

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

2
3 IN RE: PETITION FOR REINSTATEMENT)
4 JOSEPH B. IARUSSI)
5 Nevada Bar No. 9284,)
6)
7 Petitioner.)
8)
9)
10)
11

Electronically Filed
Jan 21 2022 03:42 p.m.
Case No. Elizabeth A. Brown
Clerk of Supreme Court

12 **VOLUME I**

13
14 **RECORD OF REINSTATEMENT PROCEEDINGS,**
15 **PLEADINGS AND TRANSCRIPT OF HEARING**
16
17
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21 Phillip J. Pattee, Esq.
22 Nevada Bar No. 4021
23 State Bar of Nevada
24 3100 W. Charleston Blvd., Ste. 100
25 Las Vegas, NV 89102
 Counsel for the State Bar of Nevada

Adam M. Vander Hayden, Esq.
Nevada Bar No. 10462
6590 South Rainbow Blvd.
Suite 110
Las Vegas, NV 89118
Counsel for Petitioner

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

2
3 IN RE: REINSTATEMENT OF }
4 JOSEPH B. IARUSSI }
5 NEVADA BAR NO. 9284. }
6 _____

**CASE SUMMARY FOR
RECORD ON APPEAL**

7 **1. Summary of Nature of the Case.**

8 Joseph B. Iarussi (“Iarussi”), Bar No. 9284, was suspended from the
9 practice of law on October 23, 2020, for one (1) year by the Nevada Supreme
10 Court. Iarussi had tendered a Conditional Guilty Plea involving a disciplinary
11 Complaint which had the State Bar of Nevada had filed against him.

12 On or about September 27, 2021, Iarussi filed a Petition for Reinstatement
13 to the practice of law.

14 On December 8, 2021, a Formal Hearing Panel of the Southern Nevada
15 Disciplinary Board (“Reinstatement Panel”) considered the petition and
16 recommended that Iarussi be reinstated to the practice of law pursuant to Supreme
17 Court Rule (“SCR”) 116 (Reinstatement).

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1 **2. Number of Grievances included in Case.**

2 Two (2) grievance files. However, in exchange for Iarussi's guilty plea in
3 the disciplinary matters, the State Bar recommended that the Southern Nevada
4 Disciplinary Board dismiss two (2) other pending grievance files as part of a
5 global settlement. Those files subsequently were dismissed by a Screening Panel.

6 One (1) disciplinary matter dealt with Iarussi's guilty plea in the Eighth
7 Judicial District Court to possession of a controlled substance, a felony in
8 violation of NRS 453.336. Accordingly, he violated Rule of Professional
9 Conduct ("RPC") 8.4(b) (Misconduct: Criminal conduct) by committing a
10 criminal offense which adversely reflected on his fitness as a lawyer.

11 In a separate disciplinary matter, Iarussi violated RPC 1.4
12 (Communication) and RPC 1.15 (Safekeeping Property) by depositing settlement
13 funds obtained on behalf of a minor into a bank account not approved as a trust
14 account, waiting several years to petition a court for compromise of the minor's
15 claim and deposit the funds into a blocked account, and failing to communicate
16 with the minor's representatives regarding the status of the case despite requests
17 for such information.

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1 **3. Rules of Professional Conduct.**

2 The Formal Hearing Panel which considered Iarussi's the Conditional
3 Guilty Plea in 2020 concluded that he violated the following Rules of
4 Professional Conduct ("RPC"):

- 5 1. RPC 1.4 (Communication);
6 2. RPC 1.15 (Safekeeping Property); and
7 3. RPC 8.4(b) (Misconduct: Committing a criminal that reflects adversely
8 on the lawyer's honesty, trustworthiness or fitness as a lawyer in other
9 respects).

10 **4. Summary of the Recommendation.**

11 The Reinstatement Panel recommended that:

12 Iarussi should be reinstated to the practice of law, with the following
13 conditions:

- 14 1. Probation for one (1) year from the time of reinstatement;
15 2. During the probationary period, required to submit to drug and/or
16 alcohol tests within twenty-four (24) hours of a request to do so by the
17 Office of Bar Counsel;

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1 3. Required to pay all costs associated with his reinstatement proceedings
2 as required by Supreme Court Rules, including administrative costs of
3 \$2,500 required in reinstatement matters pursuant to SCR 120 (Costs)
4 and the actual costs of the disciplinary proceeding, within ninety (90)
5 days of issuance of the Order reinstating him to the practice of law.

6 DATED this 21st day of January, 2022.

7 **STATE BAR OF NEVADA**

8 Daniel M. Hooge, Bar Counsel

9 *Phillip J. Pattee*

10 By:

[Phillip J. Pattee \(Jan 21, 2022 11:50 PST\)](#)

11 Phillip J. Pattee, Assistant Bar Counsel

12 Nevada Bar No. 4021

13 3100 W. Charleston Blvd., Suite 100

14 Las Vegas, Nevada 89102

15 (702) 382-2200

16 Attorney for State Bar of Nevada
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18
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ORIGINAL

Case No.: CR19-0463 & OBC19-0601



FILED

SEP 27 2021

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA,

Complainant,

Vs.

JOSEPH IARUSSI, ESQ.

Nevada Bar No. 9284,

Respondent.

**PETITION FOR REINSTATEMENT TO ACTIVE STATUS PURSUANT TO
SCR 116 (2) AND REQUEST FOR HEARING DATE**

Respondent JOSEPH IARUSSI, hereby respectfully files this Petition For Reinstatement to Active Status and requests a hearing to be set at the Board and Bar's earliest convenience, pursuant to SCR 116(2).

On February 26, 2020 Respondent, and The State Bar of Nevada ("the parties") entered into an agreement via a Conditional Guilty Plea in Exchange For A Stated Form of Discipline. Under that agreement Respondent admitted to violating 1.4 (Communication), RPC 1.15 (Safekeeping property), and RPC 8.4(b) (Misconduct: Committing a Criminal Act that reflects adversely on the Lawyer's honesty, trustworthiness, or fitness)

On October 23, 2020 the Supreme Court issued an Order Denying Petition for Temporary Suspension and Approving Conditional Guilty Plea Agreement. The Court stated in that Order "we hereby suspend attorney Joseph Iarussi from the practice of law for a period of one year commencing from the date of this order. Also, Iarussi must pay the costs of the disciplinary proceeding, including \$2,500 under SCR 120." The parties shall comply with SCR 115 and SCR 121.1."

