

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 IN RE: DISCIPLINE OF)
4 JEREMY T. BERGSTROM, ESQ.,)
5 NV BAR NO. 6904)
6)
7 _____)

Case No. _____

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11
12 **VOLUME II**

13
14 **RECORD OF DISCIPLINARY PROCEEDINGS,**
15 **PLEADINGS AND TRANSCRIPT OF HEARING**

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20
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Respondent

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STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
)
vs.) Grievance File No:
) OBC17-1050
JEREMY T. BERGSTROM, ESQ.,)
Nevada Bar No. 6904,)
)
Respondent.)
_____)

FORMAL HEARING

LAS VEGAS, NEVADA

WEDNESDAY, JULY 25, 2018

REPORTED BY: BRITTANY J. CASTREJON, RPR, CCR NO. 926

JOB NO.: 478756

1 FORMAL HEARING, held at State Bar of Nevada,
2 located at 3100 West Charleston Boulevard, Suite 100,
3 Las Vegas, Nevada 89102, on Wednesday, July 25, 2018, at
4 9:30 a.m., before Brittany J. Castrejon, Certified Court
5 Reporter, in and for the State of Nevada.

6

7 APPEARANCES:

8 For Respondent:

9

IN PROPER PERSON

10 For Complainant:

11

STATE BAR OF NEVADA

12

BY: ANN ELWORTH, ESQ.

13

3100 West Charleston Boulevard

14

Suite 100

15

Las Vegas, Nevada 89102

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702-382-2200

17

18

THE PANEL:

19

DAWN LOZANO, ESQ, Chair

20

JOHN BRAGONJE, ESQ., Panel Member

21

RANDALL SCOTT, Laymember

22

23 Also Present: Tiffany Bradley, Hearing Paralegal

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1 Las Vegas, Nevada; Wednesday, July 25, 2018

2 9:30 a.m.

3 -oOo-

4 Whereupon --

5 CHAIRWOMAN LOZANO: We're on the record of
6 the State Bar of Nevada Southern Disciplinary Board
7 formal grievance and hearing against Jeremy T.
8 Bergstrom. His Nevada Bar Number is 6904, and our Case
9 Number OBC17-1050.

10 It is now 9:30 on the hearing that was set
11 for 9:00 a.m., on the 25th. There was a little bit of
12 confusion in the prior documents on the notification.
13 That's why we gave extra time this morning. It said
14 that the hearing was supposed to be at the Howard Hughes
15 building. They thought that the State Bar building on
16 Charleston was not available because of the bar exam.

17 Since then, we've had many notifications,
18 including the notification that was served on June 20th
19 that this has been -- that the matter had been
20 changed -- the location of the hearing had been changed.
21 In the document named "Order Appointing Formal Hearing
22 Panel" that was served upon Mr. Bergstrom at the 9555
23 South Eastern Avenue address, Suite 200, as well as via
24 fax at jbergstrom@jbergstromlaw.com and also at
25 info@jbergstromlaw.com. It was filed on June 20th,

1 served thereafter.

2 Subsequent to that, we had a prehearing
3 conference pursuant to statute on July 18th at three
4 o'clock, when it started, and ended at 3:18. It took a
5 while to get Mr. Bergstrom on the phone because he had
6 calendar for the next day. We called him. Staff
7 tracked him down. He was able to appear telephonically.
8 He was informed of what was required of him of the law
9 to be done on that date as well as come forward today
10 for his hearing. He's not here. It is now 9:32.

11 We have called his office and left,
12 actually, Tiffany Bradley's private cell phone for them
13 to call back. We spoke to a young lady in the office.
14 We'll get her name in a moment. We also spoke to his
15 associate attorney who is licensed in Arizona, Steven
16 Stern. He's trying to track down Mr. Bergstrom at this
17 time. He offered to go to his residence, which is
18 10 minutes away from the location of Mr. Stern right
19 now. He didn't see anything on the calendar about this
20 conference today. Also, Mr. Bergstrom's cell phone at
21 702-882-6955 was called. Couldn't accept messages at
22 9:25 a.m. this morning, as the voice message box
23 appeared to be full by the recording we heard on the
24 voicemail that was played for us in this hearing.

25 If you can call back one more time to see if

1 he's available. Then we'll proceed without
2 Mr. Bergstrom's presence.

3 (Call placed to Bergstrom Law.)

4 MS. ADRIANA: Bergstrom Law. How can I help
5 you?

6 MS. BRADLEY: Hi. This is Tiffany Bradley
7 from the State Bar of Nevada. Can I get your name
8 please?

9 MS. ADRIANA: My name is Adriana.

10 MS. BRADLEY: Did I speak with you earlier,
11 or was that a different assistant?

12 MS. ADRIANA: It was me.

13 MS. BRADLEY: Have you had any contact with
14 Mr. Bergstrom?

15 MS. ADRIANA: With the other managing
16 attorney from Arizona, he drove over there. If you
17 like, I can place you on a brief hold and see what the
18 status is on that.

19 MS. BRADLEY: Yes, please. That'd be great.

20 MS. ADRIANA: Okay. Give me one moment.

21 MS. BRADLEY: Thank you.

22 MS. ADRIANA: You're welcome.

23 (Call placed on hold.)

24 MS. ADRIANA: Thanks for holding. He said
25 he's two minutes away.

1 MS. BRADLEY: I just have to remind you this
2 is a formal hearing, so you're currently on the record.

3 MS. ADRIANA: So I'm just waiting on the
4 update, but I will definitely -- if it's okay to place
5 you on a brief hold?

6 MS. BRADLEY: Yes, that's fine.

7 MR. SCOTT: Who did she say was two minutes
8 away?

9 MS. BRADLEY: His associate, the other
10 attorney, the Arizona attorney.

11 MR. SCOTT: The other attorney is two
12 minutes away, not Bergstrom?

13 MS. BRADLEY: Right.

14 (Call placed on hold.)

15 MS. BRADLEY: Mr. Stern?

16 MR. STERN: Yeah, this is a Mr. Stern.

17 MS. BRADLEY: Hold on one second.

18 MS. ELWORTH: Mr. Stern, my name is Ann
19 Elworth. I'm an attorney with the State Bar of Nevada.
20 I just wanted to let you know that we're on the record.
21 Chair Lozano has called the hearing to order. So we are
22 placing the information concerning the inability to --
23 the failure of Mr. Bergstrom to appear on the record.
24 So before you say anything, I just wanted to
25 let you know that you are on the record at this time.

1 MR. STERN: Again, for the record, I'm an
2 attorney with Bergstrom Law. I'm licensed only in
3 Arizona. I'm outside Mr. Bergstrom's home. I've made
4 contact with him. He's coming out in a couple minutes.
5 He's running late. I'm going to personally drive him
6 over there if the Board or the hearing panel can wait.

7 MS. BRADLEY: One moment. I need to move
8 the phone around the room.

9 CHAIRWOMAN LOZANO: How long will that be,
10 Mr. Stern?

11 MR. STERN: He lives in Southern Hills. I'm
12 not sure where your offices are at.

13 CHAIRWOMAN LOZANO: On Charleston and
14 Campbell.

15 MR. STERN: That's about a 30-minute drive.
16 He said he'd be ready in five minutes. So it could be
17 35 to 40 minutes.

18 CHAIRWOMAN LOZANO: Was there a reason given
19 as to why he wasn't available this morning.

20 MR. STERN: Not yet. I haven't made visual
21 observation with him. I just spoke with him through the
22 door.

23 CHAIRWOMAN LOZANO: He didn't open the door
24 for you?

25 MR. STERN: Not yet, no. He's coming out in

1 a few minutes, he said.

2 CHAIRWOMAN LOZANO: Okay. Anything that you
3 want to do at this point?

4 MS. ELWORTH: We'll leave it to the Chair
5 and the panel to decide whether they want to extend it
6 for another 30 minutes, but certainly State Bar is and
7 was prepared to proceed. We do have a witness who is
8 appearing telephonically who is waiting for our call.
9 He's currently on vacation with his family and
10 interrupting that vacation waiting for the call to
11 testify, and, obviously, the inconvenience of the
12 witness is a problem. But it's certainly up to the
13 panel whether they wish to extend the delay of the
14 hearing at this point.

15 CHAIRWOMAN LOZANO: Mr. Stern, this is
16 Chair Lozano. Can you please let him know that we're
17 proceeding. If he wants to come down, we'd love to see
18 him, but we have someone that's testifying on his
19 vacation, okay. So we're going to go ahead and take
20 that telephonic testimony right now. Okay? And should
21 he want to come on down here, that'd be great, but we're
22 going to start the hearing.

23 MS. ELWORTH: Madam Chair, if I could --

24 MR. STERN: Could I act as his
25 representative and hear this testimony and cross-examine

1 on his behalf, if necessary?

2 CHAIRWOMAN LOZANO: And do what?

3 MR. STERN: Can I act as his representative
4 over the phone to hear the testimony of the witness and
5 cross-examine, if necessary?

6 CHAIRWOMAN LOZANO: I think you're asking to
7 practice law in Nevada, a state that you're not licensed
8 in. Is that what you're asking?

9 MR. STERN: Yeah, I was wondering if this
10 was just an administrative hearing. So if the answer
11 is, no, it's not possible --

12 CHAIRWOMAN LOZANO: Yeah, I don't want you
13 to get in trouble at a hearing for him.

14 MS. ELWORTH: If I could, Madam Chair, if
15 the panel doesn't have any objection, we can preserve
16 his direct testimony and ask the court reporter to read
17 it back upon arrival, if Mr. Bergstrom does appear, and
18 then if they have any cross-examination for him, we can
19 try to reconnect with the witness at that point?

20 CHAIRWOMAN LOZANO: We're going to take the
21 testimony. If you need to listen to anything or if you
22 show up, you can take it from there, but you cannot do
23 this. He can do it as a Nevada attorney. Okay?

24 MR. STERN: I understand your position. I
25 just thought I'd ask.

1 CHAIRWOMAN LOZANO: That was nice of you to
2 offer. We're going to proceed. Let him know what's
3 going on, and if he shows up, we'll let him know when he
4 gets here.

5 MR. STERN: Thank you so much. Have a great
6 day, ma'am.

7 CHAIRWOMAN LOZANO: Thank you. Proceed with
8 your case.

9 MS. ELWORTH: The State Bar -- it's a rather
10 unusual introduction to the proceeding this morning.

11 We do have exhibits that we wish to offer.
12 Did you want us to do that at this time without
13 Mr. Bergstrom present?

14 CHAIRWOMAN LOZANO: Yes.

15 MS. ELWORTH: We're going to offer what has
16 been marked as State Bar's Exhibit 1. It's known as the
17 formal hearing packet. That contains the pleadings in
18 this matter. I believe you already have that document,
19 and I don't believe we have any changes to Exhibit 1; is
20 that correct?

21 MS. BRADLEY: We did have one minor change
22 that was my typo on the first line noting that the
23 complaint was filed on the wrong date. So I have
24 corrected the cover page with the correct date for the
25 filing of the complaint.

1 So your previous packet you got in your
2 email would be different than the packet I put on your
3 desk this morning. That is the only change to the
4 packet, which I prepared.

5 MS. ELWORTH: We also would offer State
6 Bar's Exhibit 2, which is the affidavit of
7 Tiffany Bradley as custodian of records concerning
8 Mr. Bergstrom's prior disciplinary history.

9 Exhibit 3 which is the State Bar's grievance
10 file. That contains the online grievance filed in this
11 case as well as the relevant documents supporting that
12 complaint.

13 For the record, these documents had been
14 previously provided to Mr. Bergstrom with the
15 exception -- and I need to make this for the record
16 since he's not in attendance today -- of what are marked
17 as pages 25 through 33 of State Bar's Exhibit 3. Those
18 were additional emails that were inadvertently left out
19 during the disclosure process. They are emails between
20 the grievant and the respondent in this case. All of
21 those would have been, I believe, available and known to
22 Mr. Bergstrom. I don't believe there's anything that
23 would constitute any surprise in there. They are
24 basically just supplements to the other emails contained
25 in Exhibit 3. I'm not sure how they were missed, but

1 they were missed.

2 So in order for the panel to have a complete
3 record, I felt it was important to have all the emails
4 relevant --

5 CHAIRWOMAN LOZANO: My Bates stamp stops at
6 page 24. I don't have 25 through 33.

7 MS. BRADLEY: Right. Those are the
8 additional pages that are not marked.

9 MS. ELWORTH: They're not marked.

10 CHAIRWOMAN LOZANO: Only two? That's 25
11 through 33?

12 MS. BRADLEY: With the copier issue, I will
13 have to double-check.

14 CHAIRWOMAN LOZANO: I don't have 25 through
15 33.

16 MS. BRADLEY: I will double-check. I'm not
17 sure the copier is available, but the last two pages I
18 gave you are the ones that are unmarked.

19 MS. ELWORTH: Those should be marked as 32
20 and 33.

21 MS. BRADLEY: I will see if the copier is
22 working.

23 MS. ELWORTH: The next exhibit in your
24 packet is State Bar's Exhibit 4 which is the Oregon
25 judgment for which Mr. Bergstrom was retained to

1 domesticate and execute.

2 Exhibit 5 is the application for judgment.

3 Exhibits 6 and 7 are Clark County Assessor's
4 web page information for properties relevant to the
5 execution on the judgment.

6 Exhibit 8 is the refund check for fees
7 ultimately issued by Mr. Bergstrom's office.

8 Those are the exhibits that the State Bar
9 would offer with the exception of the pages that we
10 referenced, those being 25 through 33, Mr. Bergstrom, I
11 don't believe had any objection to those.

12 So we would move for the admission of
13 everything other than 25 to 33 at this time since you
14 don't have them in front of you. When those are
15 available, we would move for the admission of the
16 additional pages as well.

17 CHAIRWOMAN LOZANO: Okay. Exhibits 1, 2, 4,
18 5, 6, 7, 8 will be admitted. Exhibit 3 will be admitted
19 as to documents 1 through 24 and documents 32 and 33, as
20 those are the ones that we have right now. The other
21 ones -- the missing pages 25 through 31 are in the
22 process of, apparently, being copied. Once they are
23 provided, they will be admitted.

24 (State Bar's Exhibits 1, 2, 3 (Pages 1-24;
25 32-33), 4, 5, 6, 7, 8 were admitted into

1 evidence.)

2 MS. ELWORTH: Thank you. By way of opening
3 and as another housekeeping matter, I do want to state
4 that at this point in time the State Bar is dismissing
5 the charge under Supreme Court Rule 1.15, the
6 safekeeping of property charge. That will be dismissed,
7 which leaves us with determination today of whether
8 Mr. Bergstrom has violated Rules of Professional Conduct
9 1.1, competence; 1.3, diligence; 1.4, communication;
10 8.1, failure to respond to demand for information from
11 the State Bar; and 8.4, violation of any of the rules of
12 professional conduct.

13 I believe this is a relatively
14 straightforward case we'll be presenting today. We will
15 show that Mr. Bergstrom was hired to domesticate a
16 judgment out of Oregon and execute on the same on what
17 was believed to be available real property located in
18 Clark County. While Mr. Bergstrom did domesticate the
19 judgment in a timely manner, he did virtually nothing
20 with respect to execution of that judgment. And as a
21 result, the property was sold before the judgment
22 debtor's lien -- excuse me -- the judgment debtor's
23 property was sold before the lienholder was able to
24 execute on those properties.

25 Through the course of his representation,

1 Mr. Bergstrom not only failed to act diligently, but he
2 also failed to act competently and keep his client
3 informed of the status of the case. You will hear from
4 Mr. David Jacobs, the Oregon attorney who arranged for
5 Mr. Bergstrom to work on this case. He will tell you
6 what he did and, more importantly, what he did not hear
7 from Mr. Bergstrom. He will also tell you about the
8 fees paid and the process of eventually getting those
9 fees refunded.

10 You will also hear from State Bar
11 Investigator Suzanne Farrell and her efforts to obtain
12 information from the respondent concerning the
13 grievance.

14 And, lastly, you will hear from hearing
15 paralegal Tiffany Bradley. She will testify as to her
16 efforts to obtain information from respondent and his
17 prior disciplinary history.

18 With that, the State would call
19 David Jacobs. We are doing that telephonically today.

20 CHAIRWOMAN LOZANO: Mr. Jacobs is on
21 vacation with his family?

22 MS. ELWORTH: Correct.

23 I believe Ms. Bradley is now handing you
24 what we request to be admitted as Exhibit 3, pages 25
25 through 31.

1 CHAIRWOMAN LOZANO: For the record, we're
2 still missing pages 30 and 31. But pages 25, 26, 27,
3 28, 29 will be admitted.

4 (State Bar Exhibit 3, Pages 25, 26, 27, 28,
5 29 were admitted into evidence.)

6 MS. BRADLEY: Mr. Jacobs, this is
7 Tiffany Bradley from the State Bar. You're on the
8 record at the moment. I'm going to hand you over to the
9 panel chair, Dawn Lozano.

10 CHAIRWOMAN LOZANO: Mr. Jacobs, sorry that
11 we're calling you on vacation, but are you familiar with
12 this matter, the Bergstrom matter?

13 MR. JACOBS: Yes. I'm familiar with it. I
14 haven't spent a lot of time thinking about it lately,
15 but yes.

16 CHAIRWOMAN LOZANO: Okay. Could you tell us
17 what happened?

18 MR. JACOBS: Well, let's see. It's been
19 several years, but I -- basically what happened is I had
20 a client in Eugene, Oregon, who had been taken by
21 another guy in some kind of restaurant deal. Those
22 details probably aren't important. Bottom line, he had
23 a -- we sued the defendant for over \$500,000, got a
24 default against him. This is in Lane County, Oregon.
25 At that point, we had word -- our client had word that

1 defendant was in Las Vegas. So he needed to get the
2 judgment --

3 MS. ELWORTH: Madam Chair, pardon my
4 interruption, but we do we want to swear in Mr. Jacobs.

5 CHAIRWOMAN LOZANO: Excuse me. Can we have
6 you sworn in. I'm sorry. We did not do that. I want
7 to make sure that your record is actually protected by
8 you being sworn in. So can we have you be sworn in.

9 THE WITNESS: Sure.

10 DAVID JACOBS,
11 having been first duly sworn by the court reporter to
12 testify to the truth, the whole truth, and nothing but
13 the truth, was examined and testified under oath as
14 follows:

15 CHAIRWOMAN LOZANO: Could you identify
16 yourself for the record?

17 THE WITNESS: My name is David Jacobs, and
18 I'm an attorney in Oregon.

19 Okay. So I needed to find a lawyer who
20 could do the collection work for us in Las Vegas. At
21 that time, I was a member of an organization called
22 NARCA, which I believe, if I remember right, is the
23 National Association of Retail Credit {sic} Attorneys or
24 something like that. Anyway, it's a collection attorney
25 group. I put out an email or a posting on the website

1 asking for referrals. I got a couple of names.
2 Mr. Bergstrom was one of them. I actually called the
3 other guy first, and I can't remember his name. At any
4 rate, I was not able to make that work out, but
5 Mr. Bergstrom was actually responsive to my original
6 inquiries. We talked about the basic facts. The
7 defendant and the plaintiff in the underlying case were
8 both, I believe, Chinese nationals. They may have lived
9 in Singapore or something, but at any rate, the -- what
10 we understood about the defendant was -- is that he was
11 in Las Vegas because he was a gambler. He probably took
12 my client's money, the \$500,000 -- I think at least 2-
13 or \$300,000 of it literally was a suitcase full of cash,
14 believe it or not.

15 At any rate, they were in Las Vegas -- or he
16 was in Las Vegas. So I talked to Mr. Bergstrom about
17 that. He had some ideas about collection. We knew that
18 the defendant had some property in the Las Vegas area.

19 So, anyway, we wanted to cut a deal for what
20 Mr. Bergstrom's firm could do for us. The basic -- my
21 basic understanding and recollection was that first
22 thing, of course, is to domesticate the judgment and
23 then, you know, pursue collection against the -- against
24 the property. We weren't sure what kind of equity it
25 had in it, but we assumed there was some. Mr. Bergstrom

1 also thought that with kind of high stakes gamblers, if
2 that's what this guy really was, that he may have some
3 kind of a line of credit or something where I guess they
4 put cash on hold in the casinos and that if we could
5 locate where he was, we might be able to garnish the
6 casino account, something along those lines. So that
7 was the basic deal. So I --

8 CHAIRWOMAN LOZANO: Hang on. One question.
9 Did you specifically discuss properties that were owned
10 in Las Vegas?

11 THE WITNESS: Oh, yeah. I mean, we knew
12 about the properties before I even cut -- that's really
13 why we were chasing -- you know, we wanted to
14 domesticate this. We had information from my paralegal
15 in Eugene about the two properties. I can't remember if
16 they were actually in Las Vegas or surrounding
17 communities, but they were in the area. They were
18 two -- I think they were residential properties, and
19 there may have been a couple more, but I think our
20 indication was maybe one or two of them had already been
21 sold prior. But we believe there were two -- again, my
22 best recollection right now, without looking at
23 anything, was that there were two properties that were
24 still owned by the defendant.

25 CHAIRWOMAN LOZANO: Okay. Then I have a

1 question.

2 THE WITNESS: Sure.

3 CHAIRWOMAN LOZANO: It says that
4 Mr. Bergstrom domesticated this judgment -- for judgment
5 in Clark County. There's a little bit of a date
6 discrepancy, April 1, 2016, or March 30, 2016.

7 When there's -- when this complaint is
8 talking about a retainer dated March 22, 2017, or that
9 there was a check that was included from Mr. Lee in
10 2017, would that really be 2016 that this all happened?

11 MS. ELWORTH: No, Madam Chair, that was the
12 typo in the compliant.

13 THE WITNESS: 2016. I looked at that. I
14 did see the retainer agreement, and if -- my
15 recollection is, is that Mr. Bergstrom drafted that
16 agreement. If you look at the -- Beijing Wang, who is
17 also an attorney in Eugene who was my co-counsel on that
18 -- Beijing is from China. He used to be an associate at
19 my firm and speaks Chinese and has a line on the Chinese
20 student community in the Willamette Valley here.

21 So Beijing was the one who had the main
22 client contact and signed -- I think he had power of
23 attorney from the client. At any rate, he signed it.
24 If you look at his signature. I believe his date is
25 dated March 24th, or whatever, 2016, as well as the

1 check is dated in 2016, I believe.

2 CHAIRWOMAN LOZANO: The State Bar
3 acknowledges that there's a typo. I just wanted to make
4 sure I knew what your recollection was. Can you
5 continue?

6 THE WITNESS: Okay. So let's see, what
7 happened after that? So -- well, at any rate, Beijing
8 sent the retainer agreement and the check to
9 Mr. Bergstrom. And, again, I -- what I don't have in
10 front of me, because I'm literally sitting in my pickup
11 truck out in the woods right now, is all my email
12 correspondence that I did submit to the Bar in support
13 of the complaint.

14 Basically, what happened in the beginning
15 was -- my understanding was that Mr. Bergstrom was going
16 to domesticate the judgment, and then there was some
17 short waiting period of a time when they can't do
18 anything against the property, 30 days or something.
19 Then he was going to move forward with some kind of --
20 to execute on the property through a writ of execution,
21 a different procedure, it sounds like -- a little
22 different procedure in Nevada than Oregon. So I'm not
23 completely familiar with it. But there was some period
24 of time where you can't do anything. Then he was going
25 to move on the property as well as start taking --

1 getting information about -- to see if he could locate
2 the individual, where he -- you know, we knew what
3 casinos he was in. And, in fact, we did get wind of a
4 couple of casinos that the defendant frequented, and I
5 believe that information was given by Mr. Beijing Wang
6 to Mr. Bergstrom in an email. I can't remember what
7 they are right now. Seems like I saw that recently when
8 I was reviewing a couple things before I left on
9 vacation.

10 But at any rate, so at that point, it was
11 just kind of wait and see. The other odd thing --
12 that's right. The other odd thing that happened fairly
13 early on was I got a phone call from some guy named
14 Ivan, a Russian believe it or not, who I could never
15 really understand exactly what he was up to. But he had
16 some connection to Kris, the defendant. The defendant's
17 first name -- he went by Kris. At any rate, he -- this
18 guy Ivan had some connection to him and was very
19 interested in what we were trying to do. I think that
20 he actually caught wind of us through the defendant,
21 because the defendant had contacted our office in
22 response to getting served, I think, with -- at some
23 point. I'm not -- again, it's all -- that was all a
24 little blurry. But this guy Ivan had some information
25 about these two properties. I explained to him I had

1 hired a local lawyer there, gave him Mr. Bergstrom's
2 information, and then I also gave Mr. Bergstrom Ivan's
3 information. I didn't know what there was except the
4 fact that he knew the defendant, and I thought, as
5 Mr. Bergstrom had indicated to me, any information, you
6 know, we have on the defendant could be helpful to him
7 and his firm. So I got that information to him. He
8 said he would call him. I believe at some point they
9 even had a conversation, but this is all in the first
10 few months, I believe.

11 Things basically went silent, more or
12 less -- or I stopped hearing from Mr. Bergstrom, I want
13 to say, in May or June of 2016. I would -- you know, I
14 would -- it would pop up on my calendar. I'd send an
15 email. I believe I had Mr. Bergstrom's cell phone
16 number. I would call and leave messages with that. I'd
17 call and leave messages with the firm. After some
18 period of time -- and, again, I can't remember -- if you
19 have all my emails, you'd be able to see all the --
20 because I pretty much tried to lay the trail on my
21 efforts to keep track of this gentleman.

22 So I get either a call or an email
23 eventually where he -- where I find out that
24 Mr. Bergstrom had been sick or he apologized for the
25 delay or whatever. You know, the alarm bells weren't

1 going off too hard at this point, but what I didn't
2 understand is, at some point, he told me that he had,
3 you know, got the writ of execution on the property and
4 was waiting. And I would -- when I saw that -- and
5 this, again, I can't -- I just wish I could tell you
6 what the timeline is, but I can't without my papers in
7 front of me. And he indicated that he had these -- you
8 know, had the writs of execution. And we would check on
9 the database on the docket that we had access to in
10 Oregon for Nevada, and it wouldn't -- there would be
11 nothing showing up. I'm thinking, well, if it's in
12 Oregon, if you're doing anything after a judgment on
13 collection, it's going to show up in the docket, and it
14 wasn't. So that was a big red flag for me. I continued
15 to try to get information from Mr. Bergstrom, and --

16 CHAIRWOMAN LOZANO: Was this after the June
17 date? Are we in July or August?

18 THE WITNESS: Yeah. I'm sure -- again, this
19 is where I -- without having all the records that the
20 Bar should have, you could see the progression of this.
21 I believe this is later on and even into the fall. I
22 mean, throughout the summertime, I'm not as bearing down
23 on this as in the fall. I know I'm following up trying
24 to get information. Then it started to get, I wouldn't
25 say, desperate. I was concerned. I was very surprised

1 that I could not get any response out of Mr. Bergstrom.
2 And so I started calling -- I had the name of a -- I
3 wasn't sure if it was a paralegal or an associate
4 because I had seen her name. I think it's Maggie or
5 Margie Bardis who had done -- who -- one of the emails
6 early on that Mr. Bergstrom sent was information about
7 the properties that they had uncovered, and it was --
8 and her name was on that investigation. So I knew she
9 had some knowledge of the situation.

