

Case Number: OBC19-0679



FILED

DEC 10 2020

STATE BAR OF NEVADA
BY: B. Felix
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

PRESTON REZAEI, ESQ.

STATE BAR NO. 10729

Respondent.

PUBLIC REPRIMAND

TO: Preston Rezaee, Esq.
c/o Dominic Gentile, Esq.
Gia Marina, Esq.
Clark Hill PLLC
3800 Howard Hughes Pkwy, #500
Las Vegas, Nevada 89169

On January 17, 2013, your client was injured in a car accident. The accident happened while he was working; his co-worker was driving the vehicle. The client had a worker's compensation claim that was closed in May 2013. On October 10, 2013, the client retained your firm to recover damages for his injuries via a personal injury claim.

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1 When the representation began the client disclosed the following to you and/or your
2 office:

- 3 i. The accident happened in Medford, Oregon.
- 4 ii. The accident happened in a work van that your client's co-worker was driving.
- 5 iii. Your client believed that his co-worker lived in California.

6 Between October 2013 and December 2014, the client's medical providers regularly
7 provided your office with updates regarding his medical treatment. By virtue of a letter
8 dated January 2, 2014, the insurer for the accident vehicle communicated to your office
9 that it declined coverage for the accident because of the worker's compensation and the
10 fact that your client's injuries were the result of a fellow employee.

11 On January 15, 2015, you realized the statute of limitations was about to run on the
12 client's potential claims. Prior to this point, the representation had been solely managed
13 by your former business partner who was the only other attorney in your office. You took
14 direct responsibility for the representation once that other attorney stopped working with
15 you.

16 The same day you filed a complaint on behalf of your client in the Eighth Judicial
17 District Court naming a "doe" defendant that is a resident of Clark County, Nevada. The
18 Complaint does not mention that the accident happened in Oregon.

19 On May 27, 2015, you filed an Amended Complaint, naming your client's co-worker
20 as the defendant. The Amended Complaint alleges "on information and belief" that the co-
21 worker is a resident of Clark County, Nevada. The Amended Complaint still failed to
22 identify that the vehicle accident happened in Oregon.

23 You retained the services of an independent company to locate an address for the
24 co-worker. The company conducted a nationwide search. The company was not able to
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1 locate an address for the co-worker. You then served the defendant by publication in
2 Nevada. On February 4, 2016, you had a Default entered against the co-worker defendant.

3 Ten months later, you filed an Application for Default Judgment. The default prove-
4 up hearing was set for February 7, 2017. On February 7, 2017, you appeared late at Court
5 and requested that the matter be continued. After you continued the default prove-up
6 hearing a second time, the hearing was set for a third date- May 2, 2017.

7 The hearing was held on May 2, 2017 and your client testified. You provided the
8 court with testimony regarding the underlying case, including the fact that the crash
9 happened in Medford, Oregon. The Court took the matter under advisement and stated a
10 decision would be issued. On May 3, 2017, the Court issued a Minute Order requiring you
11 and your client to appear for a status check on May 16, 2017 to provide evidence
12 establishing jurisdiction. You received the Minute Order via email. But no one appeared
13 for the May 16, 2017 status hearing. The Court ordered you to re-notice the hearing.

14 On August 30, 2017, you filed a Notice of Hearing in your client's case, setting the
15 status hearing for September 19, 2017. However, the September 19, 2017 Hearing was
16 vacated. No further filings were made in your client's matter and the case was deemed
17 statistically closed.

18 **Violations of the Rules of Professional Conduct**

19 RPC 1.3 (Diligence) requires a lawyer to "act with reasonable diligence and
20 promptness in representing a client." You knowingly violated RPC 1.3 when you (i) failed
21 to diligently and/or promptly identify the jurisdictional issues with pursuing your client's
22 claims in the Eighth Judicial District Court, (ii) took over one year to enter the Default in
23 the lawsuit, (iii) failed to seek a Default Judgment for 10 months after entering the Default,
24 (iv) failed to diligently and/or promptly respond to the Court's notice of a status hearing,
25 and (v) failed to diligently and/or promptly re-notice the status hearing.