Respondent, Joseph. Iarussi, complied with the Order of the Court. All costs of the disciplinary proceeding, including \$2,500.00 under SCR 120 have been paid to the State Bar of Nevada (See State Bar of Nevada's Memorandum of Costs, See Also **Checks made payable to State Bar of Nevada from Joseph Iarussi, attached hereto as Exhibit "A"**). Additionally, the one year of suspension issued by the Court has ended. Respondent now seeks a finding by the Board that he has demonstrated by clear and convincing evidence the criteria detailed in SCR 116(2), and should be reinstated to practice law in the State of Nevada. Respondent will provide evidence and testimony in advance of and at the hearing required by SCR 116(2)¹

. . . An attorney may be reinstated or readmitted only if the attorney demonstrates by clear and convincing evidence the following criteria, or if not, presents good and sufficient reason why the attorney should nevertheless be reinstated or readmitted:

- (a) Full compliance with the terms and conditions of all prior disciplinary orders;
- (b) The attorney has neither engaged in nor attempted to engage in the unauthorized practice of law during the period of suspension;
- (c) Any physical or mental disability or infirmity existing at the time of suspension has been removed; if alcohol or other drug abuse was a causative factor in the attorney's misconduct, the attorney has pursued appropriate treatment, has abstained from the use of alcohol or other drugs for a stated period of time, generally not less than one year, and is likely to continue to abstain from alcohol or other drugs;
- (d) The attorney recognizes the wrongfulness and seriousness of the misconduct resulting in the suspension;
- (e) The attorney has not engaged in any other professional misconduct since suspension;
- (f) Notwithstanding the conduct for which the attorney was disciplined, the attorney has the requisite honesty and integrity to practice law; and
- (g) The attorney has kept informed about recent developments in the law and is competent to practice.

Respondent has been in full compliance with the terms and conditions of all prior disciplinary orders. Respondent has neither engaged in nor attempted to engage in the unauthorized practice of law during the period of his suspension.

Furthermore, the Criminal Act that Respondent was arrested for ultimately resulted in a full Dismissal of the charges and case that was filed in the District Court. The record of the arrest and the whole incident has been permanently sealed by the District Court, and permanently purged from all Departments holding records as if the arrest and incident never occurred. (See Order to Seal Records Case No.: **C-19-339126-1**, See also Letter from Nevada Department of Public Safety Records, Communication, and Compliance Division attached as Exhibit "B").

Respondent has abstained from the use of alcohol, and is likely to continue to abstain from alcohol or other drugs as alcohol and drugs has never been an issue for Respondent.


The Respondent recognises the wrongfulness and seriousness of the misconduct resulting in the suspension, any and all restitution has been paid, and he has not engaged in any other professional misconduct since the suspension;

Notwithstanding the conduct for which Respondent was disciplined, the Respondent has the requisite honesty and integrity to practice law; and Respondent has kept informed about recent developments in the law by completing Twenty Six (26) hours of continuing legal education courses during the time of the Court ordered suspension (See Nevada Board of Continuing Legal Education Unaudited CLE Transcript attached as Exhibit "C").

Respondent is competent to practice law, has over 15 years of experience representing individuals in the State of Nevada, and should be allowed the opportunity to be an active member of the state bar at this time.

Respondent thanks the Board for their time and respectfully submits this petition for consideration.

Dated: 9/23/2021



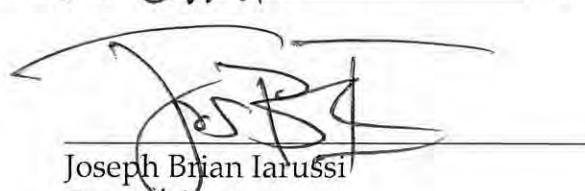
Joseph Iarussi
Respondent

VERIFICATION / DECLARATION OF JOSEPH IARUSSI

Comes Now, JOSEPH IARUSSI, being first. Duly sworn, deposes and says under penalty of perjury and certifies the following is true and correct:

I am the Respondent in the above-referenced matter, have personal knowledge of the facts contained herein and am competent to attest thereto, and I hereby declare that all assertions I have made herein are true and correct to the best of my knowledge.

Dated this 23rd day of September, 2021.



Joseph Brian Iarussi
Respondent

CERTIFICATE OF SERVICE

I certify that on Sept 23rd, 2021 I delivered a true and correct copy of this **PETITION FOR REINSTATEMENT TO ACTIVE STATUS AND REQUEST FOR HEARING** upon State Bar Counsel by mailing it by first class mail with sufficient postage prepaid to the following addressees and also hand delivered a copy to:

STATE BAR OF NEVADA
PHILLIP J. PATTEE, ASSISTANT BAR COUNSEL
3100 West Charleston Blvd., Suite 100
Las Vegas, NV 89102

and emailed a

copy to PHILPA NVBAR
ORG

Dated this 23rd day of Sept, 2021.


Joseph Larussi,
Respondent

EXHIBIT "A"

Case Nos.: CR19-0463; OBC19-0601

B. Felix

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,
Complainant,

vs.

JOSEPH IARUSSI,

Nevada Bar No. 9284

Respondent.

STATE BAR OF NEVADA'S
MEMORANDUM OF COSTS

Description	Amount
Court Reporter Fee & Transcript Fee (Hearing held on March 9, 2020)	\$651.35
Nevada State Bank Invoice	\$8.50
Wells Fargo Invoice	\$62.30
NationWide Legal Service of Subpoena on Wells Fargo Bank (7/17/2019)	\$55.00
NationWide Legal Service of Subpoena on Wells Fargo Bank(8/2/2019)	\$55.00
Certified Mailing (\$6.86 x 4)	\$27.44
SCR 120 costs	\$2,500.00
Total:	\$3,359.59

1. I am Bar Counsel with the State Bar of Nevada. I have personal knowledge of the above-referenced costs and disbursements expended.

DATE 6-8-202 / 8-9-430

PAY TO THE
ORDER OF STATE Bar of Nevada -
THREE THOUSAND DOLLARS A

\$3,000.00
DOLLARS

PNC Bank, National Association
Pittsburgh
03643 *in y mint 2*

Handwritten signature: *[Signature]*

SECRET NUC
[REDACTED]
NO FOR EXPORT, REUSE OR DISSEMINATION
UNLESS FOR AUTHORIZED PERSONNEL

SECRET NUC

DATE 5-1-2021 03/430

PAY TO THE ORDER OF STATE BAR OF NEVADA \$ 359.59

Three Hundred Fifty Nine Dollars and Fifty Nine Cents DOLLARS

PNC Bank, National Association
Pittsburgh
03493

PAID

[Signature]

DISCOUNT NOTE

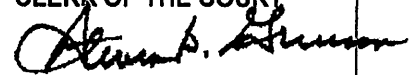
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DO NOT WRITE, STAMP OR SIGN INSIDE/ OVER LINE

RESERVED FOR FINANCIAL INSTITUTION USE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

EXHIBIT "B"



OTS
JOSEPH BRIAN IARUSSI
Petitioner
239 Courtney Place
Wexford, PA 15090
Email: joseph.brian.iarussi@gmail.com
412-204-7171

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Application of,

JOSEPH BRIAN IARUSSI

ID #181-66-7526

Date of Birth: 7/12/1977

For an Order to Seal Records

CASE NO: A-20-823209-S

DEPT NO: 32

ORDER TO SEAL RECORDS

Pursuant to the Petition JOSEPH BRIAN IARUSSI, Petitioner, and Steven B. Wolfson, District Attorney for Clark County, Nevada, having stipulated below, the Court finding that the statutory requirements of NRS 179.245, 179.255, 176A.265, 179.259, 179.285 and/or 453.3365 are satisfied, and good cause appearing, therefore,

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<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

1 All proceedings recounted in the sealed records are deemed never to have
2 occurred, and the person to whom this order pertains may properly answer
3 accordingly to any inquiry, including without limitation an inquiry
4 relating to an application for employment, concerning the sealed arrest,
5 conviction, dismissal or acquittal and the events and proceedings relating to
6 the arrest, conviction, dismissal or acquittal.

