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DEC 07 2017

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

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

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STATE BAR OF NEVADA,)
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Complainant,)
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vs.)
DAVID J. OTTO, ESQ.,)
Nevada Bar No.5449,)
)
Respondent)

PUBLIC REPRIMAND

TO: David J. Otto, Esq.
David Otto & Affiliates, PC
2300 W. Sahara Avenue, Suite 800
Las Vegas, NV 89012

On Monday, November 13, 2017, a Hearing Panel of the Southern Nevada Disciplinary Panel convened to determine whether your representation of your clients violated the Rules of Professional Conduct as part of a Conditional Guilty Plea.

Grievance File OBC16-1231

In the first matter, you represented several clients who sought treatment at a Las Vegas doctor's office who provided medical services on a lien basis. The lien specialist from the office contacted the State Bar of Nevada because she was made aware that numerous individuals you represented that were treated by the doctor had settled but the liens had not been paid.

As a result of this complaint, the State Bar reviewed your bank account records which revealed that numerous client checks were inappropriately deposited into your operating account. There were several instances where clients were paid their portions of settlements from the settlements of other clients.

1 When the State Bar inquired about this matter, you indicated that you had never heard of
2 the client and that, if he did in fact pay \$500, your non-lawyer employee had embezzled the funds.
3 When the State Bar asked you for additional information regarding this employee, including
4 whether you reported the theft to law enforcement and the details of the employees employment
5 with your office, you failed to respond.

6 As such, you violated RPC 1.3 (Diligence) for failing to represent your client in a timely
7 fashion. You also violated RPC 1.15 (Safe-keeping Property) for failing to ensure that your
8 client's funds were protected even from your own employees. Your conduct was also in violation
9 of RPC 5.3 (Responsibilities Regarding Non-lawyer Assistants) for not ensuring that your
10 employees conduct comported professional obligations of the lawyer, and RPC 8.1 (Bar
11 Admission and Disciplinary Matters) for failing to respond to the State Bar regarding this
12 investigation.

13 **OBC17-0103**

14 In this matter, you agreed to represent your client regarding a divorce matter. Your client
15 complained that he had issues regarding communication with you and that he could not get an
16 updated status as to his case. Indeed, according to your client, he was only able to speak directly
17 with you for a total 24 minutes and there was no communication in the weeks leading up to his
18 trial.

19 When the State Bar sent you a letter regarding this matter, you signed the receipt for the
20 letter but never responded. As such you violated RPC 1.3 (Diligence) and RPC 1.4
21 (Communication) for failing to timely respond to your client's request for information. You
22 violated RPC1.5 (Fees) for collecting \$3,000 in fees without doing the corresponding work to
23 justify the fees received, and RPC 8.1 (Bar Admission and Disciplinary Matters) for failing to
24 respond to the State Bar regarding this investigation.

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1 Although the Hearing Panel had concerns regarding this resolution, they ultimately
2 approved the negotiation between you and the State Bar because of your agreement to discontinue
3 the practice of law and resign from the State Bar of Nevada and due to the fact that, prior to the
4 hearing, you had made full restitution to all victims. Nonetheless, your conduct fell substantially
5 below the minimum duties an attorney owes their client and to the system itself. As such, you are
6 **PUBLICLY REPRIMANDED.**

7 DATED this 6 day of December, 2017.

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11 Christopher J. Laffi Esq.,
12 Formal Hearing Panel Chair
13 Southern Nevada Disciplinary Board
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