10 I would call the firm. If I could get
11 through, I'd either leave a message for this Maggie
12 or -- I'll call her Maggie for now. The Bardis woman.
13 I'd leave a message. I actually had a conversation or
14 two with her. I was told that she would try to get
15 ahold of Jeremy and find out -- never got any
16 information about what the actual status was. I would
17 contact the -- you know, I think on their website, they
18 have a general contact number and maybe even one of
19 those inquiries by email. I can't quite remember. But
20 I contacted the general thing, explaining who I was,
21 attaching previous emails, trying to get some kind of
22 response. Just nothing.

23 And -- and I got -- as we headed towards the
24 end of the year, I was getting more concerned, and I
25 think -- again, this is -- this I just cannot recall

1 whether I had another conversation before the beginning
2 of the year in 2017 with Mr. Bergstrom, but, again, I
3 believe there may have been another phone call, you
4 know, after all these kind of high efforts to rattle the
5 cage at the law firm. Vague recollection of possibly
6 another phone call at some point where, again, saying
7 that he's -- they're working on it.

8 By the end of -- by the beginning of the
9 year, when I got back from Christmas break or whatever
10 it was, again, I'm turning up the heat trying to get
11 some response. And I did see in the -- one of the
12 exhibits that counsel had sent to me just a few days
13 ago, and I saw that email exchange from mid-January.
14 What led up to that was, again, more phone calls, more
15 emails. And then I get this -- the last time I heard
16 from him, Mr. Bergstrom, was an email in mid-January or
17 so where, once again, he's saying, I believe, that
18 there's -- the writs of executions are underway and
19 here's the process. I was like, well, okay, did you
20 actually file something? Can you send me the copies of
21 it ? Because, again, we couldn't see it on the docket
22 when we checked, and nothing. Then silence again. So
23 that's basically -- pardon me?

24 CHAIRWOMAN LOZANO: Nothing. We were still
25 listening.

1 THE WITNESS: Okay. I think I'm getting a
2 little feedback.

3 All right. So -- and the other thing I
4 wanted to point out too. That early on -- and this is
5 back in this May to June area or March to June area.
6 Early on when Mr. Bergstrom actually, you know, was
7 responsive on the -- hey, this is what we're going to
8 do. We got this information. We don't know how much
9 equity. We can find that out by getting some reports
10 from the title companies. He asked for authority to do
11 that, and I think it was going to be, you know, \$85 per
12 report and maybe in total about 3- or \$400. We did give
13 him that authority early on when he asked for that. I
14 don't know whether he -- because he had \$5,000 which,
15 you know, we were going to pay out-of-pocket costs. We
16 would have paid -- if he had sent us an invoice or had
17 expenses over the 5,000, we had approved it, and we
18 would have sent the check. Never got the reports, never
19 got a request for any kind of additional reimbursement.

20 I will say that the -- you know, I realized
21 probably in the fall sometime or late fall or early
22 winter that, you know, things had gone awry with the
23 Bergstrom firm. I was letting them know that if I
24 didn't hear something, I would have to go to the Bar.
25 It was not something I had ever done before, not

1 something I wanted to do. What I wanted was to have my
2 client have the work done that we thought he was going
3 to have done. I did let them know that if I didn't get
4 a response, if I wasn't given the information, that I
5 was going to have to go to the Bar. That's why I did.
6 I'm not happy that it's come to this, but the two things
7 that I see that are very frustrating is, obviously, the
8 lack of getting the job done. That's one thing. But
9 what's mostly of concern to me is the misrepresentation
10 or apparent misrepresentation. I mean, I don't know. I
11 still to this day don't know whether there was ever a
12 writ of execution done on this property. He certainly
13 says it was, and that's my -- you know, that's what I
14 was told. If it wasn't, then that's -- I mean, that's
15 just not doing something; that's lying to me. That's
16 just not okay on any level. That's the biggest concern.

17 Last thing I would point out is that I
18 didn't -- I did not ever ask for the money back, the
19 \$5,000 back. I'm assuming that may have been something
20 that happened between the Bar and Mr. Bergstrom. The
21 check for, you know, less the filing fee, was sent back
22 and returned. I guess that's a good thing. I would
23 note that we got the check in the mail, no letter, no
24 explanation. Still haven't had any explanation or
25 apology or anything else. Just not real impressed with

1 the legal work that the Bergstrom firm did for my
2 client. If I were a member of the Nevada Bar, I'd be
3 pretty concerned about having an attorney like this
4 practicing in my jurisdiction.

5 CHAIRWOMAN LOZANO: I have a question that I
6 was asking you earlier, and it's in an email that's in
7 our -- in Exhibit 25 from the State, which is
8 David Jacobs email to Jeremy Bergstrom. And it says,
9 "Jeremy, thanks for the update. I need to let the
10 client know where things stand. Looking back at your
11 6/32" -- I believe you meant 23 -- "email, you
12 referenced four properties. You were able to confirm
13 that just the two were owned by Ng without reference
14 RIPR reports." And it's Elaine Drive and Raspberry
15 Hill.

16 Are those the two properties that you talked
17 about that your paralegal referenced at the very
18 beginning of this case; that there was something that
19 they could collect on in Nevada?

20 THE WITNESS: I believe so, yeah. Those
21 names sound familiar to me. I know that -- again, we
22 had sent -- we provided -- the information -- we had
23 already done some digging on our end. So we provided
24 all the information we had in the initial email, you
25 know, when I provided information with the original

1 complaint -- or the judgment. I think I probably sent
2 the pleadings in the case too, so we would have that.
3 Yeah, that does sound like the properties we had. There
4 were two properties that we knew that he still owned.

5 CHAIRWOMAN LOZANO: Do you know how much
6 those two properties sold for?

7 THE WITNESS: You mean subsequently?

8 CHAIRWOMAN LOZANO: Yeah, afterwards?
9 Because it looks like the Raspberry sold on 8/16/17, and
10 the Elaine on 10/18/17.

11 THE WITNESS: I don't believe I ever --
12 well, I -- I just don't have a recollection of whether I
13 know how much those sales were for. I don't -- that's
14 not jumping out at me.

15 CHAIRWOMAN LOZANO: Okay.

16 MR. SCOTT: I have a question.

17 MS. ELWORTH: Can I do a quick direct with
18 him before the panel dives into their questions?

19 CHAIRWOMAN LOZANO: Absolutely.

20 DIRECT EXAMINATION

21 BY MS. ELWORTH:

22 **Q. Good morning. This is Ann. I just have a couple**
23 **of questions for you. I think the Chair covered most**
24 **everything.**

25 A. Okay.

1 Q. So we've been through the majority of the
2 conversations or lack of conversations you had with
3 Mr. Bergstrom, but I wanted to just touch on a couple of
4 things.

5 You indicated that there was, essentially, a
6 third attorney involved, your co-counsel; correct?

7 A. Correct.

8 Q. Can you just explain briefly what -- I think you
9 refer to him as Beijing, Mr. Wang's involvement was in
10 the case?

11 A. Yeah. So, again, Beijing -- and I refer to him
12 as Beijing. That's just easier for me. Again, he was
13 an associate at my firm years and years ago. He's been
14 out on his own. Still in Eugene, and he -- when he gets
15 into litigation matters -- he's mostly an immigration
16 attorney, but when he gets into kind of civil litigation
17 matters, he'll often associate with my firm still.

18 So he -- again, with his background in -- and his
19 work in immigration, he does a lot of work with Chinese
20 nationals who come to school at the University of Oregon
21 and Oregon State University.

22 So his involvement was basically he was the one
23 who knew the client, who knew the client had a problem
24 locally in Eugene with the defendant. So he was
25 basically -- you know, we worked together. We both -- I

1 believe we both signed the complaint. I would have --
2 if it turned into active litigation, I probably would
3 have been the lead on that. So, basically, he was -- he
4 was co-counsel, and the original contact for the client.

5 Q. I would refer the panel's attention to State Bar
6 Exhibit 3, pages 3 through 7.

7 So that explains my -- why Mr. Wang would have
8 signed the retainer agreement with Mr. Bergstrom on
9 behalf of your client?

10 A. Exactly. Our client actually was -- was -- by
11 this time, had -- I think he was in Singapore, if I
12 remember right. May have been back in China. I can't
13 recall. Mr. Wang, Beijing, had -- I believe had a power
14 of attorney for the client.

15 Q. Okay.

16 A. That's why he signed.

17 Q. Again, the panel's attention to State Bar's
18 Exhibits 3, 8, and 9.

19 Mr. Wang was the one who issued -- or excuse
20 me -- forwarded the retainer check issued by your client
21 as well?

22 A. Yeah. That's right. He had -- I remember -- I
23 believe he had a \$10,000 retainer that he had access
24 for, for this purpose.

25 Q. For the record, at this point, I would like to

1 move to amend the complaint, paragraphs 4 and 5 which
2 indicate March 2017. I would ask that those be amended
3 to indicate March 2016.

4 CHAIRWOMAN LOZANO: Motion granted.

5 MS. ELWORTH: Thank you.

6 BY MS. ELWORTH:

7 Q. Moving on, Mr. Jacobs. You indicated that you
8 had pretty good contact with Mr. Bergstrom for the first
9 few months; is that correct?

10 A. Yeah. You know, I -- I believe so. I can
11 remember, you know -- in fact, one of the emails I saw,
12 I know there was -- it may have been in that first time
13 period. I'll have to rely on you to look at those first
14 emails between March and June. But I remember there was
15 a time when I was trying to get ahold of Mr. Bergstrom
16 early on, and, you know, left a message or two with him,
17 and then he responded and he told me he had been sick or
18 something. I totally understood that. I can't remember
19 if that was the within the first time period or not, but
20 it does -- but other -- even if that wasn't the first
21 one, that wasn't a big worry to me at that point.

22 But -- so in general, I'd agree; that in that
23 first time period, at least things were going back and
24 forth, and I felt like we were starting to take steps.
25 Although, I will say that maybe I should have been more

1 attentive to the initial email saying that -- after --
2 you know, I think there was a 30-day period. And maybe
3 I should have been more on top of that after the
4 March -- you know, toward the end of March by end of
5 April or early May, you know, the execution sale should
6 have been underway. Clearly, you know, by the time
7 things had kind of already fizzled out in late June, you
8 know, there was really no talk about those execution
9 sales. I think I -- you know, I -- I should have been
10 asking more questions about it, but he certainly should
11 have been doing something about it.

12 But -- certainly after -- in that first time
13 period, there was some back and forth. You know, the
14 fact that he had his paralegal or associate doing some
15 work on it, you know, I saw was all -- seemed all normal
16 to me at that point, but it was shortly thereafter that
17 I started wondering where things were going.

18 **Q. So for the benefit of the panel, I would draw**
19 **your attention to Exhibit 3, page 13.**

20 **Mr. Jacobs, I know you don't have the benefit of**
21 **having the exhibits in front of you, so I will just ask**
22 **you if the emails indicate that that explanation for why**
23 **Mr. Bergstrom, as he puts it, had been MIA, if those**
24 **emails were exchanged on May 11th, according to the**
25 **records we have in front of us? Does that sound about**

1 right to you?

2 A. Yeah, that does sound about right. That's what I
3 mean. I think that there was, you know, fairly early
4 on, even though there was some back and forth, there was
5 one period of time when I was kind of like, hey, what's
6 going on here? Where are you? He did respond and he
7 was sick. You know, okay, that was fine at that point.

8 Q. You were referring to some late June emails.

9 Again, for the benefit of the panel and the record, I
10 would draw the panel's attention to State Bar Exhibit 3,
11 pages 14 through 17.

12 Those are the emails you referenced where he was
13 giving you some information on the properties. You
14 indicate, I believe, that Mr. Wang -- you had deferred
15 to Mr. Wang at that time concerning authority to obtain
16 the reports. Does that sound correct?

17 A. Right. That's right, because he had the client
18 authority for that purpose. But my recollection is, is
19 that Mr. Wang responded directly to Mr. Bergstrom with a
20 copy to me saying that he authorized to purchase those
21 reports, if needed.

22 Q. The emails -- specifically page -- Exhibit 3,
23 page 14, indicate that, in fact, Mr. Wang had responded
24 to that initial email within 30 minutes. Does that
25 sound about right?

1 A. Yeah, I know it was prompt.

2 Q. At that point, you felt that Mr. Bergstrom had
3 the authority he needed to proceed?

4 A. Yeah, absolutely.

5 Q. You indicated that perhaps you hadn't done enough
6 at that point in time, but the next communications that
7 we have that I believe you provided to the State Bar are
8 State Bar Exhibit 3, page 28. And that is a
9 September -- I'm sorry. Page 28 and 29. September 26th
10 email.

11 Does that sound like it would have been the next
12 time there was anything in writing?

13 A. Well, yeah. I mean, again, I -- it is what it
14 is. I'm not sure if there's -- there was one before
15 that, but it does sound about right. My time frame
16 was -- I'm sure after mid-June or late June, I was into
17 summertime mode and hitting a couple days off here and
18 there. We all know how that goes. So, yeah, in
19 September I was probably back -- focused back on this
20 and wondering where things are. So that would sound
21 about right. I can't say there wasn't one beforehand,
22 but if you've got one in September, then that's
23 certainly it.

24 Q. You do refer to emails -- three prior emails to
25 which you received no response, but I don't believe we

1 have any of those in evidence. So would that be
2 accurate, your email at that point?

3 A. Yeah. Well, what I would typically do -- as time
4 went on, and I was kind of feeling like I had a bit of a
5 problem on my hands, I would -- every time I would send
6 an email -- or maybe not every time, but often when I
7 would send an email when I was trying to get somebody's
8 attention, I'd attach the previous emails that I'd been
9 sending saying, hey, you know, this isn't the first time
10 I've been doing this; what's going on?

11 I just kept on hoping for the best. It's kind of
12 my nature to a certain extent. Maybe I should have
13 jumped on this earlier than I did. I was certainly
14 trying to give this guy, one, the benefit of the doubt.
15 At the same time, I was trying to make sure that he
16 wasn't going to be able to say, you know, I didn't tell
17 him.

18 Q. Okay. Then also, Exhibit 3, page 29. In
19 October, I believe it was, you sent an email to your
20 assistant indicating that you'd spoken with
21 Mr. Bergstrom, and that was when he indicated he had two
22 writs pending on the homes and was scheduling the
23 sheriff's sale. Does that sound about right?

24 A. Yeah, that helps me. Yeah, that is right. After
25 this period of no contact, I did -- there was a

1 conversation. I think I had referred to that earlier;
2 that I thought there might have been. Yeah, he had
3 actually said, yeah, that this was all dialed in, and we
4 were just waiting for the next step.

5 So, yeah, if that's October, that does sound
6 right to me. So, in other words, yeah, what -- the way
7 I use my email with my assistant, it's kind of like memo
8 to the file, you know, when I send that to her. My
9 assistant at that time was Brandy. I just -- instead of
10 writing memos to file, I send my assistant and email
11 about a conversation I had or something like that.

12 **Q. I would refer the panel's attention to State Bar**
13 **Exhibit 3, page 25.**

14 It appears you had also referenced sending emails
15 to, essentially, a multitude of addresses with
16 Mr. Bergstrom's law firm. Would that be about the time
17 frame you're referring to, November and December of
18 2016?

19 A. Yeah, that's exactly when I was -- obviously, you
20 know, I was reaching out every way I could, every way I
21 could think of.

22 **Q. Ultimately, you got a response from Mr. Bergstrom**
23 **in January of 2017 that you referenced; is that correct?**

24 A. That's right. I believe that was after the
25 beginning of the year. I had -- I don't know if I sent

1 more emails, but I definitely had made more phone calls
2 to the firm, you know, raising the stakes. I mean,
3 obviously, I was at the end of the rope at that point.

4 **Q. You did receive a response from him indicating**
5 **that the sheriff's sales were underway; is that right?**

6 A. Yeah, once again. But, of course, the problem
7 was when we checked -- I'm not sure if you have those
8 emails, but I actually asked my -- when I was thinking
9 about this yesterday, I had some contact with my
10 assistant, and I did -- we checked the -- we checked the
11 docket right after that. I was, like, hey, send me the
12 copies; let me know. Within a couple weeks, I had sent
13 kind of a, hey, this is it. My last chance to respond
14 or I'm going to go to the Bar. I told him that's what I
15 was going to do.

16 **Q. You memorialized that in an email to him as well;**
17 **is that correct?**

18 A. Yeah, I believe so. Right in the beginning of
19 February was the last straw, was the last -- my last
20 effort with him.

21 **Q. I would, again, refer the panel's attention to**
22 **State Bar Exhibit 3, page 30, where I believe that email**
23 **appears.**

24 **Okay. This -- and you ultimately filed your Bar**
25 **complaint in August of 2017. Does that sound about**

1 right, sir?

2 A. I did.

3 Q. Have you ever filed a Bar complaint against an
4 attorney before?

5 A. Pardon me?

6 Q. Have you ever filed any other complaints with any
7 state bars?

8 A. No, I have not. I have not. I'll tell you that
9 I -- you know, I -- I'm -- I do work for the -- for the
10 Professional Liability Fund, which is the -- it's
11 basically part of the Oregon State Bar's malpractice
12 insurance for all the lawyers in Oregon. You know, I
13 see all kinds of problems that people have. I'm usually
14 defending lawyers and doing what I can to help them out.

15 So, yeah, this is not something I like to do or
16 have any -- you know, feel good about at all. I
17 really -- I just felt it was the only thing I could at
18 this point, at that point, and now. At this time,
19 it's -- it's just tough when you have a lawyer out there
20 who's not doing what they say they're going to do and
21 then misrepresenting what they said they did. That's
22 even worse, I think.

23 MS. ELWORTH: Okay. That's all I have.
24 Thank you.

25 CHAIRWOMAN LOZANO: We have a panel member

1 that has a question.

2 MR. SCOTT: My name is Randall Scott. I'm
3 the lay member on the panel. I have a question about
4 Mr. Ivan Baric. I think you referred to him as "the
5 Russian."

6 MR. JACOBS: Yeah.

7 MR. SCOTT: Could you refresh my memory as
8 to -- or provide some clarification as to -- one moment.

9 (Jeremy T. Bergstrom, Respondent, joined the
10 proceedings at 10:36 a.m.)

11 MR. SCOTT: I'll continue. Could you
12 refresh my memory as to --

13 CHAIRWOMAN LOZANO: For the record, Jeremy
14 T. Bergstrom, I believe, is appearing and sitting down
15 right now. Is that you, Mr. Bergstrom?

16 MR. BERGSTROM: Yes.

17 CHAIRWOMAN LOZANO: For the record, it's
18 10:36.

19 MR. SCOTT: Could you clarify as to the
20 nature of his contact with Mr. Baric? I'm not sure how
21 you pronounce his name.

22 MR. JACOBS: Well, again, I don't have a
23 detailed recollection. It was a very unusual thing.
24 All I can tell you is that he called me, and I -- yeah,
25 I wish I had my file because I know I've got -- I do

1 have some memos or emails about these conversations in
2 the file, but at any rate, he called, and I -- he
3 knew -- he was aware that my firm and me as a lawyer was
4 trying to get -- get to Kris and get to these
5 properties. And he was -- he -- he said he was a
6 realtor, and I never -- I never completely understood
7 what his role was.

8 MR. SCOTT: Are you aware he's the managing
9 partner or managing member of IB Design, Limited
10 Liability Company, and those properties -- the two
11 subject properties were transferred to that limited
12 liability company on or about December 30th of 2016?

13 MR. JACOBS: What was the month?

14 MR. SCOTT: December of 2016.

15 MR. JACOBS: No. I was not aware of that.
16 No, I was not aware of that. I knew there was some
17 connection to Ivan and/or his company to the -- either
18 the properties or to the defendant. And my suspicion
19 was -- or kind of what I was -- see, this guy was a
20 little squirrely, to say the least. That he either
21 loaned the money to Kris, and maybe he even had a lien
22 on the property. He kind of seemed like he was -- he
23 wanted my help somehow in getting -- you know, getting
24 paid back or something. He never asked for that. I
25 made it really clear that I wasn't representing him and

1 couldn't represent him because he was after the same
2 thing I was after.

3 MR. SCOTT: Did you understand there to be a
4 connection between Mr. -- I'm going to call him Baric; I
5 don't know if that's the correct pronunciation --
6 between Mr. Baric and Mr. Bergstrom? Any sort of
7 connection?

8 MR. JACOBS: No. Definitely not that. What
9 I -- the only thing I knew -- or what I -- the only
10 connection I would know is that I know I gave each of
11 them the contact number of the other for the purpose of,
12 you know, trying to get information on the defendant.

13 MR. SCOTT: So how did he get your name?
14 I'm a little confused. If counsel can --

15 MR. JACOBS: Here's what I -- here's what I
16 think and my recollection is. That -- for some reason,
17 the defendant, this guy Kris, we'll use the first name
18 or common name, he had my phone number. We made written
19 demands on him and whatnot. My recollection is he
20 called and spoke with my paralegal Monica. This is the
21 best recollection I have, this guy Kris.

22 At any rate, from -- from that point, I
23 think that Ivan Baric or whatever, I believe he got our
24 name from Kris. That's my -- that's my recollection. I
25 think that's right. I think that, you know, they were

1 in contact. They knew I was -- had -- I'm not sure how
2 they knew we were in -- you know, that we were -- I
3 don't know if they knew that we had hired
4 Mr. Bergstrom's firm or not at this point. But bottom
5 line is, they knew that we were trying to get -- Kris
6 knew that we were looking at his properties in Vegas.

7 In fact, if I -- I'm remembering now. In
8 the complaint itself, the civil complaint, we had
9 actually asked for a constructive trust, I believe, in
10 that complaint, over those properties. So they knew we
11 knew -- Kris knew that we knew about the Las Vegas
12 properties, but -- you know, the short answer is my best
13 recollection is, is that Ivan got my name from Kris.

14 MR. SCOTT: Okay. And you understand that
15 the properties were transferred or sold or whatever to
16 IB Design in December of 2016, and then a few months
17 later, they were sold to another party, as I understand
18 it? I just wanted you to be aware of that. That's the
19 way it appears from the Clark County Assessor's site.

20 MR. JACOBS: Yeah, I'm just hearing that.
21 Well, I think I -- when I was speaking with counsel
22 yesterday, I -- I heard that for the first time, yeah.

23 MR. SCOTT: Okay. Those are the only
24 questions I have.

25 CHAIRWOMAN LOZANO: Any follow-up?

1 Do you have any questions of Mr. Jacobs,
2 Mr. Bergstrom?

3 CROSS-EXAMINATION

4 BY MR. BERGSTROM:

5 Q. Were you aware of the liens or encumbrances
6 against either of those properties at any point in time?

7 MS. ELWORTH: I'm going to object to
8 relevance. That question really goes to -- and the
9 panel may want to hear it with respect to concerns of
10 actual versus potential harm to the client, but I really
11 don't think it has any relevance to the issue of whether
12 Mr. Bergstrom fell below the requirements of the Nevada
13 Rules of Professional Conduct.

14 MR. BERGSTROM: It's relevant for purposes
15 of whether or not the client was in any way harmed or
16 affected by any lack of diligence, I guess, as being
17 alleged on my part.

18 CHAIRWOMAN LOZANO: Overruled. I want to
19 hear the information. Mr. Jacobs, you can answer the
20 question.

21 THE WITNESS: Yeah, I was not aware of
22 what -- whether there were liens on the property or not.
23 I know that was one of the issues we were going to
24 look -- we were looking to learn from those reports that
25 we had authorized you to obtain. So I think that's --

1 that was the question, whether -- you know, how much
2 equity was in the property, and I don't know what it
3 was.

4 MR. BERGSTROM: No further questions.

5 CHAIRWOMAN LOZANO: Anything further?

6 MS. ELWORTH: No.

7 CHAIRWOMAN LOZANO: Thank you, Mr. Jacobs.
8 You can return to your family vacation. We really
9 appreciate you taking the time today to testify.

10 MR. JACOBS: Okay. I'm glad I could help.
11 Good luck with everything. Take care.

12 CHAIRWOMAN LOZANO: Thank you.

13 MS. ELWORTH: Thank you.

14 CHAIRWOMAN LOZANO: Next witness.

15 MS. ELWORTH: State Bar would call
16 Investigator Suzanne Farrell. We'll need to get her.
17 Let's go off for just a moment.

18 CHAIRWOMAN LOZANO: Sure.

19 (A break was taken at 10:44 a.m.)

20 (Back on the record at 10:47 a.m.)

21 SUZANNE FARRELL,
22 having been first duly sworn by the court reporter to
23 testify to the truth, the whole truth, and nothing but
24 the truth, was examined and testified under oath as
25 follows:

1 DIRECT EXAMINATION

2 BY MS. ELWORTH:

3 Q. Could you state your name and occupation, please.

4 A. My name is Suzanne, S-U-Z-A-N-N-E. Last name is
5 Farrell, F-A-R-R-E-L-L. I'm an investigator with the
6 State Bar of Nevada.

7 Q. At some point in your duties with the State Bar,
8 were you assigned to investigate Office of Bar Counsel
9 Case No. 17-1050?

10 A. I was.

11 Q. When was that, if you recall?

12 A. It was approximately November 15, 2017.

13 Q. At the time that you received the grievance, had
14 any work been done on it prior?

15 A. It had.

16 Q. Do you recall what that would have been?

17 A. It would have been received at the State Bar by
18 our intake department and a letter of information was
19 sent by our intake assistant bar counsel Mr. Pattee to
20 the respondent Mr. Bergstrom.

21 MS. ELWORTH: May I approach the witness?

22 CHAIRWOMAN LOZANO: Yes.

23 MS. ELWORTH: I'll show you what's been
24 marked and admitted as State Bar Exhibit 3, 19.

25 BY MS. ELWORTH:

1 Q. Do you recognize that document?

2 A. I do.

3 Q. What is that?

4 A. It's a letter of information dated August 15,
5 2017, sent from Mr. Pattee to Mr. Bergstrom.

6 Q. That's a letter of investigation?

7 A. It is.

8 Q. I'll show you what's been -- does that indicate
9 how it was sent?

10 A. It appears to have been sent via regular U.S.
11 mail with a response due for two weeks from the date of
12 the letter, which, again, was August 15, 2017.

13 Q. Can you state for the record what address that
14 letter was sent to?

15 A. Jeremy T. Bergstrom, Esq., 9555 South Eastern
16 Avenue, Suite 200, Las Vegas, Nevada 89123.

17 Q. From your work with the State Bar, what would
18 that address represent?

19 A. His Rule 79 address from our membership records.

20 Q. Do you know whether a response was received to
21 the August 15th letter?

22 A. I know that a response was not received.

23 Q. I'm going to show you what's been marked as State
24 Bar Exhibit 3, pages 20 through 22, and ask you if you
25 can identify those documents, please?

1 A. I can.

2 **Q. What are those?**

3 A. This is what we've referred to as an 8.1 letter,
4 which we send out when there's no response to the letter
5 of information that is sent upon receipt of the
6 grievance and a file is opened.

7 **Q. How was that letter sent?**

8 A. This letter was sent by Mr. Pattee, and it was
9 sent regular and certified mail, USPS.

10 **Q. So the same address as the prior letter?**

11 A. Correct. Jeremy T. Bergstrom, Esq., 9555 South
12 Eastern Avenue --

13 **Q. I don't need all that. That's fine. Is there a
14 response date indicated in that letter?**

15 A. This letter is dated September 13, 2017, with a
16 response date due of September 27, 2017.

17 **Q. Do you know whether any response was received to
18 that letter?**

19 A. No response was received to that letter.

20 **Q. I'm going to show you what's been marked as
21 Exhibit -- admitted as State Bar Exhibit 3, pages 23 and
22 24, and ask you whether you can identify that document?**

23 A. I can.

24 **Q. What is that?**

25 A. This is the letter that I sent after the case was

1 assigned to me when no response was received to
2 Mr. Pattee's letters.

