

STATE BAR OF NEVADA

April 1, 2021



LETTER OF REPRIMAND

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Re: State Bar of Nevada Disciplinary Grievances:
OBC20-0604 (State Bar of Nevada)

www.nvbar.org

Dear Mr. Ortiz:

A Screening Panel of the Southern Nevada Disciplinary Board reviewed the above-referenced grievance and unanimously determined to issue you a Letter of Reprimand for violations of Rules of Professional Conduct (RPC) set forth below regarding your handling of a criminal case.

GRIEVANCE

On June 4, 2020, Dr. Gabriel Luis Stine filed a grievance with the State Bar regarding payment for his treatment of several clients that you were representing in a personal injury matter who were all from the same family. On December 15, 2017, Stine agreed to take a substantial reduction in fees to help you settle the case. On November 15, 2018, Stine sent you the final bill for all four patients.

On December 20, 2017, you settled the case as to all four family members in the amount of \$19,000 and deposited the settlement funds into your IOLTA account. On January 18, 2018, you issued a check to the parents of the family in the amount of \$7276.99. You improperly included \$1501 in the payment to the parents that should have been reserved for the minor children. At the direction of the court, the \$1501 should have been placed into a blocked account for the benefit of the minor children. However, once you realized your error, you did reduce your legal fee by \$1501 to replace the monies owed to the child that you improperly paid to their parents.

Additionally, you waited almost two years after receiving the bill from Dr. Stein before releasing the funds to him even though you had possession of the funds the entire time.

REPRIMAND

Based upon the foregoing, you are hereby REPRIMANDED for your conduct related to representation of the foregoing client(s), which conduct violated the Nevada Rules of Professional Conduct ("RPC") as follows:

RPC 1.1 (Competence) – for improperly paying money owed to a minor child to the child's parents instead of placing the money into a blocked account established for the benefit of the minor child.

RPC 1.15 (Safekeeping) – for failing to promptly distribute monies owed to Stine Chiropractic.

The Nevada Supreme Court and the American Bar Association Standards for Imposing Lawyer Sanctions adopted an analysis of four factors to consider for disciplinary sanctions: the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors..." In re Lerner, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (Nev. 2008).

You have a duty to understand the legal concepts and demonstrate skill, thoroughness, and preparation in any area of law in which you agree to represent a client. You also have a duty to promptly disburse funds owed to third parties. The evidence shows that you demonstrated a failure to understand how to properly protect the funds owed to a minor child. Your conduct would have resulted in an actual injury to the child had you not agreed to reduce your legal fee to preserve the money for the child. You also failed to distribute the funds that were in your trust account to Stein Chiropractic for approximately two years. Thus, weighing the rules violated, your mental state, the potential or actual injury caused, the applicable ABA Standard is 4.13, which states that: "Reprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client."

The Supreme Court of Nevada has provided two types of reprimand: a Public Reprimand or a Letter of Reprimand. The latter is the lowest form of discipline available. Based upon the above factors, the Panel finds that the lesser of the two sanctions is appropriate.

Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500.

Sincerely,

Paul Luke Puschnig

Paul Luke Puschnig (Mar 30, 2021 10:05 PDT)

**Paul L. Puschnig, Esq.,
Screening Panel Chair
Southern Nevada Disciplinary Board**






Letter of Reprimand - David Ortiz OBC20-0604

Final Audit Report

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