



FILED

APR 25 2014

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

1 Case Nos. SG12-1677

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4 STATE BAR OF NEVADA

5 SOUTHERN NEVADA DISCIPLINARY BOARD

6 STATE BAR OF NEVADA,)
7)
8 Complainant,)
9 vs.)
10 BRIAN P. WORTHINGTON, ESQ.)
11 NV Bar No. 6179)
Respondent.)

12
13 PUBLIC REPRIMAND

14 TO: BRIAN P. WORTHINGTON, ESQ.

15 During the period between 2010 and 2012, you were a partner at the law firm of Ryan
16 Mercado and Worthington LLP. During the period between 2010 and 2012, North American
17 Capacity Insurance (NACI) retained you in several matters involving insurance coverage
18 issues under policies issued by NACI wherein you were to determine whether NACI had a
19 duty to defend and/or indemnify a party in an underlying construction defect action.

20 In an October 19, 2012, letter to the State Bar, you self-reported that in sixteen (16)
21 instances between 2010 and 2012, totaling 85.3 hours, you had billed NACI for the actual
22 time you had spent on its files, but had described the work as something other than the work
23 you actually performed.

24 You claimed the misconduct occurred because some of the NACI matters involved
25 unique and complicated coverage issues that were difficult and time consuming to evaluate,


1 and often there were extensive discovery requests that had to be responded to with very
2 precise objections and substantive information. As a result, you stated that he had to review
3 documents repeatedly to fully evaluate the legal issues, and re-draft discovery numerous
4 times, and he became concerned that NACI would object to the amount of time that you were
5 spending on these tasks.

6 When preparing NACI's billing, you described work such as traveling to and attending
7 court hearings or depositions that you did not actually attend, or as preparing a document
8 other than the document that you actually prepared. You left your firm.

9 Your former partners conducted an audit of the bills you submitted to NACI, and
10 initially identified twenty-seven (27) improper time entries, and two (2) improper air fare
11 charges. On or about October 30, 2012, your former partners, issued a check to NACI for
12 \$21,590 representing a reimbursement of the amounts they had paid for the false billings that
13 had been identified. On or about October 31, 2012, your former partners issued a second
14 check to NACI for \$117.73 representing credit card charges for meals that were
15 inappropriately charged to NACI by you. On or about December 30, 2012, your former
16 partners issued a third check to NACI for \$345 after they discovered an additional false
17 billing entry made by you.

18 In light of the foregoing, you violated Rule of Professional Conduct ("RPC) 1.5 (Fees)
19 and RPC 8.4 (Misconduct) and are hereby PUBLICLY REPRIMANDED.

20 Dated this 25th day of April, 2014.

21
22 By: 
23 ZACHARY E. REDMAN, ESQ.
24 Formal Hearing Panel Chair
25 Southern Nevada Disciplinary Board