

1 testify at the hearing, having refused to do so for the Griffin hearing. In the
2 event they again refused to send a witness in this case like they did in the
3 Griffin case, prevailing at arbitration in this case would not be possible. Since
4 the amount sued for in this Lopez case was less than half the amount sued for
5 in the Griffin case, it seems likely that MGIC would have elected to refuse to
6 send a witness. Respondent acknowledges the speculation involved in this
7 analysis, but given the similarities between this case and Griffin, including the
8 same creditor being involved, this analysis is more than mere guesswork. In
9 the event MGIC again would have declined to send a witness, that would have
10 been the causation of any unsuccessful arbitration. Again, MGIC was not
11 asked to send a witness in this case solely because Respondent did not receive
12 the notice of the arbitration hearing.

14 19. Answering Paragraph 19, Respondent reviewed the court docket and the
15 allegation appears to be correct.

16 20. Answering Paragraph 20, Respondent reviewed the court docket and the
17 allegation appears to be correct.

18 21. Answering Paragraph 21, Respondent reviewed the court docket and the
19 allegation appears to be correct.

20 22. Answering Paragraph 22, Respondent was to the best of his knowledge and
21 understanding initially unaware of the entry of the Lopez judgment, and thus,
22 did not notify List of its entry.
23
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1 23. Answering Paragraph 23, Respondent is without sufficient knowledge to
2 answer and therefore denies the allegation.

3 24. Answering Paragraph 24, Respondent denies the allegations.

4 25. Answering Paragraph 25, Respondent notes that it is identical, word for word,
5 to Paragraph 24 so this is believed to be an unintended paragraph. However, in
6 the event it was intended, Respondent denies the allegations.

7 26. Answering Paragraph 26, Respondent admits the allegations.

8 27. Answering Paragraph 27, Respondent admits the allegations.

9 28. Answering Paragraph 28, Respondent admits the allegations.

10 29. Answering Paragraph 29, Respondent admits the allegations.

11 30. Answering Paragraph 30, Respondent admits the allegations and further states
12 that the e-mail service was not received and the mail service also does not
13 appear to have been timely received.

14 31. Answering Paragraph 31, Respondent admits that an opposition was not filed
15 and that the motion was granted. Respondent further states that the non-
16 opposition may not have been the cause of the motion being granted. The
17 lawsuit involved choice of laws issues between different states, determining
18 what state's procedural and substantive law to apply, and real property located
19 in a foreign state. On its merits, Defendant's Motion was very compelling.
20 Respondent would have been unable to submit an opposition supported by
21 controlling law that would create genuine issues of material fact sufficient to
22 defeat the motion. This analysis is not nearly as simple as concluding that the
23
24



1 motion being unopposed resulted in the motion being granted irrespective of
2 anything else, and had the motion been timely opposed, it would have been
3 justly denied. Further, List sent Respondent an e-mail on June 21, 2017 that
4 stated the Defendant relocated to Canada and that requested the firm to close
5 its file. When a close request is received, the firm dismisses the pending
6 claims, bills all cost advances and closes the file. Thus, the claims brought by
7 MGIC against the Defendant were effectively abandoned in the jurisdiction of
8 Nevada on the date of this e-mail, irrespective of the outcome of the motion for
9 summary judgment.
10

11 32. Answering Paragraph 32, Respondent reviewed the docket and admits the
12 allegation.

13 33. Answering Paragraph 33, Respondent reviewed the docket and admits the
14 allegation.

15 34. Answering Paragraph 34, Respondent notes that he does not intend to allow
16 MGIC to be responsible for this adverse judgment. Respondent will be acting
17 to cause this judgment to be satisfied with no payment being required from
18 MGIC. The issues regarding the adverse attorney fee award should be found to
19 be moot after they have been satisfied by Respondent as MGIC will bear no
20 responsibility for them and Respondent will have been punished enough by his
21 payment of those fees.
22

23 35. Answering Paragraph 35, Respondent is without sufficient knowledge to
24 answer and therefore denies the allegations.



1 36. Answering Paragraph 36, Respondent is without sufficient knowledge to
2 answer and therefore denies the allegations. Again however, Respondent will
3 be satisfying the adverse judgment so the issues concerning it should be moot.
4 37. Answering Paragraph 37, Respondent is without sufficient to knowledge and
5 therefore denies the allegation.
6 38. Answering Paragraph 38, Respondent is without sufficient knowledge to
7 answer and therefore denies the allegations. However, to the extent List paid
8 the adverse judgment, Respondent will reimburse List for the sums they paid.
9 The end result will be no monetary loss by either List or MGIC, with
10 Respondent bearing the entire brunt of the loss.
11 39. Answering Paragraph 39, Respondent denies the allegations.
12 40. Answering Paragraph 40, Respondent admits the allegation.
13 41. Answering Paragraph 41, Respondent denies the allegations. The complaint
14 was not filed by Responded, it was filed by an associate employed by
15 Respondent's prior firm, Paterno Jurani. While the file was handled by the
16 former firm, Respondent was in no way involved with the case. Respondent
17 reviewed the docket and admits that the complaint was filed in March 2014.
18 42. Answering Paragraph 42, Respondent reviewed the docket and admits the
19 allegation that Falcon filed an MSJ against Plaintiff on November 12, 2014.
20 43. Answering Paragraph 43, Respondent admits the case was transferred to his
21 current firm in November 2014 with the firm opening a file in its case
22 management system on November 25, 2014.
23
24

1 44. Answering Paragraph 44, Respondent reviewed the docket and admits the
2 allegation. At the time relevant to the allegation, Respondent was not counsel
3 of record and had barely been able to open a file in his case management
4 system.

