

LETTER OF REPRIMAND



April 20, 2023

Romeo R. Perez, Esq.
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RE: Grievance SBN22-00515 (Chase Bank)

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Mr. Perez:

A Southern Nevada Disciplinary Board Screening Panel convened on April 11, 2023 to consider the above-referenced grievance against you. The Panel concluded that you violated the Nevada Rules of Professional Conduct ("RPC") 1.15 and Supreme Court Rule ("SCR") 78 and that you should be reprimanded for your handling of your trust account and records in relationship to a client's personal injury matter. This letter constitutes delivery of the Panel's reprimand.

You represented a client in a matter related to an auto collision in December 2020. In August 2022, you negotiated a settlement on the client's behalf, placed the settlement in your IOLTA and immediately issued a check to your client. Your IOLTA was still situated in Texas where you have not practiced in over a decade. A few days later, you wrote additional checks from your IOLTA to settle claims by medical providers, vendors and to pay yourself. In September 2022, you wrote additional checks to your client and medical service providers from your IOLTA.

On October 14, 2022, medical provider Henderson Hospital tendered your IOLTA check #9085 for payment of \$5,794 based upon services they provided for your client. Chase Bank declined payment based upon that account having insufficient funds (\$4,773.52) to honor the third-party check amount. You did not maintain an office practice accounting ledger for sums involving your client's case.

Rule of Professional Conduct ("RPC") 1.15(a), (d) & (e) (Safekeeping Property) states: (a) "A lawyer shall hold funds or other property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. All funds received or held for the benefit of clients by a lawyer or firm, including advances for costs and expenses, shall be deposited in one or more identifiable bank accounts designated as a trust account maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person.

Other property in which clients or third persons hold an interest shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of representation.”

(d) “Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.”

(e) “When in the course of representation a lawyer is in possession of funds or other property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the funds or other property as to which the interests are not in dispute.”

Supreme Court Rule (“SCR”) 78(1)(b) (Maintenance of trust funds...; overdraft notification) states: “Every lawyer engaged in the practice of law in the State of Nevada shall maintain and preserve for a period for at least five years, after final disposition of the underlying matter, the records of the accounts, including checkbooks, canceled checks, check stubs...ledgers, journals, closing statements, accounts or other statements of disbursements rendered to clients or other parties with regard to trust funds, or similar equivalent records clearly and expressly reflecting the date, amount, source, and explanation for all receipts, withdrawals, deliveries, and disbursements of the funds or the property of a client, and make such records available to the state bar for inspection upon request.”

Here, you did not appropriately safeguard property, namely your client’s settlement funds to which he and third parties with an interest in. You did not keep the property separate until disputed sums with medical providers were resolved. Here, the fund sums were “upside down,” which put them in dispute. You withdrew monies for yourself before the disputed sums were resolved and paid. Thereafter, you paid out additional monies to your client and third parties. The dishonored check was part of your second disbursement.

Your knowing tender of a negotiated settlement to a medical provider to your client was dishonored as you did not maintain sufficient funds to honor your obligation. You made no attempt to verify the sums owed in relationship to the settlement funds received. You did not maintain a ledger or similar equivalent records “clearly and expressly reflecting the date, amount, source, and explanation for all receipts, withdrawals, deliveries, and disbursements of the funds or the property of a client.” A client medical provider was injured. Your client and other providers suffered potential injury based upon the account insufficiency. Finally, your trust account was not maintained in the state of Nevada, where your practice office was situated.

ABA Standards for Imposing Lawyer Sanctions (2nd Ed. 2019), section 4.12 states: "Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client." Applying a negligence mental state with injury or potential injury produces a Reprimand baseline under Standards 4.13 which states: "Reprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client."

Based on the foregoing, you are hereby REPRIMANDED for a violation of NRPC 1.15. Please promptly conclude this matter by remitting the cost of \$1,500 within 30 days of the issuance of this sanction. SCR 120(3).

The State Bar wishes you the very best in your practice. Please allow this reprimand to serve as a thoughtful reminder of your professional ethical obligations in handling trust funds.

By: Thomas R Sheets
Thomas R Sheets (Apr 14, 2023 14:17 PDT)
Thomas R. Sheets, Esq.
Screening Panel Chair
SOUTHERN NEVADA DISCIPLINARY BOARD