

1 Case No. 06-161-1865

2 STATE BAR OF NEVADA

3 SOUTHERN NEVADA DISCIPLINARY BOARD

OCT 20 2008  
*[Signature]*  
STATE BAR OF NEVADA

4 STATE BAR OF NEVADA, )

5 Complainant, )

6 vs. )

7 JOHN LEE CARRICO, ESQ., )

8 Respondent. )

**PUBLIC REPRIMAND**

9 TO: John Lee Carrico, Esq.  
10 c/o Michael J. Warhola  
11 330 So. Third St., Suite 1070  
Las Vegas, Nevada 89101

12 A client ("Client") retained you on or about July 23, 2004, to assist her then-husband  
13 in obtaining legal status in the United States based upon his marriage to Client. During the  
14 coming months the marriage deteriorated and the husband eventually left Client and  
returned to his native country. By operation of the husband's actions, he was considered  
to have abandoned his immigration application.

15 On or about April 12, 2005, Client retained you to obtain a default divorce from her  
16 husband. During the initial consultation on the divorce matter, Client met with you and  
17 paralegal Patricia Polito ("Polito"). Client paid a \$1,200 retainer. You told Client to expect  
18 Polito to be the primary person working on her case, and that it would take about six  
months to obtain the default divorce given that her husband was out of the country.  
However, you failed to address the potential conflict of interest in the divorce matter  
between Client and her husband, a former client.

19 On or about May 27, 2005, Client met with another paralegal, Bridget Altwies  
20 ("Altwies") to sign court pleadings. She also brought along a resident witness as  
requested. All documents were completed that day. However, the documents were not  
21 filed until over a month later on or about July 8, 2005.

22 Following three (3) months with little or no communication from you or your staff,  
23 Client reviewed her court file. Client discovered that her documents were filed in proper  
24 person. You never discussed with Client your intent to handle this matter as a proper  
writing to Client memorializing this or the scope of representation. Moreover, Client did not  
25 understand the significance of you failing to enter an appearance, particularly that it would  
appear to the court and opposing parties that she was not unrepresented.

In reviewing her Court records, Client discovered that you or your staff had filed an  
Affidavit of Due Diligence on her behalf at least twice, once with her resident witness'

Effective Date: October 20, 2008  
Bar Number: 755

1 signature and once without. Pleadings she signed on or around August 8, 2005, were not  
2 filed until December 22, 2005.

3 Client thereafter made many attempts to contact you by telephone. She was  
4 routinely routed to Altwies instead, who never returned her calls. Eventually, in or around  
5 late August 2006, you assigned a recently hired new-admittee, Charlene Bu ("Bu"), to take  
6 over this case.

7 Client requested to meet personally with you. The request was refused. As a  
8 result, on or about September 7, 2006, Client notified Bu she was terminating the  
9 representation and requested her file. Bu told Client she would have to ask you for her file,  
10 despite the fact Client stated she had a billing statement reflecting she was charged \$127  
11 for copies of "filed documents," none of which she had ever received.

12 You then contacted Client by phone and asked why she was upset. She stated it  
13 was because after seventeen (17) months she was still not divorced. You promised to  
14 finalize the matter timely. A month later the divorce remained pending. Client scheduled a  
15 meeting with you for October 5, 2006.

16 When she arrived, she was told she would be meeting with a paralegal. She  
17 refused, and asked to speak with you, or at least a lawyer. After waiting ninety (90)  
18 minutes, Client met with someone identified as a lawyer whom she'd never before met who  
19 told her he knew nothing about her case because he was an immigration lawyer.

20 In response, Client stated she was terminating the firm and requested her file. She  
21 was refused. The next day, you e-mailed Client and blamed the Court clerk's office for the  
22 delay in her case. Client made several calls in the following few weeks requesting her file,  
23 which you failed to produce. On her own, Client reconstructed her file, and, with the  
24 assistance of the Family Law Self Help Center, completed her own divorce petition and  
25 necessary documents, finally obtaining her divorce decree in November 2006.

In mitigation, you were candid in admitted your mistakes in handling your caseload,  
and asserted that your problems were precipitated by the facts that your office manager,  
Fred Winchar, allegedly embezzled substantial funds from you and caused numerous staff  
to either quit or be dismissed in 2006 and 2007 in order to hide his theft. The Panel also  
considered that you instituted remedial measures, and have agreed to a two-year (2)  
period of probation and mentoring.

Based upon the foregoing, your conduct violated SCR 152 (Scope of  
representation); SCR 153 (Diligence); SCR 157 (Conflict of Interest); RPC 1.15  
(Safekeeping property); SCR 172 (Candor toward the tribunal); and SCR 187  
(Responsibilities regarding nonlawyer staff) and you are hereby PUBLICLY REPRIMAND.

Dated this \_\_\_\_\_ day of October 2008.

  
\_\_\_\_\_  
Jacob Haffer, Esq., Chair  
Southern Nevada Disciplinary Panel