5 45. Answering Paragraph 45, Respondent reviewed the docket and admits the
6 allegation. Respondent subsequently communicated with opposing counsel
7 regarding the opposition being finished and mail served on April 16, 2015
8 rather than April 13, 2015.

9 46. Answering Paragraph 46, Respondent admits the allegation. The mailing date
10 was communicated to opposing counsel previously and no opposition was
11 made to the timeliness of the opposition.
12

13 47. Answering Paragraph 47, Respondent admits the allegation.

14 48. Answering Paragraph 48, Respondent admits that the MSJ, incorrectly
15 identified as a motion to dismiss, was entered on April 30, 2015.

16 49. Answering Paragraph 49, Respondent reviewed the docket and admits the
17 allegations.

18 50. Answering Paragraph 50, Respondent reviewed the docket and admits the
19 allegations. Respondent further states that he does not intend to allow UGRIC
20 to be responsible for this adverse judgment. Respondent will be acting to
21 cause this judgment to be satisfied with no payment being required from
22 UGRIC. The issues regarding the adverse attorney fee award should be found
23 to be moot after they have been satisfied by Respondent as UGRIC will bear
24



1 no responsibility for them and Respondent will have been punished enough by
2 his payment of those fees.

3 51. Answering Paragraph 51, Respondent is without sufficient knowledge to
4 answer and therefore denies the allegations.

5 52. Answering Paragraph 52, Respondent is without sufficient knowledge to
6 answer and therefore denies the allegations.

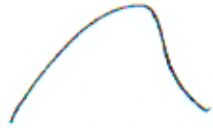
7 53. Answering Paragraph 53, Respondent believes the allegations to be correct.

8 54. Answering Paragraph 54, Respondent admits that he voiced an intent to satisfy
9 the judgments. Respondent further states that intent remains the same as of
10 this date. Respondent will satisfy all four judgments. Neither List, MGIC nor
11 UGRIC will bear any loss as a result of them. The fact that has not yet been
12 done should not be mistaken for a change of position by Respondent. It will be
13 done. Respondent further notes that List owes his current firm the sum of
14 \$8,630.42 in non-reimbursed cost advances made out of pocket by his current
15 firm.
16

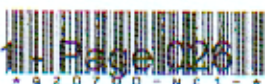
17 55. Answering Paragraph 55, Respondent denies the allegations.

18 DATED this 8th day of March 2019.

19
20 By:



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

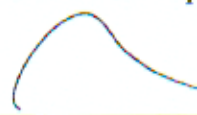


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VERIFICATION

The undersigned hereby states that the above statements are true and correct to the best of his knowledge and that the statements are based upon personal knowledge.

By:



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

Case No.: OBC18-0859



FILED

MAR 04 2019

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.
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. Bryan Cox, Esq., Chair

DATED this 15 day of March, 2019.

STATE BAR OF NEVADA

By: [Signature]

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 HEARING PANEL CHAIR** 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 *and via email to:*

- 9 1. Bryan Cox, Esq. (Panel Chair):
10 2. Respondent jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
11 3. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

12 DATED this 4th day of March, 2019.

13 By: 

14 Tiffany Bradley, an employee of
15 the State Bar of Nevada.
16
17
18
19
20
21



FILED

MAR 15 2019

STATE BAR OF NEVADA

BY: S. J. 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.

SCHEDULING ORDER

Pursuant to Rule 17 of the Disciplinary Rules of Procedure ("DRP"), on Thursday, March 7, 2019, at 10:00 a.m., Bryan A. Cox, Esq., the Formal Hearing Panel Chair, met telephonically with Ann C. Elworth, 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. mail 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. Wednesday, May 15, 2019, and shall take place at the State Bar Office located at 3100 W. Charleston Blvd., Suite 100, Las Vegas, Nevada 89102.

1 3. On or before **Thursday, March 14, 2019, at 5:00 p.m.** the State Bar of Nevada's
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 **Friday, March 22, 2019, at 5:00 p.m.** Respondent's disclosures shall
5 be 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. On or before **Friday, April 12, 2019, at 5:00 p.m.** the parties shall file and serve
8 any Motions (*see* DRP 16).

9 6. On or before **Friday, April 26, 2019, at 5:00 p.m.** all oppositions to the Motions,
10 if any, shall be filed and served on the parties (*see* DRP 16 (b)).

11 7. On or before **Monday, May 6, 2019, at 5:00 p.m.** all replies to any opposition, if
12 any, shall be filed and served on the parties (*see* DPR 16 (c)).

13 8. On or before **Monday, April 15, 2019, at 5:00 p.m.** the parties shall serve a Final
14 Designation of witnesses expected to testify and exhibits expected to be presented at the Formal
15 Hearing in this matter, pursuant to SCR 105(2)(d), DRP 17(a) and DRP 21. The State Bar served
16 their disclosures on September 15, 2017, but may supplement as needed.

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 9. On **Thursday, May 2, 2019, at 1:00 p.m.** the parties shall meet telephonically with
20 Chair Cox for the Pre-hearing Conference. The parties shall use the State Bar conference bridge
21 **(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

1 parties shall discuss and determine stipulated exhibits proffered by either the State Bar or
2 Respondent as well as a stipulated statement of facts, if any.

