



LETTER OF REPRIMAND

June 22, 2023

Tristan F. Rivera, Esq.
1627 E. Windmill Ln., Ste. 200
Las Vegas, NV 89123

Re: Grievance SBN22-00539 / Valdez Casis

Dear Mr. Rivera:

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On June 13, 2023, a Screening Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. Based on the evidence presented, the Panel unanimously concluded that you violated the Rules of Professional Conduct ("RPC") and should be issued a Letter of Reprimand. This letter shall constitute a delivery of that reprimand.

On or about March 19, 2019, you were retained by V.C. to assist him with personal injury claims arising from an accident that occurred on March 16, 2019, in Hesperia, California. You are not licensed to practice law in California. On or about March 20, 2019, you began sending out letters of representation to multiple insurance companies. You were advised by at least two (2) insurance companies that the applicable SOL on Grievant's injury claim would expire on March 16, 2021.

Due to COVID-19, you were informed on or about March 11, 2021, that pursuant to "CA COVID-19 Amended Emergency Rule 9 . . . the new statute of limitations to make bodily injury claim for your adult clients" is September 10, 2021. You did not involve a California-licensed attorney, S.P., until early September 2021, and a Complaint was not filed until September 13, 2021.

Pursuant to Cal. R. Ct. 3.110(b), S.P. had sixty (60) days from the date of the Summons to serve all named defendants and provide proof of service to the court. S.P. failed to do the same, and on December 22, 2021, S.P. filed a Request for Dismissal.

RPC 1.1 (Competence) states that a lawyer "shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." RPC 1.3 (Diligence) states that a lawyer "shall act with reasonable diligence and promptness in representing a client." On or about March 19, 2019, V.C. retained your legal services. You took the case on even though you are not licensed to practice in California. During the course of V.C.'s representation, you received multiple notifications of the California SOL expiration date. Although you were informed

that the new SOL for V.C.'s claims changed to September 10, 2021, due to COVID-19, you did not reach out to a California-licensed attorney until a few days before the SOL's expiration, and once retained, S.P. failed to file and serve the Complaint timely. Arguably, this could have been avoided if you would have contacted S.P. earlier, giving him more than a couple of days with the file prior to the SOL running. This type of ethical breach caused injury to your client. Under ABA Standard 4.43, reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client. Under ABA Standard 4.53, reprimand is generally appropriate when a lawyer: (a) demonstrates failure to understand relevant legal doctrines or procedures and causes injury or potential injury to a client; or (b) is negligent in determining whether he or she is competent to handle a legal matter and causes injury or potential injury to a client.

Accordingly, you are hereby REPRIMANDED for violating RPC 1.1 (Competence) and RPC 1.3 (Diligence). In addition, pursuant to Supreme Court Rule 120, you are required to remit to the State Bar of Nevada the amount of \$1,500.00, plus the hard costs of these proceedings, **no later than 30 days** after receiving a billing from the State Bar. I trust that this reprimand will serve as a reminder to you of your ethical obligations, and that no such problems will arise in the future.

Sincerely,

Dana P. Oswalt

Dana P. Oswalt (Jun 16, 2023 12:36 PDT)

Dana Oswalt, Esq.
Screening Panel Chair
Southern Nevada Disciplinary Board