



FILED

OCT 12 2021

STATE BAR OF NEVADA

BY: 
OFFICE OF BAR COUNSEL

Case No: OBC21-0038

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

BRANDON L. PHILLIPS, ESQ.,

Nevada Bar No. 12264,

Respondent.

PUBLIC REPRIMAND

To: Brandon L. Phillips, Esq.
1455 E. Tropicana Avenue, Suite 750
Las Vegas, NV 89119

On September 15, 2021, a Formal Hearing Panel of the Southern Nevada Disciplinary Board heard the above-referenced grievances. Based on the evidence presented through the Conditional Guilty Plea, the Panel unanimously concluded that you violated the Rules of Professional Conduct ("RPC") and should be issued a Public Reprimand.

In OBC21-0038, you represented your client in an appeal filed in the Supreme Court of Nevada (hereinafter "Supreme Court"). The Supreme Court directed you to file the case appeal statement on (1) August 18, 2020, (2) September 15, 2020, and (3) September 28, 2020. You failed to comply with the Supreme Court's directives. On November 9, 2020, the Supreme Court directed you to pay a \$500.00 sanction to the Supreme Court Law Library. You failed to timely pay the \$500.00 sanction. Your staff incorrectly informed you that the Supreme Court Orders had been complied with. Upon notice from the Supreme Court that the Order had not been complied with, you sent a check to the Supreme Court to pay the \$500.00 sanction on December 23, 2020.

1 In OBC21-0634, you represented your client in an appeal filed in the Supreme Court. On
2 November 9, 2020, the Supreme Court directed you to file the case appeal statement and opening
3 brief and appendix. You failed to comply with the Supreme Court's Order. Specifically, you
4 failed to file the opening brief and appendix and communicate with the Supreme Court. On April
5 8, 2021, the Supreme Court entered an order dismissing your client's appeal.

6 RPC 1.3 (Diligence) states that a lawyer "shall act with reasonable diligence and
7 promptness in representing a client." Although you had to self-quarantine during this time due to
8 COVID-19, and thus were unable to come into the office, you negligently failed to ensure that
9 pleadings were timely filed with the Supreme Court. This type of ethical breach caused potential
10 injury to your clients.

11 RPC 3.4 (Fairness to Opposing Party and Counsel) states, in pertinent part, that a lawyer
12 shall not "[k]nowingly disobey an obligation under the rules of a tribunal except for an open
13 refusal based on an assertion that no valid obligation exists[.]" You negligently failed¹ to comply
14 with numerous Supreme Court orders by failing to timely file the case appeal statement and/or
15 failing to timely file an opening brief and appendix and/or failing to timely pay the \$500.00
16 sanction. This type of ethical breach caused potential injury to your clients.

17 RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants) states, in pertinent part that a
18 "partner, and a lawyer who individually or together with other lawyers possesses comparable
19 managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect
20 measures giving reasonable assurance that the person's conduct is compatible with the professional
21 obligations of the lawyer[.]" Additionally, the Rule states that a lawyer "having direct supervisory
22 authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is
23 compatible with the professional obligations of the lawyer[.]" You negligently failed to ensure

24 ¹ The parties stipulated this Rule violation is fictitious with respect to the discrepancy between RPC 3.4(c)'s "knowing
25 mental standard and the "negligent" mental state.

1 that your nonlawyer assistant(s) complied with Supreme Court orders and/or failed to make
2 reasonable efforts to properly train them of appellate procedures. This type of ethical breach
3 caused potential injury to your clients.

4 Under ABA Standard 6.23, reprimand is generally appropriate when a lawyer negligently
5 fails to comply with a court order or rule, and causes injury or potential injury to a client or other
6 party, or causes interference or potential interference with a legal proceeding. Accordingly, you
7 are hereby REPRIMANDED for two violations of RPC 1.3 (Diligence), two violations of RPC 3.4
8 (Fairness to Opposing Party and Counsel), and one violation of RPC 5.3 (Responsibilities
9 Regarding Nonlawyer Assistants). In addition, pursuant to Supreme Court Rule 120(3), you are
10 required to remit to the State Bar of Nevada the amount of \$1,500 *within 30 days* of this
11 Reprimand. I trust that this reprimand will serve as a reminder to you of your ethical obligations,
12 and that no such problems will arise in the future.

13
14 Dated this 12th day of October, 2021.

15 SOUTHERN NEVADA DISCIPLINARY BOARD

16
17 By: 

18 Dawn M. Lozano, Esq.
19 Hearing Panel Chair
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