3 10. The Panel Chair has discussed the possibility of mediation with the parties.

4 11. The parties stipulate that venue is proper in Clark County.

5 12. The parties stipulate to waive SCR 105(2)(d) to allow for the formal appointment
6 of the remaining hearing panel members on a date that is greater than 45 days prior to the
7 scheduled hearing.

8 Based on the parties' verbal agreement to the foregoing during the telephonic Initial
9 Conference and good cause appearing, **IT IS SO ORDERED.**

10 Dated this ____ day of March, 2019.

11 **SOUTHERN NEVADA DISCIPLINARY BOARD**

12
13 By: 

14 Bryan A. Cox, Esq.
15 Hearing Panel Chair
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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **SCHEDULING ORDER** 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, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

and via email to:

1. Bryan Cox, Esq. (Panel Chair): bcov.lv@gmail.com ;
2. Respondent jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
3. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

DATED this 19th day of March, 2019.

By: 

Tiffany Bradley, an employee of
the State Bar of Nevada.



FILED

MAR 14 2019

STATE BAR OF NEVADA

BY: S. D. W.
OFFICE OF BAR COUNSEL

Case No.: OBC18-0859

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

JEREMY T. BERGSTROM, ESQ.,
NV 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 date-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 *Mortgage Guaranty Insurance Co. vs. Lia Griffin, et al.*, Case No. A-14-703581-C.

1 3. Any and all documentation contained in *Mortgage Guaranty Insurance Co. vs.*
2 *Alfonso Lopez, et al.*, Case No. A-14-698323-C.

3 4. Any and all documentation contained in *Mortgage Guaranty Insurance Co. vs. Paul*
4 *Mokeski, et al.*, Case No. CV15-00722.

5 5. Any and all documentation contained in *UGRIC vs. Guillermo Falcon, et al.*, Case
6 No. CV14-00648.

7 6. Any and all documentation contained in records of the State Bar of Nevada regarding
8 Respondent's licensure, compliance with reporting requirements, and disciplinary history.

9 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
2.	Affidavit of Prior Discipline	will be produced at the time of hearing
3.	Retention Letter re: Griffin dated May 19, 2014	SBN Exhibit 3 001-002
4.	Judgment on Arbitration Award re: Griffin dated July 10, 2017	SBN Exhibit 4 001-002
5.	Email from Respondent to Ward dated September 19, 2017	SBN Exhibit 5 001-002
6.	Judgment on Arbitration Award re: Lopez dated November 20, 2015	SBN Exhibit 6 001-002
7.	Retention Letter re: Lopez dated January 24, 2014	SBN Exhibit 7 001-002
8.	Retention Letter re: Mokeski dated August 11, 2014	SBN Exhibit 8 001-002
9.	Letter from Menn to MGIC (Mokeski) dated April 25, 2018	SBN Exhibit 9 001
10.	Email from Ward to Respondent dated May 7 and 8, 2018	SBN Exhibit 10 001
11.	Judgment re: Mokeski dated October 25, 2016	SBN Exhibit 11 001-002
12.	Retention Letter re: Falcon dated October 23, 2013	SBN Exhibit 12 001-002
13.	Order to Show Cause re: Falcon dated January 27, 2015	SBN Exhibit 13 001-003
14.	Hearing minutes re: Falcon dated February 27, 2015	SBN Exhibit 14 001

15.	Hearing minutes re: Falcon dated March 27, 2015	SBN Exhibit 15 001
16.	Order Granting Motion for Summary Judgment re: Falcon dated April 30, 2015	SBN Exhibit 16 001-002
17.	Reply in Support of Motion for Summary Judgment re: Falcon dated April 23, 2015	SBN Exhibit 17 001-006
18.	Docket re: Falcon	SBN Exhibit 18 001-009
19.	Judgment re: Falcon dated July 2, 2015	SBN Exhibit 19 001-004
20.	Letter from O'Rourke to Respondent dated June 5, 2018	SBN Exhibit 20 001
21.	Emails between O'Rourke and Respondent dated June 20 and 21, 2018	SBN Exhibit 21 001-003
22.	Email from O'Rourke to Respondent dated June 27, 2018	SBN Exhibit 22 001
23.	Email from O'Rourke to Respondent dated July 16, 2018	SBN Exhibit 23 001-002
24.	Email from O'Rourke to Respondent dated July 19, 2018	SBN Exhibit 24 001-002
25.	Email from O'Rourke to Respondent dated July 20, 2018	SBN Exhibit 25 001
26.	Motion for Summary Judgment re: Mokeski dated June 14, 2016	SBN Exhibit 26 001-014
27.	Email from List to Respondent re: Mokeski dated June 21, 2017	SBN Exhibit 27 001
28.	Opposition to Motion for Summary Judgment re: Falcon dated April 16, 2015	SBN Exhibit 28 001-007
29.	Fed Ex shipping label re: Falcon	SBN Exhibit 29 001
30.	Fed Ex delivery confirmation re: Falcon	SBN Exhibit 30 001
31.	Settlement Agreement re: Mokeski	SBN Exhibit 31 001-004
32.	Checks to pay Mokeski lien	SBN Exhibit 32 001-004

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, her mental state pursuant to ABA Standards, the

1 harm resulting from his conduct, and any aggravating and mitigating factors pursuant to Supreme
2 Court Rule 102.5.

