

July 23, 2018



LETTER OF REPRIMAND

David Riggi, Esq.
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RE: Case Nos. OBC17-1365
OBC17-1404

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Dear Mr. Riggi:

A Screening Panel of the Southern Nevada Disciplinary Board (the "Panel") convened on July 17, 2018, to consider the above-referenced grievances against you. The Panel concluded that you violated the Rules of Professional Conduct ("RPC") and that you should be reprimanded. This letter constitutes delivery of that reprimand.

You acted as bankruptcy counsel for Grievants John Reckling ("Reckling") and Jesus Gutierrez ("Gutierrez"). In both matters, difficulties arose in communications between your office and the grievants.

Reckling retained you in a 2011 Chapter 11 bankruptcy through which Reckling's debts were ultimately discharged in 2014. As part of that bankruptcy, judicial liens in favor of Bank of the West were supposed to have been eliminated. At least one lien, through no apparent error of your own, was not.

When Reckling discovered that his property remained encumbered he attempted to contact you to ascertain the reason the lien remained. However, despite repeated attempts, he was unable to reach you for approximately a month. Reckling filed a bar complaint against you due to this breakdown in communication.

After the filing of the bar complaint, you communicated with Reckling and entered into a new retainer agreement to reopen the bankruptcy case and have the lien removed.

However, the new retainer agreement included additional language which sought to have the bar complaint filed by Reckling 'resolved.' In addition, Reckling was forced to contact the State Bar due to your failure to respond to his emails on February 16 and March 5, 2018.

Gutierrez retained you in January 2012 to represent him in filing a Chapter 11 bankruptcy petition. The petition was filed and a creditor-filed plan of reorganization was confirmed. The case remained open for years as Gutierrez missed several plan payments

which prevented the bankruptcy from being closed. However, in October of 2017 communications between you and Gutierrez broke down.

As Gutierrez speaks little English, your communications were handled primarily through his daughter acting as translator. You stated that the communication issues arose because Gutierrez's daughter changed her phone number and you were unable to contact her.

In approximately December of 2017, after Gutierrez filed a bar complaint regarding his difficulties, communications were reestablished and Gutierrez's bankruptcy continued.

The communication issues described above are not isolated incidents. Beginning in 2009 you have received numerous grievances related to systemic communications breakdowns. However, you were willing to work with the State Bar to create an updated communications policy for your firm, incorporating current technology, giving clients your mobile phone number, utilizing text-based communications on a more frequent basis, and setting a 24-hour deadline to respond to all client communications. Based on these updated policies, the State Bar believes that your communications issues will not continue to repeat.

However, please be aware that if the State Bar continues to receive grievances regarding communications issues with your firm, it will recommend to a Southern Nevada Screening Panel that a formal hearing be held and discipline be imposed which will serve to protect the public from continued violations of the Rules of Professional Conduct.

RPC 1.4 states, in relevant part:

A lawyer shall:

Promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these Rules;

Reasonably consult with the client about the means by which the client's objectives are to be accomplished;

Keep the client reasonably informed about the status of the matter;

Promptly comply with reasonable requests for information; and


Consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Your repeated communications breakdown in your representation of Reckling and Gutierrez violated RPC 1.4. As such, you are hereby REPRIMANDED. In addition, within

30 days of this Letter of Reprimand, you are required to remit to the State Bar of Nevada the amount of \$1,500 pursuant to Supreme Court Rule 120(3).

Dated this 23 day of July, 2018



Christopher Lalli, Esq.
Screening Panel Chair
Southern Nevada Disciplinary Board