7
8 DATED this 17th day of November, 2020.

9
10 
11 _____
12 DISTRICT COURT JUDGE
13 ROB BARE

14 The **District Attorney** has reviewed the applicable Criminal History and agrees that
15 the record is statutorily eligible for sealing. The decision to order the sealing of a
16 record remains solely within the discretion of the court. The District Attorney has no
17 objection to the granting of the Petition to seal the criminal record(s) of the
18 petitioner and stipulates to this Order pursuant to NRS 179.245.5

19
20
21 STEVEN B. WOLFSON, DISTRICT ATTORNEY

22 By: Charles Wolfson DATED 10-1 2020.

23 Deputy District Attorney

24 Bar No: 7439

25 200 Lewis Ave, Las Vegas, NV 89155
26
27
28

Nevada Department of Public Safety
RECORDS, COMMUNICATIONS AND COMPLIANCE DIVISION
333 West Nye Lane, Carson City, NV 89706
Phone: (775) 687-0196
Fax: (775) 687-3284

DATE: April 2, 2021

RE: COMPLIANCE OF COURT ORDER
CHR File #: 2012X026

Name: Joseph Brian Iarussi
AKA:
DOB:

DISTRICT COURT: **Clark County District Court (8th)**
MUNICIPAL/JUSTICE COURT:
CASE NO: A20823209S

ARRESTING AGENCY: Las Vegas Metropolitan Police Department

This office is in receipt of a copy of the Court's Order to Seal Criminal History Record(s) pertaining to the above mentioned individual.

In compliance with the Court Order the following has been executed:

- ☒ The results of the information provided and the inquiry into the Nevada Criminal Justice Information System (NCJIS) and/or the FBI indicate the State of Nevada and/or the FBI has **complied** with the court order.
- ☐ The results of the information provided and the inquiry into the Nevada Criminal Justice Information System (NCJIS) indicate the State of Nevada and/or the Federal Bureau of Investigations has **complied with the NRS 179A.160**.
- ☐ **Federal arrest:** e.g.: (Bureau of Indian Affairs, Tribal Police, US Marshall)
The Court Order needs to be submitted to the local Federal Bureau of Investigations (FBI) office (address below) requesting that the record(s) be removed from their records.

FBI, 1787 West Lake Mead Blvd., Las Vegas, NV 89106
- ☐ The charge(s) is not maintained within the Criminal History Repository; therefore **no action is required** by the Repository.

If you are interested in obtaining a personal copy of your current Nevada Criminal History Record, or absence of record, you may do so by submitting a Personal Identification Document (PID) by visiting our website for instructions at: www.rccd.nv.gov.

If you wish to obtain a personal copy of your FBI record, you can find instructions on how to request a personal background check for personal review on their website at: www.fbi.gov

Should you need further assistance please contact the Criminal Records Unit at (775) 687-0196.

Nevada Department of Public Safety
Records, Communications and Compliance Division
Criminal History Repository

cc: JOSEPH BRIAN IARUSSI
239 COURTNEY PL
WEXFORD, PA 15090



POLICE DEPARTMENT

JOSEPH LOMBARDO, Sheriff

Partners with the Community

November 25, 2020

Joseph Brian Iarussi
239 Courtney Place
Wexford, PA 15090

**RE: Court Order to Seal the Record of Joseph Iarussi, ID#7052785,
CO#A20823209S, Dated 11/19/2020**

Dear Joseph Brian Iarussi,

Please be advised that the Las Vegas Metropolitan Police Department, Police Records Bureau, has completed the sealing process on the above-listed subject. All records, papers and files in our possession have been sealed and were deleted from SCOPE (our local computer records system). We are now in compliance with your Order to Seal.

If you have any questions or concerns, please call our Sealing unit at 702-828-3227.

Sincerely,

Saraka Slade, Records Supervisor
Police Records and Fingerprint Bureau

cc: Clerk of the Eighth Judicial District Court
File

SS/ky

CONFIDENTIAL





Las Vegas Justice Court

Regional Justice Center

200 Lewis Avenue 2nd Fl • Box 552511 • Las Vegas NV 89155-2511

(702) 671-3116

<http://www.lasvegasjusticecourt.us/>

COMPLIANCE OF COURT ORDER

Date: December 21, 2020

To: District Court

Civil Case No.(s): A-20-823209-S

Arresting Agency: Las Vegas Metropolitan Police

Name of Petitioner: JOSEPH IARUSSI

Las Vegas Justice Court Case Number(s): 17F21168X; 17M14171X; 104624725; 105288774;
105667419; E08183081207193; E08357204809013;
E10221639; LVM0032273; LVM0049346; LVM0145467
& X00726374

Las Vegas Justice Court Criminal Division is in receipt of a copy of the Court's Order to Seal the criminal records pertaining to the above mentioned Petitioner as stated in Civil Case Number: A-20-823209-S.

To comply with the Court's order, the information provided to our office in the Order to Seal order has been verified and sealed. Therefore, Las Vegas Justice Court Criminal Division has complied with the Court's order.

EXHIBIT "C"

Nevada Board of Continuing Legal Education

Unaudited CLE Transcript

Saturday, August 28, 2021

Joseph B. Iarussi

Compliance Group 1

Suspended -- NO CLE requirement

The following courses have been reported to your record. Please be aware that the hours may or may not satisfy your requirement upon return to Active status depending upon when reactivation occurs.

Course Name	Course Date	Credits			Course Type
		General	Ethics	Substance Abuse	
Preparing Clients for Deposition: An Investment in Performance	8/9/2021	1.00			DF
Adam Walsh Act: Family-Based Immigration Petitions	8/8/2021	1.00			DF
Examination of Altered Documents	7/16/2021	1.00			DF
The Effect of Criminal Convictions on Military Personnel	7/2/2021	1.00			D
Speedwriting: From Brain to Brief in a Hurry	6/3/2021	0.50			D
Common Issues in Wrongful Convictions with Innocence Project	6/1/2021	1.00			D
Update on Non-Compete Agreements	5/15/2021	1.50			D
Trade Dress: Protecting the Look & Feel of Products, Packaging & Places of Business	5/14/2021	1.00			D
Chapter 7: The Initial Consult	5/13/2021	1.00			D
Solo & Small Practice Management Series: Formation	5/13/2021	1.00			D
Examining the Ethical Ebb & Flow of E-Discovery	5/11/2021		1.00		D
The Consequences of Bias in Litigation	5/11/2021		1.00		D
Don't Give Up 5 Minutes Before the Miracle	5/10/2021			1.00	D
Practicing Law in a Pandemic: Remote Lawyering in the Age of COVID-19 Part II	12/24/2020		1.00		D
The New Discovery Law: Practical Impact In Criminal Practice	12/24/2020	1.00			D
Practicing Law in a Pandemic: Remote Lawyering in the Age of COVID-19	12/23/2020		1.00		D
The Realities of Mental Health & Substance Abuse & How to Practice Wellness in the Legal Profession	12/22/2020			1.00	D
The United States Supreme Court: A Foundation Model Approach to the 4th Amendment	12/21/2020	1.50			D
Practical Problems In Everyday Practice: DWI Arrests	12/19/2020	1.00			D
Demystifying Jury Selection in a Criminal Case	12/18/2020	1.00			D
How to Prepare for High Profile Cases	12/18/2020	1.00			D
Crimmigration: Where Criminal Law Collides with Immigration Law	12/17/2020	1.50			D
Achieving Precision in the Written Word	12/15/2020	1.50			D
Crime & Entertainment	12/15/2020	1.50			D

Posting Codes

E = Ethics

G = General

S = Substance Abuse



FILED

OCT - 1 2021

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

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

IN RE: PETITION FOR REINSTATEMENT)
)
)
JOSEPH B. IARUSSI)
)
Nevada Bar No. 9284)
Petitioner.)