3 2. Audrey Ward-List & Associates may be called and would be expected to testify
4 regarding the facts and circumstances surrounding the grievance.

5 3. Adam O'Rourke may be called and would be expected to testify regarding the facts
6 and circumstances surrounding the grievance.

7 4. Crystal Abbey may be called and would be expected to testify regarding the facts
8 and circumstances surrounding the grievance.

9 5. Paterno Jurani may be called and would be expected to testify regarding the facts and
10 circumstances surrounding the grievance.

11 6. Jamie Henderickson may be called and would be expected to testify regarding the
12 facts and circumstances surrounding the grievance.

13 7. State Bar Investigator, Louise Watson is anticipated to testify concerning her
14 interactions with the Grievant, interactions with Respondent and her law office concerning the
15 charged Grievance, her investigation of the charged Grievance, Office of Bar Counsel investigation
16 procedures, her investigation, review of documents acquired and maintained by the Office of Bar
17 Counsel pertinent to any and all relevant facts, issues, and documentation.

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1 8. A representative of the State Bar of Nevada Office of Bar Counsel is expected to
2 testify as Custodian of Records and provide testimony regarding Respondent's license and
3 discipline history.

4 The State Bar reserves the right to supplement this witness list as necessary.

5 DATED this 14 day of March, 2019.

6 **STATE BAR OF NEVADA**
Daniel E. Hooge, Bar Counsel

7
8 By: 
9 Ann C. Elworth, Assistant Bar Counsel
10 Nevada Bar No. 6338
3100 W. Charleston Blvd, Ste. 100
Las Vegas, Nevada 89102

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing STATE BAR'S INITIAL SUMMARY OF EVIDENCE AND DISCLOSURE OF WITNESSES FOR FORMAL HEARING 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, Esq.
9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

and via email to:

1. Bryan Cox, Esq. (Panel Chair): bcox.lv@gmail.com ;
2. Respondent jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
3. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

DATED this 14th day of March, 2019.

By: 

Tiffany Bradley, an employee of
the State Bar of Nevada.



FILED

APR 08 2019

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.,

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, May 15, 2019; starting at 9:00 a.m.** The hearing will be conducted at the State Bar of Nevada offices located at 3100 W. Charleston Blvd., Suite 100, Las Vegas, NV 89102. You are entitled to be represented by counsel, to cross-examine witnesses, and to present evidence.

Dated this 8 day of April, 2019.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

By: [Signature]
Ann Elworth, Assistant Bar Counsel
Nevada Bar No. 6338
3100 W. Charleston Boulevard Suite 100
Las Vegas, Nevada 89102

1 CERTIFICATE OF SERVICE

2 The undersigned hereby certifies a true and correct copy of the foregoing **NOTICE OF**
3 **FORMAL HEARING** was deposited in the United States Mail at Las Vegas, Nevada, postage fully
4 pre-paid thereon for first-class regular mail addressed to:

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

6 *and via email to:*

- 7 1. Bryan Cox, Esq. (Panel Chair): bcox.lv@gmail.com ;
8 2. Respondent jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
3. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

9 DATED this 8th day of April, 2019.

10
11 By: 

12 Tiffany Bradley, an employee of
the State Bar of Nevada.



FILED

APR 10 2019

Case Nos.: OBC18-0859

STATE BAR OF NEVADA

BY: *[Signature]*

STATE BAR OF NEVADA

OFFICE OF BAR COUNSEL

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 15th day of May, 2019 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. Bryan Cox, Esq., Chair;
2. Jeff Sloane, Esq.
3. Randall Scott, Laymember

DATED this *10th* day of April, 2019.

STATE BAR OF NEVADA

By: *[Signature]*

Luke Puschnig, Esq.

Nevada Bar No. 3792

Chair of Southern Nevada Disciplinary Board

1 CERTIFICATE OF SERVICE

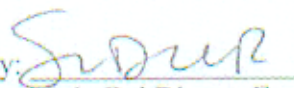
2 The undersigned hereby certifies that a true and correct copy of the foregoing **ORDER**
3 **APPOINTING FORMAL HEARING PANEL** was placed in a sealed envelope and sent by U.S.
4 regular mail in Las Vegas, Nevada, postage fully prepaid thereon for first class regular mail addressed
5 to:

6 **Jeremy T. Bergstrom, Esq.**
7 9555 S. Eastern Avenue, Ste. 200
8 Las Vegas, NV 89123

9 *and via email to:*

- 10 1. Bryan Cox, Esq. (Hearing Panel Chair): bcox.lv@gmail.com
11 2. Jeff Sloane, Esq. (Panel Member): jeff@jsloanelaw.com
12 3. Randall Scott (Lay Member): randallscott29@gmail.com
13 4. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org

14 DATED this 15th day of April, 2019.

15 By: 
16 Sonia Del Rio, an Employee
17 of the State Bar of Nevada
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Case No.: OBC18-0859



FILED

APR 15 2019

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.,

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, May 15, 2019; starting at 9:00 a.m.** The hearing will be conducted at the State Bar of Nevada offices located at 3100 W. Charleston Blvd., Suite 100, Las Vegas, NV 89102. You are entitled to be represented by counsel, to cross-examine witnesses, and to present evidence.