3 **Q. How was Exhibit 3, page 23 sent?**

4 A. It was sent via regular and certified mail.

5 **Q. To the same address as the two prior letters?**

6 A. Correct.

7 **Q. Is there a response date on that letter?**

8 A. There is.

9 **Q. What would that be?**

10 A. November 26, 2017.

11 **Q. In that letter as well as the letter which is**
12 **page 20 of State Bar Exhibit 3, does it indicate what**
13 **would happen if the -- if Mr. Bergstrom failed to**
14 **respond?**

15 A. It does.

16 **Q. And what is that?**

17 A. That this matter would be referred to a screening
18 panel, the Southern Nevada Disciplinary Board.

19 **Q. In addition to that, what is the consequence of**
20 **failure to respond?**

21 A. There could be a separate disciplinary violation
22 pursuant to Rules of Professional Conduct 8.1(b).

23 **Q. Thank you.**

24 **Did you receive any response to your letter to**
25 **Mr. Bergstrom?**

1 A. I did not.

2 Q. Did you do any investigation into the grievance
3 filed by Mr. Jacobs?

4 A. I did.

5 Q. Do you recall what that investigation consisted
6 of?

7 A. I reviewed the information provided by
8 Mr. Jacobs. I reviewed tax assessor records based on
9 the information provided by Mr. Jacobs. I reviewed
10 court dockets for work that Mr. Bergstrom was involved
11 in, in the courts. I found some judgments against
12 Mr. Bergstrom, and that's how I put my case together.

13 Q. You referenced some assessor's records; is that
14 correct?

15 A. Correct.

16 Q. I'm going to show you what's been marked as State
17 Bar Exhibit 6 and ask you if you recognize those
18 documents. There are five pages to Exhibit 6. Do you
19 recognize those documents?

20 A. I do.

21 Q. What property do those documents pertain to?

22 A. In Exhibit 6 they pertain to a parcel or property
23 located at 2059 Raspberry Hill Road in Las Vegas,
24 Clark County. And it was a property owned by --

25 Q. I haven't asked you any questions.

1 A. I'm sorry.

2 Q. It's the Raspberry Hill property?

3 A. Correct.

4 Q. I'm going to ask you to turn to page 3 of
5 Exhibit 6.

6 A. (Complies.)

7 Q. What is that document?

8 A. That is the grant, bargain, sale deed for that
9 property.

10 Q. Does that indicate an owner?

11 A. It does.

12 Q. Or, excuse me, a seller, to be more clear?

13 A. It does.

14 Q. Who was the seller of that property?

15 A. The seller was a person named Wahonn Ng, and I
16 will spell that. The first name is W-A-H-O-N-N. Last
17 name N-G.

18 Q. Does that document indicate who the purchaser of
19 that property was?

20 A. It does.

21 Q. Who was the purchaser?

22 A. IB Designs, LLC, a Nevada LLC.

23 Q. I'm going to ask you to turn to page 4 of
24 Exhibit 6.

25 A. (Complies.)

1 Q. What was the date that that document was
2 executed?

3 A. December 30, 2016.

4 Q. And page 6 of Exhibit 6. What was the sale price
5 indicated on that December 30, 2016, transaction?

6 A. \$75,000.

7 Q. Now I'd ask you to refer to page 1 of Exhibit 6.
8 Does that document indicate that that property
9 has subsequently been resold?

10 A. Yes.

11 Q. Does it list a recording date for the subsequent
12 sale?

13 A. It does.

14 Q. What is the recording date for the subsequent
15 sale?

16 A. August 16, 2017.

17 Q. What was the purchase price in August?

18 A. \$228,900.

19 Q. Ask you to turn now to what's been marked and
20 admitted as State Bar Exhibit 7.

21 A. (Complies.)

22 Q. Refer first to page 3 of Exhibit 7. What is that
23 document?

24 A. It's a grant sale deed.

25 Q. What property does that refer to? You may need

1 to look at page 1 for the common name of the property
2 rather than the parcel number.

3 A. Property located at 1711 Elaine Drive in
4 Clark County.

5 Q. On page 3, does that indicate who the seller of
6 that property would have been?

7 A. It does.

8 Q. Would that be the same seller as we referred to
9 in Exhibit 6, so we don't have to respell it?

10 A. Correct. Mr. Ng.

11 Q. Who was the purchaser on that property?

12 A. IB Designs, LLC.

13 Q. So same purchaser as in Exhibit 6?

14 A. Correct.

15 Q. On page 6 of Exhibit 7, what was the purchase
16 price?

17 A. \$75,000.

18 Q. Page 4, what was the date that that transaction
19 occurred?

20 A. December 30, 2016.

21 Q. I'll ask you to refer to page 1 of Exhibit 7.

22 Has that property been resold?

23 A. It has.

24 Q. What was the date of the resale, or the recording
25 of it at least?

1 A. October 18, 2017.

2 Q. What was the purchase price of the October sale?

3 A. \$183,000.

4 MS. ELWORTH: That's all I have.

5 BY MS. ELWORTH:

6 Q. Oh, actually, I do have one more question.

7 Did you do any research into the ownership of IB
8 Designs, LLC?

9 A. I did.

10 Q. What did your research consist of?

11 A. I searched the Nevada Secretary of State website
12 for the owner of IB Designs.

13 Q. Did the secretary of state's website list
14 directors or owners for that corporation?

15 A. It did.

16 Q. And what did the secretary of state's website
17 indicate?

18 A. That the owner of IB Designs is a person named
19 Ivan Baric.

20 MS. ELWORTH: That's all the questions I
21 have. Thank you.

22 CHAIRWOMAN LOZANO: Any questions,
23 Mr. Bergstrom?

24 CROSS-EXAMINATION

25 BY MR. BERGSTROM:

1 Q. As part of your investigation, were you aware of
2 the liens or encumbrances against either of those two
3 properties?

4 A. No.

5 Q. As part of your investigation, did you check the
6 court docket to determine whether or not any action
7 against those properties had been commenced?

8 A. Do you mean as far as foreclosures?

9 Q. Yeah. As far as a writ of execution that would
10 cause those properties to be sold to satisfy a judgment.
11 Did you review a court document to determine whether a
12 writ had been filed against either of those two
13 properties?

14 A. I don't recall that.

15 MR. BERGSTROM: I have nothing further.

16 MR. BRAGONJE: Ms. Farrell, you, I think
17 made reference earlier to your investigation as it
18 related to debts incurred by the respondent?

19 MS. FARRELL: Correct.

20 MR. BRAGONJE: What did that investigation
21 consist of?

22 MS. FARRELL: Well, as I was doing a search
23 of the court docket, Mr. Bergstrom's name came up. When
24 I checked the case, I found that he had a default
25 judgment against him from a case filed by Bank of

1 America for a credit card debt that went unpaid. It was
2 approximately \$50,000 in unpaid credit card debt that he
3 had defaulted on from a lawsuit that Bank of America had
4 filed against him.

5 MR. BRAGONJE: Was it just that one lawsuit,
6 as far as you recall?

7 MS. FARRELL: It was two separate cases. I
8 just recall the total of \$50,000.

9 MR. BRAGONJE: Thank you.

10 CHAIRWOMAN LOZANO: Was there a time frame
11 on that?

12 MS. FARRELL: It was about the same time as
13 this. I don't recall the exact dates of it off the top
14 of my head, but it was recent.

15 CHAIRWOMAN LOZANO: Within the last five
16 years?

17 MS. FARRELL: Oh, yes. 2016 or 2017, as I
18 recall.

19 CHAIRWOMAN LOZANO: Do you have any further
20 questions or follow-up?

21 MS. ELWORTH: I don't.

22 CHAIRWOMAN LOZANO: Do you have any
23 follow-up questions, Mr. Bergstrom?

24 MR. BERGSTROM: I don't.

25 CHAIRWOMAN LOZANO: Thank you for your time.

1 Any further witnesses?

2 MS. ELWORTH: State Bar's final witness will
3 be Tiffany Bradley.

4 TIFFANY BRADLEY,
5 having been first duly sworn by the court reporter to
6 testify to the truth, the whole truth, and nothing but
7 the truth, was examined and testified under oath as
8 follows:

9 DIRECT EXAMINATION

10 BY MS. ELWORTH:

11 Q. Ms. Bradley, could you state your name and
12 occupation for the record, please?

13 A. My first name is Tiffany, last name Bradley. I'm
14 hearing paralegal of the State Bar of Nevada.

15 Q. At some point in time during the course of your
16 duties with the State Bar, were you assigned to Office
17 of Bar Counsel Case Number 17-1050?

18 A. I'm usually assigned before the complaint is
19 filed, so possibly April of this year, 2018.

20 Q. You referred to the complaint. Can you tell me
21 what date that complaint was served?

22 A. Referring to Exhibit 1, it noticed the complaint
23 was filed April 5th of 2018.

24 Q. You were responsible for service of that
25 complaint?

1 A. Correct.

2 Q. How did you effectuate service of the State Bar's
3 complaint in this case?

4 A. The service of the complaint is sent to the SCR79
5 address on record with the State Bar.

6 Q. In this particular instance, that was sent via
7 certified mail?

8 A. It was. It was sent to Mr. Bergstrom's Eastern
9 Avenue address.

10 Q. That's State Bar Exhibit 1, page 11, you're
11 referring to?

12 A. Correct.

13 Q. Was a return card received?

14 A. A return card was received. Exhibit 1, page 13.
15 It was signed for, I believe, Tatiana Papa, P-A-P-A.

16 Q. Have you had any telephone communications with
17 Ms. Papa?

18 A. Yes, I have.

19 Q. So you have verified that Ms. Papa is, in fact,
20 an employee of Mr. Bergstrom's office?

21 A. Yes. If you refer to Exhibit 1 starting at page
22 3, Mr. Bergstrom's answer -- no, I'm sorry. I would
23 say, yes, I have because I have spoken with Ms. Papa.
24 She identified herself as Ms. Papa. So I believe I
25 spoke with her.

1 Q. When was the answer due to that complaint that
2 was served on April 5th?

3 A. The answer is due 23 days, 20 days, 3 for
4 mailing, after the complaint. So approximately April
5 28th, 29th.

6 Q. Would you be responsible for noting receipt of an
7 answer to a complaint?

8 A. Actually, I'm the third person who would get
9 notice of the filing of the answer, but, yes.

10 Q. Did you ever receive notification of filing of
11 the answer in April?

12 A. No, not in April.

13 Q. As a result of the non-receipt of the answer,
14 what did you do next, Ms. Bradley?

15 A. At that time, we filed a notice of intent to
16 default on May 2nd.

17 Q. That would be State Bar Exhibit 1 --

18 A. Starting at page 19.

19 Q. Do you recall to what address that notice was
20 sent?

21 A. At that time, the procedure changes, and we do a
22 search for Mr. Bergstrom. We go and look for any other
23 addresses, telephone numbers, or locations, both in the
24 State Bar membership records as well as a plain Google
25 search.

1 Q. That resulted in the certificate of service that
2 appears as State Bar Exhibit 1, page 21?

3 A. It did. I added at the time what I believe was a
4 home address, as well as email addresses.

5 Q. So the notice of intent to seek default was
6 actually sent to what we have as the Rule 79 address?

7 A. Correct.

8 Q. The -- what you believe to be the home address
9 based on a Google search?

10 A. Correct.

11 Q. And three different email addresses, all linked
12 to the respondent's office; is that correct?

13 A. Yes. Correct.

14 Q. When was the response due to that notice of
15 intent?

16 A. The notice of intent gives him another 20 days
17 plus 3 for mailing, and captioned on page 19, it states
18 the due date would be Tuesday, May 22nd.

19 Q. Did you have any phone communications with the
20 respondent or anyone at his office following service of
21 the notice of intent to seek default?

22 A. I did. At that time, on May 14th is the file
23 stamped order appointing Ms. Lozano as the hearing panel
24 chair. We then proceed to set up a telephonic case
25 conference call. During those email exchanges, I

1 reached out and called his office to make sure he was
2 receiving our communication.

3 **Q. Did you have any success in verifying that he was**
4 **receiving our communications?**

5 A. On May 15th, I spoke to Tatiana Papa, and I also
6 spoke to Belinda -- I believe her last name is Phoenix.

7 **Q. Ultimately, an answer was filed by Mr. Bergstrom;**
8 **correct?**

9 A. Yes.

10 **Q. Do you recall the date of that filing?**

11 A. If I may, Mr. Bergstrom, or the person
12 identifying him as Mr. Bergstrom, called me on May 16th,
13 the next day. We spoke, and he filed an answer on
14 May 22, 2018.

15 MS. ELWORTH: I don't have any other
16 questions.

17 MR. BRAGONJE: Was any reason given for the
18 nonresponse --

19 MS. ELWORTH: Did you want to see if he
20 wanted to cross?

21 CHAIRWOMAN LOZANO: Do you have any
22 questions, Mr. Bergstrom?

23 MR. BERGSTROM: No.

24 MR. BRAGONJE: Was any reason given for any
25 of the nonresponse in any of the telephone conversations

1 you had?

2 MS. BRADLEY: No.

3 MR. BRAGONJE: Thank you.

4 CHAIRWOMAN LOZANO: Just for the record, you
5 didn't give a response that I could hear. Do you have
6 any questions for Ms. Bradley?

7 MR. BERGSTROM: I do not.

8 CHAIRWOMAN LOZANO: I have one question.
9 When you were speaking to staff, was there any
10 explanation given as to why Mr. Bergstrom was not
11 responding to correspondence and then phone calls?

12 MS. BRADLEY: They were, if I may, surprised
13 I was calling and didn't know why I was calling. I had
14 mentioned I had a series of green cards with their
15 signatures on it so they would have received the mail.
16 I asked if I could speak to him. I only wanted to speak
17 to Mr. Bergstrom but had to go through the staff.

18 CHAIRWOMAN LOZANO: Was the staff aware of a
19 bar complaint?

20 MS. BRADLEY: They were not.

21 CHAIRWOMAN LOZANO: Any follow-up questions?

22 MS. ELWORTH: No.

23 MR. BERGSTROM: No.

24 CHAIRWOMAN LOZANO: I have nothing further.

25 MS. ELWORTH: With the testimony of our

1 three witnesses and our eight exhibits, the State Bar
2 would rest.

3 CHAIRWOMAN LOZANO: Mr. Bergstrom, your
4 case.

5 MR. BERGSTROM: I'd like to take the witness
6 stand and just provide some very, very brief testimony.
7 I can subject myself to cross-examination if that's
8 acceptable.

9 JEREMY T. BERGSTROM, ESQ.,
10 having been first duly sworn by the court reporter to
11 testify to the truth, the whole truth, and nothing but
12 the truth, was examined and testified under oath as
13 follows:

14 MR. BERGSTROM: I've been practicing law
15 20 years. In those 20 years, I've had over 20,000 cases
16 that I've been primarily responsible for. One has led
17 me here. So 19,999, roughly give or take, have been
18 perfectly fine, no issues. I've never been in front of
19 the State Bar panel before. I've never been subject to
20 a State Bar complaint before in any state.

21 I meant no disrespect to the State Bar by
22 not responding to the letters or the phone calls.
23 Frankly, I was just unfamiliar with this process. I've
24 never been subject to it before, and I didn't know
25 really what was all required of me or the level of

1 severity of the accusations or this procedure. I
2 underestimated it significantly. I didn't mean any
3 disrespect by not responding to any of this -- the
4 correspondence.

5 But my track record over the last 20 years
6 demonstrates my fitness to practice law, and it also
7 demonstrates that this is an aberration. It's an
8 anomaly. I think the record is clear on that. I don't
9 think that this one allegation for lack of diligence on
10 a post-judgment file where damages are nothing but
11 speculation where the ultimate recoverability is not
12 even known should give rise to any sort of pecuniary
13 response from the State Bar.

14 With regard to my being late here today, I
15 apologize. I recently lost a tooth. It's causing me
16 significant pain. I haven't slept. The stress of this,
17 coupled with that -- I didn't fall asleep until about
18 5:30 this morning. I overslept. I apologize for that.

19 Again, I meant no disrespect. This whole
20 process has been stressful for me. I'm not familiar
21 with it. I should have retained counsel on my own who
22 was familiar with the process, but I wasn't. And as a
23 result of that, I was nonresponsive to some of these
24 letters and calls. I should have been more responsive.
25 So I see that now. I find myself sitting here. I

1 understand the severity now of what this is all about.
2 Having never gone through it before, I didn't perform
3 very well as far as that goes. So I apologize for that.
4 But I don't believe that affects my ability to practice
5 law, for sure.

6 The investigation -- the complaint itself
7 confirmed that she was reviewing the dockets of all the
8 cases I'm assigned to. She found all the cases are
9 being prosecuted. There's no issue with the quality of
10 legal work I get at my office. If I'm guilty of
11 anything here today, it's that I was not as responsive
12 to the State Bar's communications as I should have been.
13 For that, I apologize. Again, had I gone through this
14 once before, I would be more familiar with the process.
15 I wouldn't let this happen again. It wouldn't happen
16 again, but I just didn't really understand exactly what
17 this was all about.

18 Again, with regard to the underlying
19 allegations by Mr. Jacobs -- we spoke. I wasn't as
20 diligent as I should have been, but we communicated.
21 The effort to foreclose against those two properties was
22 made -- the court docket will reveal and my answer also
23 revealed that the process began on both of those
24 properties before they were sold. After the writs,
25 which is the first step in the legal process to cause a

1 forced sale of a property, were issued by the court
2 that's when we reviewed the assessor's web page again.
3 We learned then again that they had been transferred.
4 As a result of that, since Mr. Ng no longer owned the
5 properties, those writs became ineffectual. As a
6 consequence, we released them. But the process began
7 before the transfer occurred. What they would have
8 ultimately produced is speculation. It's unknown. We
9 did begin the process, and I believe we informed
10 Mr. Jacobs of that fact as well. We let him know that
11 we had started to commence the foreclosure process
12 against both of those properties. That was underway.
13 The subsequent transfer made it impossible to complete,
14 but nonetheless, it was started. We could have been
15 more responsive to Mr. Jacobs as far as communication
16 goes, but -- I'll take responsibility for that as well.

17 But, again, I mean, you know, 20 years I've
18 been practicing. I've never had this issue come up
19 before. I've never been before a panel. I've never
20 been subject to discipline before. I think that
21 mitigates in favor of nominal response, if any, from the
22 State Bar.

23 Again, I acknowledge the shortcomings here
24 as far as participation in this process, but hopefully,
25 you'll understand if you haven't done anything before,

1 the first time you do something it's never as smooth as
2 it will be the following times. I can only say that
3 that's the cause of the lack of response. That coupled
4 with a high case load at the office and things being
5 busy and just general busyness that everybody goes
6 through that everybody will say they have.

7 But today, I really have not been sleeping
8 well at all. My tooth is killing me. I have to go to
9 the dentist. I went to sleep at 5:30. I overslept
10 through my alarm. I apologize for that. I don't think
11 that causes any concern about my ability to practice
12 law. My track record speaks to that far more clearly
13 than being late for a hearing could possibly ever point
14 towards.

15 With that, I apologize. I regret I'm here.
16 I hope you don't have to see me again. But I just would
17 ask for leniency from the panel, to rely on my past. I
18 think it's clear that I'm fit to practice law. I don't
19 think a suspension is necessary. That's for sure. I'm
20 working really, really hard. I set up a new office a
21 couple years ago. It's busy. I don't want to see all
22 that go down by the wayside because I'm late to a
23 hearing and didn't answer State Bar letters timely.
24 That would be significantly severe under the
25 circumstances. I will pass my witness.

1 CHAIRWOMAN LOZANO: State Bar.

2 CROSS-EXAMINATION

3 BY MS. ELWORTH:

4 Q. Okay. Mr. Bergstrom, let's start with the
5 underlying grievance in this case. You were retained --
6 sort of unclear exactly whom you had direct contact
7 with, but it appears the majority of your contact for
8 the underlying case was with Mr. Jacobs; is that
9 correct?

10 A. Yes.

11 Q. You were retained on or about March 28th of 2016;
12 is that correct?

13 A. Give or take, yes.

14 Q. You received a \$5,000 retainer and an executed
15 retainer agreement; correct?

16 A. I received \$5,000. I received a retainer
17 agreement. I can't recall if it was executed.

18 Q. I'll show you what's marked as State Bar's
19 Exhibit 3, pages 3 through 7.

20 Is that a true and accurate copy of your firm's
21 retainer agreement for the underlying action?

22 A. This isn't my retainer agreement. It was
23 prepared by Mr. Jacobs, but yeah.

24 Q. Pages 3 through 7, the Bergstrom Law Limited,
25 Attorney-Client Legal Services --

1 A. This might have been an agreement that we might
2 have modified specifically for this case. It's not our
3 form standard retainer agreement.

4 Q. Was this the retainer agreement that was utilized
5 in the underlying case?

6 A. Appears to be.

7 Q. On page 1 of that agreement, under "scope of
8 services," it reads that you are responsible to -- or
9 retained to register and domesticate an Oregon judgment
10 in the state of Nevada, attempt to collect upon client's
11 judgment that with principal and interest now totals
12 \$543,000 and change. And you will provide those legal
13 services reasonably required to represent the client and
14 may take reasonable steps to keep the client informed of
15 progress; is that correct?

16 A. That's what it says, yes.

17 Q. What steps did you take after domesticating the
18 judgment in this case?

19 A. We researched the properties to the extent we
20 could to obtain as much information as we could about
21 the ownership of the properties, the liens against them,
22 the value of them.

23 Q. Let's break that down one thing at a time. The
24 properties themselves, that information had actually
25 been provided to you by Oregon counsel, correct, a few

1 of those addresses?

2 A. The addresses were given to us by Oregon counsel.
3 The extent of the title or the status of the title,
4 liens, and all those things were not.

5 Q. What did you do to obtain information concerning
6 the status of the title?

7 A. I believe we obtained preliminary -- a report
8 that has an insurance with it.

9 Q. You believe or you did?

10 A. Through one of our title companies, we obtained
11 the informal property profile.

12 Q. Where are those property profiles, sir?

13 A. I don't have them here.

14 Q. Were they ever provided to Mr. Jacobs?

15 A. I can't recall whether they were or whether they
16 were not. A summary of what we found was provided to
17 Mr. Jacobs.

18 Q. Do you have a document showing that summary?

19 A. It's in an email. It's one of your exhibits, I
20 believe. I think it was produced in your disclosures.

21 Q. You're referring to a June 23rd email from your
22 paralegal; is that correct?

23 A. No.

24 Q. No. Then I'm not sure I know what you're
25 referring to, sir.

1 A. The email here -- January 17th is the email I
2 sent to him confirming that we started the process.
3 Prior to this --

4 Q. That wasn't my question. My question was: What
5 documentation do you have concerning these reports?

6 A. Can I answer your question, please?

7 Q. Please.

8 A. Before this was done, I sent an email to him, to
9 Mr. Jacobs, summarizing the status of the cases, the
10 properties, rather, and informing him that those were
11 the targets and that we were going to be going to pursue
12 those. I don't see it here. My testimony is that I
13 sent it.

14 Q. Mr. Bergstrom, I believe you're referring to the
15 June 23rd emails, which are marked and admitted as State
16 Bar Exhibit 3, pages 14 through 17.

17 Is that what you're referring to when you say you
18 provided him with a report, specifically pages 16 and
19 17?

20 A. Bottom of page 14, top of 15.

21 Q. That's your summary of what's contained on pages
22 16 and 17; correct?

23 A. This is my email to the client informing him of
24 our research results regarding the property.

25 Q. Where in that email does it inform him of the

1 research results other than to state that -- what is
2 contained; that there were two properties identified on
3 the Clark County Assessor's web page? In fact, on page
4 15, the final full paragraph of the email, doesn't it
5 request the authority to obtain the title reports?

6 A. Right. My timelines are a little skewed here.
7 Hold on a second, please.

8 Yeah, looks like the summary is a very, very
9 brief one.

10 THE COURT REPORTER: Slow down, please.

11 THE WITNESS: The email that I sent to the
12 client summarizing the research regarding the property
13 status of title and whatever else we could find was the
14 email that I sent Tuesday, January 17th at 3:03.

15 BY MS. ELWORTH:

16 Q. Let's back up to the June 23rd email,
17 Mr. Bergstrom. In the last full paragraph of that email
18 on page 15, you request authority to obtain reports at a
19 cost of \$85 for the four reports; correct?

20 A. Yes.

21 Q. Okay. And on page 14, about two hours and five
22 minutes later, you're given authority to obtain those
23 reports; correct? First line of Mr. Benjamin Wang's
24 email. "Hi, Jeremy. Go ahead to obtain the reports."

25 A. Yes.

1 Q. Where are those reports?

2 A. They're not here, obviously.

3 Q. Were they obtained?

4 A. We obtained something sufficiently similar to
5 those that would allow us to make our findings and all
6 of our research conclusions, I believe. I think what we
7 did was we found out enough, as Maggie's email
8 demonstrates, that was sent just prior to that on -- to
9 me --

10 Q. Maggie's email was what prompted you to ask for
11 authority to request those reports, correct,
12 Mr. Bergstrom?

13 A. No. We'd have to get a report before we
14 foreclosed on any real property.

15 Q. So where are the reports?

16 A. We obtained something similar to those. Our
17 research gave us enough -- at the end of the day, in
18 order to foreclose on a parcel of real property, you
19 have to be reasonably certain that the sale price of
20 that property is going to be sufficient to satisfy --

21 Q. Mr. Bergstrom, you're not answering my question.

22 Did you obtain those reports? Yes or no?

23 A. I don't recall whether we obtained those specific
24 reports.

25 Q. Did you obtain any reports concerning the two

1 properties?

2 A. Yes. Either a report or our research, one or the
3 other or both. If you'd like to pause for a moment,
4 I'll go check our database and see --

5 Q. Mr. Bergstrom, here's why the State Bar asks you
6 for information concerning the file, which you never
7 provided; correct?

8 A. Correct.

9 Q. How many times did the State Bar request
10 information from you concerning this case,
11 Mr. Bergstrom?

12 A. I don't recall. I don't recall.

13 Q. Did you ever provide any of the information?

14 A. I filed an answer. No, I didn't.

15 Q. Did you ever provide any information,
16 Mr. Bergstrom?

17 A. No, I did not.

18 Q. Did you ever provide Mr. Jacobs any documentation
19 concerning title reports, lien information, any of the
20 things you're claiming you would have had to have known
21 in order to proceed with the sale of these properties?

22 A. Lien information cannot be found from --

23 Q. Did you or did you not?

24 A. -- from title reports. It's impossible.

25 Q. Mr. Bergstrom -- may I approach?

1 CHAIRWOMAN LOZANO: Yes.

2 MS. ELWORTH: This is Exhibit 9. It has not
3 been disclosed. It's offered in rebuttal to
4 Mr. Bergstrom's testimony at this time. Any objection?

5 CHAIRWOMAN LOZANO: No objection.

6 BY MS. ELWORTH:

7 Q. Mr. Bergstrom, I'm showing you what we would
8 offer as State Bar's Exhibit 9.

9 Do you know what that document is, sir?

10 A. It's a docket.

11 Q. For what case, sir?

12 A. A domestication case.

13 MS. ELWORTH: Any objection to the admission
14 of Exhibit 9?

15 CHAIRWOMAN LOZANO: No.

16 MS. ELWORTH: Mr. Bergstrom, do you have any
17 objection to the admission of State Bar Exhibit 9?

18 MR. BERGSTROM: No.

19 CHAIRWOMAN LOZANO: Admitted.

20 (State Bar Exhibit 9 was admitted into
21 evidence.)