**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. Jacob Villani, Esq., Chair

DATED this 30 day of September, 2021.

STATE BAR OF NEVADA

By: *Russell E. Marsh*
Russell E. Marsh (Sep 30, 2021 15:02 PDT)
Russell E. Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

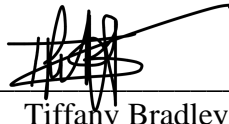
1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **ORDER**
3 **APPOINTING HEARING PANEL CHAIR** was served by electronic mail to:

- 4 1. Panel Chair – Jacob J. Villani, Esq.: jacob.villani@clarkcountyda.com
5 2. Petitioner – Joseph B. Iarussi: josephiarussi@icloud.com
6 3. Assistant Bar Counsel – Phil J. Pattee, Esq.: philp@nvbar.org

7 DATED this 21st day of October, 2021.

8 By: _____



9 Tiffany Bradley, an employee of
10 the State Bar of Nevada.
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FILED

OCT 22 2021

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

Case No. SBN21-99142

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE: PETITION FOR REINSTATEMENT)
)
)
JOSEPH B. IARUSSI)
Nevada Bar No. 9284,)
)
Petitioner.)

**NOTICE OF TELEPHONIC
INITIAL CASE CONFERENCE**

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **October 26, 2021, at 9 a.m.**

The State Bar conference call number is 1-877-594-8353, participant passcode is 46855068#.

Dated this 22nd day of October, 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

By: *Phillip J. Pattee*
Phillip J. Pattee (Oct 22, 2021 09:48 PDT)
Phillip J. Pattee, Assistant Bar Counsel
Nevada Bar No. 4021
3100 W. Charleston Boulevard, Suite 100
Las Vegas, Nevada 89102
(702) 382-2200
Attorney for State Bar of Nevada

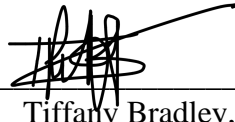
1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **NOTICE OF**
3 **TELEPHONIC INITIAL CASE CONFERENCE** was served by electronic mail to:

- 4 1. Panel Chair – Jacob J. Villani, Esq.: jacob.villani@clarkcountyda.com
5 2. Petitioner – Joseph B. Iarussi: josephiarussi@icloud.com
6 3. Assistant Bar Counsel – Phil J. Pattee, Esq.: philp@nvbar.org

7 DATED this 22nd day of October, 2021.

8 By: _____



9 Tiffany Bradley, an employee of
10 the State Bar of Nevada.
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Case No. SBN21-99142



FILED

NOV - 1 2021

STATE BAR OF NEVADA

BY

OFFICE OF BAR COUNSEL

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

IN RE: PETITION FOR REINSTATEMENT)

JOSEPH B. IARUSSI)

Nevada Bar No. 9284,)

Petitioner.)

SCHEDULING ORDER

Pursuant to Rule 17 of the Disciplinary Rules of Procedure ("DRP"), on Tuesday, October 26, 2021, at 9 a.m., Jacob J. Villani, Esq., the Formal Hearing Panel Chair, met telephonically with Phillip J. Pattee, Esq., Assistant Bar Counsel, on behalf of the State Bar of Nevada, and Respondent, *pro se* to conduct the Initial Conference in this matter.

During the Case Conference the parties discussed 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. The parties consent to service by electronic means of all documents pursuant to SCR 109(2), NRCp 5, and DRP 11(b)(3) with the understanding that **all documents need to be submitted by 5:00 p.m. to be file stamped timely.**

2. The parties stipulate that venue is proper in Clark County, Nevada.

3. The Formal Hearing for this matter is hereby set for **one (1) day starting at 9:00 a.m. on December 8, 2021**, and shall take place **via Zoom**.

4. On or before **November 17, 2021**, the parties shall serve a Final Designation of witnesses expected to testify and exhibits expected to be presented at the Formal Hearing in this matter, pursuant to SCR 105(2)(d), DRP 17(a) and DRP 21.

All documents disclosed shall be bates stamped, the State Bar will use numerical exhibit designations and **Respondent will use alphabetical exhibit designations**, pursuant to DRP 17. All documents need to be submitted by 5:00 p.m. to be file stamped timely.

5. On **November 30, 2021, at 2:00 p.m.**, the parties shall meet telephonically with Panel Chair, Jacob J. Villani, Esq., for the Pre-hearing Conference. Any pending issues, including pending Motions, will be addressed at the Pre-hearing Conference.

Pursuant to DRP 23, at the Pre-hearing conference (i) the parties shall discuss all matters needing attention prior to the hearing date, (ii) the Chair may rule on any motions or disputes including motions to exclude evidence, witnesses, or other pretrial evidentiary matter, and (iii) the 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.

6. The parties stipulate to waive SCR 105(2)(d) to allow for the formal appointment of the remaining hearing panel members.

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

Dated this ^{Nov 1, 2021} day of November, 2021.

SOUTHERN NEVADA DISCIPLINARY BOARD

By: 
Jacob Villani (Nov 1, 2021 10:15 PDT)
 Jacob J. Villani, Esq.
Hearing Panel Chair

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **SCHEDULING**
3 **ORDER** was served by electronic mail to:

- 4 1. Panel Chair – Jacob J. Villani, Esq.: jacob.villani@clarkcountyda.com
5 2. Petitioner – Joseph B. Iarussi: josephiarussi@icloud.com
6 3. Assistant Bar Counsel – Phil J. Pattee, Esq.: philp@nvbar.org

7 DATED this 1st day of November 2021.

8 By: Sonia Del Rio
9 Sonia Del Rio, an employee of
10 the State Bar of Nevada.
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FILED

DEC - 1 2021

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

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE: PETITION FOR REINSTATEMENT)
)
)
JOSEPH B. IARUSSI,)
)
Nevada Bar No. 9284)
Petitioner)
_____)

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 8th day of December, 2021 starting at 9:00 a.m. via Zoom Video Conferencing.

1. Jacob Villani, Esq., Chair;
2. Shemilly Briscoe, Esq.
3. Dr. Ben Lurie, Laymember

DATED this 30th day of November, 2021.