Dated this 15th day of April, 2019.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

By: [Signature]
Ann Elworth, Assistant Bar Counsel
Nevada Bar No. 6338
3100 W. Charleston Boulevard Suite 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 FINAL 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

7 *and via email to:*

- 8 1. Bryan Cox, Esq. (Panel Chair): bcx.lv@gmail.com ;
9 2. Respondent jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
3. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

10 DATED this 15th day of April, 2019.

11
12 By: 

13 Jana L. Chaffee, an employee of
14 the State Bar of Nevada.
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FILED

APR 15 2019

STATE BAR OF NEVADA

BY: Shirley
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.

STATE BAR'S FINAL 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 a final list of witnesses and 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 date-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 *Mortgage Guaranty Insurance Co. vs. Lia Griffin, et al.*, Case No. A-14-703581-C.

3. Any and all documentation contained in *Mortgage Guaranty Insurance Co. vs. Alfonso Lopez, et al.*, Case No. A-14-698323-C.

4. Any and all documentation contained in *Mortgage Guaranty Insurance Co. vs. Paul Mokeski, et al.*, Case No. CV15-00722.

5. Any and all documentation contained in *UGRIC vs. Guillermo Falcon, et al.*, Case No. CV14-00648.

6. 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
2.	Affidavit of Prior Discipline	will be produced at the time of hearing
3.	Retention Letter re: Griffin dated May 19, 2014	SBN Exhibit 3 001-002
4.	Judgment on Arbitration Award re: Griffin dated July 10, 2017	SBN Exhibit 4 001-002
5.	Email from Respondent to Ward dated September 19, 2017	SBN Exhibit 5 001-002
6.	Judgment on Arbitration Award re: Lopez dated November 20, 2015	SBN Exhibit 6 001-002
7.	Retention Letter re: Lopez dated January 24, 2014	SBN Exhibit 7 001-002
8.	Retention Letter re: Mokeski dated August 11, 2014	SBN Exhibit 8 001-002
9.	Letter from Menn to MGIC (Mokeski) dated April 25, 2018	SBN Exhibit 9 001

10.	Email from Ward to Respondent dated May 7 and 8, 2018	SBN Exhibit 10 001
11.	Judgment re: Mokeski dated October 25, 2016	SBN Exhibit 11 001-002
12.	Retention Letter re: Falcon dated October 23, 2013	SBN Exhibit 12 001-002
13.	Order to Show Cause re: Falcon dated January 27, 2015	SBN Exhibit 13 001-003
14.	Hearing minutes re: Falcon dated February 27, 2015	SBN Exhibit 14 001
15.	Hearing minutes re: Falcon dated March 27, 2015	SBN Exhibit 15 001
16.	Order Granting Motion for Summary Judgment re: Falcon dated April 30, 2015	SBN Exhibit 16 001-002
17.	Reply in Support of Motion for Summary Judgment re: Falcon dated April 23, 2015	SBN Exhibit 17 001-006
18.	Docket re: Falcon	SBN Exhibit 18 001-009
19.	Judgment re: Falcon dated July 2, 2015	SBN Exhibit 19 001-004
20.	Letter from O'Rourke to Respondent dated June 5, 2018	SBN Exhibit 20 001
21.	Emails between O'Rourke and Respondent dated June 20 and 21, 2018	SBN Exhibit 21 001-003
22.	Email from O'Rourke to Respondent dated June 27, 2018	SBN Exhibit 22 001
23.	Email from O'Rourke to Respondent dated July 16, 2018	SBN Exhibit 23 001-002
24.	Email from O'Rourke to Respondent dated July 19, 2018	SBN Exhibit 24 001-002
25.	Email from O'Rourke to Respondent dated July 20, 2018	SBN Exhibit 25 001
26.	Motion for Summary Judgment re: Mokeski dated June 14, 2016	SBN Exhibit 26 001-014
27.	Email from List to Respondent re: Mokeski dated June 21, 2017	SBN Exhibit 27 001
28.	Opposition to Motion for Summary Judgment re: Falcon dated April 16, 2015	SBN Exhibit 28 001-007

29.	Fed Ex shipping label re: Falcon	SBN Exhibit 29 001
30.	Fed Ex delivery confirmation re: Falcon	SBN Exhibit 30 001
31.	Settlement Agreement re: Mokeski	SBN Exhibit 31 001-004
32.	Checks to pay Mokeski lien	SBN Exhibit 32 001-004
33.	Email Chain between Respondent's Office and Audrey Ward of List & Associates dated January 25, 2017 through January 30, 2017	SBN Exhibit 33 001-006
34.	March 27, 2014 Complaint – Falcon Case	SBN Exhibit 34 001-006
35.	March 27, 2014 Complaint – Lopez Case	SBN Exhibit 35 001-006
36.	July 9, 2014 Complaint – Griffin Case	SBN Exhibit 36 001-005
37.	December 9, 2014 Substitution of Attorney – Griffin Case	SBN Exhibit 37 001-002
38.	May 29, 2015 Default – Griffin Case	SBN Exhibit 38 001
39.	September 24, 2015 Application for Default – Griffin Case	SBN Exhibit 39 001-055
40.	October 12, 2015 Default Judgment – Griffin Case	SBN Exhibit 40 001-004
41.	October 21, 2015 Notice of Entry of Order re Default Judgment – Griffin Case	SBN Exhibit 41 001-005
42.	April 20, 2016 Motion to Set Aside Default Judgment – Griffin Case	SBN Exhibit 42 001-008
43.	May 24, 2016 Hearing Minutes - Griffin Case	SBN Exhibit 43 001
44.	May 26, 2016 Stipulation and Order – Griffin Case	SBN Exhibit 44 001-002
45.	June 2, 2016 Writ of Execution – Griffin Case	SBN Exhibit 45 001-006
46.	June 7, 2016 Order for Release of Execution – Griffin Case	SBN Exhibit 46 001
47.	June 9, 2016 Answer to Complaint – Griffin Case	SBN Exhibit 47 001-004
48.	April 27, 2017 Notice that Judgment May be Entered – Griffin Case	SBN Exhibit 48 001-002
49.	June 26, 2017 Arbitration File – Griffin Case	SBN Exhibit 49 001-031
50.	July 10, 2017 Judgment Upon Arbitration – Griffin Case	SBN Exhibit 50 001-002