22 MS. ELWORTH: Thank you.

23 BY MS. ELWORTH:

24 Q. What actions were taken in this case,
25 Mr. Bergstrom?

1 A. Foreign judgment was domesticated and a writ of
2 restitution for issued, two writs of restitution were
3 issued.

4 Q. Where are those writs?

5 A. They're not the on docket.

6 Q. Why would that be?

7 A. You'd have to ask the court clerk.

8 Q. So we have no documentation of any reports
9 requested by your office here today; is that correct?

10 A. No documentation of that. I believe that is
11 correct.

12 Q. We have no indication that any writs were ever
13 actually obtained other than your testimony; is that
14 correct?

15 A. You've got my testimony under oath. The writs of
16 execution were issued to cause the property to be sold,
17 and then we conducted a sufficient amount of due
18 diligence to find out the property type.

19 Q. But there's no record of those writs having ever
20 been filed with the court; correct?

21 A. Here today my testimony. I'm testifying under
22 oath that those writs were issued by the court.

23 Q. You indicated that you sent an email to
24 Mr. Bergstrom -- well, it's admitted -- I'm sorry,
25 Mr. Jacobs. State Bar Exhibit 3, page 31. That's your

1 January 17th email to which you referred in your
2 testimony, sir?

3 A. In what context are you referring to that email?

4 Q. You just referred to that in your testimony about
5 what you were doing on the case?

6 A. That email summarized where we stood on the case
7 at that time.

8 Q. But that is the email to which you were referring
9 to; correct?

10 A. January 17th.

11 Q. Exhibit 3, page 31.

12 A. Yes.

13 Q. In that email, you refer to the legal process to
14 cause forced execution; correct?

15 A. Yes.

16 Q. What did you mean by that?

17 A. The writs of execution, which is the first step
18 in the foreclosure process judicially to cause an
19 execution of real property and judgment those were
20 issued. Those were sent to court at the time -- they
21 had to be issued -- you couldn't upload them
22 electronically. They had to be sent to court by paper,
23 the old-fashioned way. They were sent to court. We
24 hadn't received them back yet from court issue at the
25 time.

1 Q. You're referring to the Raspberry Hill and Elaine
2 properties in that email; correct?

3 A. Yes.

4 Q. I'm going to ask you to take a look at what has
5 been marked and admitted as State Bar's Exhibits 6 and
6 7, specifically pages 3 and 4 of each of those
7 documents.

8 Are you familiar with that type of document, sir?

9 A. Yes.

10 Q. What do those documents indicate with respect to
11 the ownership status of the properties on January 17,
12 2017?

13 A. They were transferred.

14 Q. Prior to January 17, 2017?

15 A. It says on here what date they were transferred.
16 Looks like it was recorded on December 30, 2016.

17 Q. So when you provided Mr. Jacobs with that
18 information on January 17th, can you explain how it
19 would be that you would be proceeding on those sales if
20 the debtor didn't own the property anymore?

21 A. Because there's a delay. When you send something
22 to court, you don't know when you're going to get it
23 back. We sent those two writs to court prior to this
24 day, I believe, to get issued by the court. Then when
25 we got them back which was, you know, shortly

1 thereafter, we reviewed the status of title. Then we
2 learned of these deeds. We did not know of these deeds
3 at the time we sent the writs to be issued.

4 **Q. That wasn't my question. These deeds were**
5 **recorded and online by January 17th; correct? They were**
6 **recorded on December 30th; correct?**

7 A. Yeah, I don't know whether they were available
8 online.

9 **Q. Did you look?**

10 A. I don't know if that's in realtime or not. We
11 looked as soon as we got the writs back from court.

12 **Q. When was that?**

13 A. I don't recall exactly but shortly after this
14 email was sent.

15 **Q. So Mr. Jacobs followed up with you about that**
16 **email from January 17th, did he not?**

17 A. I believe so, yes.

18 **Q. I draw your attention to what's been marked and**
19 **admitted as State Bar's Exhibit 3, page 30, the bottom**
20 **of that page. Mr. Jacobs asks you, "Have you actually**
21 **filed for writs of execution?" At that point, did you**
22 **provide him with copies?**

23 A. I don't recall whether we did or whether we
24 didn't, but we had started the process by that time,
25 certainly.

1 Q. Did he follow up with you again the following
2 day, "Jeremy, please respond"?

3 A. I'm looking at an email he sent me on January
4 18th and another one February 3rd.

5 Q. Did you respond to either one of those?

6 A. I don't recall. In answer to his questions, we
7 started the process.

8 Q. We just don't have any documentation of that?

9 A. That's true. You have my testimony.

10 MS. ELWORTH: I don't have anything else.
11 Oh, actually, I do. I'm sorry. It's another issue in
12 rebuttal, and I do have other exhibits to offer that
13 are -- had not been previously marked or admitted. May
14 I approach?

15 CHAIRWOMAN LOZANO: Yes.

16 MS. ELWORTH: This is proposed Exhibit 10.
17 I'd offer Exhibit 10 in rebuttal. If you'd like, I can
18 call Ms. Bradley as custodian of records if
19 Mr. Bergstrom has any objection to the authenticity of
20 Exhibit 10.

21 CHAIRWOMAN LOZANO: Do you have any
22 objection to the authenticity?

23 MR. BERGSTROM: No.

24 CHAIRWOMAN LOZANO: It's admitted.

25 (State Bar Exhibit 10 was admitted into

1 evidence.)

2 CHAIRWOMAN LOZANO: Proceed with questions.

3 BY MS. ELWORTH:

4 Q. Mr. Bergstrom, do you recognize what's been
5 admitted as State Bar Exhibit's 10?

6 A. Yes.

7 Q. What is that?

8 A. It's a letter of caution.

9 Q. You indicated in your direct testimony that you
10 had never been the subject of a State Bar grievance; is
11 that correct, sir?

12 A. Regarding a file from a client. This is
13 something entirely different. This is something you're
14 notified by the bank because of an underdraft on a
15 check. This is nothing to do with grievances filed by
16 clients. That's what I was referring to.

17 Q. How did you become aware of the issue with
18 respect to what became Office of Bar Counsel File Number
19 15-0410?

20 A. This letter. Well, how did I become aware of
21 this grievance -- this letter?

22 Q. How did you become aware of it?

23 A. This letter.

24 Q. You became aware of it through the issuance of
25 the letter of caution? You didn't have any

1 **communications with the State Bar prior to --**

2 A. Actually, I take that back. There was some kind
3 of an initial communication to me. I sent a detailed
4 response to that. I believe at that point, shortly
5 after that, this letter was delivered.

6 MS. ELWORTH: I don't have copies of this
7 yet, but I'd like to show the witness what we've marked
8 as proposed Exhibit 11.

9 BY MS. ELWORTH:

10 **Q. Do you recognize what's been marked as proposed**
11 **Exhibit 11?**

12 A. Yeah, I think that's the initial letter I
13 received, if I remember right.

14 **Q. Any objection to the admission of that document?**

15 A. No.

16 CHAIRWOMAN LOZANO: It will be admitted.
17 (State Bar Exhibit 11 was admitted into
18 evidence.)

19 MS. ELWORTH: We'll get copies momentarily.

20 BY MS. ELWORTH:

21 **Q. That's a letter of what we at the State Bar call**
22 **a letter of investigation. That was sent to you via**
23 **regular and certified mail at your business address in**
24 **April of 2015; correct?**

25 A. I believe so, yes.

1 Q. The letter requests certain information, gives
2 you a date to respond, and is signed by Phillip J.
3 Pattee, assistant bar counsel; correct?

4 A. I believe it was, yes.

5 Q. Did you file a response to that letter?

6 A. I believe I did.

7 Q. I don't think we need the whole thing, but I'm
8 going to ask you to take a look at what we would offer
9 as State Bar's proposed Exhibit 12 and ask you if you
10 recognize that document?

11 A. Appears to be my response.

12 Q. Any objection to --

13 A. No.

14 MS. ELWORTH: We'll go ahead and make
15 copies. I don't think we need all the attachments, but
16 just the letter, if nobody has any objection. I'm not
17 concerned about the substance of the case.

18 BY MS. ELWORTH:

19 Q. So that letter that's marked as Exhibit 11,
20 what's the date on that, sir?

21 A. April 10, 2015.

22 Q. Does it indicate when your response was due?

23 A. It says my response will be calendared for April
24 24, 2015.

25 Q. Based on what appears on the cover of Exhibit 12,

1 did you respond in a timely manner?

2 A. Appears to be timely, yes.

3 Q. Why did you do that if it wasn't important?

4 A. I never said it wasn't important.

5 Q. Oh, I'm sorry. If you didn't understand the
6 importance or significance of it, why would you have
7 answered that one timely?

8 A. Trust accounts are more -- are serious issues.
9 That's engrained in every attorney's head when they
10 become, you know, licensed. A complaint about
11 responsiveness on a post-judgment file doesn't rise to
12 the level of a trust account issue, in my eyes.

13 MS. ELWORTH: That's all I have. Thank you.
14 We'll get copies of 11 and 12.

15 (State Bar Exhibit 12 was admitted into
16 evidence.)

17 MR. BRAGONJE: Mr. Bergstrom, I'd like to
18 ask you a series of questions about your law office,
19 just so I can understand a little bit of what it's like.
20 How many people do you employ?

21 MR. BERGSTROM: I believe I have 10, either
22 including myself or 10 employees.

23 MR. BRAGONJE: Are they attorneys, any of
24 them besides you?

25 MR. BERGSTROM: Besides myself, there are

1 two other attorneys.

2 MR. BRAGONJE: How many physical locations
3 do you have?

4 MR. BERGSTROM: Just one.

5 MR. BRAGONJE: I think I see from these
6 letters that you have a multijurisdictional practice; is
7 that correct?

8 MR. BERGSTROM: Yes.

9 MR. BRAGONJE: So with 10 employees, can you
10 just -- roughly, what is the gross revenue for your firm
11 in the last year, 2017?

12 MR. BERGSTROM: I believe it was right --
13 give or take 700,000.

14 MR. BRAGONJE: Regarding the writs that were
15 issued, why weren't they provided to Mr. Jacobs?

16 MR. BERGSTROM: My fault. I should have
17 given it to him. I didn't give it to him. I don't
18 recall -- I mean, I just -- I must have been busy at the
19 time. I must have had other pressing matters. I just
20 didn't give it to him. I don't really have an excuse
21 for it.

22 MR. BRAGONJE: You ultimately returned some,
23 but not all of the retainer initially paid to you; is
24 that right?

25 MR. BERGSTROM: I returned everything except

1 the cost -- the court costs, the filing fee costs to
2 domesticate the judgment. I didn't keep any fees.
3 There was, like, a \$280 filing fee cost to domesticate
4 the judgment. That's the only thing I didn't return.

5 MR. BRAGONJE: We heard from Mr. Jacobs that
6 there was really no -- didn't sound like there was any
7 dialogue. Did they ever ask you to return the retainer?

8 MR. BERGSTROM: No.

9 MR. BRAGONJE: How did it come to pass that
10 you would return the retainer?

11 MR. BERGSTROM: I just thought it was the
12 right thing to do.

13 MR. BRAGONJE: What's the reason that you
14 give for not responding to these communications from
15 Mr. Jacobs?

16 MR. BERGSTROM: From Mr. Jacobs, I just -- I
17 think I must have been busy with other matters, more
18 pressing issues that I felt were more time sensitive.
19 You know, I made the mistake of when I first opened of
20 bringing too many files on board. I went into too many
21 states initially. I shouldn't have done that. I'm
22 downsizing now, which will allow me to be more
23 responsive, and I'm hiring more staff as well. I should
24 have been more responsive to Mr. Jacobs. I just didn't
25 think a post-judgment file was that pressing as opposed

1 to other matters that given time constraints I had at
2 that time. But I did start the for sale process
3 regardless, and those writs were issued by the court.

4 MR. BRAGONJE: What was your plan for how
5 the matter would conclude? Let's say, you know, for
6 whatever reason there was no ability to enforce the
7 judgment liens and sell the property. What was the plan
8 for the matter?

9 MR. BERGSTROM: We were trying to -- Mr. Ng,
10 the judgment debtor, was believed to be living in
11 Singapore, and he traveled periodically to Las Vegas to
12 gamble. I'm not even sure he was a U.S. citizen. We
13 were trying to track him down. When he came to town, we
14 were going to try to meet him at a casino and try to
15 levy against his chips or whatever chips he had a in a
16 safety deposit box at the casino, because they
17 ordinarily will keep tens of thousands of dollars of
18 chips at the casino in a lockbox. We were going to try
19 to levy those.

20 Other than that, he didn't live in the
21 United States. It was going to be tough. I think all
22 parties should realize it was going to be tough to
23 recover on this judgment regardless of the manner in
24 which we tried to do it. If the real property fell
25 through, that would be the plan. We were going to try

1 to find a casino that he frequented and catch him there.

2 MR. BRAGONJE: Did you communicate this plan
3 to Mr. Jacobs or any of the other client
4 representatives?

5 MR. BERGSTROM: Yeah. That was in one of
6 the initial emails to the client, communications to
7 client, when we discussed the initial matter when he
8 informed me of his citizenship and where he was
9 domiciled. We brainstormed for different ways to go
10 about this, and properties were discussed and also
11 his -- you know, travel to the casinos was also primary
12 in the discussion that we had. We discussed the chips
13 and his -- the lockbox. And during that conversation,
14 we kind of developed a framework for how this case was
15 going to go. So the first step was the property.
16 Failing that, the next step would have been the lockbox
17 in the casinos if we could find out where he gambled.

18 MR. BRAGONJE: So am I right in
19 understanding that you decided to return most of the
20 retainer money only after these proceedings began; is
21 that correct?

22 MR. BERGSTROM: Yeah, after I received
23 written complaint and was preparing my answer, I decided
24 to just return the money because I didn't want to keep
25 it if he wasn't happy with the work he received from me.

1 So I sent it back.

2 MR. BRAGONJE: Thank you.

3 MR. SCOTT: I have questions. Do you know
4 Ivan Baric?

5 MR. BERGSTROM: I spoke with him one time on
6 the telephone.

7 MR. SCOTT: The two properties, Raspberry
8 Hill Road and Elaine Drive, you indicate in an email
9 that these were the most viable recovery targets. When
10 they were transferred to IB Designs, LLC, I believe at
11 values dramatically less than what they sold for a few
12 months later, were you aware of that? I mean, since you
13 indicated that they were the most viable recovery
14 targets, did it strike you as odd that they were
15 transferred at a value so much lower than --

16 MR. BERGSTROM: Yeah, as far as the -- the
17 facts concerning those transfers, I wasn't privy to
18 that. I don't know. Obviously, it looks suspicious.
19 Mr. Baric being the principal of the business and
20 Mr. Baric -- I'm not sure still to this day what
21 Mr. Baric's role was in all this. He was believed to be
22 friendly with Mr. Ng and also he was communicating with
23 Mr. Jacobs cordially. I think he even reached out to my
24 telephone, and I spoke with him. He tried to befriend
25 me more or less.

1 So I'm not sure what -- it seems peculiar,
2 yes, the sales price, for sure. I'm not familiar with
3 the background facts behind those transfers. I don't
4 have any information regarding that.

5 MR. SCOTT: Did anyone in your law firm or
6 does anyone in your law firm -- are they aware of this
7 bar complaint against you now?

8 MR. BERGSTROM: Yes.

9 MR. SCOTT: When did they first become aware
10 of that?

11 MR. BERGSTROM: Probably at the time the
12 phone calls started being made. I didn't make them
13 aware of the correspondence.

14 MR. SCOTT: Including fellow attorneys in
15 your law firm?

16 MR. BERGSTROM: Yes.

17 MR. SCOTT: That's all I have.

18 CHAIRWOMAN LOZANO: I have a couple
19 questions, Mr. Bergstrom. Do you recall speaking to me
20 on the 18th of July on the prehearing conference where
21 you, myself, and Ann, who is the prosecutor, were on the
22 phone together for a prehearing conference?

23 MR. BERGSTROM: I believe so, yes.

24 CHAIRWOMAN LOZANO: Do you remember that we
25 had to track you down to get you on that conference

1 because you thought it was scheduled for the next day?

2 MR. BERGSTROM: I believe so, yes.

3 CHAIRWOMAN LOZANO: Were you specifically
4 read rules from DRP 23 saying the things that you had to
5 have for this hearing?

6 MR. BERGSTROM: I believe I was, yes.

7 CHAIRWOMAN LOZANO: Do you recall what I
8 read to you? Do you recall that I read specifically
9 from the rules that you needed one, two, and three
10 pursuant to the rules? Do you remember that?

11 MR. BERGSTROM: I don't recall exactly what
12 you said. I recall you reading rules, yes.

13 CHAIRWOMAN LOZANO: Do you remember that you
14 had to bring everything, get it to counsel before coming
15 here today, or bring it with you or not have that
16 evidence today? Did you understand that?

17 MR. BERGSTROM: I believe I did, yes.

18 CHAIRWOMAN LOZANO: Did you see this
19 register of actions, Exhibit 9?

20 MR. BERGSTROM: Yes.

21 CHAIRWOMAN LOZANO: Did you see it was
22 printed today?

23 MR. BERGSTROM: Yes.

24 CHAIRWOMAN LOZANO: So is it odd that
25 something hasn't dropped for seven and a half months

1 that you say was supposed to be filed back in January of
2 2017?

3 MR. BERGSTROM: Yeah. This is a writ of
4 execution. They're issued by the clerk -- they're
5 issued by the court. They -- you send them to court.
6 They are issued. They are returned. They are served.
7 They are filed. In that order. So when I send a writ
8 to court, it's issued. Apparently, they don't file
9 stamp them or note them on docket as being filed in a
10 court case; nonetheless, it was issued by the court.
11 The writ to be effective has to be issued by the court
12 and then sent for service. So that's what we did. We
13 sent it to be issued by the court. It was. It was
14 returned back. Then we were going to send it for
15 service, but prior to doing that, we checked the
16 assessor's web page and learned of transfer which is
17 when we cancelled the writ. It was -- I'm telling you
18 under oath that those were sent to court, and they were
19 issued.

20 CHAIRWOMAN LOZANO: Do you think that would
21 have been important to bring those documents here today,
22 or at least provided at sometime during these
23 proceedings?

24 MR. BERGSTROM: Yes, I suppose so. I'm
25 giving you my testimony. I'm still an officer of the

1 court. I'm telling you point-blank that I had them
2 issued by the court and that the process began -- just
3 as I said in the email, there's no misrepresentations
4 that I made in any of those emails. Everything I said
5 to the client was factually correct, every single thing.
6 All the emails are true, correct, and factual. That's
7 exactly what happened. I started the process. It
8 couldn't be completed because of the transfer.

9 CHAIRWOMAN LOZANO: Was that process started
10 about nine months after you were retained?

11 MR. BERGSTROM: I don't recall exactly when
12 we were retained in correlation to that. Sounds
13 probably close to being correct. In that general time
14 frame, for sure.

15 CHAIRWOMAN LOZANO: I have nothing further.

16 MR. BRAGONJE: I have just one follow-up
17 question. The sale of the properties were not extended
18 to the liens; right? There were no foreclosures.

19 MR. BERGSTROM: We were trying to levy
20 against property that was owned at that time by the
21 judgment debtor. So when the judgment debtor
22 transferred title of the property to somebody else, that
23 means we no longer could levy against it.

24 MR. BRAGONJE: Why? The mere transfer of
25 the property wouldn't extinguish the liens, would it?

1 MR. BERGSTROM: There were no liens.

2 MR. BRAGONJE: The judgment.

3 MR. BERGSTROM: No. I'm not sure that
4 judgment was recorded to begin with. I'm not sure the
5 foreign judgment was recorded. When it was transferred,
6 it made the writ ineffectual. It was cancelled.

7 MS. ELWORTH: I actually have a couple more,
8 if the Chair would allow that.

9 CHAIRWOMAN LOZANO: State Bar.

10 RECROSS-EXAMINATION

11 BY MS. ELWORTH:

12 **Q. Mr. Bergstrom, I refer you to what's been**
13 **admitted as State Bar's Exhibit 8. That's a copy of the**
14 **return of fees; correct?**

15 A. Yes. This check is the check I sent -- the whole
16 \$5,000 minus the filing fee costs.

17 **Q. Did you have any other hard costs in this case?**

18 A. There were certain other hard costs that I ate.

19 **Q. Do you have any documentation of what costs you**
20 **incurred?**

21 A. There was some miscellaneous title costs. There
22 were miscellaneous other little smaller costs that I
23 decided not to levy against him. I wanted to make it
24 simple and clean, the filing fee for the foreign
25 judgment, that's the only thing I held back.

1 Q. What was the date on that check?

2 A. This says 5/21/18.

3 Q. Did you actually mail it on 5/21/18?

4 A. No. There was some confusion about where it was
5 and who was going to mail it. I thought my paralegal
6 mailed it out. She didn't mail it out. So found out
7 she didn't mail it out. I sent it FedEx shortly
8 thereafter.

9 Q. Was that prior to or subsequent to our
10 conversation saying that you needed to get that check?

11 A. I had already printed the check before I even
12 spoke with anybody from the State Bar. As a matter of
13 fact, I said in my answer that I was returning the
14 money.

15 Q. But it was mailed when?

16 A. I don't recall exactly when it was mailed, but my
17 answer says that I was returning the money.

18 MS. ELWORTH: That's all I have.

19 CHAIRWOMAN LOZANO: Do you have anything
20 further to add, Mr. Bergstrom?

21 MR. BERGSTROM: I know this sounds bad. The
22 lack of response and my participation in this
23 proceeding, I take responsibility for. I meant no
24 disrespect. I, obviously, could have been far more
25 diligent about participation in these proceedings. I

1 just -- I don't know how I can explain it. I meant no
2 disrespect whatsoever. I understand now that I'm going
3 to be -- I put myself in a predicament by not doing
4 that. It will not happen again. I don't want that to
5 impact my office to any significant degree, if at all
6 possible. I don't know how I can atone for it other
7 than to accept responsibility for it. I just meant no
8 disrespect.

9 I wasn't familiar with this process. It's
10 true that I've never been in this position before
11 regardless of the IOLTA issue which was a nonissue
12 really other than a letter. I've never been subject to
13 a complaint filed by a client about a legal file before
14 in 20 years. I'd like to think that that past would
15 mitigate in my favor as far as whatever sanctions
16 remedied or are levied out today.

17 As far as the file goes, everything I said
18 to the client was correct. We began the process, like I
19 said. I could have been more responsive. I could have
20 done it sooner, but could have -- every attorney could
21 say "I could have done this; I could have done this."
22 Everybody would say that. I don't think it gives rise
23 to any significant level of sanction. I'm sure things
24 come through a lot worse than the facts of this case.
25 I'd like to rely on my track record and just say I'm

1 certainly fit to practice law. I don't think there's
2 any question about that. Whatever sanction is remedied
3 or levied here today, I'd like to request it not involve
4 any kind of suspension or anything along those lines.
5 But I understand the severity of what this process is
6 like, and if I find myself in this position again, I
7 will handle it.

8 CHAIRWOMAN LOZANO: I just have one in
9 follow-up to what you just said. You looked at
10 Exhibit 6 and 7, right, that the properties were both
11 subsequently sold?

12 MR. BERGSTROM: Yes.

13 CHAIRWOMAN LOZANO: You looked at the price
14 of the sale of the houses that was in excess of \$411,000
15 -- \$411,900?

16 Predicament: (Nods head.)

17 CHAIRWOMAN LOZANO: You seen that had you
18 moved a little quicker, that money could have been gone
19 to that client? Do you see that?

20 MR. BERGSTROM: Not necessarily.

21 CHAIRWOMAN LOZANO: Okay. I have nothing
22 further.

23 MR. BERGSTROM: Can I answer the question?

24 CHAIRWOMAN LOZANO: Absolutely.

25 MR. BERGSTROM: The liens against the

1 property would dictate whether there was any
2 recoverability because if the properties were
3 encumbered, there would be no equity and no recovery.
4 While 411,000 sounds like a big number, if there were
5 411,000 liens against the property, the recoverability
6 would be zero. That's my whole point. No title report
7 would tell you the extent of the liens against the
8 property. You might find out there is a lien, but you
9 will never find out the amount of the lien. There's no
10 way to know what the extent of the lien encumbrances of
11 the property are. The recoverability is also in
12 question.

13 MR. SCOTT: Why did you refer to them as
14 "viable targets"?

15 MR. BERGSTROM: Because they were owned by
16 the judgment debtor Mr. Ng. The others were not. The
17 title status was cloudy, and they weren't owned by him
18 at the time. So he wasn't the judgment debtor.

19 MR. SCOTT: Were you ever aware of these
20 bargain -- almost -- these properties were practically
21 given away. Were you ever away of that?

22 MR. BERGSTROM: We learned of that when we
23 saw the grant bargain deeds.

24 MR. SCOTT: Don't you have a duty to pursue
25 that when something like that happens?

1 MR. BERGSTROM: Sure. Yeah, we could have
 2 pursued that. We still could pursue that. I think
 3 that's more or less when this issue was being -- was
 4 coming to surface -- or when Mr. Jacobs stopped -- I
 5 think this is when it went sideways on this file, right
 6 around that time. Yeah -- because Mr. Baric is
 7 involved. There's a whole other issue with regard to
 8 this transfer of title and his involvement in the
 9 company that required it. There is an issue there. At
 10 that time, we didn't do any further work for Mr. Jacobs,
 11 more or less. That's when this started.

12 CHAIRWOMAN LOZANO: Anything further?

13 MR. SCOTT: No.

14 CHAIRWOMAN LOZANO: Thank you.

15 MS. ELWORTH: Can I ask one follow-up
 16 question to that?

17 CHAIRWOMAN LOZANO: Yes.

18 FURTHER RECROSS-EXAMINATION

19 BY MS. ELWORTH:

20 Q. Did you ever withdraw or notify Mr. Jacobs that
 21 you weren't doing any work for him anymore?

22 A. No, I didn't withdraw. His emails to me, more or
 23 less, terminated the relationship, I think, when he's
 24 explaining he's going to be filing a State Bar action.
 25 I think that effectively more or less terminates the

1 relationship.

2 Q. In fact, doesn't that email say if you don't
3 respond, I will have no choice but to file a State Bar
4 complaint? Isn't that what that email says? We're
5 going to refer to it by page number, which I believe is
6 State Bar Exhibit 3, page 30. February 3rd email.
7 "This will be my last follow-up before I contact the
8 Bar. I really do not want to do that, but you are not
9 giving me any option at this point."

10 A. Right. There was no response to that email, I
11 don't believe.

12 Q. He asked you for a response in that email in the
13 first sentence; right?

14 A. Right. And I didn't respond to it. I wish I
15 would have. In hindsight, I should have. It is what it
16 is at this point.

