

# STATE BAR OF NEVADA

November 15, 2021



## **LETTER OF REPRIMAND**

John Lee Carrico, Esq.  
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Reno, NV 89509

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Las Vegas, NV 89102  
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### **Re: Disciplinary Grievance OBC21-0486 (M.H.)**

Dear Mr. Carrico:

9456 Double R Blvd., Ste. B  
Reno, NV 89521-5977  
phone 775.329.4100  
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A Screening Panel of the Northern Nevada Disciplinary Board has reviewed the above-referenced grievance and unanimously determined that a Letter of Reprimand be issued for violation of RPC 8.4(c) (Misconduct).

[www.nvbar.org](http://www.nvbar.org)

## **GRIEVANCE**

You practice primarily in the area of immigration law. In 2015, M.H. and her husband, R.H., consulted with you to petition for legal status for R.H.. The Clients retained you for a fee of \$5,000. You prepared and filed the appropriate I-130 Petition with the intent to file an I-601A waiver on behalf of R.H.. The Clients paid \$3,571.50 of the agreed-upon fee. The Clients then stopped pursuing the Petition and the I-601A waiver request was never filed.

Your office communicated with USCIS to try to keep the Petition active as long as it could, which was through 2017.

In February 2020, the Clients requested to continue with obtaining legal status for R.H.. You were unsure if the I-130 Petition was still able to be revived but agreed to represent them.

On March 4, 2020, the Clients signed a new fee agreement to have you perform a legal analysis of their immigration profile, send a FOIA request and file an I-601A waiver for R.H.. The Clients agreed to pay a flat fee of \$5,000 for the legal services. The fee agreement asserts, in bold lettering, that the flat fee is "unconditionally non-refundable."

In the representation your office attempted to revive the I-130 Petition, as the basis for the I-601A waiver, and filed a FOIA request for R.H.'s entry history in anticipation of proceeding with the application. USCIS informed you that the 2015 Petition could not be revived because it had been shredded and that a new Petition was required.

The Clients were unhappy with the amount of time it was taking to perform the agreed upon services and they terminated the representation in April 2021. Before terminating the representation, the Clients paid \$3,750 of the flat fee.

Your office provided the Clients with their file, returned a check for fees that was to be filed with the Petition, and denied their request for a refund of any of the flat fee.

### **VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT**

On or about February 21, 2019, the State Bar notified you that it is improper to assert that a fee is *per se* non-refundable because all fees are measured for reasonableness pursuant to RPC 1.5 (Fees). The State Bar's correspondence stated "No fee agreement should represent that a fee is absolutely non-refundable."

Your conduct, related to representation of the foregoing client, violated RPC 8.4(c) (Misconduct) because you asserted in the clients' fee agreement signed in March 2020 that the fee was unconditionally non-refundable despite knowing that a fee could not be *per se* non-refundable,.

RPC 8.4(c) (Misconduct) requires that a lawyer refrain from engaging in conduct that involves dishonesty, fraud, deceit or misrepresentation. In this instance, you knowingly violated RPC 8.4(c) by misrepresenting to the Clients that the flat fee was unconditionally non-refundable. Your conduct caused injury or potential injury to the Clients and the integrity of the profession. Your conduct is particularly troublesome to the Screening Panel because of the vulnerability of the Clients, and the general type of people that seek your services which consist of those who may not be inclined to report alleged misconduct due to fear of possible exposure.

### **APPLICATION OF THE ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS**

To determine the appropriate sanction, the disciplinary panel considered the American Bar Association's ANNOTATED STANDARDS FOR IMPOSING LAWYER SANCTIONS (2019 ed) (ABA Standards). The ABA Standards require analysis of a Respondent's conduct in the light of four factors: (1) the duty violated, (2) the Respondent's mental state, (3) the actual or potential injury, and (4) the existence of aggravating or mitigating circumstances. ABA Standard 3.0.

ABA Standard 8.3 provides that "reprimand of generally appropriate when a lawyer [ ] (b) has received an admonition for the same or similar misconduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public the legal system, or the profession."

Pursuant to the ABA Standards, an admonition is a sanction which is not publicly disseminated. In addition, Nevada does not have a non-public form of sanction and the lowest form of discipline is a Letter of Reprimand.

You were specifically put on notice that it was improper to assert that a fee was unconditionally non-refundable and you continued to do so.

**REPRIMAND**

Based upon the foregoing, you are hereby **REPRIMANDED** for your knowing violation of RPC 8.4(c) (Misconduct). This Reprimand is being issued on the basis that you again represented a flat fee to be “unconditionally non-refundable.”

Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500.

Sincerely,

*Katherine H. Lyon*

[Katherine H. Lyon \(Nov 15, 2021 16:59 PST\)](#)

Katherine Lyon, Esq.,  
Screening Panel Chair  
Northern Nevada Disciplinary Board

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