1 The State Bar incorporates by reference all documents identified by Respondent in this
2 matter.

3 **B. Witnesses**

4 1. Respondent will be called and would be expected to testify regarding his conduct and
5 communications surrounding the events related to, and any and all documents pertinent to, each of
6 the charged Rules of Professional Conduct, including but not limited to facts pertaining to the
7 breach of his professional responsibilities as an attorney, her mental state pursuant to ABA
8 Standards, the harm resulting from his conduct, and any aggravating and mitigating factors
9 pursuant to Supreme Court Rule 102.5.

10 2. Audrey Ward-List & Associates may be called and would be expected to testify
11 regarding the facts and circumstances surrounding the grievance.

12 3. Adam O'Rourke may be called and would be expected to testify regarding the facts
13 and circumstances surrounding the grievance.

14 4. Crystal Abbey may be called and would be expected to testify regarding the facts
15 and circumstances surrounding the grievance.

16 5. Paterno Jurani may be called and would be expected to testify regarding the facts
17 and circumstances surrounding the grievance.

18 6. Jamie Hendrickson, Esq. may be called and would be expected to testify regarding
19 the facts and circumstances surrounding the grievance.

20 7. State Bar Investigator, Louise Watson is anticipated to testify concerning her
21 interactions with the Grievant, interactions with Respondent and her law office concerning the
22 charged Grievance, her investigation of the charged Grievance, Office of Bar Counsel
23 investigation procedures, her investigation, review of documents acquired and maintained by the
24 Office of Bar Counsel pertinent to any and all relevant facts, issues, and documentation.

1 8. A representative of the State Bar of Nevada Office of Bar Counsel is expected to
2 testify as Custodian of Records and provide testimony regarding Respondent's license and
3 discipline history.

4 9. Holly Parker, Esq. may be called and would be expected to testify regarding
5 the facts and circumstances surrounding the grievance.

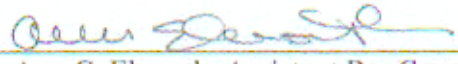
6 10. Andrew Wolf, Esq. may be called and would be expected to testify regarding
7 the facts and circumstances surrounding the grievance.

8 The State Bar reserves the right to supplement this witness list as necessary.

9 DATED this 15th day of April, 2019.

10 **STATE BAR OF NEVADA**

11 Daniel E. Hooge, Bar Counsel

12 By: 
13 Ann C. Elworth, Assistant Bar Counsel
14 Nevada Bar No. 6338
15 3100 W. Charleston Blvd, Ste. 100
16 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 FINAL 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:

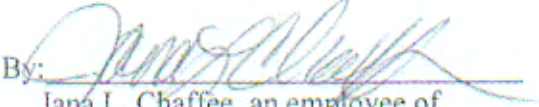
5 Jeremy T. Bergstrom, Esq.
6 9555 S. Eastern Avenue, Ste. 200
Las Vegas, NV 89123

7 Bryan Cox, Esq.
8 Clark County Public Defender's Office
P O Box 552610
309 S. Third Street, Ste. 226
9 Las Vegas, NV 89155

10 and via email to:

- 11 1. Bryan Cox, Esq. (Panel Chair): bcox.lv@gmail.com ;
12 2. Respondent jbergstrom@jbergstromlaw.com; info@jbergstromlaw.com;
3. Ann C. Elworth, Esq. (Assistant Bar Counsel): anne@nvbar.org;

13 DATED this 15th day of April, 2019.

14 By: 
15 Jana L. Chaffee, an employee of
16 the State Bar of Nevada.
17
18
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AFFIDAVIT OF TIFFANY BRADLEY
CUSTODIAN OF RECORDS

STATE OF NEVADA)
) §:
COUNTY OF CLARK)

TIFFANY BRADLEY, under penalty of perjury, being first duly sworn, deposes and says as follows:

That Affiant is employed as a Hearing Paralegal for the Office of Bar Counsel of the State Bar of Nevada and in such capacity is the custodian of records for the State Bar of Nevada;

That Affiant has reviewed the State Bar of Nevada membership records regarding Respondent Jeremy T. Bergstrom, Nevada Bar number 6904, and has verified that he was first licensed to practice law in the State of Nevada on October 12, 1999.


That Affiant has reviewed the State Bar of Nevada membership records and confirmed that Respondent Jeremy T. Bergstrom, Nevada Bar number 6904 is currently active.

