

Case Number: SBN24-00351



FILED

Jun 10, 2025

STATE BAR OF NEVADA

BY: 
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DAVID AZIZI, ESQ.

CALIFORNIA BAR NO. 198803

Respondent.

REPRIMAND

TO: David Azizi, Esq.
c/o Rob Bare, Esq.
150 Las Vegas Blvd. N, # 1812
Las Vegas NV 89101

You are not now, nor were you at the times pertinent to this matter, actively licensed to practice law in Nevada. You are currently licensed to practice law in California and have been so licensed for over 26 years.

Prior Representation

You first met and thereafter represented La Tanya Adams ("Client") in July 2018 relevant to a claim for a personal injury sustained by her at a McDonald's restaurant in California. Client received a significant settlement from that matter. After receiving her settlement from the July 2018 incident, Client decided to utilize that settlement money to purchase a home in Las Vegas, Nevada.

1 Current Representation

2 On December 1, 2021, Client traveled from California to Las Vegas, Nevada to sign
3 escrow papers for the house she did purchase, and while doing so, stayed at the Circus
4 Circus Resort in Las Vegas, Nevada. Client would allege that on December 1, 2021, she
5 slipped and fell in the shower at the Circus Circus and was injured again. Given Client's
6 satisfaction with your prior representation of her, she asked you for help and assistance
7 regarding her claim against Circus Circus Resort.

8 You knew that you could not represent Client in a Nevada court proceeding without
9 the assistance of a Nevada lawyer. On January 20, 2022, Client signed a Retainer
10 Agreement with you related to her claim against Circus Circus.

11 On February 3, 2022, you sent a letter to Circus Circus's counsel asserting your
12 representation of Client. You, and your staff, assisted Client with obtaining medical
13 treatment on a lien basis. Then, on September 7, 2023 you sent Circus Circus a demand
14 letter identifying \$54,599.87 in medical expenses related to Client's claim against the
15 resort. Circus Circus did not respond to the demand letter.

16 Based on the lack of response and a swiftly approaching statute of limitations, you
17 prepared a Complaint on Client's behalf and sent it to her to electronically sign. You did
18 inform Client that Nevada-licensed counsel would have to be obtained to potentially pursue
19 litigation on her behalf.

20 On November 29, 2023, you utilized an electronic filing service to cause the
21 Complaint to be filed on Client's behalf in the Eighth Judicial District Court in order to
22 preserve the two-year statute of limitations. The Complaint did not identify you anywhere
23 and, instead, stated that it was by Client *in pro per*.

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1 On December 13, 2023, Respondent sent an updated demand letter, identifying
2 \$61,669.87 in medical expenses related to Client's claim against the resort. You emailed
3 Circus Circus's counsel stating, "we have filed a Complaint."

4 On January 29, 2024, Circus Circus's counsel took the position that he could not
5 accept service on Circus Circus' behalf and informed you that he was not authorized to
6 accept service of the Summons and Complaint on behalf of his client. Therefore, you sent
7 the Summons and Complaint to a process server to be properly served on Circus Circus.

8 At that time, you also began to look for a Nevada-licensed attorney that could take
9 over representing Client in the lawsuit. To that end, your office first reached out to two
10 different Nevada-licensed attorneys regarding representing Client. This was approximately
11 two years after you began representing Client knowing that you were not licensed to do so
12 in Nevada.

13 On or about March 12, 2024, you prepared a Notice of Change of Address for Client
14 and sent it to her for electronic signature. The Notice of Change of Address did not identify
15 your assistance and stated that Client was *in pro per*. You filed the Notice of Change of
16 Address in the Eighth Judicial District Court on Client's behalf.

17 On April 8, 2024, the defendants filed a Motion to Dismiss Client's claims because
18 of a lack of proper service of the Summons and Complaint. The hearing for the defendants'
19 Motion to Dismiss was set for May 14, 2024.

20 On or about April 22, 2024, Client retained Nevada-licensed attorneys Brice J.
21 Crafton, Esq. and Colton J. Wilstead, Esq. ("New Counsel") to represent her in the lawsuit.
22 Client did not inform you that she did in fact obtain Nevada-licensed counsel to further
23 pursue the matter. Also on April 22, New Counsel filed an opposition to the Motion to
24 Dismiss.

1 Prior to May 1, 2024, your office learned of the filing of the Motion to Dismiss by
2 conducting an online search of the case docket. On May 1, 2024, your office began
3 attempting to inform Client of the Motion to Dismiss and continued these attempts in order
4 to ensure the Client had knowledge of the May 14, 2024 hearing. Your intent in this regard
5 was to instruct her that she needed to appear at the hearing to explain why the Summons
6 and Complaint had not been properly served. Your office also contacted the court and
7 arranged for Client to appear remotely at the May 14, 2024 hearing.

8 Although you knew of the Motion to Dismiss you did not know of New Counsel, or
9 its filed opposition thereto. Neither Respondent nor New Counsel attempted to
10 communicate with the other regarding the reasons the Summons and Complaint were not
11 timely served.