SOUTHERN NEVADA DISCIPLINARY BOARD

Russell E. Marsh
By: Russell E. Marsh (Nov 30, 2021 12:11 PST)
Russell E. Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

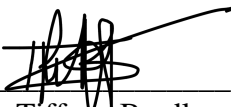
1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **ORDER**
3 **APPOINTING FORMAL HEARING PANEL** was served by electronic mail to:

- 4 1. Panel Chair – Jacob J. Villani, Esq.: jacob.villani@clarkcountyda.com
5 2. Shemilly Briscoe, Esq.: shemilly@briscoelawgroup.com
6 3. Dr. Benjamin S. Lurie: drLurie@theneckandbackclinics.com; nexnbaxdoc@gmail.com
7 4. Petitioner – Joseph B. Iarussi: josephiarussi@icloud.com
8 5. Assistant Bar Counsel – Phil J. Pattee, Esq.: philp@nvbar.org

9 DATED this 1st day of December, 2021.

10
11 By: _____


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



FILED

DEC 17 2021

STATE BAR OF NEVADA
BY:
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN THE MATTER OF REINSTATEMENT OF)
JOSEPH B. IARUSSI,)
Bar No. 9284,)
Petitioner.)

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
RECOMMENDATION

The underlying Petition for Reinstatement came before a designated Formal Hearing Panel of the Southern Nevada Disciplinary Board ("Panel") at 10:30 a.m. on December 8, 2021, via a Zoom video-conferencing proceeding hosted by the State Bar of Nevada ("State Bar") from Las Vegas, Nevada.

The presiding Panel consisted of Chair Jacob Villani, Esq., Shemilly Briscoe, Esq., and lay-member Dr. Benjamin Lurie.

The State Bar was represented by Assistant Bar Counsel Phillip J. Pattee. Joseph Iarussi ("Iarussi") was present and represented by Adam Vander Hayden, Esq.

The State Bar submitted Exhibit 1 (a packet of materials consisting of Iarussi's reinstatement petition and its attachments, the Supreme Court Order which suspended Iarussi from the practice of law, and State Bar documents), and Exhibit 2 (Iarussi's licensure and disciplinary history). The exhibits were admitted into evidence without objection.

///

Iarussi did not submit any additional material to be admitted into evidence.

At this hearing, the Panel heard testimony under oath from Iarussi.

The State Bar did not object to Iarussi's reinstatement, but it suggested that he be placed on probation for one (1) year with the sole condition that Iarussi be subject to random testing for drugs and/or alcohol if the Office of Bar Counsel suspected that he was using such substances.

The Panel, after hearing evidence and statements from the parties, deliberated and unanimously concluded to recommend reinstatement of Iarussi. The Panel also recommended Iarussi's reinstatement require that he be:

1. Placed on probation for one (1) year from the time of his reinstatement;
2. Required to submit to drug and/or alcohol tests within twenty-four (24) hours of a request to do so by the Office of Bar Counsel; and
3. Required to pay all costs associated with his reinstatement proceedings as required by Supreme Court Rules.

Based upon the pleadings filed, the testimony adduced at the hearing, the documents admitted into evidence and the arguments presented, the Panel submits the following Findings of Fact, Conclusions of Law, and Recommendations.

FINDINGS OF FACT

1. Larussi is now, and at all times pertinent herein, was a licensed attorney in the State of Nevada. Larussi was first admitted to the State Bar of Nevada on or about October 6, 2005.

2. Larussi previously maintained a law practice in Clark County, Nevada.

///

///

///

3. On October 23, 2020, the Nevada Supreme Court approved a conditional guilty plea tendered by Iarussi and suspended him from the practice of law for one (1) year, commencing from that date. The underlying disciplinary matter was heard by a panel of the Southern Nevada Disciplinary Board.

4. Iarussi filed his Petition for Reinstatement with the State Bar on or about September 27, 2021.

5. Larussi has received prior professional discipline – including a Letter of Reprimand and the suspension underlying this Petition for Reinstatement – since becoming licensed to practice law in Nevada.

CONCLUSIONS OF LAW

Based upon the record, including the testimony of Iarussi, the Panel, by unanimous vote, hereby issued the following Conclusions of Law:

1. The Southern Nevada Disciplinary Board has jurisdiction over Iarussi and the subject matter of these proceedings pursuant to Supreme Court Rule (“SCR”) 116 (Reinstatement);

2. Venue for this matter is Clark County, Nevada; and

3. Larussi has demonstrated, by clear and convincing evidence, that he meets the criteria necessary for reinstatement pursuant to SCR 116 (Reinstatement).

DECISION AND RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Panel hereby recommends that Iarussi be **REINSTATED** to the practice of law in Nevada, with the following conditions:


1. Probation for one (1) year from the time of his reinstatement;

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1. Adam Vander Hayden (Respondent's Counsel): adam@duidoctor.com
2. Phil J. Pattee, Esq. (Assistant Bar Counsel): philp@nvbar.org


Tiffany Bradley, an Employee
of the State Bar of Nevada



FILED

JAN 21 2022

STATE BAR OF NEVADA

BY: *[Signature]*
OFFICE OF BAR COUNSEL

Case No.: SBN21-99142

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE: PETITION FOR REINSTATEMENT)

JOSEPH B. IARUSSI)

Nevada Bar No. 9284,)

Petitioner.)

STATE BAR OF NEVADA'S
MEMORANDUM OF COSTS

Description	Amount
Court Reporter Fee & Transcript Fee Hearing Held on 12/08/2021	\$460.00
SCR 120(5) Administrative Cost	\$2,500.00
SUB-TOTAL	\$2,960.00
Pre-payment for Hardcosts Paid on 9/30/2021	-\$1,000.00
TOTAL AMOUNT DUE	\$1,960.00

1. I am Assistant Bar Counsel with the State Bar of Nevada. On information and belief of the above-referenced costs and disbursements expended.

1 2. The costs set forth above are true and correct to the best of my knowledge and
2 belief and were necessary and reasonably incurred and paid in connection with this matter.
3 True and correct copies of invoices supporting these costs are attached to this Memorandum of
4 Costs.

5 3. Pursuant to Supreme Court Rule 120(5), Respondent shall be ordered to pay the
6 fees and costs of these proceedings within thirty (30) days of receipt of the State Bar of Nevada's
7 Memorandum of Costs in this matter.

