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STATE BAR OF NEVADA

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SOUTHERN NEVADA DISCIPLINARY BOARD

1 Case No: 05-092-1378

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4 STATE BAR OF NEVADA,)
5)
6 Complainant,)
7 vs.)
8 DON AIMAR, ESQ.,)
9 Respondent.)

PUBLIC REPRIMAND

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11 TO: Don Aimar
12 977 Perez Place
13 Las Vegas, NV 89123

14 In June 2002, Vincent Valenzuela ("Valenzuela") and his minor daughter, Victoria, were involved in a motor vehicle accident. The Valenzuelas sought treatment for their injuries. Their treating physician referred Valenzuela to Hank Marcuse ("Marcuse"), a nonlawyer, for possible legal representation.

15 Valenzuela met with Marcuse on or about June 6, 2002. At that meeting, Valenzuela explained his case and Marcuse determined that Valenzuela needed legal representation. Valenzuela signed a retainer agreement with an attorney. Valenzuela thought that Marcuse was an attorney. It was not until approximately one year after his initial meeting that Marcuse informed Valenzuela that he was a nonlawyer and the attorney was his counsel.

16 In May 2004, you assumed handling of the matter. On June 1, 2004, you filed a complaint on the Valenzuelas' behalf in the Eighth Judicial District Court entitled *Vincent Valenzuela, et al. v. Travis Willaker, et al.*, Case Number 04-A-486484-C. Valenzuela treated with various medical providers for his injuries on a lien basis. Each provider forwarded documentation of such lien to Marcuse or you.

17 You settled both of the Valenzuelas' cases on or about December 9, 2004: Vincent's case for \$10,500, and Victoria's for \$3,300, subject to an Order Compromising Minor's Claim. Upon receiving the settlement proceeds from Valenzuela's case, you failed to deposit the monies into a trust account. Indeed, during this time, you failed to open or maintain a client trust account. Instead, the settlement check was cashed and deposited into a bank account owned and controlled by Marcuse.

18 In January 2005, Valenzuela met with Marcuse to discuss the settlement and disbursement of funds. You did not meet or communicate with Valenzuela at this meeting.


1 You failed to provide Valenzuela with an accounting of the settlement funds. During your
2 entire representation of the Valenzuelas, you failed to communicate directly with your clients.

3 Valenzuela was paid \$3,000 by cashier's check dated January 20, 2005, from sums
4 paid by Marcuse. You failed to notify the lienholders of the settlement and failed to pay the
5 lienholders their rightful sums from the settlement proceeds in a timely fashion. These
6 lienholders were eventually paid in full by cashier's checks in July 2005 following the filing of
7 the State Bar grievance by one of the lienholders.

8 You failed to maintain the file in Vincent Valenzuela's case and failed to maintain any
9 type of records or documentation reflecting the sums received or paid out in Vincent
10 Valenzuela's matter. You failed to pursue the Order Compromising Minor's Claim on behalf
11 of Victoria Valenzuela and abandoned her case without proper notice to the client. Vincent
12 Valenzuela was forced to retain new counsel to complete his daughter's case.

13 The Panel took into consideration the facts that you did not share fees with Marcuse
14 and you have been admitted to practice law in Nevada since 1971 and have no prior
15 discipline. This reprimand follows your successful completion of a one-year probationary
16 period.

17 Based upon the foregoing, your conduct violated Supreme Court Rule ("SCR") 153
18 (Diligence), SCR 154 (Communication), SCR 165 (Safekeeping of property), SCR 166
19 (Declining or terminating representation), SCR 187 (Responsibilities regarding nonlawyer
20 assistants), and SCR 189 (Unauthorized practice of law). You are hereby PUBLICLY
21 REPRIMANDED.

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26 Nicholas Santoro, Esq., Chair
27 Southern Nevada Disciplinary Panel