

December 18, 2020



LETTER OF REPRIMAND

Francisco Armstrong, Esq.
5365 Desert Peach Drive
Sparks, Nevada 89436

Re: State Bar of Nevada Disciplinary Grievance No. OBC20-0690

Dear Mr. Armstrong:

A Screening Panel of the Northern Nevada Disciplinary Board has reviewed the above-referenced grievances and unanimously determined that a Letter of Reprimand be issued for violations of Rules of Professional Conduct (RPC) as you attempted to close your law office in 2014.

You were retained to pursue claims in *DeBell v. Reno-Vation, Inc., et al.*, Second Judicial District Court Case No. CV19-01314. The opposing party filed a Counterclaim in the case. The opposing party then filed a Motion to Dismiss based on failures to comply with the initial discovery requirements.

At, or about, the same time that the Motion to Dismiss was filed, your client informed you that it would like to dismiss the claims if the opposing party would also drop the counterclaim. You did not oppose the Motion to Dismiss. You have stated that you believed your client's intentions would be accomplished by allowing the Motion to Dismiss to be granted.

You admit that you failed to adequately communicate with your client leading up to the dismissal of the complaint. You also did not inform your client of the pending Motion to Dismiss, discuss whether to respond to it, or discuss the means by which to accomplish your client's goal of a complete dismissal of the lawsuit. Your failures to communicate resulted in the client terminating the ongoing attorney-client relationship and seeking substitution of counsel in another pending matter.

The Motion to Dismiss was granted in the *Reno-Vation* lawsuit, in large part because of your failure to respond to it. Thereafter, the opposing party submitted a Memorandum of Costs, pursuant to NRS 18.020. Although you continued to be attorney of record in the lawsuit, you did not respond to the Memorandum of Costs or inform your client that it had been filed. Based on the Memorandum of Costs, the opposing party obtained an Amended Judgment against your client for \$1,882.30.

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VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

Your conduct related to representation of the foregoing client, violated Nevada Rules of Professional Conduct (“RPC”) as follows:

RPC 1.1 (Competence) for failing to understand that letting a matter be dismissed by failing to respond to a Motion to Dismiss exposed your client to a monetary judgment, pursuant to NRS 18.020, and that the dismissal did not accomplish your client’s goal of resolving the entire lawsuit because the counterclaim remained pending; and

RPC 1.4 (Communication) for failing to communicate with your client concerning the status of the matter and the means by which to accomplish the client’s objectives so that your client could make informed decisions regarding the matter;

APPLICATION OF THE ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS

Standard 4.43 of the ABA Standards for Imposing Lawyer Sanctions provides that “reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client and causes injury or potential injury to a client. In this instance, you negligently failed to apply the skill, knowledge, and/or thoroughness necessary to represent your client and accomplish its objectives in the lawsuit. You also failed to adequately communicate with your client regarding the matter and accomplishing its objectives. This failure caused injury to your client, who now has a monetary judgment entered against it.

In Nevada, a reprimand can be a Public Reprimand or a Letter of Reprimand, with the later being the lowest form of discipline available. Taking into consideration your absence of prior discipline and inexperience in the practice of law, the Panel finds that the lesser of the two sanctions is appropriate.

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REPRIMAND

Based upon the foregoing, you are hereby **REPRIMANDED** for your negligent violation of RPC 1.1 (Competence) and RPC 1.4 (Communication).

Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500.

Sincerely,



Eric Stovall, Esq., Screening Panel Chair
Northern Nevada Disciplinary Board

rkf

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Final Audit Report

2020-12-18

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