

# STATE BAR OF NEVADA



## LETTER OF REPRIMAND

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Re: State Bar of Nevada Disciplinary Grievances:  
OBC20-0518 (Desiree Paccione)

[www.nvbar.org](http://www.nvbar.org)

Dear Mr. Symmons:

A Screening Panel of the Southern Nevada Disciplinary Board reviewed the above-referenced grievance and unanimously determined to issue you a Letter of Reprimand for violations of Rules of Professional Conduct (RPC) set forth below regarding your handling of Ms. Paccione's Case.

### GRIEVANCE

On January 25, 2016, Desiree Paccione retained you to handle a personal injury case on her behalf. In March of 2017, Ms. Paccione accepted an offer to settle the case. On April 19, 2017, the settlement check was deposited into your trust account. You claimed that you attempted to negotiate liens on the case from 2017 into 2018, but none of the providers agreed to a reduction.

However, between April of 2017 and May of 2020, little to no action occurred on the case. During this time, you admitted that you were no longer in contact with Ms. Paccione. As a result, in May of 2020, after Ms. Paccione had not heard from you, she filed the instant grievance. Only after you were notified of the pending bar grievance did you file an interpleader action in Ms. Paccione's case to determine how the settlement funds should be disbursed. These facts indicate that you failed to maintain contact with Ms. Paccione and act on her case for over three years.

### REPRIMAND

Based upon the foregoing, you are hereby REPRIMANDED for your conduct related to representation of the foregoing client, which conduct violated the Nevada Rules of Professional Conduct ("RPC") as follows:

RPC 1.3 (Diligence) – for failing to promptly negotiate medical liens on the case resulting in an extreme delay in disbursement of the funds.

RPC 1.4 (Communication) – for failing to keep your client Ms. Paccione reasonably informed about the status of her case between April of 2017, and May of 2020.

RPC 3.2 – (Expediting litigation) for failing to file an interpleader action in the case to determine how the funds should be disbursed for over three years between April of 2017, and May of 2020.

The Nevada Supreme Court and the American Bar Association Standards for Imposing Lawyer Sanctions adopted an analysis of four factors to consider for disciplinary sanctions: the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors..." *In re Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (Nev. 2008).

The evidence shows that you were negligent in negotiating the liens and filing the interpleader action on your client's case. You were also negligent in keeping your client informed of the status of her case between April 2017 and May 2020. Your conduct has injured your client by denying her access to her monies for approximately three years.

Thus, weighing the rules violated, your mental state, the potential or actual injury caused, ABA Standard 4.43 provides the most appropriate discipline. It states 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."

The Supreme Court of Nevada has provided two types of reprimand: a Public Reprimand or a Letter of Reprimand. The latter is the lowest form of discipline available. Based upon the above factors, the Panel finds that the lesser of the two sanctions is appropriate.

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

Sincerely,

  
Tom Edwards (Oct 26, 2020 11:01 PDT)

Tom Edwards, Esq.,  
Screening Panel Chair  
Southern Nevada Disciplinary Board