would appear at the settlement conference when you had not  
15 communicated with them about the conference at all prior to submitting the statement. The  
16 Court also found that you falsely represented that all of the absent clients were out of the  
17 country. The Court ordered you to pay plaintiff and the HOA \$500 in attorneys' fees and  
18 pay a fine to the US District in the amount of \$3,000, which you did.

### 19                   **Violations of the Rules of Professional Conduct**

20       You had a duty to timely communicate with all of your clients regarding the  
21 Mandatory Settlement Conference, its scheduled date, their ability to attend, and how to  
22 accomplish the united goal of the clients at that conference, pursuant to RPC 1.4  
23 (Communication). You knowingly violated RPC 1.4 (Communication) when you failed to  
24 timely and adequately communicate with your clients prior to the Mandatory Settlement  
25 Conference.

1 Pursuant to RPC 3.4 (Fairness to Opposing Party and Counsel), you had a duty to  
2 obey an obligation under the rules of a tribunal except for an open refusal based on an  
3 assertion that no valid obligation exists. You knowingly violated RPC 3.4 (Fairness to  
4 Opposing Party and Counsel) when you failed to timely and accurately report the  
5 attendance of your clients in the filed Mandatory Settlement Conference Statement.

6 Your failure has the potential to injure your client. You did injure the efficiency of  
7 the judiciary and integrity of the profession.

8 **ABA Standard for Imposing Lawyer Sanctions**

9 The appropriate baseline sanction for your violations of RPC 1.4 (Communication)  
10 and RPC 3.4 (Fairness to Opposing Party and Counsel) is suspension, pursuant to Standard  
11 6.12 of the ABA Standards for Imposing Lawyer Sanctions. However, a downward  
12 deviation from the baseline sanction is warranted because of your (i) absence of a prior  
13 disciplinary record, (ii) absence of a dishonest or selfish motive, (iii) personal issues that  
14 impacted your work at the time of the Mandatory Settlement Conference, (iv) full and free  
15 disclosure to disciplinary authority and cooperative attitude toward proceeding, (v) interim  
16 efforts to correct the administrative shortcomings that led to these violations, and (vi)  
17 remorse regarding the impact the violations had on your clients, the efficiency of the  
18 judiciary and the integrity of the profession.

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**Public Reprimand**

In light of the foregoing, you are found to have knowingly violated Rule of Professional Conduct (“RPC”) 1.4 (Communication) and RPC 3.4 (Fairness to Opposing Party and Counsel) and are hereby PUBLICLY REPRIMANDED and ordered to pay \$1,500, plus the hard costs of the disciplinary proceeding.

DATED this 18 day of May, 2020.

By: Oliver J. Pancheri  
Oliver J. Pancheri (May 18, 2020)  
OLIVER PANCHERI, ESQ.  
Formal Hearing Panel Chair  
Southern Nevada Disciplinary Board






# proposed Public Reprimand

Final Audit Report

2020-05-18

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