1 RPC 1.16 (Declining or Terminating Representation) requires a lawyer to comply
2 with applicable law requiring notice to or permission of a tribunal when terminating
3 representation. RPC 1.16 also requires that, upon termination of representation, you take
4 steps to the extent reasonably practicable to protect a client's interests, such as giving
5 reasonable notice to the client, allowing time for employment of other counsel, and
6 surrendering papers to which the client is entitled. You negligently violated RPC 1.16 when
7 you intended to, but ultimately failed to, (i) seek permission of the Court to terminate
8 representation of your client in the pending underlying lawsuit; (ii) give your client
9 reasonable notice that you were terminating the representation; and (iii) take any steps to
10 protect your client's interest when you decided to terminate representation.

11 Your client was injured by your lack of diligence and failure to engage in the
12 appropriate steps to terminate the representation. Your misconduct also injured the
13 efficiency of the judiciary and the integrity of the profession.

14 RPC 8.4 (c) (Misconduct) requires a lawyer to refrain from engaging in conduct
15 involving dishonesty, fraud, deceit or misrepresentation. You negligently violated RPC 8.4
16 (c) when you filed pleadings that did not accurately disclose (i) the residency of the
17 defendant in your client's lawsuit and (ii) the location of the accident which led to the
18 lawsuit.

19 Your client was injured by your misconduct because he did not pursue his claim in
20 an appropriate jurisdiction instead. Your misconduct also injured the efficiency of the
21 judiciary and the integrity of the profession.

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1 **ABA Standards for Imposing Lawyer Sanctions**

2 Standard 4.42 of the ABA Standards for Imposing Lawyer Sanctions states

3 Suspension is generally appropriate when (a) a lawyer knowingly fails to
4 perform services for a client and causes injury or potential injury to a client;
5 or (b) a lawyer engages in a pattern of neglect [and] causes injury or potential
6 injury to a client.

7 Standard 6.13 of the ABA Standards for Imposing Lawyer Sanctions states

8 reprimand is generally appropriate when a lawyer is negligent in determining
9 whether statements or documents are false or in taking remedial action when
10 material information is being withheld, and causes injury or potential injury
11 to a party to the legal proceeding, or causes an adverse or potentially adverse
12 effect on the legal proceeding.

13 It is appropriate to refer to Standard 4.42 as the baseline for the sanction for your
14 knowing violations of the Nevada Rules of Professional Conduct. However, the Panel has
15 considered your lack of recent, related prior discipline, your cooperation with the
16 disciplinary authority, and your expressed remorse for the misconduct as reason to deviate
17 downward from the sanction of a suspension to the issuance of a Public Reprimand. It is
18 also appropriate to refer to Standard 6.13 as the baseline sanction for your negligent
19 violations of the Nevada Rules of Professional Conduct.

20 **PUBLIC REPRIMAND**

21 In light of the foregoing, you violated RPC 1.3 (Diligence), RPC 1.16 (Declining or
22 Terminating Representation), and RPC 8.4 (Misconduct) and are hereby PUBLICLY
23 REPRIMANDED. SCR 120 requires you to pay the costs of this proceeding. Such costs are
24 due no later than the 30th day after the issuance of this reprimand.

25 DATED this 20th day of October, 2020.

By: 

LUKE PUSCHNIG, ESQ.
Formal Hearing Panel Chair
Southern Nevada Disciplinary Board

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that a true and correct copy of the foregoing

3 **PUBLIC REPRIMAND** was electronically served upon:

- 4 1. Luke Puschnig, Esq. (Panel Chair): mercadans@cox.net
5 2. Dominic Gentile, Esq. (Counsel for Respondent): gentile@clarkhill.com
6 3. Gia Marina, Esq. (Counsel for Respondent): gmarina@clarkhill.com
7 4. Kait Flocchini, Esq. (Assistant Bar Counsel) : kaitf@nvbar.org

8 Dated this 10th day of December, 2020.

9 Kristi A. Faust
10 Kristi Faust, an employee of
11 the State Bar of Nevada
12 of Nevada
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