That Affiant has reviewed the State Bar of Nevada discipline records regarding Respondent and has verified that he has the following discipline:

- 1. Supreme Court Order of Suspension filed December 21, 2018.**

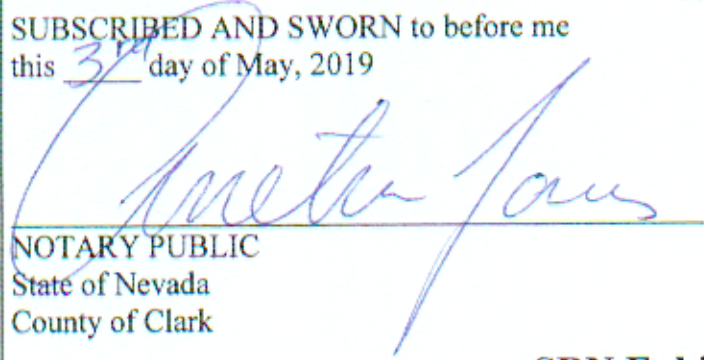
FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 3rd day of May, 2019.



Tiffany Bradley, Hearing Paralegal
Office of Bar Counsel

SUBSCRIBED AND SWORN to before me
this 3rd day of May, 2019



NOTARY PUBLIC
State of Nevada
County of Clark



SBN Exhibit 2



IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
JEREMY T. BERGSTROM, BAR NO.
6904.

No. 77170

FILED

DEC 21 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court suspend attorney Jeremy T. Bergstrom for six months, with all but the first two months stayed, for violations of RPC 1.1 (competence), RPC 1.3 (diligence), RPC 1.4 (communication), RPC 3.2 (expediting litigation), and RPC 8.1(b) (disciplinary matters). Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(b).

The State Bar has the burden of demonstrating by clear and convincing evidence that Bergstrom committed the violations. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). We employ a deferential standard of review with respect to the hearing panel's findings of fact, SCR 105(3)(b), and thus, will not set them aside unless they are clearly erroneous or not supported by substantial evidence, *see generally Sowers v. Forest Hills Subdivision*, 129 Nev. 99, 105, 294 P.3d 427, 432 (2013); *Ogawa v. Ogawa*, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009). In contrast, we review de novo a disciplinary panel's conclusions of law and recommended discipline. SCR 105(3)(b).

Bergstrom was retained to domesticate a foreign judgment in Nevada and pursue enforcement of the judgment against the judgment debtor. He domesticated the judgment, but the record demonstrates that he then failed to competently, diligently, or expeditiously pursue enforcement, and he failed to keep his client reasonably informed about the status of the matter. Additionally, Bergstrom failed to respond to three lawful demands for information from the State Bar after the client filed a grievance and did not file an answer to the formal bar complaint until after the State Bar notified him of its intent to take a default. Because substantial evidence supports the panel's findings concerning Bergstrom's violations, we agree with the panel's conclusions that the State Bar established by clear and convincing evidence that Bergstrom violated the above-listed rules.

In determining whether the panel's recommended discipline is appropriate, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008). We must ensure that the discipline is sufficient to protect the public, the courts, and the legal profession. *See State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (noting the purpose of attorney discipline).

Bergstrom violated duties owed to his client (competence, diligence, communication, and expediting litigation) and the legal profession (failing to respond to lawful requests for information by a disciplinary authority). Bergstrom's misconduct caused potential injury to his client because he failed to pursue judgment enforcement against two debtor properties that have since been sold, which may limit the client's

ability to recover on the judgment. Bergstrom harmed the integrity of the profession, which depends on a self-regulating disciplinary system and cooperation in disciplinary investigations. The record supports the panel's finding that Bergstrom's mental state was knowing regarding his violation of RPC 8.1(b) (disciplinary matters). Additionally, Bergstrom's mental state regarding the remaining violations was at least negligent.

Based on the most serious instance of misconduct at issue, *Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards* 452 (Am. Bar Ass'n 2017) ("The ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations."), the baseline sanction before considering aggravating and mitigating circumstances is suspension, *see id.* Standard 7.2 ("Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system."). The record supports the panel's findings of two aggravating circumstances (pattern of misconduct and substantial experience in the practice of law) and two mitigating circumstances (absence of prior disciplinary record and absence of dishonest or selfish motive). Thus, considering all of the factors, we conclude that a suspension is warranted but that a stayed suspension is sufficient considering that this is Bergstrom's first disciplinary matter in a 20-year career and the conduct concerned one client.

Accordingly, we hereby suspend attorney Jeremy T. Bergstrom from the practice of law for six months. The suspension is stayed for a period of one year from the date of this order subject to the following conditions: (1) he complete two CLE credits in law office management, in

addition to his annual CLE requirement, and provide proof of compliance to the State Bar within 6 months from the date of this order; and (2) he obtain a mentor with more than 20 years of experience in the practice of law and participate in a mentorship regarding law office management for the duration of the stayed suspension. Additionally, Bergstrom shall pay the actual costs of the disciplinary proceedings, including \$2,500 under SCR 120 within 30 days from the date of this order, if he has not done so already. The parties shall comply with SCR 121.

It is so ORDERED.

Douglas, C.J.
Douglas

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Chair, Southern Nevada Disciplinary Board
Jeremy T. Bergstrom
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, U.S. Supreme Court



FILED

MAY 15 2019

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.

