

1 Case Number: OBC18-0870



JUN - 7 2019

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

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STATE BAR OF NEVADA

NORTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,
Complainant,

vs.

PUBLIC REPRIMAND

SCOTT DANIEL, ESQ.
STATE BAR NO. 12356

Respondent.

TO: Scott Daniel, Esq.
The Daniel Firm
200 S. Virginia St, 8th Floor
Reno, Nevada 89501

Sophia Prone ("Prone") retained you in June 2016 for a wrongful termination suit against her former employer the TSA. Prone provided you with original documents and paid you \$450 dollars.

In December 2016, you cancelled several scheduled meetings and told Prone that you were drafting pleadings for court. Prone attempted to reach you by phone several times. Prone also went to your shared office space and was told that you no longer had an office there.

1 You admitted to the bar that you disengaged from your law practice in the second half
2 of 2016. This "disengagement" was the result of severe stress and either a metabolic or
3 latent traumatic brain injury, which had not yet been diagnosed. By Spring 2017, you decided
4 to leave your law practice and terminate your office lease.

5 You acknowledge that Prone's matter "fell through the cracks." You never filed any
6 pleadings on Prone's behalf or otherwise tried to advance Prone's claim during the year that
7 you represented her. You failed to communicate to Prone that you would not proceed with
8 the representation until the Summer of 2017.

9 You saw Prone during the Summer of 2017 when she was working security at the
10 Reno Justice Court. You told Prone about your medical issues and that you could not
11 represent her. You advised her that you would return her file. Despite your promises to
12 return her file and refund the \$450 she paid, you did neither.

13 Violations of the Rules of Professional Conduct

14 You violated RPC 1.3 (Diligence) by neglecting Prone's case for approximately one
15 year. In addition, you violated RPC 1.4 (Communication) when you: (i) failed to inform her
16 about the status of her case and (ii) failed to respond to her requests for information.

17 Finally, you violated RPC 1.16 (Declining or Terminating Representation) when you:
18 (i) failed to terminate the representation of Prone for at least six months, despite knowing
19 that you were physically and/or mentally unable to continue with the representation and (ii)
20 failed to provide Prone with her file after you finally did terminate the representation.

21 Your client was injured by your violation of the Rules of Professional Conduct
22 because her ability to pursue her claim was impacted by your lack of diligence, lack of
23 communication, and lack of effort to protect her interests when you terminated the
24 representation.


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1 Standard 4.43 of the ABA Standards for Imposing Lawyer Sanctions provides that
2 the appropriate baseline sanction for the above-listed violations of the Rules of
3 Professional Conduct is a reprimand.

4 The Panel considered as an aggravating factor that you received prior discipline for
5 a substantially similar issue during the time that you were supposed to be representing
6 Prone. It also considered the mitigating factors of your documented neurological
7 impairment, your full and free disclosure to the disciplinary authority and cooperative
8 attitude toward the proceeding, your inexperience in the practice of law, and your
9 expressed remorse. The Panel balances these factors and found that they did not warrant
10 a deviation from the baseline standard.

11 In light of the foregoing, you violated Rule of Professional Conduct ("RPC") 1.3
12 (Diligence), RPC 1.4 (Communication), and RPC 1.16 (Declining or Terminating
13 Representation) and are hereby PUBLICLY REPRIMANDED.

14 DATED this 7th day of June, 2019.

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16 By: 
17 BRUCE HAHN, ESQ.
18 Formal Hearing Panel Chair
19 Northern Nevada Disciplinary Board
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