8 DATED this 20th day of January 2022.

9 STATE BAR OF NEVADA
10 Daniel M. Hooge, Bar Counsel


11 *Phillip J. Pattee*

12 By: Phillip J. Pattee (Jan 20, 2022 17:18 PST)

13 Phillip J. Pattee, Assistant Bar Counsel
14 Nevada Bar No. 4021
15 3100 W. Charleston Blvd., Ste. 100
16 Las Vegas, Nevada 89102

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1. Adam Vander Hayden (Respondent's Counsel): adam@duidoctor.com
2. Phil J. Pattee, Esq. (Assistant Bar Counsel): philp@nvbar.org

By: 
Tiffany Bradley, an employee of the
State Bar of Nevada



Integrity Court Reporting
7835 S. Rainbow Boulevard
Suite 4-25
Las Vegas, NV 89139
(702)509-3121

Invoice

Number: 1876

Date: 12/29/2021

Bill To:

Louise Watson
State Bar of Nevada
3100 W. Charleston Boulevard
Suite 100
Las Vegas, NV, 89102

PAYMENT DUE UPON RECEIPT

Job Date	Witness Name	Case Name	Case No.
12-8-21	Joseph Jarussi	State Bar v Jarussi	SBN21-99142

Description	Amount
Half Day Appearance Fee	\$100.00
Transcript - 48 Pages @ 7.50	\$360.00

Tax I.D. No. 01-0974768

Total

\$460.00

Received On: _____

Received By: _____

State Bar of Nevada

3100 W. Charleston Blvd., Suite 100
Las Vegas, NV 89102



RECEIVED BY

SEP 29 2021

OFFICE OF BAR COUNSEL

Please Return Bottom
Portion With Payment

RECEIVED BY

SEP 27 2021

STATE BAR OF NEVADA

Cash \$400.00

ref #605427

Invoice #	Payee #	Bar #	Invoice Date	Terms	Notice Date	Due Date	Balance Due
10370791	12152 (I)	9284	9/27/2021	Pay By Due Date	9/27/2021	9/27/2021	\$400.00

Bill to:

Joseph Iarussi
JBI, Inc.
In House Counsel Mind Control, Inc.
239 Courtney Place
Wexford, PA 15090

Ship to:

Joseph Iarussi
JBI, Inc.
In House Counsel Mind Control, Inc.
239 Courtney Place
Wexford, PA 15090

Item Description	QTY	Rate	Total
Discipline Fine - Advanced costs for reinstatement	1	\$1,000.00	\$1,000.00

Total Invoice \$1,000.00

Payments \$600.00

Balance Due \$400.00

Please detach and return

Invoice #	Payee #	Invoice Date	Terms	Notice Date	Due Date	Balance Due
10370791	12152 (I)	9/27/2021	Pay By Due Date	9/27/2021	9/27/2021	\$400.00

Joseph Iarussi
JBI, Inc.
In House Counsel Mind Control, Inc.
239 Courtney Place
Wexford, PA 15090

Payment: CASH Check AMEX MC VISA DISC

Check/Credit Card Number		Exp (mm/yy)
		
Amt. Paid	Pmt. Date	Signature (Read Carefully)
400.00	9/27/21	

ROA Page 038

State Bar of Nevada

3100 W. Charleston Blvd., Suite 100
Las Vegas, NV 89102

**Paid Sep 27, 2021**

Invoice #	Payee #	Bar #	Invoice Date	Terms	Notice Date	Due Date	Balance Due
10370791	12152 (I)	9284	9/27/2021	Pay By Due Date	9/30/2021	9/27/2021	\$0.00

Bill to:
Joseph Iarussi
JBI, Inc.
In House Counsel Mind Control, Inc.
239 Courtney Place
Wexford, PA 15090

Ship to:
Joseph Iarussi
JBI, Inc.
In House Counsel Mind Control, Inc.
239 Courtney Place
Wexford, PA 15090

Item Description	QTY	Rate	Total
Discipline Fine - Advanced costs for reinstatement	1	\$1,000.00	\$1,000.00

Total Invoice **\$1,000.00**

Payments **\$1,000.00**


VISA (09/27/2021) \$600.00

CASH (09/30/2021) \$400.00

Balance Due **\$0.00**

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Adam M. Vander Hayden, Esq.
6590 South Rainbow Blvd., Suite 110
Las Vegas, NV 89118
Counsel for Petitioner


Tiffany Bradley, an Employee
of the State Bar of Nevada

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

2
3 IN RE: PETITION FOR REINSTATEMENT)
4 JOSEPH B. IARUSSI)
5 Nevada Bar No. 9284,)
6 Petitioner.)
7)
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Case No. _____

12 **VOLUME II**

13
14 **RECORD OF REINSTATEMENT PROCEEDINGS,**
15 **PLEADINGS AND TRANSCRIPT OF HEARING**
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21 Phillip J. Pattee, Esq.
22 Nevada Bar No. 4021
23 State Bar of Nevada
24 3100 W. Charleston Blvd., Ste. 100
25 Las Vegas, NV 89102
Counsel for the State Bar of Nevada

Adam M. Vander Hayden, Esq.
Nevada Bar No. 10462
6590 South Rainbow Blvd.
Suite 110
Las Vegas, NV 89118
Counsel for Petitioner

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TRANSCRIPTS & EXHIBITS

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STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA

Complainant,

vs.

JOSEPH B. IARUSSI, ESQ.,
Nevada Bar No. 9284

Respondent.

)
) Case No.
) SBN21-99142
)
)

CERTIFIED
TRANSCRIPT

FORMAL HEARING OF JOSEPH B. IARUSSI, ESQ.

Taken at the State Bar of Nevada Via Zoom Videoconference

3100 W. Charleston Boulevard, Suite 100

Las Vegas, Nevada

On Wednesday, December 8, 2021

At 10:34 a.m.

Reported by: Deborah Ann Hines, CCR #473, RPR

Appearances (via Zoom videoconference):

Commission Panel:

JACOB J. VILLANI, ESQ.
Panel Chairman

SHEMILLY A. BRISCOE, ESQ.
Panel Member

DR. BENJAMIN S. LURIE
Laymember

For the Complainant:

PHILLIP J. PATTEE, ESQ.
Assistant Bar Counsel
State Bar of Nevada
3100 W. Charleston Boulevard
Suite 100
Las Vegas, NV 89102
(702) 382-2200

For the Respondent:

ADAM VANDER HEYDEN, ESQ.
6590 S. Rainbow Boulevard
Las Vegas, NV 89118
(702) 701-7800
adam@duidoctor.com

Also Present:

JOSEPH B. IARUSSI
Respondent

TIFFANY BRADLEY
Hearing Paralegal

I N D E X

RESPONDENT WITNESSES	PAGE
JOSEPH IARUSSI	
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NUMBER	DESCRIPTION	PAGE
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1	Formal Hearing Packet (Admitted prior)	
2	Affidavit of Prior Discipline	6

1 CHAIR VILLANI: On the record in State Bar
2 of Nevada versus Joseph Iarussi. This is the
3 reinstatement hearing. It's December 8, 2021,
4 approximately 10:34 a.m. This is State Bar File
5 Number SBN21-99142. Parties, please state your
6 appearances for the record.

7 MR. PATTEE: On behalf of the State Bar of
8 Nevada, Assistant Bar Counsel, Phil Pattee. I'm
9 joined by our hearing paralegal/investigator Tiffany
10 Bradley.

11 MR. VANDER HEYDEN: On behalf of
12 Mr. Iarussi, Adam Vander Heyden as his counsel.

13 CHAIR VILLANI: Mr. Iarussi?

14 MEMBER LURIE: I'm Benjamin Lurie,
15 laymember.

16 MEMBER BRISCOE: Shemilly Briscoe, panel
17 member.

18 CHAIR VILLANI: And Mr. Iarussi is also
19 here. You're muted, sir. You're still muted.

20 RESPONDENT IARUSSI: Sorry about that. Good
21 afternoon, everyone. I'm Joseph Iarussi. I'm the
22 petitioner in this matter.

