

1 Case Nos. SG12-0913

2 STATE BAR OF NEVADA

3 SOUTHERN NEVADA DISCIPLINARY BOARD

4 STATE BAR OF NEVADA, )  
 )  
 5 Complainant, )  
 )  
 6 vs. )  
 )  
 7 EDUARDO P. CHACON, ESQ. )  
 )  
 8 Respondent. )  
 9 \_\_\_\_\_ )

10 PUBLIC REPRIMAND

11 TO: EDUARDO P. CHACON, ESQ.

12 You were retained by Carlos P. Rico ("Rico") to defend his interests in a case called  
 13 *Mariana's Enterprises v. Rico et al.*, Case #08A573778. Rico paid a retainer fee of \$5,000  
 14 over a period of several months. The Complaint was filed on October 17, 2008, and was  
 15 assigned to Judge Carolyn Ellsworth ("Judge Ellsworth"). You filed an Answer on behalf of  
 16 Rico on April 7, 2009.

17 You moved to New York in October of 2009. Prior to moving, you claim you advised  
 18 Rico that you could no longer represent his interests in the case, and had provided Rico a  
 19 copy of his file. You also stated that you believed you had submitted a Motion to Withdraw  
 20 with the Court. However, no Motion to Withdraw was ever filed and you remained counsel of  
 21 record for Rico in the case.

22 On October 9, 2009, Plaintiff filed a Motion to Compel Discovery Responses or  
 23 Alternatively Strike Defendant's Answer and Enter Default. You did not file an Opposition to  
 24 the Motion. The Motion was ultimately granted by the Court on December 4, 2009.

1 Plaintiff filed a Motion to Strike and Request for Default on March 29, 2010. A Default  
2 Judgment was ultimately entered against Defendant after you failed to file an Opposition, and  
3 failed to attend a Prove up Hearing scheduled and noticed by the Court.

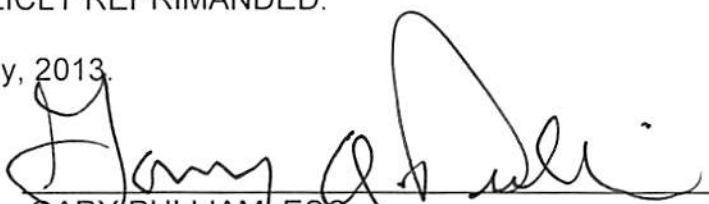
4 You also failed to oppose Plaintiff's Motion for Attorney Fees which was also granted  
5 by the Court. An Amended Default Judgment including attorney fees, costs and interest was  
6 entered against Rico in the amount of \$219,808.08.

7 On April 26, 2012, Rico filed a pro-per Motion to Set Aside the Default Judgment  
8 which was denied by the Court. The Motion was denied because it was established that  
9 Rico had personally been served with the Motion to Strike and Request for Default and all  
10 subsequent pleadings pursuant to the direction of the Court, and that Rico had received  
11 notice of all hearings. The Court determined that although it was clear Rico was abandoned  
12 by his lawyer, there was no reasonable excuse for waiting more than a year to set aside the  
13 judgment.

14 You stated that you were not receiving any of the pleadings at your New York address  
15 in this case, and was not aware that you were still listed as counsel of record. You filed a  
16 Motion to Withdraw as Counsel on July 10, 2012. The Motion failed to comply with EDCR  
17 7.40 and the matter was taken off the Court's calendar. The Motion was later vacated as  
18 moot by the Court as the case was statistically closed.

19 In light of the foregoing, you violated Rule of Professional Conduct ("RPC) 1.1  
20 (Competence), 1.3 (Diligence), RPC 1.4 (Communication) and RPC 3.2 (Expediting  
21 Litigation) and are hereby PUBLICLY REPRIMANDED.

22 Dated this 21<sup>th</sup> day of May, 2013.

23  
24   
25 GARY PULLIAM, ESQ.  
Formal Hearing Panel Chair  
Southern Nevada Disciplinary Board