

STATE BAR OF NEVADA

August 11, 2020

Brandon L. Phillips, Esq.
1455 E. Tropicana Ave., Ste. 750
Las Vegas, NV 89119

LETTER OF REPRIMAND



Re: Grievance OBC20-0489

Dear Mr. Phillips:

On July 21, 2020, a Screening Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. Based on the evidence presented, the Panel concluded that you violated the Rules of Professional Conduct ("RPC") and should be issued a Letter of Reprimand. This letter shall constitute a delivery of that reprimand.

On or about May 26, 2017, you were retained by Maria Garcia (hereinafter "Ms. Garcia") and Herlinda Carroll (hereinafter "Ms. Carroll") to represent them in a personal injury claim stemming from an automobile accident. RPC 1.4 (Communication) states, in pertinent part, that a lawyer shall "keep the client reasonably informed about the status of a matter" and "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." You did not inform Ms. Garcia or Ms. Carroll of the potential of a conflict of interest. Moreover, you failed to keep Ms. Garcia and Ms. Carroll reasonably informed about the status of their matter. Under ABA Standard 4.44, admonition is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client and causes little or no actual or potential injury to a client. This type of ethical breach could cause potential injury to Ms. Garcia and/or Ms. Carroll.

RPC 1.7 (Conflict of Interest: Current Clients) states, in pertinent part, that a lawyer "shall not represent a client if the representation involves a concurrent conflict of interest. The Rule further explains that there is a concurrent conflict of interest if "(1) the representation of one client will be directly adverse to another client; or (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer." Notwithstanding this conflict, a lawyer may represent a client if "(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client; (2) the representation is not prohibited by law; (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other

3100 W. Charleston Blvd
Suite 100
Las Vegas, NV 89102
phone 702.382.2200
toll free 800.254.2797
fax 702.385.2878

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
phone 775.329.4100
fax 775.329.0522

www.nvbar.org

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proceeding before a tribunal; and (4) each affected client gives informed consent, confirmed in writing.” Similarly, RPC 1.8 (Conflict of Interest: Current Clients: Specific Rules) states, in pertinent part, that a lawyer “who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients . . . unless each client gives informed consent, in a writing signed by the client. The lawyer’s disclosure shall include the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.”

You represent both Ms. Garcia and Ms. Carroll in the same action. Neither Ms. Garcia nor Ms. Carroll were informed about the potential of a conflict. As such, Ms. Garcia and Ms. Carroll would not have been able to give informed consent pertaining to the potential conflict, confirmed in writing. Moreover, you negotiated a resolution where both Ms. Garcia and Ms. Carroll would receive an aggregate settlement amount of \$45,000. Under ABA Standard 4.33, reprimand is generally appropriate when a lawyer is negligent in determining whether the representation of a client may be materially affected by the lawyer’s own interests, or whether the representation will adversely affect another client, and causes injury or potential injury to a client. This type of ethical breach could cause injury to Ms. Garcia and/or Ms. Carroll.

Accordingly, you are hereby REPRIMANDED for violating RPC 1.4 (Communication), RPC 1.7 (Conflict of Interest: Current Clients), and RPC 1.8 (Conflict of Interest: Current Clients: Specific Rules). In addition, pursuant to Supreme Court Rule 120(3), you are required to remit to the State Bar of Nevada the amount of \$1,500 *within 30 days* of this Letter. I trust that this reprimand will serve as a reminder to you of your ethical obligations, and that no such problems will arise in the future.

DATED this ^{Aug 12, 20} ___ day of August 2020.


Paul Luke Puschnig (Aug 12, 2020 07:41 PDT)

Luke Puschnig, Esq.
Screening Panel Chair
Southern Nevada Disciplinary Board


Brandon Phillips Letter of Reprimand

Final Audit Report

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