23 CHAIR VILLANI: Okay. We'll give it over to
24 Bar Counsel just for a brief overview of kind of
25 today's hearing and what's to be expected by all

1 parties.

2 MR. PATTEE: Thank you. And good morning,
3 everybody. We appreciate your participation,
4 especially by the panel members. We have an exhibit
5 which has already been admitted. It's Exhibit 1, the
6 packet, the hearing packet, which includes the rule
7 of reinstatement and Mr. Iarussi's petition for
8 reinstatement and various court or panel orders, the
9 disciplinary orders of the board that have been
10 filed.

11 We also, at this time, would ask -- we would
12 propose exhibit, State Bar's Exhibit 2, which is an
13 affidavit of our custodian of records, which includes
14 information regarding Mr. Iarussi's licensure and
15 disciplinary history. And if that's accepted, we'll
16 take a second and Tiffany will email them out to
17 everybody. And then if you can come back to me and
18 give me two minutes, I'll walk you through how this
19 process works.

20 CHAIR VILLANI: All right. Any objection to
21 the admission of Exhibit 2 by Mr. Iarussi or his
22 counsel?

23 MR. VANDER HEYDEN: No objection.

24 CHAIR VILLANI: Okay. Exhibit 2 will be
25 admitted. Tiffany will go ahead and email that to

1 us.

2 MS. BRADLEY: Yes, sir. Just sent.

3 (Thereupon Complainant's Exhibit
4 2 was admitted into evidence.)

5 CHAIR VILLANI: Thank you. And, Mr. Pattee,
6 go ahead.

7 MR. PATTEE: Okay. This is a reinstatement
8 hearing pursuant to Supreme Court Rule, not Rule of
9 Professional Conduct, but Supreme Court Rule 116. As
10 part of the packet, Mr. Iarussi, you can see, was
11 suspended for one year. That period has ended. And
12 because the matter, his suspension was more than six
13 months, it was one year, a reinstatement hearing is
14 required.

15 If you take a look at -- and that's what
16 we're doing today. If you take a look at Exhibit 1,
17 which is the formal hearing packet, if you turn to
18 the second page, which is actually Bates stamped page
19 1, Rule 116 says that in subsection 2 is the
20 procedure for reinstatement. And it says that the
21 petitioner, who is Mr. Iarussi, may only be
22 readmitted if he demonstrates by clear and convincing
23 evidence, not by a preponderance, but the same duty
24 that the State Bar has during disciplinary matters,
25 but that he has to demonstrate several things by

1 clear and convincing evidence.

2 There's seven different factors, and he has
3 to go through and establish those. And how they do
4 that is up to them. It might be as easy as him
5 testifying under oath, but that's up to them. I will
6 explain that the State Bar is not concerned about
7 most of this, but we will be -- if the questions
8 aren't answered, our main concern is C, subsection C
9 of 116.2(c), which deals with physical and medical
10 disabilities which might have led to all of this.

11 So all of our cards on the table, that is
12 what the State Bar is concerned about, and we can
13 turn it over to Mr. Iarussi and his counsel and then
14 they can put on whatever they believe is correct. We
15 will have some questions possibly and refer to some
16 documents. And at the end the State Bar will give
17 you our position, whether we oppose his
18 reinstatement, we don't have a position, or we
19 support his reinstatement.

20 What happens after that is we get a
21 transcript, there's findings, and all of this goes up
22 to the Supreme Court, you know, on a record of appeal
23 and they have the final discretion to agree with
24 whatever your recommendation is or do whatever they
25 believe is appropriate. For example, this panel

1 could say we do not recommend his reinstatement but
2 the Supreme Court reinstates him, and vice versa.
3 Anyway, that's enough for us, and we should probably
4 turn it over to Mr. Iarussi and his counsel.

5 CHAIR VILLANI: All right. Mr. Vander
6 Heyden, do you have an opening statement or anything
7 or do you want to get right into evidence?

8 MR. VANDER HEYDEN: I would jump right into
9 evidence. I mean, just generally -- I guess I'll
10 start with a brief statement. Joe and I have been
11 very good -- best friends for many years. When this
12 all happened, initially Joe moved back to Pittsburgh
13 to be with his family. And Joe and I have remained
14 in contact, you know, once every few months, hey,
15 how's everything going, but we haven't really
16 maintained very close contact like we used to. Back
17 when Joe was here, we talked to each other at least
18 every week. I mean, the guy was in my wedding. He's
19 one of my very close friends that I trust.

20 And, you know, when I first found out about
21 all this stuff, it was difficult, you know, but the
22 important thing that we're going to focus on when we
23 do our presentation today is what Joe has done to
24 rehabilitate or basically correct all these mistakes.
25 And my presentation, what I think the best way to do

1 it is to address each of these factors directly. I'd
2 like to read the factor and then I'm going to ask Joe
3 some questions about that factor to display his
4 commitment and his willingness to change for all
5 these individual factors.

6 So with that, I'd like to start first with
7 our first of seven. The procedure for reinstatement
8 in section 2(a), "full compliance with the terms and
9 conditions of all prior disciplinary orders." Our
10 method of presenting this evidence today will be
11 Joe's testimony. So if you want him sworn in under
12 oath, or however the procedure normally happens, we
13 can do that now; but Joe is prepared to answer some
14 questions that I'm going to ask him, and we'll let
15 Joe answer directly how these things have been addressed.

16 CHAIR VILLANI: Okay. So Mr. Vander
17 Heyden's calling Mr. Iarussi as a witness. Can we
18 get him sworn in.

19 Thereupon--

20 JOSEPH IARUSSI
21 was called as a witness by the respondent, and having
22 been first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. VANDER HEYDEN:

25 Q. Okay, Joe. So our first factor, for

1 everyone that's listening here, "full compliance with
2 the terms and conditions of all prior disciplinary
3 orders." So, Joe, we've gone through these seven
4 factors before the hearing today. How have you --
5 how have you personally addressed your compliance
6 with all prior disciplinary orders? What have you
7 done?

8 A. Well, first of all, I'd like to thank
9 everyone for being here today. I know everyone's
10 busy, and I really appreciate the time that everyone
11 has taken for this matter. This is a big deal for
12 me, and I hope that I can show you that I'm ready to
13 be reinstated.

14 The first thing I've done is I've paid all
15 my fees and costs and fines related to this
16 disciplinary matter and my prior disciplinary matter.
17 I've paid the fees, I've paid the costs associated
18 with the investigation, and I've done everything that
19 I believe that was required of me in those orders.

20 I've stayed out of trouble, I haven't
21 practiced law during that time, and I did everything
22 else that was associated with the suspension. I've
23 refrained from, you know, practicing. And I've
24 actually moved out of state and have been working in
25 a different field than the law.

1 So and my belief is that I've complied
2 with -- been in compliance with the disciplinary
3 orders, and there's no outstanding fees or fines at
4 this point that I need to pay, so I believe that
5 I'm -- that fulfills subsection A of Supreme Court
6 Rule 116.