17 CHAIRWOMAN LOZANO: Okay. You can sit back
18 at your table. Want to give closings? State.

19 MS. ELWORTH: Yes. We'll keep it brief.

20 We are, as I said in opening, here to decide
21 whether Mr. Bergstrom has admitted acts that constitute
22 violations of Rules of Professional Conduct 1.1,
23 competence; 1.3, communication; 1.4, diligence; 8.1,
24 failure to respond to lawful requests of the State Bar;
25 and 8.4, violations of the Rules of Professional

1 Conduct.

2 I think the evidence has pretty clearly
3 established today that Mr. Bergstrom failed to provide
4 competent representation to Mr. Jacobs and Mr. Jacobs'
5 client Mr. Lee. I think the evidence has also
6 established that he had failed to communicate properly
7 with the client in those cases. I don't think
8 Mr. Bergstrom so much disputes the fact that he failed
9 to communicate, but perhaps, he would dispute whether
10 the representation was competent.

11 I would draw the panel's attention to the
12 issue of the lack of documentation provided to you here
13 today by the respondent, and I would ask that you draw
14 the inference that, I believe you must, when
15 documentation that would only be readily available to
16 the respondent, the respondent has failed to provide
17 that documentation. I would ask that you draw the
18 inference that, in fact, none of the things the
19 respondent claims he did were ever actually done. I
20 would ask you to do that for a couple of reasons. First
21 of all -- actually, three. First of all, because the
22 client requested that information, and he never provided
23 it. Secondly, because the State Bar repeatedly
24 requested that information, and he never provided it.
25 And third, because the Chair made it very clear to the

1 respondent that he needed to provide that information,
2 and he, again, today, failed to do so. He's been given
3 opportunities since -- I'm going to go back as far as
4 December and January of 2016 and 2017, when his client
5 first started pressing him, where's the paperwork?
6 We're talking about 18 months of people saying to
7 Mr. Bergstrom, where is it? Show me what you've done.
8 And none of us have ever seen it. And I would ask that
9 the reasonable inference that could be and should be
10 drawn today is that the panel consider the fact that
11 Mr. Bergstrom failed to competently represent his client
12 in this case. I don't, as I said, believe there's any
13 real issue with respect to the communication. I don't
14 believe that Mr. Bergstrom himself challenges that.

15 With respect to the diligence charge under
16 1.3, again, it goes back to those same issues. Where
17 are the documents Mr. Bergstrom claims we should be able
18 to take his word for today? I understand that as an
19 officer of the court we all have an obligation, but I
20 also understand that Mr. Bergstrom has clearly failed to
21 meet more than one of his obligations as an officer of
22 the court today. As much as I would like to believe
23 that we can take him at his word that these reports were
24 obtained and that these writs were filed, we know that
25 there's no mention of those in the court's docket. And

1 when shown that, Mr. Bergstrom's explanation became,
2 well, they wouldn't show there. When we ask him why it
3 is that -- why didn't he ever -- this was not a
4 complicated case. His clients handed him the
5 information. Here's the information. Here's who you
6 can talk to, to get addresses. He had that information
7 from day one of his representation. He didn't do
8 anything with it, nothing. I pose to you that something
9 happened at some point between June 23rd of 2016 and
10 August of 2017 where Mr. Jacobs had finally just had
11 enough and filed this Bar complaint. Something
12 happened. I don't know what it was, but even prior to
13 June 23rd, if you really look at the communications, you
14 see that 90 percent of what Mr. Bergstrom provided his
15 clients was actually information his clients had
16 provided to him. The only thing Mr. Bergstrom generally
17 contributed to his representation of his clients in this
18 case was his discussion of a lockbox issue at the
19 casino. In response to that, his clients informed him
20 there are two hotels. If you look at those emails, they
21 say this debtor has just checked into either the Aria or
22 the Golden Nugget. Look at those emails. They're
23 there. Does Mr. Bergstrom do anything with that
24 information? No, he does not. Why? On the stand he
25 testifies, well, that was our secondary plan. Okay, so

1 what'd you do on the primary plan? We have nothing. He
2 ran an assessor's web page search, the same one any one
3 of us could do. That's what he had, the information
4 available on the assessor's website, which was exactly
5 the information that had been provided to him by someone
6 who somehow managed to purchase this property right out
7 from under Mr. Bergstrom, Mr. Jacobs, and to the
8 detriment of Mr. Lee. Those properties sold for \$75,000
9 a piece in December of 2016, six months after
10 Mr. Bergstrom had indicated those were viable targets.
11 He did nothing to secure liens on the property. He
12 didn't even record the judgments, simple as that, no
13 recorded judgments. Forget execution of writ and forced
14 sale. How about a lien attached to the property?
15 You've got a judgment. Go attach it. That way if he
16 does try to sell the property, you've got a lien on it.
17 No, we don't know -- we do not know what encumbrances
18 there were on those properties, but I think those sales
19 give us a pretty good idea. There couldn't have been
20 much if he could sell them for \$75,000 a piece. I don't
21 know how you're going to satisfy any liens and
22 encumbrances on a \$75,000 sale and to turn around and
23 have those properties sold for a combined \$400,000
24 within the next eight months. That tells us those were
25 sales done for the sole purpose of avoiding the judgment

1 that Mr. Bergstrom was hired to execute. He failed to
2 do that. That is incompetent.

3 So that moves us on to -- and as
4 Mr. Bergstrom's benefit, he was not here. The State Bar
5 has dismissed the safekeeping property under 1.15
6 charge.

7 As far as the expediting, I don't want to
8 beat a dead horse. We all know what did not happen in
9 the time that Mr. Bergstrom represented these clients
10 and the result thereof.

11 With respect to failure to respond to a
12 demand for information from the State Bar, there's no
13 question Mr. Bergstrom failed to respond, not once, not
14 twice, but three times and then again when the complaint
15 was filed. I don't know how you justify I didn't
16 realize the seriousness of the issue when a complaint
17 arrives via certified mail addressing your ability to
18 earn a living at your place of business saying you have
19 20 days to answer, and you don't do it. I don't know
20 how the excuse of I didn't realize the significance of
21 this could possibly carry through to that point. Quite
22 frankly, I don't know how it could carry through to
23 ignoring the first letter or the second letter or the
24 third letter, but I can't imagine how it wouldn't catch
25 your attention when you're served with a complaint that

1 says you have 20 days to respond. There's no
2 justification at that point for it that it was a
3 misunderstanding. Even then Mr. Bergstrom didn't
4 respond. Only when he received his notice of default.
5 That is when the State Bar got a response. That's when
6 the client got a refund of the unearned fees, which
7 quite frankly, you know, I appreciate the effort, but
8 that wasn't actually done at that point in time either.
9 That didn't occur until several weeks later either
10 because there was a misunderstanding with the check.
11 Mr. Bergstrom's MO is I get to it when I get to it.
12 It's to the detriment of his client. It is to the
13 detriment of the legal profession, and it is to the
14 detriment of all of us, all of us as attorneys, because
15 we have obligations. We -- part of that obligation is
16 to bring respect to the profession. Mr. Bergstrom has
17 failed to do that.

18 Panel Chair, I do have a question with how
19 you choose to proceed with closing. I don't know if
20 your preference on arguments of sanctions, or do you
21 first prefer to make ruling findings on violations?

22 CHAIRWOMAN LOZANO: First findings on
23 violations.

24 MS. ELWORTH: Okay. So I'll reserve any
25 argument about sanctions until after findings have been

1 made.

2 MR. SCOTT: I have a question. 8.4,
3 misconduct specifically which one of these items?

4 MS. ELWORTH: I don't know that there is, to
5 be honest with you. I'm not a huge fan of that charge.
6 It just tends to go in. I think it's kind of a
7 generalized misconduct charge.

8 CHAIRWOMAN LOZANO: So are you going forward
9 on 8.4?

10 MS. ELWORTH: I don't believe it's
11 necessary. I think we can withdraw the 8.4.

12 CHAIRWOMAN LOZANO: Is that dismissed by
13 you?

14 MS. ELWORTH: Yes.

15 CHAIRWOMAN LOZANO: Mr. Bergstrom, we have
16 two motions to dismiss on current charges which is on
17 Rule 1.15. Any objection?

18 MR. BERGSTROM: No.

19 CHAIRWOMAN LOZANO: We have a motion to
20 dismiss on Rule 8.4. Do you have any objection --

21 MS. ELWORTH: Actually, I want to withdraw
22 that. I'll say we're proceeding under 8.4(c) with
23 respect to the dishonest responses to Mr. -- and
24 misrepresentative responses to Mr. Jacobs concerning the
25 actions taken by Mr. Bergstrom and his firm on behalf of

1 his client.

2 CHAIRWOMAN LOZANO: But you're still
3 dismissing as to the other one?

4 MS. ELWORTH: Yes.

5 CHAIRWOMAN LOZANO: We won't go forward on
6 8.4. You're proceeding on 8.4(c)?

7 MS. ELWORTH: Correct.

8 CHAIRWOMAN LOZANO: Do you have a closing?

9 MR. BERGSTROM: 20,000 cases, 20 years,
10 never been here before, yet, I discredit this
11 profession. An office with 10 employees, I discredit
12 this profession. I'm lying under oath in front of this
13 panel. I'm lying to my client, misrepresenting facts.
14 These are all shams. This is absolutely ridiculous. I
15 wouldn't have any clients if I was a bad employee. I
16 wouldn't have 10 employees if I was a bad attorney. I
17 wouldn't have 20,000 cases under my belt other 20 years
18 if I was a bad attorney. This file wasn't as good as I
19 wanted it to be. I readily admit it, but that's it.
20 This is being blown way out of proportion.

21 The arguments that counsel are making are
22 false. They're just flat-out wrong. There's never been
23 any misrepresentation of any fact in any client email,
24 none. If she thinks I'm getting up here and just
25 flat-out perjuring myself under oath in front of you

1 people, I don't know what to say about that. I'm an
2 officer of the court. The judges accept my testimony in
3 court, my statements in court to be true because I'm an
4 officer of the court. I would hope that the State Bar
5 would do the same.

6 What I said was true. The writs were
7 issued. Why they don't appear on docket is because they
8 weren't filed with the court. Nonetheless they were
9 issued. I don't understand why there's a problem with
10 my credibility here today. Why all of a sudden my
11 statements are called into question, the veracity of my
12 statements are called into question. Really?

13 At the end of the day, I could have been
14 more responsive to the client. At the end of the day, I
15 could have been more actively involved in this
16 proceeding. I regret those decisions or that pattern.
17 In hindsight, I would do it differently. Everybody
18 makes mistakes. There's no demonstration of any pattern
19 here as much as counsel would like to paint it that way.
20 There's no pattern, no series of conduct, whatever.
21 This is one case out of 20,000 that went bad. Not
22 even -- it's a post-judgment case. There's no evidence
23 that these properties would have sold for anything that
24 would have recovered any money to the judgment creditor.
25 Furthermore, the judgment is still viable today. It's

1 not like the judgment disappeared and is no longer
2 effective. It's still a viable judgment capable of
3 being collected today and at any time in the future if
4 it's renewed. This wasn't the one and only opportunity
5 to recover funds, if it was even that at all because we
6 don't know because we don't know the liens against the
7 property.

8 I acknowledge that I could have done things
9 better and differently, but at the end of the day, this
10 has come down to a career, lifetime assessment
11 basically. The way counsel paints the picture -- she's
12 calling into question my career, saying I do this, I do
13 this. I don't do that. You don't know me. You know,
14 if you took the time to review my background history,
15 you'd see I've got 20 years, and I've never been here
16 before. There's been no client until this one right
17 here in 20 years that has questioned me, not once, in
18 any jurisdiction. So to say -- to paint me in that
19 light is absolutely absurd, and I take great offense to
20 it. This proceeding isn't even supposed to go there, I
21 don't think. I just -- for one case, I could have been
22 more responsive to the client. I readily admit it. I
23 could have been better in this case. What should the
24 penalty be for that? I would certainly hope it's not
25 excessively egregious because I don't think, it warrants

1 that. I mean, I think, if anything, there has to be
2 some deference given to somebody's prior dealings. I
3 give credit to this profession. I honor this
4 profession. I certainly don't discredit it despite this
5 one file. I don't think the level of egregiousness or
6 level of violations in this one file give rise to
7 anything of any real significance either in the grand
8 scheme of things. I'll rest right there.

9 CHAIRWOMAN LOZANO: Anything in rebuttals?
10 State Bar?

11 MS. ELWORTH: No.

12 CHAIRWOMAN LOZANO: We're going to need some
13 time.

14 (A break was taken at 12:16 p.m.)

15 (Back on the record at 12:31 p.m.)

16 CHAIRWOMAN LOZANO: Back on the record.

17 We acknowledge that the State Bar has
18 dismissed the 1.15 complaint. We find that there appear
19 to be violations of 1.1, 1.3, 1.4, 3.2, and 8.1. We
20 don't find there to be a violation as to 8.14(c).

21 At this time, we'd like arguments for
22 sanctions.

23 MS. ELWORTH: The Nevada Supreme Court has
24 set out guidelines for determination of what discipline
25 is appropriate in a professional disciplinary case. The

1 Supreme Court has stated that we should look to and
2 comport with the American Bar Association standards.
3 Therefore, there's four factors this panel should
4 consider when determining the appropriate discipline to
5 be imposed.

6 The first of those standards being the duty
7 violated. In this case, I believe the State Bar has
8 established that the respondent has violated duties to
9 both his client and the legal profession, those being
10 failure to act diligently and competently with respect
11 to both -- excuse me -- with respect to the client,
12 failure to communicate with both the State Bar and the
13 client; and, therefore, I believe in this particular
14 situation, the -- in addition to the client and the --
15 excuse me -- in addition to the client, the panel should
16 find violation to the profession as well.

17 With respect to the client's mental state, I
18 believe the client in this case -- or I'm sorry -- the
19 respondent in this case acted knowingly with a conscious
20 awareness of the nature of his conduct but did not have
21 the conscious objective or purpose to accomplish a
22 particular result. I do believe that the respondent, as
23 a 20-year attorney, had knowledge of what should have
24 and needed to be done but failed to do it. Therefore,
25 it was a knowing violation. I don't believe it was an

1 intentional violation, which would, obviously, warrant a
2 more significant penalty than a knowing, but I don't
3 believe that this was negligent either or inadvertent.
4 He was reminded by both his client and the State Bar of
5 his obligations, and he still didn't comply. I believe
6 that raises that mental state issue to the issue of a
7 knowing violation.

8 With respect to the third factor which is
9 injury, whether that be actual or potential and is
10 anywhere from serious to slight, we have some
11 circumstantial evidence of what I believe to demonstrate
12 actual injury to the client in this case. It is
13 circumstantial because, unfortunately, the respondent
14 never provided us with anything to know for certain one
15 way or the other. We look to the records that we have,
16 and it shows that there were two parcels of real
17 property available at the time the respondent was
18 retained that potentially could have been sources for
19 the underlying client, Mr. Lee, to recover on his
20 judgment. What we know about those properties is that
21 eight months after the respondent was retained, eight to
22 nine months after, they were sold at what appears to be
23 below fair market value to someone that the respondent
24 had actually communicated with. I don't believe that
25 there was any conspiracy between the respondent and

1 Mr. Baric, but I believe believe Mr. Baric was able to
2 utilize information and proceed in a more expeditious
3 manner than the respondent was in this case to get his
4 debts paid in the form of undermarket transfers of
5 property. I think it's fair to assume that if the
6 respondent had done his job diligently, at minimum
7 recorded liens on the property, or more appropriately in
8 this case given what he was retained to do, filed and
9 obtained an executed writs on the property, that there
10 was at least a good reason to believe given the resale
11 value of those properties that there was equity in those
12 homes that could have benefitted Mr. Lee had the
13 respondent done his job.

14 So I do believe that we've shown some
15 actual -- but there's obviously no question that there's
16 at least potential harm in that while we can't say with
17 any certainty whether it was serious or slight harm
18 given the fact that we don't have the information on the
19 actual value of the property at the time or any
20 encumbrances thereon. Again, I'd ask you to look at
21 those series of transfers of property to at least draw
22 an inference that there was some actual damage to the
23 client here.

24 The fourth factor would be the aggravating
25 and mitigating factors set out in Supreme Court Rule

1 102.5. We look first to the aggravating circumstances.
2 I believe in this case, an argument could be made to
3 show a pattern of misconduct on behalf of the
4 respondent. The behavior was repeated with respect to
5 both client and the State Bar in this case. Under
6 letter C, in addition the letter D multiple offenses.
7 Also, bad faith and obstruction of the disciplinary
8 proceeding by intentionally failing to comply. He had
9 been asked anywhere between three and four times,
10 depending on if you count the prehearing conference, to
11 provide the State Bar with documents. He's never done
12 so. Yet, he's going to -- he comes in and argues that
13 we should believe that he did what he needed to do. It
14 puts the State Bar in an impossible position. He's cast
15 dispersions at the State Bar for our argument that he
16 didn't do what he was supposed to do, but at the same
17 time provides us with no way of knowing.

18 It is our job here today and throughout the
19 disciplinary proceedings to keep our eye on the
20 protection of the public. That's what the State Bar is
21 here to do. That's what we have tried to do throughout
22 these proceedings. Without Mr. Bergstrom's cooperation,
23 we have to assume it is our obligation to assume that he
24 is a threat to the public if he cannot tell us why we
25 shouldn't feel that way. My primary purpose as an

1 assistant bar counsel, your primary purpose as panel
2 members here, is to keep your eye on that issue and that
3 issue alone, potential harm to the public. We're not
4 here to punish him, but we are here to ensure that this
5 conduct is not an ongoing issue and does not, in fact,
6 affect the public. So I do believe he's demonstrated
7 that bad faith obstruction.

8 In addition, under letter I, substantial
9 experience in the practice of law and, J, indifference
10 to making restitution. Yes, Mr. Bergstrom did make
11 restitution. That was not done until the day before a
12 default was entered against him. That check was cut.
13 Even then the check didn't actually go out until
14 sometime later. So I don't believe he's shown genuine
15 efforts to make restitution. That was well over a year
16 after he claims he was no longer representing the --
17 Mr. Jacobs and his clients. Why did he wait so long to
18 return that money if he was genuinely concerned with
19 making restitution in this case? That was done in
20 response to the complaint having been filed and only
21 then.

22 As far as the mitigating circumstances, we
23 would acknowledge, A, absence of prior disciplinary
24 record; B, an absence of dishonest or selfish motive.
25 There doesn't appear to be that here. I believe that's

1 really all we see.

2 Again, we've not had any communications with
3 Mr. Bergstrom, any fruitful communications with
4 Mr. Bergstrom, not for lack of trying but because of his
5 lack of participation. So any other mitigating factors
6 that he may argue, I'm not in a position to determine
7 whether those are accurate or not.

8 So with that, the State Bar has concerns
9 about what we believe to be a pattern of conduct. And
10 perhaps it has not always been Mr. Bergstrom's pattern
11 of conduct, but it's the only information I have. We
12 have seen Mr. Bergstrom retained in the spring of 2016
13 -- so slightly over two years ago -- by a client who,
14 unfortunately perhaps for Mr. Bergstrom, knows his
15 rights, knows what he's entitled to as a client, knows
16 what he's entitled to expect from his attorney, and
17 knows how to notify somebody if there's a problem. And
18 that's exactly what happened here. Mr. Jacobs -- he
19 didn't do it on the first or the second or the third or
20 the fifth unanswered email. He gave the respondent
21 seven months and multiple opportunities between the end
22 of June of 2016 and February of 2017 to get his act
23 together, to do what he was supposed to be doing, and he
24 just didn't do it. And whether you believe that it was
25 negligent or whether you believe that Mr. Bergstrom

1 misled his client in this case, it's impossible to
2 ignore the fact that you can't be negligent eight times.
3 At some point it becomes disregard of the best interests
4 of your client. If Mr. Jacobs had had no contact with
5 him and six months after said this guy has never done
6 anything for me, and now I'm going to the State Bar, it
7 would be a very different situation, but that's not what
8 happened here. It was almost monthly. You heard
9 Mr. Jacobs testifying that he had it on his calendar,
10 and it would pop up and he'd send an email and maybe he
11 didn't do enough to see a problem there. The difference
12 being that in this particular case, Mr. Jacobs wasn't
13 acting as the attorney. He was acting as the power of
14 attorney for the client. And it was Mr. Bergstrom's
15 obligation to keep the case moving. Yes, Mr. Jacobs had
16 an obligation to his client, in turn, but that's not
17 what we're here about. What we're here about is why it
18 was that despite what essentially amounted to monthly
19 reminders from Mr. Jacobs, Mr. Bergstrom didn't do
20 anything.

21 So that I see the pattern of conduct there
22 in addition to the pattern of conduct demonstrated with
23 respect to the State Bar. You heard the testimony of
24 investigator Farrell about the paper communications with
25 the respondent and the lack of response thereto. You

1 heard the testimony of paralegal Bradley who testified
2 about her efforts to get in touch with the respondent
3 through his firm. And you've seen for yourselves the
4 lack of diligence with respect to these proceedings.

5 As a result of this, I have concerns about
6 the respondent's ability to maintain the practice that
7 he has. I have concerns about the ability to protect
8 the public. And as a result of that, the State Bar
9 would ask that you impose a suspension in this case.
10 The length of the suspension we will leave up to your
11 judgment with the reminder of anything longer than
12 six months would require the respondent to reapply or
13 petition for reinstatement. I'd ask that you consider
14 the possibility that the respondent be required to do
15 some -- have some mentoring of some sort. With that, we
16 would rest our arguments with respect to sentence.

17 CHAIRWOMAN LOZANO: Response, Mr. Bergstrom?

18 MR. BERGSTROM: I don't need a mentor. I
19 should be a mentor. I've been doing this for 20 years.
20 I've never been in front of the State Bar at any point
21 in those 20 years. Let's keep things in perspective.
22 This pattern that she speaks of, there is no pattern
23 other than within this case itself. There's been no
24 demonstration that I'm a danger to society. It's
25 appalling. The investigator's own report showed that my

1 cases are active and being handled properly in the
2 district court, all the cases she checked. It's in the
3 complaint itself.

4 My answer, the very first response that I
5 made in this case, contained expressed representations
6 that I would be remitting back to Mr. Jacobs the \$5,000
7 retainer that he gave me. I don't know what the problem
8 is to accept that to be true. I acknowledged that I was
9 going to give the money back, and I told everybody that
10 I was going to give the money back to them right in the
11 answer, and I gave the money back to them. So
12 restitution has been made. It was made of my own
13 volition, voluntarily, before even being asked to do so
14 by the State Bar. My answer speaks for itself with
15 regard to that. That's a mitigating.

16 Absence of a prior disciplinary record. I
17 have not in 20 years -- that's a mitigating
18 circumstance. I didn't have a dishonest or selfish
19 motive with regard to failing to diligently update the
20 client or the State Bar. There was nothing selfish
21 about that. That's a mitigating circumstance.

22 Personal problems, I've certainly got those.
23 So does everybody else. The office is too busy. I was
24 too busy. I had too much on my plate. I couldn't keep
25 the clients updated. I'm fixing that. At the time, I

1 couldn't keep up with the volume. In this case, I
2 prioritized this below other cases. That's the reason
3 for the lack of updates.

4 Like I said, I made the restitution of my
5 own volition timely. As soon as I became aware of this
6 complaint, that was done.

7 Inexperience in this proceeding, not in the
8 practice of law, but in this proceeding, in general.
9 Like I said, if you've never been through this process
10 at all, you don't know what it all entails. I made some
11 errors in judgment here with regard to this. I didn't
12 handle it as well as I could have. I've never been
13 familiar with this process before, never having been
14 through it. I hope everybody can understand that.

15 My character and reputation should speak for
16 itself. That is obviously good or I wouldn't have all
17 the clients that I do or the office that I have. I
18 don't have any disabilities that I'm aware of. I
19 certainly have remorse for what I've done here. I'm not
20 trying to shift my responsibility or the conduct that
21 I've conducted or anything I've done. I acknowledge
22 that I should have been more timely and diligent in
23 responding to both the client and the Bar on these
24 proceedings. I'm genuinely sorry for that. I would not
25 do it again. I understand the significance of what I've

1 done, the severity of it. I meant no disrespect by it.
2 Should this ever happen again, I won't handle it in that
3 manner, but it's just a matter of unfamiliarity with the
4 process more so than anything else. I meant no
5 disrespect to the process or the State Bar. There were
6 no prior offenses.

7 Remoteness is a nonissue. Like I said, this
8 is one case out of 20,000, give or take. To be
9 suspended -- and the level of severity of these
10 allegations in relation to I'm sure the things that come
11 through this office on a daily basis, I'm sure are
12 lesser in severity or on the low end of the scale than
13 other cases that come through here. I'm pretty sure
14 that's the case. So if you have a low level on the
15 severity scale coupled with no history of anything like
16 this and remorse and all of these other circumstances, I
17 don't see -- a suspension is excessively pecuniary in my
18 belief. I mean, there's no pattern of conduct. This is
19 the only case. This is the only time you've ever heard
20 of me probably. I'd like to think that one instance out
21 of 20,000 would not give rise to a suspension to
22 practice law.

23 Certainly I'm fit to practice. I don't
24 think I need a mentor. I think my reputation and
25 character speaks for itself. I wouldn't -- I wouldn't

1 be practicing for 20 years and have an office if I
2 didn't know how to practice law. This is a one-time
3 incident that I think is frankly being blown out of
4 proportion. I acknowledge on the one hand, though, that
5 I could have handled it better, but I don't think it's
6 significant or severe enough to give rise to anything
7 along the lines of a suspension.

8 The statements that I made on the witness
9 stand are true. I never lied to the client. I never
10 misrepresented any facts to the client. Everything in
11 those emails that I sent to them is true. The State Bar
12 makes a lot of assumptions in their argument. There's a
13 lot of assumptions. I assume. I assume. I assume.
14 Where do assumptions fall in line here with a case like
15 this? You can't assume anything.

16 And damages to the judgment creditor cannot
17 be shown in any legal proceeding, you cannot recover
18 damages that are speculative. You cannot. It's a
19 fundamental rule of law. Here you have -- if there were
20 any damages, they would be speculative in nature because
21 the extent of liens against the property are unknown,
22 and they can't be known even through a title report. So
23 there really are no damages that can be shown to the
24 judgment creditor. And to the extent that there were
25 any, the judgment is still viable. Let's not forget

1 that. The judgment is still viable and enforceable.
2 It's not like that was the only opportunity, and it's
3 gone; it's expired. That's not the case. The judgment
4 still remains.

5 So there can't be shown that there's any
6 damage to the client. So if I'm not being as responsive
7 as I should be to the client, but there's no damage to
8 them that can be proven or shown, then what should be
9 the penalty for that? I mean, is that really severe
10 enough to cause a suspension of a law license? I
11 certainly hope not.

12 With regard to these proceedings, if I've
13 hurt anybody, I've hurt myself. I don't think I've hurt
14 the Bar. With my nonresponsiveness or whatever in these
15 proceedings, I've only hurt myself. That's not done
16 purposefully. I'm not doing it intentionally. I
17 understated the severity of this proceeding. I didn't
18 think that the allegations were all that significant,
19 and I'm not familiar with how this works. So you might
20 say, well, you've been a lawyer for 20 years. It's
21 true, but I've never been involved in one of these
22 before. It's almost like since you've been an attorney
23 for 20 years, why don't you go handle that personal
24 injury case. Well, if I've never done a personal injury
25 case before, I'm not likely to do very well the first

1 case that I have. I'm likely to screw something up.
2 That's the case here. I've screwed this up. But I
3 didn't do it intentionally or willfully. Because I'm a
4 lawyer for 20 years, doesn't mean I'm going to have this
5 mastered.