12 On the morning of the May 14, 2024 hearing, you still believed that Client was
13 without counsel. As such, you, in order to protect the interests of Client, decided to attend
14 the virtual hearing. Your intent in this regard was to simply inform the Court that Client
15 was proceeding *in pro per* and may continue efforts at finding Nevada counsel. However,
16 when the virtual hearing began, you saw and learned for the first time that Client did in fact
17 have Nevada counsel and that an Opposition had been filed by New Counsel. After oral
18 argument engaged in by New Counsel concluded, the Court granted dismissal. When this
19 occurred, you believed that this was unfair to Client, and as such, interjected in the virtual
20 hearing process by asking the Court for a continuance so that he could perhaps speak with
21 New Counsel. You believed that if you provided New Counsel with more specific
22 information regarding the service attempts of the Complaint, perhaps this in turn could
23 lead the Court to reconsider the decision to dismiss Client's case based upon failure to serve
24 the Complaint. In its discretion, the Court declined your continuance request and advised
25

1 you that essentially, since you were not a Nevada licensed attorney, you were unable to
2 make such requests and that she had already made her ruling.

3 On May 14, 2024, the Court filed its Order denying Client's request to enlarge time
4 to serve the Summons and Complaint and dismissing Client's Complaint for a failure to
5 timely serve the Summons and Complaint. Client cannot file another Complaint regarding
6 her alleged claim against Circus Circus because the statute of limitations has run.

7 Violations of the Rules of Professional Conduct

8 Pursuant to RPC 5.5 (Unauthorized Practice of Law) a lawyer without a Nevada law
9 license cannot practice law in Nevada. "Practicing law" has been defined as when "the
10 services include the application of the general body of legal knowledge to a client's specific
11 problem" and generally occurs when a "person makes the decision not to rely on his or her
12 own judgment but to obtain assistance from someone else, a stranger to the situation." See
13 *In re Lerner*, 124 Nev. 1232, 1238 (2008).

14 You knowingly violated RPC 5.5 when you agreed to, and did, apply your knowledge
15 of law to Client's specific personal injury matter. You evaluated and analyzed her claim, told
16 the other party that you represented Client, and prepared and filed a Complaint for Client.

17 RPC 1.3 (Diligence) requires a lawyer "act with reasonable diligence and promptness
18 in representing a client." You knowingly violated RPC 1.3 when you agreed to represent
19 Client in Nevada, knowing that you were not licensed in the state, and waited over two years
20 to attempt to find a Nevada-licensed lawyer to take over or assist you on the matter. This
21 lack of diligence also resulted in a failure to timely serve the Summons and Complaint.

22 RPC 8.4(d) prohibits a lawyer from engaging in conduct that is prejudicial to the
23 administration of justice. You knowingly violated RPC 8.4(d) when you agreed to represent
24 Client in a jurisdiction where you were not licensed and failed to promptly find Nevada-
25 licensed counsel to assist you or take over the matter.

1 Your misconduct ultimately injured Client because her matter was dismissed for
2 lack of timely service and she was unable to pursue her claims thereafter.

3 Application of ABA Standards for Imposing Lawyer Sanctions

4 Standard 7.2 of the ABA Standards for Imposing Lawyer Sanctions, as specifically
5 applied to your violation of RPC 5.5 (Unauthorized Practice of Law) states, “suspension is
6 generally appropriate when a lawyer knowingly engages in conduct that is a violation of a
7 duty owed as a professional and causes injury or potential injury to a client, the public, or
8 the legal system.” This RPC 5.5 violation is the primary focus of this matter because all
9 other misconduct flows from it.

10 The Panel considers aggravating and mitigating factors relevant to whether the
11 baseline sanction is appropriate in this matter. The Panel recognizes your substantial
12 experience in the practice of law (SCR 102.5(3)(i)) as a relevant aggravating factor. It also
13 considers the mitigating factors of (i) your absence of prior discipline (SCR 102.5(4)(a)),
14 (ii) the isolated nature of representing Client (SCR 102.5(4)), (iii) your full and free
15 disclosure to the disciplinary authority, cooperative attitude toward the disciplinary
16 proceeding, and acceptance of responsibility for your misconduct (SCR 102.5(4)(e)), and
17 your expressed remorse (SCR 102.5(4)(m)). The Panel finds that the balance of aggravating
18 and mitigating factors warrant a downward deviation from the baseline sanction to
19 imposition of a Reprimand.

20 REPRIMAND

21 In light of the foregoing, you violated Rule of Professional Conduct (“RPC”) RPC 5.5
22 (Unauthorized Practice of Law), RPC 1.3 (Diligence), and RPC 8.4(d), and RPC 8.4(d)
23 (Misconduct- prejudicial to the administration of justice) and are hereby PUBLICLY
24 REPRIMANDED.
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You are also required to take three continuing education courses in Ethics within 180 days of the issuance of the Findings of Fact, Conclusions of Law, and Order in the matter. These credits shall be in addition to any annual requirements and Respondent shall report them directly to the Office of Bar Counsel.

Finally, you are required to pay costs, provided for in SCR 120, in the amount of \$1,500 plus the hard costs of these proceedings. Such payment shall be made no later than 30 days after the issuance of the Findings of Fact, Conclusions of Law, and Order in this matter.

DATED this 2nd day of June, 2025.

Chair Robert Giunta

By: Chair Robert Giunta (Jun 2, 2025 10:15 PDT)

ROBERT GUINTA, ESQ.

Formal Hearing Panel Chair

Southern Nevada Disciplinary Board

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the **REPRIMAND** was electronically served upon:

1. Robert Giunta, Esq. (Panel Chair): rgiunta@ag.nv.gov
2. Rob Bare, Esq. (Respondent's Counsel): rob@robbarelaw.com;
Robbare32@gmail.com
3. R. Kait Flocchini, Esq. (Assistant Bar Counsel): kaitf@nvbar.org

DATED this 10th day of June 2025

Sonia Del Rio

Sonia Del Rio an employee of
the State Bar of Nevada.