

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
DON AIMAR, ESQ.

No. 46516

FILED

MAR 29 2006

JANETTE M. GLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER APPROVING CONDITIONAL GUILTY PLEA
IN EXCHANGE FOR STATED FORM OF DISCIPLINE

This is an automatic appeal from a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve attorney Don Aimar's conditional guilty plea in exchange for a stated form of discipline, under SCR 113.

The conditional guilty plea agreement reflects that Aimar admits to violating several Supreme Court Rules, including SCR 153 (diligence), SCR 154 (communication), SCR 165 (safekeeping of property), SCR 166 (declining or terminating representation), SCR 187 (responsibilities regarding nonlawyer assistants), and SCR 189 (unauthorized practice of law). The plea agreement provides that (1) Aimar is suspended from the practice of law for six months and one day, (2) the suspension is stayed pending Aimar's successful completion of a one-year probationary period, subject to several conditions, and (3) after

Effective Date: March 29, 2006
Bar Number: 126

06-06578

successfully completing the probationary period, Aimar will be publicly reprimanded.

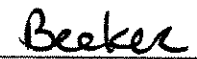
Having reviewed the record, we conclude that the agreement should be approved. The record reflects, among other things, that Aimar allowed a nonlawyer to initiate and maintain the attorney-client relationship, that Aimer never directly communicated with his clients during the time he represented them, and that he enabled a nonlawyer to negotiate his clients' settlement and to disburse the settlement funds. But the record also contains evidence of mitigating factors, including Aimar's cooperation with bar counsel and a lack of any prior discipline. In addition, the agreement's probationary conditions are appropriate and tailored to remedy Aimar's misconduct.

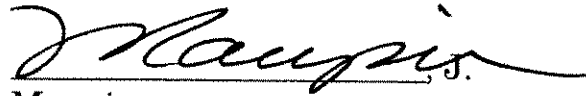
Accordingly, the plea agreement is approved in full. Aimar is suspended from the practice of law for six months and one day. This suspension shall be stayed pending Aimar satisfying the following conditions of a one-year probationary period: 1) no further state bar grievances, resulting in a screening panel recommending a disciplinary sanction or formal hearing, may be filed against Aimar; (2) he may not accept or handle plaintiff personal injury cases; (3) he may not contract with or utilize in his law practice independent paralegals or nonlawyer assistants who deal directly with the public; (4) he must submit quarterly affidavits to the office of bar counsel affirming his compliance with the probationary conditions and detailing the number and type of active cases he is handling; (5) he must submit monthly statements from all trust and operating accounts related to his law practice; and (6) he must pay the

costs of the disciplinary proceedings and the costs of any publication. Finally, at the successful completion of his one-year probationary period, we authorize the panel to issue a public reprimand that is substantially similar to the one submitted to this court in this automatic appeal.

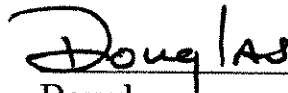
It is so ORDERED.¹

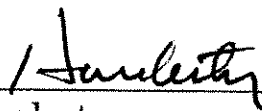

_____, C.J.
Rose

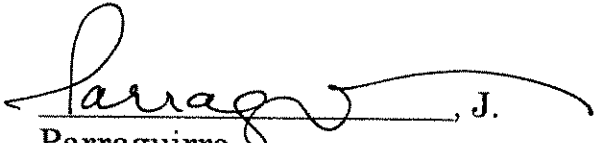

_____, J.
Becker


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Howard Miller, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
Benjamin B. Childs
Perry Thompson, Admissions Office, U.S. Supreme Court

¹This constitutes our final order in this matter. Any new proceedings, including proceedings related to any failure by Aimar to satisfy the probationary conditions, shall be filed under a new docket number.

FILED

MAR 20 2007

[Signature]
STATE BAR OF NEVADA

1 Case No: 05-092-1378

2 STATE BAR OF NEVADA

3 SOUTHERN NEVADA DISCIPLINARY BOARD

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

PUBLIC REPRIMAND

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

13 In June 2002, Vincent Valenzuela ("Valenzuela") and his minor daughter, Victoria,
14 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
16 explained his case and Marcuse determined that Valenzuela needed legal representation.
Valenzuela signed a retainer agreement with an attorney. Valenzuela thought that Marcuse
17 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.

18 In May 2004, you assumed handling of the matter. On June 1, 2004, you filed a
19 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
20 treated with various medical providers for his injuries on a lien basis. Each provider
forwarded documentation of such lien to Marcuse or you.

21 You settled both of the Valenzuelas' cases on or about December 9, 2004: Vincent's
22 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
23 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
24 account owned and controlled by Marcuse.

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.

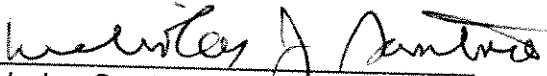
1 You failed to provide Valenzuela with an accounting of the settlement funds. During your
2 entire representation of the Valenzuelas, you failed to communicate directly with your clients.

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.

22
23
24
25

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