6 So I accept the findings on the violations,
7 but I just don't think that the -- I don't think I
8 should be suspended for anything that I've done,
9 certainly in this case. That's for certain. I don't
10 think my business and livelihood should come into
11 question for failing to update a client diligently on a
12 post-judgment file. One time out of 20,000. I'd like
13 to think that my past has some impact on the present.
14 I'd like to think that it shows my competency to be a
15 lawyer and fitness to represent clients. I'd like to
16 rely on my character and reputation to some degree. I
17 don't think a suspension is in play. I'm legitimately
18 remorseful and apologetic to everything I've done here
19 as far as participation in this proceeding. I meant no
20 harm or disrespect to the Bar, but I -- I don't think
21 any suspension is warranted on the facts of this case.

22 CHAIRWOMAN LOZANO: What do you think is
23 warranted on the facts of this case?

24 MR. BERGSTROM: A public reprimand was
25 offered to me before. I was going to --

1 MS. ELWORTH: I'd object to the discussion
2 of any offers made at this time unless the State Bar is
3 going to be allowed to respond to why that didn't occur.

4 CHAIRWOMAN LOZANO: Counsel, 20 years, you
5 know that.

6 MR. BERGSTROM: I think a public reprimand
7 would be what was in play, what should occur here.
8 That's what I think would be fair under the
9 circumstances.

10 CHAIRWOMAN LOZANO: Are you finished?

11 MR. BERGSTROM: Yes.

12 Do you have anything further.

13 MS. ELWORTH: I just want to refer the panel
14 to ABA standard 4.42 which states -- page 182 of the
15 standards book which indicates that: "Suspension is
16 generally appropriate when a lawyer knowingly fails to
17 perform services for a client and causes injury or
18 potential injury to a client." There's significant
19 amount of case law within that area, specifically
20 addressing the failure to perform, failure to respond to
21 the State Bar and a pattern of negligence.

22 The panel has found that there was no
23 misleading conduct in the violation of 8.4(c). So we
24 would obviously indicate that that section is not
25 relevant. However, what does appear to be common a

1 standard in this case or common discipline in this case
2 would, in fact, be mentoring or continue legal education
3 requirements in the area of law office management.
4 Additionally, should the panel see fit to impose a
5 suspension and wish to have that stayed, the State Bar
6 would ask for that requirement to be met, to require at
7 minimum the respondent to have either mentoring as is
8 one of the considerations under 4.2 or -- and/or
9 additional continuing education in law office
10 management, if the explanation is because he was too
11 busy.

12 In addition, the State Bar requests the
13 actual costs of the proceeding be imposed and whatever
14 discipline is imposed, the appropriate penalty that is
15 established by Nevada Supreme Court rules.

16 CHAIRWOMAN LOZANO: Anything further?

17 MR. BERGSTROM: No.

18 MR. SCOTT: I have one small question. On
19 the aggravating circumstances, did you -- did you make
20 an argument for vulnerability of victim? Was that one
21 of them?

22 MS. ELWORTH: I did not. I don't believe we
23 have a particularly vulnerable victim in this case.
24 He's an attorney. He knows what he has the right to do
25 and what he could do. I don't believe vulnerability of

1 victim argument would be appropriate in this case, no.

2 MR. SCOTT: Okay.

3 CHAIRWOMAN LOZANO: Is that it? Thank you.

4 (A break was taken at 12:57 p.m.)

5 (Back on the record at 1:09 p.m.)

6 CHAIRWOMAN LOZANO: Back on the record.

7 We're back on the record. State Bar of
8 Nevada Southern Disciplinary board versus Jeremy T.
9 Bergstrom, Nevada Bar Number 6904, the formal hearing.
10 Grievance File Number is OBC17-1050.

11 First we have a question. I will tell you
12 this will impact what we say next.

13 Do you believe you need a mentor right now
14 because of this situation to help you to make sure that
15 this doesn't happen again? Be careful. Like I said, it
16 will impact what we say next.

17 MR. BERGSTROM: Law office management, is
18 that --

19 CHAIRWOMAN LOZANO: You would need a mentor?

20 MR. BERGSTROM: Is that what the mentor
21 would mentor?

22 CHAIRWOMAN LOZANO: To make sure this type
23 of situation doesn't happen again.

24 MR. BERGSTROM: Yeah, I probably could use
25 it because I do feel overburdened a little bit, like a

1 lack of time -- so the answer is yes.

2 CHAIRWOMAN LOZANO: As a result, we're going
3 to impose a six-month sentence with four months of the
4 suspension to be stayed, two months to be imposed;
5 actual costs of the proceedings to be imposed; a mentor
6 to be appointed as soon as possible. Today would be
7 great. If we cannot do it today, as soon as possible.
8 Classes to be immediately taken on law office
9 management.

10 MS. ELWORTH: Is there a specific number of
11 hours you would like to see with respect to the --

12 CHAIRWOMAN LOZANO: We want a minimum of two
13 Bar-approved courses. As many as he can take after that
14 is up to him, but a minimum of two approved by the State
15 Bar of Nevada.

16 MS. ELWORTH: Those would or would not apply
17 to his July CLE requirements?

18 CHAIRWOMAN LOZANO: Those would be in
19 addition. I know he has a practice to maintain. He has
20 a lot of collection work, and I know that changes
21 yearly, sometimes quicker than that. We want to make
22 sure he stays up on his area of practice as well.

23 MR. SCOTT: Also, on the costs --

24 CHAIRWOMAN LOZANO: I said actual costs of
25 the proceedings.

1 MR. SCOTT: Isn't there a base amount in
2 addition to -- and I can't remember --

3 MS. ELWORTH: Correct. Under Rule 120.

4 CHAIRWOMAN LOZANO: It's the 2500.

5 MR. SCOTT: 2500 plus actual.

6 CHAIRWOMAN LOZANO: Yes. We would be asking
7 for the 2500 plus the actual costs of the proceedings
8 pursuant to our rules.

9 MS. ELWORTH: As far as the mentor goes,
10 would that be selected by the State Bar, agreed upon by
11 the parties. How would you like that person picked?

12 CHAIRWOMAN LOZANO: Obviously, we want
13 someone with more experience than Mr. Bergstrom. We
14 want to make sure he has that. And I think the parties
15 should agree, you and Mr. Bergstrom.

16 Any questions? Panel members? Anything
17 further? This matter is concluded. Thank you.

18 MS. ELWORTH: Thank you.

19 (Proceedings concluded at 1:13 p.m.)

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1 STATE OF NEVADA)
) SS:
 2 COUNTY OF CLARK)

3 CERTIFICATE OF REPORTER

4 I, Brittany J. Castrejon, a Certified Court
 5 Reporter licensed by the State of Nevada, do hereby
 6 certify that I took down in shorthand (Stenotype) all of
 7 the proceedings had in the before-entitled matter at the
 8 time and place indicated; and that thereafter said
 9 shorthand notes were transcribed into typewriting at and
 10 under my direction and supervision and the foregoing
 11 transcript constitutes a full, true, and accurate record
 12 of the proceedings had.

13 IN WITNESS WHEREOF, I have set my hand in my
 14 office in the County of Clark, State of Nevada, this
 15 9th day of August, 2018.

Brittany J. Castrejon

17 Brittany J. Castrejon, RPR, CCR NO. 926

Exhibits				
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Case No. _____ Electronically Filed
Oct 15 2018 11:39 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

RECORD OF DISCIPLINARY PROCEEDINGS,
PLEADINGS AND TRANSCRIPT OF HEARING

Jeremy T. Bergstrom, Esq.
Nevada Bar No. 6904
9555 S. Eastern Avenue, Suite 200
Las Vegas, NV 89123
Respondent

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_____)

This case involves a grievance filed by an Oregon attorney on behalf of his client. Respondent was hired to domesticate a judgment in Nevada from the State of Oregon, as well as to pursue collections against the debtor. Respondent was paid a \$5,000 retainer.

Upon receipt of the grievance, the State Bar made multiple attempts to obtain information from Respondent. Respondent failed to respond to these requests. A Complaint was filed April 5, 2018. Respondent did not file an timely response, and a Notice of Default was sent. Respondent filed his Answer on May 22, 2018.

One.

RPC 1.1 (Competence)
RPC 1.3 (Diligence)
RPC 1.4 (Communication)
RPC 1.15 (Safekeeping Property)

1 RPC 3.2 (Expediting Litigation)
2 RPC 8.1 (Bar Admission and Disciplinary Matters)
3 RPC 8.4 (Misconduct)

4 The State Bar dismissed the RPC 1.15 allegation at the time of hearing.

5 **4. Nature of the Rules Violated**

6 The Panel found by clear and convincing evidence that Bergstrom violated
7 RPC 1.1, 1.3, 1.4, 3.2 and 8.1.

8 **5. Aggravation/Mitigation**

9 Pursuant to SCR 102.5, the panel found the following aggravating factors relevant:

- 10 a. a pattern of misconduct
11 b. substantial experience in the practice of law

12 Pursuant to SCR 102.5, the panel found the following mitigating factors relevant:

- 13 a. absence of prior disciplinary record
14 b. absence of dishonest or selfish motive

15 **6. Summary of the Recommended Discipline.**

16 The Panel recommended that:

- 17 1. Respondent be suspended from the practice of law for a period of six (6) months,
18 with all but four (4) months of the suspension stayed;
19 2. Respondent will serve a six-month probationary period, said probationary period to
20 begin on the date of imposition of his two-month actual suspension;
21 3. During his period of probation, Respondent shall be required to obtain a mentor with
at least twenty (20) years in the practice of law. Respondent must participate in mentorship
regarding law office management with the mentor for a period of six (6) months, beginning on the
date of his reinstatement from actual suspension;

4. Respondent shall, during the period of his suspension, complete two (2) State Bar approved Continuing Legal Education ("CLE") courses in the subject of law office management. These courses shall not count towards Respondent's annual CLE requirements.

5. Respondent shall pay the actual costs of this proceeding, excluding Bar Counsel and staff salaries, as well as administrative costs of \$2,500, within thirty (30) days of service of a Memorandum of Costs.

DATED this 21 day of ^{Sept.}~~August~~, 2018.

STATE BAR OF NEVADA

By: 
Ann Elworth, Assistant Bar Counsel
Nevada Bar No. 6338
3100 W. Charleston Blvd. Suite 101
Las Vegas, Nevada 89102
(702) 382-2200
Attorney for State Bar of Nevada

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APR 05 2018

STATE BAR OF NEVADA
BY: S. O. R.
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,

NV Bar No. 6904,

Respondent.

COMPLAINT

TO: Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

PLEASE TAKE NOTICE that pursuant to Supreme Court Rule 105(2), as amended effective March 1, 2007, a **VERIFIED RESPONSE OR ANSWER** to this Complaint must be filed with the Office of Bar Counsel, State Bar of Nevada ("State Bar"), 3100 W. Charleston Boulevard, Suite 100, Las Vegas, Nevada 89102, **within twenty (20) days of service of this Complaint.** Procedure regarding service is addressed in Supreme Court Rule 109.

1. Complainant, State Bar of Nevada ("State Bar"), alleges that the Respondent, Jeremy T. Bergstrom ("Respondent"), Nevada Bar No. 6904, is now and at all times pertinent herein was an attorney in the State of Nevada and that he engaged in acts of misconduct in Clark County, Nevada, warranting the imposition of professional discipline as set out herein.

COUNT 1
OBC17-1050/David Jacobs

2. David A. Jacobs, Esq. (Jacobs) in an out of state attorney who referred his client,

1 Neilson Lee (Lee) to Respondent to domesticate a judgment in Nevada from the State of Oregon,
2 as well as to pursue collections against the debtor. Lee paid a \$5,000 retainer to Respondent, who
3 filed the foreign judgment action, but did nothing else, while misrepresenting his actions to Jacobs
4 and Lee.

5 3. Jacobs' grievance was received at the State Bar on August 7, 2017. According to
6 the grievance Jacobs' client, Lee, had obtained a judgment in an Oregon court against Wah Onn
7 Ng (Ng). They obtained information that the Ng was suspected to be living and owned real
8 property in Las Vegas.

9 4. Jacobs' retainer agreement between Lee and Respondent, dated March 22, 2017
10 indicates that Lee retained Respondent through an attorney named Benjamin Wang. This retainer
11 was not signed by Respondent. The scope of representation described Respondent's services as:
12 *"to register and domesticate an Oregon Judgment entered in favor of Client in the above*
13 *captioned matter in the State of Nevada and attempt to collect upon Client's judgment that with*
14 *principal and interest now totals \$543,699.74."* This agreement included a \$5,000 retainer fee
15 and a 20% contingency on any collected fees.

16 5. Wang mailed this retainer to Respondent on March 28, 2017 and included a check
17 from Lee for \$5,000.

18 6. On April 1, 2016, Respondent filed the foreign judgment in the Clark County
19 Eighth District Court (CCDC), Case No A-16-734246-F.

20 7. Subsequent to this filing, Wang sent an email dated April 18, 2016 to Respondent
21 in which he provides information on locating the debtor in Las Vegas. In response to this email,
22 Respondent wrote back saying that the judgment was "domesticated in Nevada on 3/30/16. There
23 is a 30 day stay following the domestication that temporarily enjoins judicial post-judgment
24 collection measures. We are now in that stay period. The stay expires on 5/4/16 (taking into
25 consideration mailing time and from that point forward, we can levy against any non-exempt asset

1 we can find." Respondent then goes into a discussion regarding the debtor and describing him as
2 a "whale" and explained the gambling habits of "whales."

3 8. On May 11, 2016, after an inquiry from Jacobs, Respondent sent an email saying
4 that he had been ill with the flu for two weeks and is playing catch up. He apologized for not
5 responding while "out of commission."

6 9. On June 23, 2016, Respondent sent another lengthy email to Jacobs regarding his
7 search efforts. Attached to this was an email the same date from Maggie Bardis (Bardis) with an
8 address at Respondent Law. This email contains the information on the debtor that Respondent
9 provided Jacobs.

10 10. Jacobs says that the next and last communication from Respondent was an email on
11 January 17, 2017. This was an email that said, "The legal process to cause forced execution of
12 sales of the real property located at 2059 Raspberry Hill Road in Laws Vegas and 1711 Elaine
13 Drive in Las Vegas is underway. Our research and asset detection efforts have identified those
14 two assets are the most viable (sic) recovery targets and the most likely to lead to satisfaction of
15 the judgment."

16 11. Respondent goes on to say that "we will continue forward with these execution
17 sales and keep you updated along the way." He then apologized for "not keeping you apprised of
18 the status previously." This was the last correspondence from Respondent to Jacobs, Wang and/or
19 Lee regarding this matter.

20 12. The State Bar sent a Letter of Investigation via email to Respondent from Intake on
21 August 15, 2017. Respondent's response was due on August 29, 2017. He did not respond.

22 13. On September 13, 2017, a letter informing Respondent of his requirement to
23 respond to State Bar investigations and reminding him that a failure to do so is a violation of RPC
24 8.1 was sent. This letter was signed for by Bardis with no date and the return receipt was received
25 at the State Bar on September 19, 2017. Respondent failed to respond to this letter.

1 14. The case was assigned to Investigation on November 15, 2017 with a second letter
2 sent on November 16, 2017. This letter to was signed for by Bardis with no date and the return
3 receipt was received at the State Bar on November 21, 2017. Respondent failed to respond to this
4 communication as well.

5 15. During this investigation, it was discovered that Respondent had two default civil
6 judgments entered against him in the Clark County District Court on September 26, 2017. The
7 first, A-16-745158-C, *Bank of America vs Jeremy Bergstrom* shows a judgment against
8 Respondent in the amount of \$33,070.51 plus costs. The second, A-16-748031-C, *Bank of*
9 *America vs Jeremy Bergstrom*, in the amount of \$24,828.57 plus costs. Both these judgments
10 were due to non-payment of credit cards.

11 16. Further investigation revealed that the two properties described by Respondent as
12 being debtor assets were located on the Clark County Tax Assessor website. The first, 2059
13 Raspberry Hill Rd., Las Vegas was owned by the debtor, Ng and was sold in December 2016 and
14 again in August 2017. The second, 1711 Elaine Dr., Las Vegas, was also owned by Ng and sold
15 in December 2016.

16 17. A check of the Clark County court's website showed numerous cases which
17 Respondent is the attorney of record. A review of those cases revealed no adverse actions by
18 Respondent, and he appears to be making all required appearances.

19 18. In light of the foregoing, Respondent violated Rule of Professional Conduct (RPC)
20 RPC 1.1 (Competence); 1.3 (Diligence); 1.4 (Communications); 1.15 (Safekeeping Property); 3.2
21 (Expediting Litigation); 8.1(b) (Failure to Respond to Demand for Information from the State
22 Bar); and 8.4 (Misconduct).

23 WHEREFORE, Complainant prays as follows:

24 1. That a hearing be held pursuant to Nevada Supreme Court Rule 105;
25

1 2. That Respondent be assessed the costs of the disciplinary proceeding
2 pursuant to Supreme Court Rule 120(1); and

3 3. That pursuant to Supreme Court Rule 102, such disciplinary action be taken
4 by the Southern Nevada Disciplinary Board against Respondent as may be deemed appropriate
5 under the circumstances.

6 Dated this 5th day of April 2018.

7 **STATE BAR OF NEVADA**

8 C. Stanley Hunterton, Bar Counsel

9 By: 

10 Jason R. Dworin, Assistant Bar Counsel
11 Nevada Bar No. 9006
12 3100 W. Charleston Boulevard Suite 100
13 Las Vegas, Nevada 89102
14 (702) 382-2200



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APR 05 2018

STATE BAR OF NEVADA
BY: Smou R.
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,

NV Bar No. 6904,

Respondent.

DESIGNATION OF
HEARING PANEL MEMBERS

**TO: Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123**

The following are members of the Disciplinary Board for the Southern District of Nevada.
Pursuant to Nevada Supreme Court Rule (SCR) 105, you may issue peremptory challenge to five
(5) such individuals by delivering the same in writing to the Office of Bar Counsel within twenty
(20) days of service of the complaint.

The Chair of the Southern Nevada Disciplinary Board will thereafter designate a hearing
panel of three (3) members of the Disciplinary Board, including at least one member who is not an
attorney, to hear the above-captioned matter.

1. Paul "Luke" Puschnig, Esq., Chair
2. Dawn M. Lozano, Esq., Vice Chair
3. Ketan D. Bhirud, Esq.
4. Ronald C. Bloxham, Esq.
5. Katlyn Brady, Esq.
6. John E. Bragonje, Esq.

- 1 7. Amanda Brookhyser, Esq.
- 2 8. Douglas M. Brooks, Esq.
- 3 9. Robert J. Caldwell, Esq.
- 4 10. Sigal Chattah, Esq.
- 5 11. Andrew A. Chiu, Esq.
- 6 12. James P. Chrisman, Esq.
- 7 13. Nell E. Christensen, Esq.
- 8 14. Mark J. Connot, Esq.
- 9 15. Marc P. Cook, Esq.
- 10 16. Bryan A. Cox, Esq.
- 11 17. Ira W. David, Esq.
- 12 18. Joshua M. Dickey, Esq.
- 13 19. F. Thomas Edwards, Esq.
- 14 20. Jack W. Fleeman, Esq.
- 15 21. Jason M. Gerber, Esq.
- 16 22. Nedda Ghandi, Esq.
- 17 23. Robert G. Giunta, Esq.
- 18 24. Yolanda Givens, Esq.
- 19 25. Parish D. Heshmati, Esq.
- 20 26. Kenneth E. Hogan, Esq.
- 21 27. Christopher J. Lalli, Esq.
- 22 28. Christopher J. Laurent, Esq.
- 23 29. James T. Leavitt, Esq.
- 24 30. Michael B. Lee, Esq.
- 25 31. Mark D. Lerner, Esq.

- 1 32. Anat R. Levy, Esq.
- 2 33. Richard L. Litt, Esq.
- 3 34. Rhonda Long, Esq.
- 4 35. Mandy McKeller, Esq.
- 5 36. Ryan J. MacDonald, Esq.
- 6 37. Jason R. Maier, Esq.
- 7 38. Joseph N. Mott, Esq.
- 8 39. Thomas J. Murphrey, Esq.
- 9 40. Michael J. Oh, Esq.
- 10 41. Dana Oswalt Palmer, Esq.
- 11 42. Oliver J. Pancheri, Esq.
- 12 43. Brian J. Pezzillo, Esq.
- 13 44. Gary A. Pulliam, Esq.
- 14 45. Miriam E. Rodriguez, Esq.
- 15 46. Vincent J. Romeo, Esq.
- 16 47. Daniel Royal, Esq.
- 17 48. Thomas G. Ryan, Esq.
- 18 49. Africa A. Sanchez, Esq.
- 19 50. Jen J. Sarafina, Esq.
- 20 51. Jordan S. Savage, Esq.
- 21 52. Robert E. Schumacher, Esq.
- 22 53. Thomas R. Sheets, Esq.
- 23 54. Jeffrey G. Sloane, Esq.
- 24 55. Sarah E. Smith, Esq.
- 25 56. Frank A. Toddre, II, Esq.

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|----|-----------------------------------|
| 1 | 57. Dawn Throne, Esq. |
| 2 | 58. Jacob J. Villani, Esq. |
| 3 | 59. Dan R. Waite, Esq. |
| 4 | 60. Reed J. Werner, Esq. |
| 5 | 61. Shann D. Winesett, Esq. |
| 6 | 62. Mary E. Albregts, Laymember |
| 7 | 63. Noel Anschutz, Laymember |
| 8 | 64. Jay Bloom, Laymember |
| 9 | 65. Joelyne Gold, Laymember |
| 10 | 66. William M. Holland, Laymember |
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| 15 | 71. Peter Ossowski, Laymember |
| 16 | 72. Kellie C. Rubin, Laymember |
| 17 | 73. Randall Scott, Laymember |
| 18 | 74. Richard Vaughn, Laymember |
| 19 | 75. Irene Vogel, Laymember |

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76. Harvey Weatherford, Laymember

77. John White, Laymember

Dated this 5th day of April 2018.

STATE BAR OF NEVADA
C. Stanley Hunterton, Bar Counsel

By: 
Jason R. Dworin, Assistant Bar Counsel
Nevada Bar No. 9006
3100 W. Charleston Boulevard Suite 100
Las Vegas, Nevada 89102
(702) 382-2200

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STATE BAR OF NEVADA

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APR 05 2018

STATE BAR OF NEVADA
BY: S. M. R.
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,

NV Bar No. 6904,
Respondent.

AFFIDAVIT OF SERVICE

STATE OF NEVADA)

COUNTY OF CLARK)

Tiffany Bradley, under penalty of perjury, being first and duly sworn, deposes and says as follows:

1. That Affiant is employed by the State Bar of Nevada and, in such capacity; Affiant is Custodian of Records for the Discipline Department of the State Bar of Nevada.

2. That Affiant states that the enclosed documents are true and correct copies of the **COMPLAINT, DESIGNATION OF HEARING PANEL MEMBERS, STATE BAR'S PEREMPTORY CHALLENGES, DISCIPLINARY RULES OF PROCEDURE, ADKT 516 and ADKT 518** in the matter of the *State Bar of Nevada vs. Jeremy T. Bergstrom, Esq.*, Case No. OBC17-1050.


3. That pursuant to Supreme Court Rule 109, the **COMPLAINT, DESIGNATION OF HEARING PANEL MEMBERS, STATE BAR'S PEREMPTORY CHALLENGES, DISCIPLINARY RULES OF PROCEDURE, ADKT 516 and ADKT 518** were served on the

1 following by placing copies in an envelope which was then sealed and postage fully prepaid for
2 regular and certified mail, and deposited in the United States mail at Las Vegas, Nevada to:

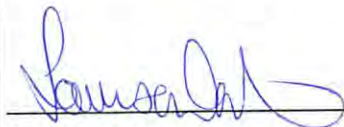
3 **Jeremy T. Bergstrom, Esq.**
4 **9555 S. Eastern Avenue, Ste. 200**
5 **Las Vegas, NV 89123**

6 **CERTIFIED MAIL: 7016 1970 0000 9931 0803**

7 Dated this 5th day of April, 2018.

8 
9 _____
10 Tiffany Bradley, an employee
11 of the State Bar of Nevada

12 SUBSCRIBED AND SWORN to before
13 me on this 5th day of April, 2018.

14 

15 NOTARY PUBLIC
16 COUNTY OF CLARK
17 STATE OF NEVADA



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9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

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OBC17-1050
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STATE BAR OF NEVADA
3100 W. Charleston Blvd Ste 100
Las Vegas, NV 89102
www.nebar.org

ATTN: Tiffany Bradley
Discipline Department

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Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

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STATE BAR OF NEVADA

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Case No.: OBC17-1050



FILED

MAY 02 2018

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

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

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM,

NV Bar No. 6904,

Respondent.

NOTICE OF INTENT TO DEFAULT

TO: Jeremy T. Bergstrom
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

PLEASE TAKE NOTICE THAT unless the State Bar receives a responsive pleading in the above-captioned matter by **Tuesday, May 22, 2018**, pursuant to State Bar Disciplinary Rule of Procedure 14(c), it will proceed on a default basis and *the charges against you shall be deemed admitted*. Supreme Court Rule 105 (2) states in relevant part:

A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service . . . In the event the attorney fails to plead, **the charges shall be deemed admitted**; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable to mistake, inadvertence, surprise, or excusable neglect. (Emphasis added.)

///

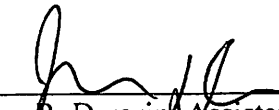
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///

1 Additional copies of the Complaint previously served upon you, and the First Designation
2 of Hearing Panel Members, accompanies this Notice.

3 Dated this 2nd day of May, 2018.

4 **STATE BAR OF NEVADA**
C. Stanley Hunterton, Bar Counsel

5
6 By: 
7 Jason R. Dworin, Assistant Bar Counsel
8 Nevada Bar No. 9006
9 3100 W. Charleston Boulevard Suite 100
10 Las Vegas, Nevada 89102
11 (702) 382-2200
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Jeremy T. Bergstrom
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123
(SCR 79 address)
Certified Mail: 7018 0040 0000 8193 8175

and via email to:

- DATED this 3rd day of May, 2018.

ROA Volume I - Page 021

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Jeremy T. Bergstrom
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

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Notice of Intent

PS Form 3800, April 2015 PSN 7530-02-000-9047

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MAY 08 2018

OFFICE OF BAR COUNSEL



STATE BAR OF NEVADA

3100 W. Charleston Blvd Ste 100

Las Vegas, NV 89102

www.nvbar.org

OBC17-1050

Formal Hearing

Notice of Intent to Default

ATTN: Tiffany Bradley
Discipline Department

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1. Article Addressed to:

Jeremy T. Bergstrom
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

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☐ Addressee

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STATE BAR OF NEVADA

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| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |



FILED

MAY 14 2018

Case No.: OBC17-1050

STATE BAR OF NEVADA

BY: Sam R
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.

NV BAR No. 6904

Respondent.

**ORDER APPOINTING
HEARING PANEL CHAIR**

IT IS HEREBY ORDERED that the following member of the Southern Nevada
Disciplinary Board has been designated as the Hearing Panel Chair.

1. Dawn Lozano, Esq., Chair

DATED this 14th day May, 2018.

STATE BAR OF NEVADA

By: [Signature]

Luke Puschnig, Esq.

