

1 Case Number: OBC21-0289 and OBC21-0353



FILED

DEC 16 2021

STATE BAR OF NEVADA
BY [Signature]
OFFICE OF BAR COUNSEL

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STATE BAR OF NEVADA
NORTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
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)
Complainant,)
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vs.)
)
RYAN CANN, ESQ.)
STATE BAR NO. 11073)
)
Respondent.)
)

PUBLIC REPRIMAND

15 TO: Ryan Cann, Esq.
16 1 E. Liberty Street, Suite 600
Reno, Nevada 89501

17 You were retained by two separate clients to prepare and help them file patent
18 applications. You failed to prepare each of the applications timely, and the clients
19 terminated the respective representations. When you accepted advance payment of half of
20 the flat fee for the respective legal services, you did not deposit those fees into a Client Trust
21 Account. Thus, the fees were unavailable for immediate return when the clients terminated
22 the representations.

23 On July 13, 2020, Mr. and Ms. Acquistapace and you first met to discuss the filing
24 of a patent application. The clients provided 50% of the agreed-upon flat fee for the

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1 representation. In early September 2020, Acquistapace provided additional information
2 necessary to prepare the patent application.

3 You did not prepare the patent application in the following three months. On
4 December 28, 2020, you told Acquistapace that you would complete a draft of the patent
5 application for review the following week. You did not meet the promised deadline. This
6 pattern repeated several times until the end of January 2021. Between February 2, 2021
7 and March 16, 2021, you failed to answer any emails or phone calls from Acquistapace. You
8 never filed a patent application for Acquistapace.

9 Acquistapace filed a grievance with the State Bar detailing your failure to perform
10 the agreed-upon services and failure to return the fee already paid.

11 You did return \$2,100 (the entire sum you had received) to Acquistapace. However,
12 the return of this fee was significantly delayed because you failed to deposit the fee into a
13 Client Trust Account for safekeeping until it was earned, and had difficulty getting PayPal
14 to issue the refund.

15 In early October 2020, Ms. B [REDACTED] retained you to prepare a patent application. The
16 contract required payment of 50% of the fee before starting the work. B [REDACTED] paid the 50%
17 fee via PayPal. You did not deposit the advance payment into a Client Trust Account.

18 On December 13, 2020, B [REDACTED] provide a requested sketch for your use in the patent
19 application. You failed to respond to B [REDACTED]'s communications between December 28,
20 2020 and February 1, 2021. You never filed a patent application on her behalf.

21 On February 1, 2021, B [REDACTED] emailed requesting a return of her deposit, stating she
22 viewed the contract for services void. You offered to refund B [REDACTED] the fees she had paid
23 for the patent application. However, as with Acquistapace, because you failed to deposit
24 the fees into a Client Trust Account for safekeeping, and had difficulties with PayPal the
25 refund to B [REDACTED] was delayed.

1 Violations of the Rules of Professional Conduct

2 You had a duty, pursuant to RPC 1.3 (Diligence), to act with reasonable diligence
3 and promptness in representing your clients. You knowingly violated this duty when you
4 failed to prepare Acquistapace's patent application for over six months. You knowingly
5 violated this duty when you failed to prepare B [REDACTED]'s patent application or communicate
6 with B [REDACTED] for two months. Your misconduct injured these clients because neither client
7 had a patent application filed and both experienced great anxiety in trying to obtain the
8 application from you.

9 In addition, RPC 1.15 (Safekeeping Property) requires you to (i) deposit all fees paid
10 in advance of work performed into a Client Trust Account and (ii) only withdraw fees from
11 the Client Trust Account once they are earned. You knowingly violated RPC 1.15 when you
12 failed to deposit the fees paid by Acquistapace and B [REDACTED] into a Client Trust Account for
13 safekeeping until you earned them. Your misconduct injured your clients because the
14 funds were not readily available for return to them when your representation was
15 terminated before you had performed any legal services.

16 Application of the ABA Standards for Imposing Lawyer Sanctions

17 Standard 4.42 of the ABA Standards for Imposing Lawyer Sanctions provides that
18 the appropriate sanction for your misconduct is a suspension, particularly in light of the
19 Letter of Reprimand the State Bar issued to you for similar conduct in 2019. Nonetheless,
20 the Panel finds that your personal problems during the time period, your cooperation in
21 the disciplinary process, and the imposition of additional penalties warrants a downward
22 deviation from suspension.

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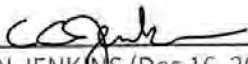
1 PUBLIC REPRIMAND

2 In light of the foregoing, you violated Rule of Professional Conduct ("RPC") 1.3
3 (Diligence), RPC 1.15 (Safekeeping Property) and are hereby PUBLICLY REPRIMANDED.

4 You are required to provide the State Bar with proof of (i) an opened Client Trust
5 Account (i.e. IOLTA) and (ii) the completion of four additional Continuing Legal Education
6 credits no later than the 90th day after the filing of the Findings of Fact, Conclusions of
7 Law, and Order in this matter.

8 You are also required to pay SCR 120 Costs of \$1,500 plus the hard costs of the
9 disciplinary proceedings to the State Bar no later than the 30th day after the issuance of this
10 Public Reprimand.

11 DATED this 16th day of December, 2021.

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14 By: CAREN JENKINS (Dec 16, 2021 10:32 PST)
15 CAREN JENKINS, ESQ.
16 Formal Hearing Panel Chair
17 Northern Nevada Disciplinary Board
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