**CONDITIONAL GUILTY PLEA
IN EXCHANGE FOR A STATED
FORM OF DISCIPLINE**

Jeremy T. Bergstrom ("Respondent"), Bar No. 6904, hereby tenders to Bar Counsel for the State Bar of Nevada ("State Bar") a Conditional Guilty Plea ("CGP") pursuant to Supreme Court Rule ("SCR") 113(1) and agrees to the imposition of the following stated form of discipline in the above-captioned case.

I.

Conditional Guilty Plea

Through the instant Plea, Respondent agrees and admits as follows:

1. Respondent is now and at all times relevant hereto was an attorney in the State of Nevada with his principal place of business in Clark County, Nevada.
2. The State Bar filed a Complaint in the above-referenced matter on January 11, 2019.
3. Respondent filed his Answer on March 8, 2019.
4. In accordance with the Stipulation of Facts herein, Respondent pleads guilty and admits he violated Rules of Professional Conduct ("RPC") as follows:



1 **Count One: Griffin Matter**

- 2 -RPC 1.1(Competence)
3 -RPC 1.3 (Diligence)
4 -RPC 1.4 (Communication)
5 -RPC 3.2 (Expediting Litigation)
6 -RPC 5.1 (Responsibilities of Partners, Managers, and Supervisory Lawyers)

7 **Count Two: Lopez Matter**

- 8 -RPC 1.3 (Diligence)
9 -RPC 1.4 (Communication)
10 -RPC 3.2 (Expediting Litigation)

11 **Count Three: Mokeski Matter**

- 12 -RPC 1.3 (Diligence)
13 -RPC 1.4 (Communication)
14 -RPC 3.2 (Expediting Litigation)

15 **Count Four: Falcon Matter**

- 16 -RPC 1.1 (Competence)
17 -RPC 1.3 (Diligence)
18 -RPC 1.4 (Communication)
19 -RPC 3.2 (Expediting Litigation)
20 -RPC 8.4 (Misconduct)

21 **II.**

22 **Stipulation of Facts**

23 The facts stipulated to and agreed upon by Respondent and the State Bar in support of this
24 CGP are as follows:

25 **Count One**

1. List and Associates ("List") is a law firm based in Denver, Colorado.
2. On or about May 19, 2014, Respondent's prior law firm was retained by List to represent Mortgage Guaranty Insurance Company ("MGIC") in the matter of *Mortgage Guaranty Insurance Co. v. Lia Griffin, Et al.* ("Griffin matter"), Case No. A-14-703581-C, in the Eighth Judicial District Court.
3. On or about July 9, 2014, another attorney in Respondent's former firm filed a Complaint in the Griffin matter on behalf of MGIC.

1 4. Respondent's current law firm filed a substitution of counsel in the Griffin matter
2 on or about December 9, 2014.

3 5. A default judgment was entered against the defendants in the Griffin matter on
4 October 12, 2015.

5 6. The default was set aside pursuant to a stipulation and order on May 24, 2016.

6 7. Respondent assigned an associate attorney to handle the Griffin matter.

7 8. The matter remained in the Eighth Judicial District Court's mandatory arbitration
8 program despite the amount in controversy being in excess of \$100,000 at the time of filing of the
9 complaint.

10 9. On July 6, 2017, judgment was entered against MGIC in the amount of \$3,392.78
11 as a result of Respondent's failure to defend the action at arbitration.

12 10. List became aware of the judgment in or about September of 2017 and requested
13 information from Respondent shortly thereafter.

14 11. Respondent initially indicated that he was preparing a motion to set aside the
15 judgment and the arbitration award and have the matter exempted from arbitration, but never filed
16 any of these motions.

17 **Count Two**

18 12. On or about January 24, 2014, List retained Respondent's prior firm to represent
19 MGIC in the matter of *Mortgage Guaranty Insurance Co. v. Alfonso Lopez* ("Lopez matter"),
20 Case No. A-14-698323-C, in the Eighth Judicial District Court.

21 13. On or about March 27, 2014, another attorney in Respondent's former firm filed a
22 Complaint on behalf of MGIC in the Lopez matter.

23 14. The Lopez matter was transferred to Respondent's current firm on or about
24 November 25, 2014, and a substitution of counsel was filed on or about December 9, 2014.

15. On or about April 10, 2015, a notice of arbitration was sent to Respondent at his office, setting the arbitration hearing for August 7, 2015.

16. Respondent failed to appear at the arbitration hearing.

17. The arbitration hearing resulted in an award of \$6,161.87 being entered against MGIC.

18. On September 24, 2015, the court entered a Notice to Prevailing Party Final Judgment May Be Entered in the Lopez matter.

19. On November 20, 2015 a judgment on the arbitration award was entered against MGIC in the Lopez matter.

20. On December 7, 2015, a Notice of Entry of Judgment was filed in the Lopez matter.

21. Respondent failed to notify List of the judgment in the Lopez matter.

22. List did not become aware of the judgment in the Lopez matter until an audit was conducted on Respondent's files in June of 2018.

Count Three

23. On or about August 11, 2014, List retained Respondent's prior firm to represent MGIC in the matter of *Mortgage Guaranty Insurance Co. v. Paul Mokeski* ("Mokeski matter"), Case No. CV15-00722 in the Second Judicial District Court.

24. The Mokeski file was transferred to his new firm and a file opened on November 25, 2014.

25. Respondent filed a complaint in the Mokeski matter on behalf of MGIC on or about April 20, 2015.

26. On or about June 14, 2016, Mokeski filed a motion for summary judgment against MGIC.