Nevada Bar No. 3792

Chair of Southern Nevada Disciplinary Board

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **ORDER APPOINTING HEARING PANEL CHAIR** was deposited in the United States Mail at Las Vegas, Nevada, postage fully pre-paid thereon for first-class regular mail addressed to:


Jeremy T. Bergstrom
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123
(SCR 79 address)
Certified Mail: 7018 0040 0000 8193 8151

Jeremy T. Bergstrom
1505 Via Cassia
Henderson, 89052-4121

and via email to:

1. Respondent: jbergstrom@jbergstromlaw.com; tpapa@bergstromlaw.com; info@jbergstromlaw.com;

DATED this 14th day of May, 2018.

By: 
Tiffany Bradley, an employee of
the State Bar of Nevada.

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Jeremy T. Bergstrom
 9555 S. Eastern Avenue, Ste. 200
 Las Vegas, NV 89123

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 5/14/18
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Order Appt. Chair

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A. Signature
 X  ☐ Agent
☐ Addressee

B. Received by (Printed Name)

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 If YES, enter delivery address below: ☐ No

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STATE BAR OF NEVADA

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☐ Collect on Delivery Restricted Delivery

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Domestic Return Receipt

Case No.: OBC17-1050



FILED

MAY 15 2018

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,
NV Bar No. 6904,
Respondent.

NOTICE OF TELEPHONIC INITIAL
CASE CONFERENCE

TO: Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **Thursday, May 31, 2018, at 3:00 p.m.** The State Bar conference call number is (877) 594-8353, participant passcode is 46855068 then #.

Dated this 15th day of May, 2018.

STATE BAR OF NEVADA
C. Stanley Hunterton, Bar Counsel

By: 

Jason R. Dworin, Assistant Bar Counsel
Nevada Bar No. 9006
3100 W. Charleston Boulevard Suite 100
Las Vegas, Nevada 89102
(702) 382-2200

Case No.: OBC17-1050



FILED

MAY 15 2018

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD
By: Jason R. Dworin
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,

NV Bar No. 6904,

Respondent.

**NOTICE OF TELEPHONIC INITIAL
CASE CONFERENCE**

TO: Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **Thursday, May 31, 2018, at 3:00 p.m.** The State Bar conference call number is (877) 594-8353, participant passcode is 46855068 then #.

Dated this 15th day of May, 2018.

STATE BAR OF NEVADA
C. Stanley Hunterton, Bar Counsel

By: Jason R. Dworin

Jason R. Dworin, Assistant Bar Counsel
Nevada Bar No. 9006
3100 W. Charleston Boulevard Suite 100
Las Vegas, Nevada 89102
(702) 382-2200

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Jeremy T. Bergstrom
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123
(SCR 79 address)
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and via email to:

- DATED this 16th day of May, 2018.

ROA Volume I - Page 030

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Jeremy T. Bergstrom

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STATE BAR OF NEVADA

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OBC17-1050

Formal Hearing

Notice of ICC

ATTY: Tiffany Bradley
Discipline Department

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MAY 21 2018

STATE BAR OF NEVADA

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- ☐ Signature Confirmation Restricted Delivery



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MAY 22 2018

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA
BY: S. Dur
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA,

OBC17-1050

Plaintiff,

ANSWER

vs.

JEREMY T. BERGSTROM, ESQ.

Respondent.

Comes now Respondent, in proper person, and answers Plaintiff's Complaint as follows.

1. Answering Paragraph One, Respondent admits he is an attorney in the state of Nevada under bar number 6904. Respondent denies any wrongdoing and acts of misconduct in Clark County or anywhere else.

2. Answering Paragraph Two, Respondent admits that his law firm domesticated an Oregon judgment in Nevada. He further admits receipt of \$5,000 from Jacobs, although this sum did not represent a retainer as described in the Complaint. It represented a flat fee for the domestication and subsequent collection efforts. Respondent denies that he "did nothing else, while misrepresenting his actions to Jacobs and Lee."

3. Answering Paragraph Three, Respondent is without sufficient knowledge to

1 answer when Jacobs' grievance was received. Respondent admits that Ng was suspected
2 to own property in Las Vegas. However, Respondent denies that Ng was suspected to be
3 living in Las Vegas. Instead, Ng was suspected to be living overseas in Asia. Ng's time
4 in Las Vegas was believed to be limited to sporadic gambling trips, during which Ng was
5 believed to stay at high end strip casinos.

6
7 4. Answering Paragraph Four, Respondent admits that the scope of services were
8 described only in an unsigned agreement. Respondent admits that the fee agreement
9 described is consistent with his understanding.

10 5. Answering Paragraph Five, Respondent is without sufficient knowledge to
11 answer when the retainer was mailed. Respondent admits receipt of the \$5,000.00 check,
12 which is being returned/and refunded back to Jacobs minus only the court costs incurred
13 in the domestication action, which costs were \$292.99, resulting in a refund of \$4,707.01
14 that is being mailed to Jacobs at this time.

15 6. Answering Paragraph Six, Respondent denies the allegation insofar as it
16 identified the filing date as April 1, 2016. The foreign judgment was filed on March 30,
17 2016.

18 7. Answering Paragraph Seven, Respondent admits that he sent an e-mail to the
19 client containing the cited language. The e-mail also addressed typical practices engaged
20 in by high stakes gamblers, often times described in the casino industry as whales. Ng
21 was described as such a person during the preliminary communications with the client.

22 8. Answering Paragraph Eight, Respondent admits that he e-mailed the client on
23
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1 or around May 11, 2016. Respondent notes that despite the references to “playing catch
2 up”, “apologizing”, and being “out of commission,” the statutory 30-day injunction
3 against enforcement of the domesticated Oregon judgment expired only a few days prior.

4 9. Answering Paragraph Nine, Respondent admits that he e-mailed the client on
5 June 23, 2016 as described.

6 10. Answering Paragraph Ten, Respondent admits that he e-mailed the client on
7 January 17, 2017 as described.

8 11. Answering Paragraph Eleven, Respondent states that the quoted excerpts from
9 the January 17, 2017 e-mail appear to be accurate.

10 12. Answering Paragraph Twelve, Respondent is without sufficient knowledge to
11 answer. Respondent states that at no time did he mean any disrespect or offense towards
12 the State Bar. Respondent further states that he is unfamiliar with the State Bar
13 disciplinary and investigative procedures and the duties counsel has with regard to the
14 same and that any and all non-compliance was a result of that ignorance rather than an
15 intent to purposefully violate any such rules or to offend the State Bar. Respondent has
16 been a practicing attorney in Nevada for roughly twenty (20) years and, during that time,
17 has never been reprimanded, disciplined or sanctioned by the State Bar. Further,
18 Respondent has never been the subject of any prior bar complaints at any time during
19 those twenty years (that he can recall). Thus, the entire process is foreign to Respondent.
20 By way of this Answer, Respondent would like to apologize to all involved with this
21 matter for any headaches or wasted time he may have caused anyone.

22 13. Answering Paragraph Thirteen, Respondent is without sufficient knowledge
23
24

1 to answer. Respondent states that at no time did he mean any disrespect or offense
2 towards the state bar. Respondent further states that Bardis was terminated from her
3 employment at the firm months ago.

4 14. Answering Paragraph Fourteen, Respondent is without sufficient knowledge
5 to answer. Respondent states that at no time did he mean any disrespect or offense
6 towards the state bar. Respondent further states that Bardis was terminated from her
7 employment at the firm months ago.

8 15. Answering Paragraph Fifteen, Respondent was unaware of these judgments
9 until reading the Complaint. The judgments were purportedly obtained via default.
10 Respondent will address these judgments in the immediate future. Respondent is unclear
11 how these judgments are relevant to the grievance filed by Jacobs.

12 16. Answering Paragraph Sixteen, Respondent states that, as represented in the
13 January 17, 2017 e-mail cited in Paragraph Ten, the forced sale process had begun at the
14 time the properties were sold. Specifically, writs of execution regarding both the
15 Raspberry Hill property and the Elaine property were sent to Court for issuance on or
16 around January 12, 2017. Both of these writs were ultimately issued by the Court
17 thereafter, the Elaine writ on January 19, 2017 and the Raspberry Hill writ on January 30,
18 2017. The Elaine issued writ was received by Respondent on or around January 30,
19 2017. The Raspberry Hill issued writ was received by Respondent on February 1, 2017.
20 Upon receipt of the issued writs and prior to service of the writs, Respondent reviewed
21 the public records and learned of the transfers of title of both properties. Those transfers
22 rendered the writs ineffectual, and as a result, service of the writs was cancelled.
23
24

1 Respondent notes that the likelihood of success of either of the writs, had the title
2 transfers not occurred, is unknown and speculative. The likelihood of success is not
3 known, and was not known, because the extent of the liens against both properties was
4 not known. In order to cause a forced execution sale of real property, the expected sales
5 price must exceed the amount of all liens that were senior to the judgment plus the
6 expected costs of sale. A Zillow.com valuation of Raspberry Hill produced a
7 \$183,720.00 value. A Zillow.com valuation of Elaine produced a \$149,556.00 value.
8 Thus, even if both properties were entirely free and clear of all liens and both properties
9 were sold at execution sale, the judgment would not have been satisfied in full. In the
10 event the properties were encumbered such that they had little to no equity, the properties
11 would not have produced any recovery towards the judgment balance. In the event the
12 properties had an equity cushion in some amount, the properties may have produced
13 some recovery towards the judgment balance, but speculation and conjecture would be
14 required to guestimate what the amount may have been. The point is that it cannot be
15 presumed or concluded that the properties would have produced revenue that would have
16 reduced the judgment balance had the transfers not taken place.
17

18 17. Answering Paragraph Seventeen, Respondent admits the statements contained
19 therein.


20 18. Answering Paragraph Eighteen, Respondent denies the allegations contained
21 therein.
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1
2 **PRAYER FOR RELIEF**
3

4 1. Answering Paragraph One, Two and Three of the prayer for relief,
5 Respondent denies that any relief is appropriate and requests that the matter be
6 summarily adjudicated in his favor with no findings of wrongdoing being issued.

7 DATED this 22nd day of May 2018.

8
9 By:



Jeremy T. Bergstrom, Esq.
Nevada Bar No. 6904
9555 S. Eastern Ave., Suite 200
Las Vegas Vegas, NV

1 **VERIFICATION**

2 The undersigned hereby states that the above statements are true and correct to the
3 best of his knowledge and that the statements are based upon personal knowledge.

4
5 By: _____

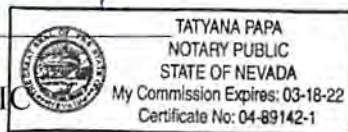
6 Jeremy T. Bergstrom, Esq.
7 Nevada Bar No. 6904
8 9555 S. Eastern Ave., Suite 200
9 Las Vegas Vegas, NV

10
11
12 STATE OF NV ?
13 COUNTY OF CLARK }

14
15 Subscribed and sworn before me TATYANA PAPA on the 22 day of May, 2018, by
16 Jeremy T. Bergstrom, Esq.,

17
18 _____

19 NOTARY PUBLIC





FILED

JUN 01 2018

STATE BAR OF NEVADA

BY: Jason R. Dworin
OFFICE OF BAR COUNSEL

Case No.: OBC17-1050

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,

NV Bar No. 6904,

Respondent.

SCHEDULING ORDER

Pursuant to Rule 17 of the Disciplinary Rules of Procedure ("DRP"), on Thursday, May 31, 2018, at 3:00 p.m., Dawn M. Lozano, Esq., the Formal Hearing Panel Chair, met telephonically with Jason R. Dworin, Esq., Assistant Bar Counsel, on behalf of the State Bar of Nevada, and Respondent, to conduct the Initial Conference in this matter.

During the Initial Conference the parties discussed initial disclosures, discovery issues, the potential for resolution of this matter prior to the hearing, a status conference, and the hearing date.

The parties agreed to the following:

1. All documents shall be served electronically and via U.S. by the parties pursuant to SCR 109(2) and DRP 11(b)(3).

2. The formal hearing for this matter is hereby set for one (1) day **starting at 9:00 a.m. on Wednesday, July 25, 2018**, and shall take place at Litigation Services located at 3770 Howard Hughes Parkway, Suite 300, Las Vegas, NV 89169. The parties have stipulated to hearing dates set forth above.

1 3. On or before **June 7, 2018, at 5:00 p.m.** the State Bar of Nevada's initial
2 disclosures shall be served on all parties. The documents provided by the State Bar shall be bates
3 stamped with numerical designations. *See* DRP 17 (a).

4 4. On or before **June 15, 2018, at 5:00 p.m.** Respondent's initial disclosures shall be
5 served on all parties. The documents provided by the Respondent shall be bates stamped with
6 alphabetical exhibit designations. *See* DRP 17 (a).

7 5. The Panel Chair has discussed the possibility of mediation with the parties.

8 6. On or before **June 22, 2018, at 5:00 p.m.** the parties shall file and serve any
9 Motions, excluding motions in limine (and also excluding motions to dismiss (*see* DRP 15)).

10 7. On or before **July 2, 2018**, all oppositions to the Motions, if any, shall be filed and
11 served on the parties.

12 8. On or before **July 9, 2018**, all replies to any opposition, if any, shall be filed and
13 served on the parties.

14 9. On or before **June 25, 2018**, the parties shall serve a Final Designation of witnesses
15 expected to testify and exhibits expected to be presented at the Formal Hearing in this matter,
16 pursuant to SCR 105(2)(d), DRP 17(a) and DRP 21.

17 All documents disclosed shall be bates stamped, the State Bar will use numerical exhibit
18 designations and Respondent will use alphabetical exhibit designations, pursuant to DRP 17.

19 10. On **Wednesday, July 18, 2018, at 3:00 p.m.** the parties shall meet telephonically
20 with Chair Lozano for the Pre-hearing Conference. The parties shall use the State Bar conference
21 bridge (877) 594-8353 and the passcode is 46855068 #.

22 Pursuant to DRP 23, at the Pre-hearing conference (i) the parties shall discuss all matters
23 needing attention prior to the hearing date, (ii) the Chair may rule on any motions or disputes
24 including motions to exclude evidence, witnesses, or other pretrial evidentiary matter, and (iii) the
25 parties shall discuss and determine stipulated exhibits proffered by either the State Bar or
Respondent as well as a stipulated statement of facts, if any.

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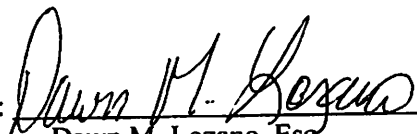
11. The parties stipulate that venue is proper in Clark County.

12. The parties stipulate to waive SCR 105(2)(d) to allow for the formal appointment of the remaining hearing panel members on a date that is greater than 45 days prior to the scheduled hearing.

Based on the parties' verbal agreement to the foregoing during the telephonic Initial Conference and good cause appearing, **IT IS SO ORDERED.**

Dated this 1st day of June, 2018.

SOUTHERN NEVADA DISCIPLINARY BOARD

By: 
Dawn M. Lozano, Esq.
Formal Hearing Panel Chair

1 **CERTIFICATE OF SERVICE**

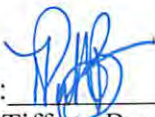
2 The undersigned hereby certifies a true and correct copy of the foregoing **SCHEDULING**
3 **ORDER** was deposited in the United States Mail at Las Vegas, Nevada, postage fully pre-paid thereon
4 for first-class regular mail addressed to:

5 Jeremy T. Bergstrom, Esq.
6 9555 S. Eastern Avenue, Ste. 200
7 Las Vegas, NV 89123
8 (SCR 79 address)

9 *and via email to:*

- 10 1. Dawn M. Lozano, Esq. (Panel Chair): lozanolawlv@gmail.com;
11 2. Respondent: jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
12 3. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

13 DATED this 4th day of June, 2018.

14 By: 
15 Tiffany Bradley, an employee of
16 the State Bar of Nevada.
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FILED

JUN 07 2018

STATE BAR OF NEVADA
BY: S. M. R.
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,

Nevada Bar No. 6904,

Respondent.

STATE BAR'S INITIAL SUMMARY OF
EVIDENCE AND DISCLOSURE OF
WITNESSES FOR FORMAL HEARING

TO: Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

PLEASE TAKE NOTICE that the following is an initial list of witnesses and initial summary of evidence which may be offered against Respondent at the time of the Formal Hearing, in the above-entitled complaint.

A. Documentary Evidence

Attached hereto is the State Bar's Exhibit List of proposed bate-stamped exhibits being submitted to Respondent on disk via U.S. mail.

1. Any and all documentation contained in the State Bar of Nevada's files including but not limited to, correspondence, emails, memorandums, text messages, notes, payments, invoices, bank records, receipts, billing entries and pleadings regarding grievance file number OBC17-1050.

2. Any and all documentation contained in *Neilson Lee vs. Ng, et al.*, Case No. A-16-734246-F.

3. Any and all documentation contained in records of the State Bar of Nevada regarding Respondent's licensure, compliance with reporting requirements, and disciplinary history.

The State Bar reserves the right to supplement this list as necessary.

Exhibit#	Document	Bates Stamped
1.	Formal Hearing Packet	will be produced prior to hearing pursuant to DRP 32
2.	Affidavit of Prior Discipline	will be produced at the time of hearing
3.	State Bar of Nevada's Grievance File	SBN Exhibit 3 001-014
4.	State of Oregon - General Judgment, Case No. 15CV33982	SBN Exhibit 4 001-002
5.	Nevada District Court -Application of Foreign Judgment, Case No. A-16-734246-F	SBN Exhibit 5 001-010
6.	Clark County Assessor Records for 2059 Raspberry Hill Road	SBN Exhibit 6 001-006
7.	Clark County Assessor Records for 1711 Elaine Drive	SBN Exhibit 7 001-006
8.	Refund check in the amount of \$4,707.01	SBN Exhibit 8 001

The State Bar incorporates by reference all documents identified by Respondent in this matter.

B. Witnesses

1. Respondent will be called and would be expected to testify regarding his conduct and communications surrounding the events related to, and any and all documents pertinent to, each of the charged Rules of Professional Conduct, including but not limited to facts pertaining to the breach of his professional responsibilities as an attorney, his mental state pursuant to ABA Standards, the harm resulting from his conduct, and any aggravating and mitigating factors pursuant to Supreme Court Rule 102.5.

2. David A. Jacobs, Esq., may be called and would be expected to testify regarding the facts and circumstances surrounding the grievance.

3. Neilson Lee may be called and would be expected to testify regarding the facts and circumstances surrounding the grievance.

4. Benjamin Wang, Esq., may be called and would be expected to testify regarding the facts and circumstances surrounding the grievance.

5. Ivan Baric may be called and would be expected to testify regarding the facts and circumstances surrounding the grievance.


6. State Bar Investigator, Suzanne Farrell, is anticipated to testify concerning her interactions with the Grievant, attempts to secure cooperation from Respondent, her investigation of the charged Grievance, Office of Bar Counsel investigation procedures, her investigation, review of documents acquired and maintained by the Office of Bar Counsel pertinent to any and all relevant facts, issues, and documentation.

7. A representative of the State Bar of Nevada Office of Bar Counsel is expected to testify as Custodian of Records and provide testimony regarding Respondent's license and discipline history.

The State Bar reserves the right to supplement this witness list as necessary.

DATED this 7 day of June, 2018.

STATE BAR OF NEVADA

By: 
Ann C. Elworth, Assistant Bar Counsel
Nevada Bar No. 6338
3100 W. Charleston Blvd, Ste. 100
Las Vegas, Nevada 89102

1 **CERTIFICATE OF SERVICE**


2 The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR'S**
3 **INITIAL SUMMARY OF EVIDENCE AND DISCLOSURE OF WITNESSES FOR FORMAL**
4 **HEARING** was deposited in the United States Mail at Las Vegas, Nevada, postage fully pre-paid
thereon for first-class regular mail addressed to:

5 Jeremy T. Bergstrom, Esq.
6 9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123
(SCR 79 address)

7 *and via email to:*

- 8 1. Dawn M. Lozano, Esq. (Panel Chair): lozanolawlv@gmail.com;
9 2. Respondent: jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
10 3. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

11 DATED this 7th day of June, 2018.

12
13 By: 
Tiffany Bradley, an employee of
14 the State Bar of Nevada.
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FILED

JUN 20 2018

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

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,
NEVADA BAR No. 6904

Respondent.

**BRIEF IN SUPPORT OF TELEPHONIC
TESTIMONY**

The State Bar of Nevada, through Assistant Bar Counsel Ann Elworth, hereby requests that out-of-state witnesses be allowed to testify telephonically.

This request is supported by the following Memorandum of Points and Authorities and any oral argument requested by the Chair.

MEMORANDUM OF POINTS AND AUTHORITIES

The State Bar of Nevada seeks to have grievant, David Jacobs, Esq., his client, Nielsen Lee, and witness, Benjamin Wang, Esq., testify telephonically in the above-referenced matter. This request is based on the fact that all three witnesses live in Oregon, and lived in Oregon at the time that Respondent, Jeremy T. Bergstrom, Esq., ("Respondent") was retained to domesticate Mr. Lee's out-of-state judgment. Respondent took on clients that lived outside Nevada and it should not be the grievants' burden to travel to Nevada in order to have their grievances considered by a Formal Hearing Panel. Respondent believed that he could adequately represent the grievants when they

1 resided out-of-state. There is no reason to require these witnesses to travel to Nevada to testify
2 regarding relationships each had with Respondent, when these representations were all conducted
3 from remote locations themselves.

4 **Applicable Legal Authority.**

5 Supreme Court Rules Part IX-B(A) governs appearances by telephonic transmission
6 equipment for civil and family court proceedings. Rule 2 of Part IX-B(A) states that “to improve
7 access to the courts and reduce litigation costs, courts shall permit parties, to the extent feasible to
8 appear by telephonic transmission equipment at appropriate proceedings pursuant to these rules.”
9 The Rules go on to provide that telephonic appearance shall be allowed for (i) Case management
10 conferences; (ii) trial setting conferences; (iii) hearing on law and motion, except motions in limine;
11 (iv) hearings on discovery motions (with exceptions), (v) status conferences, (vi) hearings to review
12 the dismissal of an action, (vii) any other hearing that is scheduled for not more than 15 minutes, and
13 (viii) any matters stipulated to by the parties and approved by the court. *See* SCR Part IX-B (A),
14 Rule 4(1). All other matters require personal appearance or appearance by use of simultaneous
15 audiovisual transmission equipment, although the Court has discretion to modify the rule. *See id.* at
16 Rule 4(2) and (3).

17 Supreme Court Rules Part IX-B(B) governs appearances by simultaneous audiovisual
18 transmission equipment (“SAT”) for civil and family court proceedings. These rules are, similarly,
19 intended to improve access and reduce litigation costs. Rule 4 of this subset of Supreme Court
20 Rules provides that upon good cause shown SAT appearances may be made at trials, or hearings at
21 which witnesses are expected to testify.

22 Rule 1(6) defines that “good cause” as consisting of one or more of the following factors:

- 23 (i) whether there is a timely objection by a party or witness to a SAT appearance,
24 (ii) whether any undue surprise or prejudice would result,
25 (iii) the convenience of the parties, counsel and court;
(iv) the cost and time savings;
(v) the importance and complexity of the proceeding;

(vi) whether the proponent has been unable, after due diligence, to procure the physical presence of a witness;
(vii) the convenience to the parties and the proposed witness, and the cost of producing the witness in relation to the importance of the offered testimony;
(viii) whether the procedure would allow effective cross-examination, especially where documents and exhibits available to the witness may not be available to counsel;
(ix) the importance of presenting the testimony of witnesses in open court, whether the finder of fact may observe the demeanor of the witness, and where the solemnity of the surrounding will impress up on the witness the duty to testify truthfully;
(x) whether the quality of the communication is sufficient to understand the offered testimony; and
(xi) such other factors as the court may, in each individual case, determine to be relevant.

Finally, Rule 43 of the Nevada Rules of Procedure (“NRC P”) provides that “[t]he court may for good cause shown in compelling circumstances and upon appropriate safeguards, permit presentation of testimony in open court by contemporaneous transmission from a different location.” NRC P 43 does not provide a specific means by which such good cause should be shown; to wit, it does not require a motion be filed to make a request valid.

In *Barry v. Linder*, 119 Nev. 661, the Nevada Supreme Court addressed what compelling circumstances may warrant telephonic testimony. *Barry* was a divorce proceeding, in which the husband’s income, assets, and debt were at issue. The District Court denied husband’s request to have a person, allegedly located in Switzerland and unknown to anyone but husband, testify telephonically about receipt of loan payments made in cash to a company in Brazil. The Supreme Court reviewed the underlying decision using an abuse of discretion standard. The Court deferred to the trial court’s authority to control the interrogation of witnesses at trial under NRS 50.115. It also adopted a “special circumstances standard” for measuring whether telephonic testimony should be permitted. *See id.* at 668. The Court listed “exigency or consent and knowledge of the witness’ identity and credentials” as examples of when special circumstances might exist. *See id.* The Court upheld the denial of telephonic testimony by husband’s witness because no exigent circumstances were presented and the witness was not an expert who had submitted a report. *See id.*

1 In this proceeding, there is good cause and/or special circumstances to allow the telephonic,
2 or SAT, testimony of these three out-of-state witnesses.

3 **Application of Law to Fact.**

4 Grievant David Jacobs, Esq. ("Jacobs") is an Oregon licensed attorney who filed a grievance
5 with the State Bar concerning Respondent's representation of his client, Oregon resident Nielsen
6 Lee ("Lee"). Oregon attorney Benjamin Wang ("Wang") was Lee's original attorney. Lee, through
7 Wang, retained Respondent to domesticate and attempt to collect on an Oregon judgment on a
8 person believed to own property in Nevada. During the entire period of representation, neither
9 Wang nor Lee traveled to Nevada. Nearly all communications occurred either telephonically or via
10 email, and the majority of the facts in this case are not in dispute. Therefore, none of the out-of-state
11 witnesses' telephonic testimony is anticipated to garner any undue surprise or prejudice to
12 Respondent; the testimony would be consistent with the grievance filed and related correspondence
13 each submitted to the State Bar. Respondent has had possession of these documents since, at least,
14 when the Initial Disclosures were provided. These witnesses are Respondent's former client and his
15 attorneys. They are not unknown third-parties like in *Barry*. Moreover, it would be much more
16 costly for Lee, Wang and Jacobs to travel to Las Vegas to offer testimony during the scheduled
17 hearing.

18 Traveling to Las Vegas would also inconvenience these witnesses, without offering any
19 significant additional value to the hearing. While the Panel may not be able to evaluate every aspect
20 of their demeanor, technology allows for quality communication in which their tenor and veracity
21 can be evaluated, and the already marked exhibits can be provided to the witnesses at the remote
22 location. In addition, the testimony can be deemed verifiable based on the prior correspondence and
23 documents provided by and to Respondent related to the foreign judgment representation. Finally,
24 telephonic testimony provides Respondent with a reasonable opportunity to cross-examine the
25 grievants.

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2 There is no reason to question the identity or credentials of the witnesses. Unlike in *Barry*,
3 the State Bar has no personal interest that will be advanced by offering testimony from a remote
4 location in the disciplinary proceeding. Moreover, the majority of the grievant witnesses' testimony
5 is verified from documents already produced in the matter. Finally, the vast majority of the facts to
6 which these witnesses would testify are not in dispute, and have been admitted in Respondent's
7 verified answer to the complaint. There is sufficient good cause to allow Lee, Wang and Jacobs to
8 testify remotely. The State Bar would prefer telephonic testimony because of cost and convenience,
9 but certainly SAT testimony would be sufficient to meet the needs of the hearing without overly
10 burdening the grievants.

11 **Conclusion.**

12 Pursuant to SCR Part IX-B and NRCP 43, there is good cause to allow grievants David
13 Jacobs, Esq., his client, Nielsen Lee, and witness, Benjamin Wang, Esq., to testify telephonically, or
14 via simultaneous audiovisual transmission, at the Formal Hearing.

15
16 Dated this 20 day of June, 2018.

17 STATE BAR OF NEVADA
18 JANEEN V. ISAACSON, Acting Bar Counsel

19
20 By: 


21 Ann Elworth, Assistant Bar Counsel
22 3100 W. Charleston Blvd, Ste. 100
23 Las Vegas, Nevada 89102
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Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123
(SCR 79 address)

1. Dawn M. Lozano, Esq. (Panel Chair): lozanolawlv@gmail.com;
2. Respondent: jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
3. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

DATED this 20th day of June, 2018.

By: 
Tiffany Bradley, an employee of
the State Bar of Nevada.



FILED

JUN 20 2018

STATE BAR OF NEVADA

BY: S. R. R.
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,

NV Bar No. 6904,

Respondent.

NOTICE OF FORMAL HEARING

TO: Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

PLEASE TAKE NOTICE that the formal hearing in the above-entitled action has been scheduled for **Wednesday, July 25, 2018, at the hour of 9:00 a.m.** The hearing will be conducted at **Litigation Services located at 3770 Howard Hughes Parkway, Suite 300, Las Vegas, NV 89169.** The parties have stipulated to hearing dates set forth above.

Please be further advised that you are entitled to be represented by counsel, to cross-examine witnesses, and to present evidence.

Dated this 20 day of June, 2018.

STATE BAR OF NEVADA


By: Ann Elworth

Ann Elworth, Assistant Bar Counsel
Nevada Bar No. 6338
3100 W. Charleston Boulevard Suite 100
Las Vegas, Nevada 89102
(702) 382-2200

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Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123
(SCR 79 address)

1. Dawn M. Lozano, Esq. (Panel Chair): lozanolawlv@gmail.com;
2. Respondent: jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
3. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

By:  _____
Tiffany Bradley, an employee of
the State Bar of Nevada.



FILED

JUN 20 2018

Case Nos.: OBC17-1050

STATE BAR OF NEVADA
BY: S. Dur.
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.

NV BAR No. 6904

Respondent.

ORDER APPOINTING
FORMAL HEARING PANEL

IT IS HEREBY ORDERED that the following members of the Southern Nevada Disciplinary Board have been designated as members of the formal hearing panel in the above-entitled action. The hearing will be convened on the 25th day of July, 2018 starting at 9:00 a.m. at the State Bar of Nevada, located at 3100 W. Charleston Blvd. Ste. 100, Las Vegas, NV 89102.

1. Dawn Lozano, Esq., Chair;
2. John Bragonje, Esq.
3. Randall Scott, Laymember

Please note:

The hearing will be off-site at Litigation Services (court reporter) located at 3770 Howard Hughes Parkway, Suite 300, LV NV 89169

DATED this 20th day of June, 2018.

STATE BAR OF NEVADA

By: _____

Luke Puschnig, Esq.

Nevada Bar No. 3792

Chair of Southern Nevada Disciplinary Board

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **ORDER**
3 **APPOINTING FORMAL HEARING PANEL** was deposited in the United States Mail at Las Vegas,
4 Nevada, postage fully pre-paid thereon for first-class regular mail addressed to:

5 Jeremy T. Bergstrom, Esq.
6 9555 S. Eastern Avenue, Ste. 200
7 Las Vegas, NV 89123
8 (SCR 79 address)

9 *and via email to:*

- 10 1. Dawn M. Lozano, Esq. (Panel Chair): lozanolawlv@gmail.com;
11 2. John E. Bragonje, Esq. (Panel Member): jbragonje@lrrc.com; lhovath@lrrc.com;
12 3. Randall Scott (Lay Member): randallscott29@gmail.com;
13 4. Respondent: jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
14 5. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

15 DATED this 20th day of June, 2018.

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22 By: _____

Tiffany Bradley, an employee of
the State Bar of Nevada.

Case No.: OBC17-1050



FILED

JUN 25 2018

STATE BAR OF NEVADA
BY: S. Durr
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,

Nevada Bar No. 6904,
Respondent.

**STATE BAR'S FINAL DISCLOSURE
OF EVIDENCE AND WITNESSES FOR
FORMAL HEARING**

TO: Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

PLEASE TAKE NOTICE that the following is an initial list of witnesses and initial summary of evidence which may be offered against Respondent at the time of the Formal Hearing, in the above-entitled complaint.

A. Documentary Evidence

Attached hereto is the State Bar's Exhibit List of proposed bate-stamped exhibits being submitted to Respondent on disk via U.S. mail.

1. Any and all documentation contained in the State Bar of Nevada's files including but not limited to, correspondence, emails, memorandums, text messages, notes, payments, invoices, bank records, receipts, billing entries and pleadings regarding grievance file number OBC17-1050.

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3. Any and all documentation contained in records of the State Bar of Nevada regarding Respondent's licensure, compliance with reporting requirements, and disciplinary history.

The State Bar reserves the right to supplement this list as necessary.

Exhibit#	Document	Bates Stamped
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5. Ivan Baric may be called and would be expected to testify regarding the facts and circumstances surrounding the grievance.

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The State Bar reserves the right to supplement this witness list as necessary.

DATED this 25 day of June, 2018.

STATE BAR OF NEVADA


By: Ann C. Elworth
Ann C. Elworth, Assistant Bar Counsel
Nevada Bar No. 6338
3100 W. Charleston Blvd, Ste. 100
Las Vegas, Nevada 89102

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Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123
(SCR 79 address)

1. Dawn M. Lozano, Esq. (Panel Chair): lozanolawlv@gmail.com;
2. Respondent: jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
3. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

DATED this 25th day of June, 2018.

By:  _____
Tiffany Bradley, an employee of
the State Bar of Nevada.



FILED

AUG 27 2018

STATE BAR OF NEVADA

BY: Smir
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,
NEVADA BAR NO. 6904,

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND RECOMMENDATION AFTER
FORMAL HEARING

This matter involving attorney Jeremy T. Bergstrom ("Respondent"), Bar No. 6904, came before a designated Formal Hearing Panel of the Southern Nevada Disciplinary Board ("Panel") at 9 a.m. on July 25, 2018, at the offices of the State Bar of Nevada ("State Bar") in Las Vegas, Nevada. The Panel consisted of Chair Dawn M. Lozano, Esq., John E. Bragonjie, Esq. and Randall Scott, Laymember. Assistant Bar Counsel Ann Elworth, Esq., represented the State Bar. Respondent was initially not present. (Transcript p.7 l. 10) After multiple attempts to locate Respondent through his office staff (Transcript p. 7 ll. 11-20), Respondent was found to be at his home at approximately 9:35 a.m. (Transcript p. 10 ll. 1-4). Chair Lozano notified Respondent, through his staff, that the hearing would start at that time, and that Respondent was asked to arrive as soon as possible. (Transcript p. 11 ll. 15-22). Respondent appeared at 10:36 a.m. and thereafter represented himself (Transcript p. 44 ll. 9-10).

1 The State Bar presented evidence consisting of pleadings, State Bar records and documents
2 related to the grievance and investigation thereof, all of which were admitted into evidence without
3 objection as Exhibits 1-12. Respondent did not present any exhibits.

4 The Panel heard testimony from David Jacobs, Esq., Suzanne Farrell, Paralegal Investigator
5 for the State Bar, and Respondent.

6 Based upon the evidence presented and testimony received, the Panel unanimously issues
7 the following Findings of Fact, Conclusions of Law, and Recommendation:

8 FINDINGS OF FACT

9 1. Respondent is an attorney licensed to practice law in the State of Nevada and was
10 admitted to the State Bar on October 12, 1999. (Exhibit 1 p. 033 ll. 13-4).

11 2. David A. Jacobs, Esq. ("Jacobs") is an Oregon attorney (Transcript p. 20 ll. 17-8)
12 who referred his client, Neilson Lee ("Lee") to Respondent to domesticate a judgment in Nevada
13 from the State of Oregon, as well as to pursue collections against the debtor. (Transcript p. 21 ll.
14 19-24, Exhibit 3 p. 3). Lee paid a \$5,000 retainer to Respondent. (Exhibit 3 p. 9).

15 3. On March 30, 2016, Respondent filed the foreign judgment in the Clark County
16 Eighth District Court, Case No A-16-734246-F. (Exhibit 5).

17 4. On April 18, 2016, Jacobs requested a status update from Respondent. In response,
18 Respondent indicated that the judgment was "domesticated in Nevada on 3/30/16. There is a 30 day
19 stay following the domestication that temporarily enjoins judicial post-judgment collection
20 measures. We are now in that stay period. The stay expires on 5/4/16 (taking into consideration
21 mailing time) and from that point forward, we can levy against any non-exempt asset we can find."
22 (Exhibit 3 p. 10-12).

23 5. After three (3) additional emails from Jacob requesting a response, on May 11, 2016,
24 Respondent sent Jacobs an email saying that he had been ill with the flu for two weeks and was
25

1 playing catch up. He apologized for not responding while "out of commission." (Transcript p. 38
2 ll. 2-7, Exhibit # pp. 32, 13).

3 6. On June 23, 2016, Respondent finally sent another email to Jacobs regarding his asset
4 search efforts. That same day, Respondent was authorized to obtain title reports in order to proceed
5 with execution of the judgment on properties believed to be owned by Ng. (Transcript p. 17 ll. 17-
6 21, Exhibit 3 pp. 14-17).

7 7. Despite repeated emails requesting status updates, Jacobs received no additional
8 information from Respondent until October 2016, when Respondent claimed he had writs pending
9 on two (2) houses owned by Ng. (Transcript p. 40 ll. 13-17, Exhibit 3 pp. 28-29).

10 8. Jacobs attempted to verify the existence of the liens Respondent claimed were
11 pending, but was unable to do so. (Exhibit 3 p.27).

12 9. Jacobs continued his efforts to obtain information on the progress of Respondent's
13 collection efforts in November and December 2016 and early January 2017, to no avail. (Transcript
14 p. 41 ll. 19-21, Exhibit 3 p. 25).

15 10. Finally, in response to a threatened bar complaint, Respondent emailed Jacobs on
16 January 17, 2017. This was an email that said, "The legal process to cause forced execution of sales
17 of the real property located at 2059 Raspberry Hill Road in Laws Vegas and 1711 Elaine Drive in
18 Las Vegas is underway. Our research and asset detection efforts have identified those two assets
19 are the most viable (sic) recovery targets and the most likely to lead to satisfaction of the judgment."
20 (Transcript pp. 41-42 ll. 24-3, Exhibit 3 pp. 25, 31).

21 11. Respondent also stated "we will continue forward with these execution sales and
22 keep you updated along the way." He then apologized for "not keeping you apprised of the status
23 previously." (Exhibit 3 p. 31).

1 12. Jacobs sent Respondent follow-up emails on three (3) separate occasions attempting
2 to confirm the status of the executions sales, with no response. (Transcript p. 42 ll. 6-15, Exhibit 3
3 p. 30).

4 13. The subject properties had already been sold in December 2016. (Transcript p. 55 l.
5 8-56 l. 3 and p. 56 l. 24- p. 57 l. 20, Exhibit 6, pp. 3-6 and Exhibit 7, pp. 3-6).

6 14. The State Bar sent a Letter of Investigation via email to Respondent on August 15,
7 2017. Respondent's response was due on August 29, 2017. (Transcript p. 51 ll. 4-5, 7, Exhibit 3 p.
8 19).

9 15. Respondent did not reply to the Letter of Investigation. (Transcript p. 51 l. 22).

10 16. On September 13, 2017, a letter was sent informing Respondent of his requirement
11 to respond to State Bar investigations and reminding him that a failure to do so is a violation of Rule
12 of Professional Conduct ("RPC") 8.1. (Transcript p.52 ll. 3-6, Exhibit 3 pp. 20-22).

13 17. Respondent failed to respond to the RPC 8.1 letter. (Transcript p. 52 l. 19).

14 18. The State Bar filed a Complaint on April 5, 2018. (Transcript p. 61 ll. 22-23, Exhibit
15 1 pp. 1-5).

16 19. Respondent's verified response to the Complaint was due within twenty (20) days.
17 (Exhibit 1 p. 1. 17).

18 20. Respondent failed to file a verified Answer within the time allowed. (Transcript p.
19 63 l. 12).

20 21. Because Respondent failed to timely file an Answer, the State Bar served a Notice
21 of Intent to Default on May 2, 2018. The Notice stated Respondent's deadline to respond was May
22 22, 2018. (Transcript p. 63, ll. 15-16, Exhibit 1 pp. 19-21).

23 22. Respondent filed his Answer on or about May 22, 2018. (Transcript p. 65 ll. 11-14,
24 Exhibit 1 pp. 33-39).

23. Respondent gave multiple excuses for his failure to timely appear for the hearing.
(Transcript p. 68 ll. 14-18).

24. Respondent claimed he did not know the procedure for, or significance of, the discipline process. (Transcript p. 67 l. 23- p. 68 l. 2).

25. Respondent acknowledged he was not as diligent as he should have been on the Jacobs matter. (Transcript p. 69, ll. 18-20).

26. Respondent insisted his office had begun the foreclosure process on the subject properties, but could not provide any proof thereof other than his testimony. (Transcript p. 69 ll. 21-22, p. 74 ll. 5-17, p. 77 l. 1-p. 78 l. 4, p. 80 ll. 8-22).

27. Respondent failed to provide documentation of the work he claimed to have performed despite requests for said documentation from the State Bar. (Transcript p. 78, ll. 5-14).

28. Respondent acknowledged he should have been more responsive to Jacobs.
(Transcript p. 70, ll. 14-16).

29. Respondent acknowledged he did not timely participate in the investigation of the grievance. (Transcript p. p. 68 ll. 2-4, p. 69 ll. 10-13, p. 70 ll. 23- p. 71 ll. 6).

30. Respondent acknowledged he had timely responded to a grievance in the past, but felt it was more serious than this case. (Transcript p. 86 l. 2-88 l. 12).

31. Respondent refunded the majority of the subject retainer only after receiving the notice of intent to default from the State Bar. (Transcript p. 92, ll. 22-25).

32. Respondent failed to appear timely for the prehearing conference in this matter.
(Transcript p. 95 l. 2).

33. Respondent failed to provide proof of obtaining writs of execution, despite specific instruction from the Chair to do so. (Transcript p. 95 ll. 11-17).

34. Respondent did not cause liens to be placed on the properties prior to the transfers of title. (Transcript p. 97 l. 24- p. 98 l. 1).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Panel hereby issues the following

Conclusions of Law:

1. That the Southern Nevada Disciplinary Board has jurisdiction over Respondent and the subject matter of these proceedings pursuant to Supreme Court Rule ("SCR") 99;

2. That venue is proper in Clark County; and

3. The State Bar must prove by clear and convincing evidence that Respondent violated any Rules of Professional Conduct. *See* Nev. Sup. Ct. R. 105(2)(f); *In re Stuhff*, 108 Nev. 629, 633-634, 837 P.2d 853, 856; *Gentile v. State Bar*, 106 Nev. 60, 62, 787 P.2d 386, 387 (1990).

4. The appropriate level of discipline must be determined considering “all relevant factors and mitigating circumstances on a case-by-case basis.” *State Bar of Nevada v. Claiborne*, 104 Nev. 11, 219, 756 P.2d 464, 531 (1988). We evaluate The American Bar Association Standards for Imposing Lawyer Sanctions’ four factors to be considered in determining the appropriate disciplinary sanction: “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.” *See In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1078 (2008).

5. With respect to the duty violated, the Panel unanimously finds that the foregoing findings of fact prove by clear and convincing evidence that Respondent violated duties to his client and the legal profession as follows:

a. Respondent failed to provide competent representation to the client in violation of RPC 1.1;

1 b. Respondent failed to act with reasonable diligence and promptness in
2 violation of RPC 1.3;

3 c. Respondent failed to keep the client reasonably informed about the status of
4 the matter and failed to promptly comply with reasonable requests for information in
5 violation of RPC 1.4;

6 d. Respondent failed to make reasonable efforts to expedite litigation consistent
7 with the interests of the client in violation of RPC 3.2; and

8 e. Respondent knowingly failed to respond to a lawful demand for information
9 from a disciplinary authority in violation of RPC 8.1(b).

10 6. With respect to the Respondent's mental state, the Panel finds that Respondent acted
11 negligently with respect to violations of RPC 1.1, 1.3, 1.4 and 3.2 and knowingly with respect to
12 RPC 8.1(b).

13 7. The Panel finds that Respondent's conduct resulted in potential injury to the client.

14 6. Pursuant to SCR 102.5, the Panel found the following aggravating factors exist:

15 a. a pattern of misconduct

16 b. substantial experience in the practice of law

17 7. Pursuant to SCR 102.5, the Panel found the following mitigating factors exist:

18 a. absence of prior disciplinary record

19 b. absence of dishonest or selfish motive

20 **ORDER**

21 Based upon the foregoing Findings of Fact and Conclusions of Law, the Panel hereby
22 recommends that:

23 1. Respondent be suspended from the practice of law for a period of six (6) months,
24 with all but four months of the suspension stayed;

2. Respondent will serve a six-month probationary period, said probationary period to begin on the date of imposition of his two-month actual suspension;

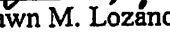
3. During his period of probation, Respondent shall be required to obtain a mentor with at least twenty (20) years in the practice of law. Respondent must participate in mentorship regarding law office management with the mentor for a period of six (6) months, beginning on the date of his reinstatement from actual suspension;

4. Respondent shall, during the period of his suspension, complete two (2) State Bar approved Continuing Legal Education courses in the subject of law office management. These courses shall not count towards Respondent's annual CLE requirements.

5. Respondent shall pay the actual costs of this proceeding, excluding Bar Counsel and staff salaries, as well as administrative costs of \$2,500, within 30 (thirty) days of service of a Memorandum of Costs.

DATED this 24 day of August, 2018.

DATED this 24 day of August, 2018.


Dawn M. Lozano, Panel Chair
Southern Nevada Disciplinary Board



FILED

AUG 30 2018

STATE BAR OF NEVADA

BY: S. R. R.
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,

Nevada Bar No. 6904,
Respondent.

STATE BAR OF NEVADA'S
MEMORANUM OF COSTS

TO: Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

Description	Amount
Court Reporter Fee & Transcript Fee (Hearing held, July 25, 2018)	\$1,650.80
Postage Fees: Certified Mail \$6.48 each x 6	\$ 38.88
SCR 120(1) costs	\$2,500.00
Total Amount Due:	\$4,189.68

The costs set forth above are true and correct to the best of my knowledge and belief and were necessary and reasonably incurred and paid in connection with this matter. True and correct copies of invoices supporting these costs are attached to this Memorandum of Costs.


As stated in the Findings of Fact, Conclusions of Law and Recommendation, Respondent shall be ordered to pay the fees and costs of these proceedings, pursuant to Supreme Court Rule

///

1 120(1), within thirty (30) days of service of the Memorandum of Costs. The Findings of Fact,
2 Conclusions of Law and Recommendation were filed in this matter on August 27, 2018.

3 DATED this 30 day of August, 2018.

4 **STATE BAR OF NEVADA**


5
6 By: 
7 Ann C. Elworth, Assistant Bar Counsel
8 Nevada Bar No. 6338
9 3100 W. Charleston Blvd, Ste. 100
10 Las Vegas, Nevada 89102
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1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR'S**
3 **MEMORANDUM OF COSTS** was deposited in the United States Mail at Las Vegas, Nevada,
4 postage fully pre-paid thereon for first-class regular mail addressed to:

5 Jeremy T. Bergstrom, Esq.
6 9555 S. Eastern Avenue, Ste. 200
7 Las Vegas, NV 89123
8 (SCR 79 address)

9 DATED this 30th day of August, 2018.

10
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16
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19
20
21
22
By: 
Tiffany Bradley, an employee of
the State Bar of Nevada.



Litigation

Litigation Services and Technologies of Nevada, LLC

3770 Howard Hughes Pkwy
Suite 300
Las Vegas, NV 89169
Phone 800 330 1112
LitigationServices.com

Ann Elworth, Esq.
State Bar of Nevada
3100 W. Charleston Blvd.
Suite 100
Las Vegas, NV 89102

INVOICE

Invoice No.	Invoice Date	Job No.
1251092	8/9/2018	478756
Job Date	Case No.	
7/25/2018		
Case Name		
State Bar of Nevada vs. Bergstrom, Jeremy		
Payment Terms		
Net 30		

Transcript of Proceedings

Formal Hearing In Re: Jeremy T. Bergstrom

Attendance - Full Day

Exhibits - B&W

186.00 Pages	@	7.75	1,441.50
		170.00	170.00
131.00 Pages	@	0.30	39.30
TOTAL DUE >>>			\$1,650.80
AFTER 9/8/2018 PAY			\$1,815.88

Case #: OBC17-1050

Please note, disputes or refunds will not be honored or issued after 30 days

STATE BAR OF NEVADA	DEPT	Disc
ACCT NAME(S)	ACCT#(S)	\$AMT(S)
DISC		
APPROVED	TOTALS	1650.80
Shelley Young		

Phone: 702-382-2200 Fax: 702-385-2878

Tax ID: 27-5114755

Please detach bottom portion and return with payment

Ann Elworth, Esq.
State Bar of Nevada
3100 W. Charleston Blvd.
Suite 100
Las Vegas, NV 89102

Job No. : 478756 BU ID : LV-CR
Case No. :
Case Name : State Bar of Nevada vs. Bergstrom, Jeremy
Invoice No. : 1251092 Invoice Date : 8/9/2018
Total Due : \$1,650.80
AFTER 9/8/2018 PAY \$1,815.88

Remit To: Litigation Services and Technologies of Nevada, LLC
P.O. Box 98813
Las Vegas, NV 89193-8813

PAYMENT WITH CREDIT CARD		AMEX	DISC	VISA
Cardholder's Name:				
Card Number:				
Exp. Date:		Phone#:		
Billing Address:				
Zip:		Card Security Code:		
Amount to Charge:				
Cardholder's Signature:				
Email:				

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front, if space permits.

1. Article Addressed to:

Bergstrom Law, Ltd.
Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ *WJP* ☐ Agent
B. Received by (Printed Name) ☐ Addressee
M. Burch
C. Date of Delivery

Is the address different from item 1? ☐ Yes
RECEIVED BY ☐ No

SEP 19 2017

STATE BAR OF NEVADA



9590 9402 2008 6123 3755 55

2. Article Number (Transfer from service label)

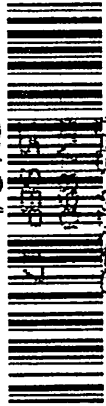
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

Mail Restricted Delivery

PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING #



9590 9402 2008 6123 3755 55

United States
Postal Service

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

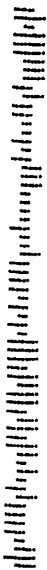
• Sender: Please print your name, address, and ZIP+4® in this box •



STATE BAR OF NEVADA
3100 W. Charleston Blvd Ste 100
Las Vegas, NV 89102
www.nvbar.org

Attn: Jessica Poni

OBC17-1050



2-159225

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1. Article Addressed to:

Jeremy T. Bergstrom, Esq.
Bergstrom Law, Ltd.
9555 S. Eastern Ave., Suite 200
Las Vegas, NV 89123

03C.17-1050

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ X

[Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name)

V. Barts

C. Date of Delivery

D. Is delivery restricted in any way?
If YES, enter delivery address below:

☐ Yes
☐ No

NOV 20 2017

STATE BAR OF NEVADA

3. Service Type

- ☐ Certified Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number
(Transfer from service label)

7016 1970 0000 9931 1657

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15-10

UNITED STATES POSTAL SERVICE
LAS VEGAS, NV 89102

17 NOV '17
PM 3:1

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

State Bar of Nevada
Attn: Suzanne Farrell
3100 W. Charleston Blvd. Ste. 100
Las Vegas, NV 89102

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NOV 21 2017

OFFICE OF BAR COUNSEL



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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Jeremy T. Bergstrom, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

2. Article Number (Transfer from service label)

7016 1970 0000 9931 0803

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

JANNA POPA

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below

RECEIVED BY

APR 11 2018

STATE BAR OF NEVADA

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

LAS VEGAS
NV 890
10 APR '18
PM 3 L

APR 12 2018

First-Class Mail
Postage & Fees Paid
Permit No. G-10

RECEIVED

United States
Postal Service

• Sender: Please print your name, address and ZIP code.

OBC17-1050
Formal Hearing
Complaint & Docs



STATE BAR OF NEVADA
3100 W. Charleston Blvd Ste 100
Las Vegas, NV 89102
www.nvbar.org

ATTN: Tiffany Bradley
Discipline Department

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Jeremy T. Bergstrom
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

7018 0040 0000 8193 8175

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☐ Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED BY

MAY 07 2018

3. Service Type **STATE BAR OF NEVADA**

☒ Adult Signature Restricted Delivery ☐ Registered Mail™

☒ Certified Mail ☐ Registered Mail Restricted Delivery

☒ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise

☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation™

☐ Insured Mail ☐ Signature Confirmation Restricted Delivery

☐ Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

LAS VEGAS

NEV 890

04 MAY '18

PM 3:1

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States

Postal Service

RECEIVED

• Sender: Please print your name, address, and ZIP+4® in this box •

MAY 08 2018

OFFICE OF BAR COUNSEL



STATE BAR OF NEVADA
3100 W. Charleston Blvd Ste 100
Las Vegas, NV 89102
www.nvbar.org

OBC17-1050

Formal Hearing
Notice of Intent to Default
ATTN: Tiffany Bradley
Discipline Department

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:


Jeremy F. Bergstrom
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

2. Article Number (Transfer from service label)

7038 0040 0000 8193 8151

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter address below: ☐ No

MAY 18 2018

STATE BAR OF NEVADA

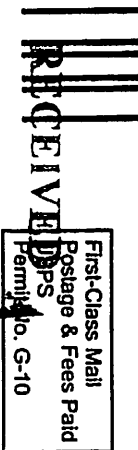
3. Service Type

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<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Insured Mail (over \$500)	<input type="checkbox"/> Signature Confirmation Restricted Delivery

Domestic Return Receipt

LAS VEGAS
NV 890
17 MAY '18
PM 3 L

MAY 18 2018



United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box.
OFFICE OF BAR COUNSEL



STATE BAR OF NEVADA
3100 W. Charleston Blvd Ste 100
Las Vegas, NV 89102
www.nvbar.org

OBC17-1050
Formal Hearing
Order Appt. Chair
ATTN: Tiffany Bradley
Discipline Department

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jeremy T. Bergstrom
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

2. Article Number (Transfer from service label)

7018 0040 0000 8193 8144

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery restricted to item 1? ☐ Yes
If YES, enter restriction address below ☒ No

MAY 21 2018

STATE BAR OF NEVADA

3. Service Type
- ☐ Adult Signature Restricted Delivery
 - ☒ Certified Mail®
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Insured Mail
 - ☐ Insured Mail Restricted Delivery (over \$500)
 - ☐ Priority Mail Express®
 - ☐ Registered Mail™
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation™
 - ☐ Restricted Delivery

Domestic Return Receipt

RECEIVED

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

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United States
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STATE BAR OF NEVADA
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Las Vegas, NV 89102
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OBC17-1050
Formal Hearing
Notice of ICC
ATTN: Jeffrey Bradley
Discipline Department

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