7 Q. So to summarize then, Joe, everything that
8 has been ordered for you to complete since this
9 proceeding was initiated has been completed fully and
10 you have no outstanding requirements or obligations?

11 A. None to my knowledge.

12 Q. Okay. Then moving on to subsection B, the
13 attorney, and Joe kind of touched on this already,
14 but I want to address it directly, "the attorney has
15 neither engaged in nor attempted to engage in the
16 unauthorized practice of law during the period of
17 suspension." So, Joe, have you attempted to engage
18 or engaged in the practice of law since you were
19 ordered not to?

20 A. No, I have not. Like I said, I've been
21 focused over the past year on just really getting my
22 physical and mental health to the best 100 percent,
23 and I haven't -- I've taken a break from the
24 practice. I've been living off my savings, and I've
25 been working part time in some unrelated fields.

1 I work with a pet care company part time,
2 and then more recently I've been working at an auto
3 dealership in the service department kind of handling
4 some -- coordinating some things for them in their
5 service department. So I work part time doing that
6 as well.

7 I haven't really done anything associated
8 with the law in the past year. It's actually been a
9 nice break. It's really kind of cleared -- been able
10 to clear my head. I practiced 15 years. I was under
11 a lot of stress, and it was a lot of buildup, so it
12 was a nice -- it's been a nice break from the
13 practice, but I'm ready, definitely ready to get back
14 into the field. I miss being a lawyer and I miss,
15 you know, being in the field. But I haven't -- I
16 haven't done anything to practice or attempted to
17 practice in the past year.

18 Q. Okay. To clean up a few things for the
19 panel and for everyone listening, you have not taken
20 on a single new client and represented them as an
21 attorney since you've been ordered not to?

22 A. That's correct.

23 Q. Then further, I know this may have worried
24 some of the panel members, you said that the practice
25 of law is stressful. I run my own law firm, I

1 understand. But you're ready to get back into it.
2 That's what you said, right?

3 A. Yes.

4 Q. Okay. Next I want to address section 2
5 subsection C that was addressed at the beginning of
6 this hearing that seemed to be a concern for
7 Mr. Pattee, so we wanted to focus on this one. So
8 the subsection C says, for everyone following along
9 here, "any physical or mental disability or infirmity
10 existing at the time the suspension has been removed;
11 if alcohol or other drug abuse was a causative factor
12 in the attorney's misconduct, the attorney has
13 pursued appropriate treatment, has abstained from the
14 use of alcohol or other drugs for a stated period of
15 time, generally not less than one year, and is likely
16 to continue to abstain from alcohol and other drugs."

17 So subsection C is multiple parts here. So
18 let's start with the first statement, "any physical
19 or mental disability or infirmity existing at the
20 time of the suspension has been removed." So the
21 panel, the Bar counsel is concerned that at the time
22 that this all happened there was some mental or
23 physical disability or infirmity going on in regards
24 to possible drug use with oxycodone.

25 So let's hit the nail right on the head,

1 Joe. Let's grab the bull by the horns, whatever
2 cliché you want to use, and let's start with it.
3 What was going on at the time and what have you done
4 since then so that everyone on this call can be
5 reassured when you get back to the practice of law
6 and stress starts to heat up and life gets difficult
7 you're not going to go back to oxycodone.

8 A. Sure. I was prescribed some oxycodone for
9 some hand surgeries I had in the past, and alcohol
10 and drugs has never been an issue for me in the past;
11 however, when I did -- when I was prescribed -- had a
12 hand surgery, I started using the oxycodone, and it
13 kind of got to the point where I guess I became a
14 little bit dependent on the pain pill and I might
15 have used the pain medication a little too much.

16 But, however, I haven't -- I no longer use
17 the medication, that's first and foremost. I was on
18 probation for a year, and I was drug tested for over
19 that whole period of time. So I didn't use during
20 that period of time and I haven't -- I no longer go
21 to the doctor and get prescribed pain medication
22 anymore.

23 Q. So just to summarize, Joe, what initially
24 led to this use, the use of the oxycodone, was a hand
25 injury?

1 A. Right. I had two hand surgeries. I had a
2 cut tendon in my hand, and then over time there
3 was -- it was -- I was going to a hand specialist,
4 and there was so much pain that they couldn't do
5 anything more. I was getting steroid injections, and
6 it was so painful that the only thing they could do
7 to treat it was prescribe me pain medication.

8 So after that I actually had another
9 surgery, and then it still bothered me, but then I
10 was prescribed the medications and I used it. But I
11 no longer use it. I don't take any medications
12 anymore. I'm not prescribed it anymore and I --

13 Q. So as of today, Joe, just to make it clear
14 for everybody listening here, how are your hands now?

15 A. Now that I've had the second surgery, it
16 doesn't bother me as much, and I pretty much have
17 full range of motion. I don't need the medication
18 anymore.

19 Q. You know you don't need the medication?

20 A. Yeah. And also I also went through mental
21 health counseling. I was dealing with some
22 depression, I had some deaths I was dealing with, and
23 it was the first time in my life I really had to deal
24 with a death. So I did go to over 18 months of
25 mental health counseling over the past two years, and

1 that was also through my court case.

2 The therapist that I went to, I guess I was
3 released and I no longer -- I was told I no longer
4 actually needed to attend the sessions, so I
5 haven't -- that was over about a year ago I finished
6 up with my counseling and therapy sessions. So I'm
7 pretty much in a position where I'm ready to move
8 forward and put the loss behind me. And there's no
9 reason for me to, you know, really go to mental
10 health counseling because it was more or less over
11 some, you know, the depression. I'm kind of -- I'm
12 over that point in my life now, so I'm just trying to
13 move forward with everything at this point.

14 And, like I said, I'm 44 years old and I
15 never had a problem with substance abuse or alcohol
16 abuse, and it was just for that period of maybe two
17 years where I used the pain medications where things
18 kind of got a little bit off track for me, and I
19 never want to touch the stuff again. It just can
20 kind of get you trapped if you start using it, and
21 the best thing is never to touch it.

22 I understand why doctors are hesitant to
23 prescribe that type of medication to people, because
24 it's so easy for a person to become dependent on
25 that, so that's no longer an issue for me at this

1 point in my life.

2 Q. So you kind of jumped the gun on the next
3 problem but you've already kind of addressed the next
4 problem of subsection C says "the attorney has
5 pursued appropriate treatment." So to summarize for
6 everyone listening here, you went to 18 months of
7 mental health counseling as per part of your
8 treatment; is that correct?

9 A. Yes.

10 Q. Also when you were on probation, were you
11 randomly drug tested?

12 A. Yeah, every month the person, the probation
13 officer would come and test me, and I was on a --

14 Q. Did you ever fail a drug test when you were
15 on probation?

16 A. No.

17 Q. Okay. And you fully followed every --
18 completed every term of probation and were discharged
19 honorably, and the case was subsequently dismissed,
20 right?

21 A. Yeah, the case was dismissed. And I sealed
22 my record as if the record of the arrest and the
23 incident as if it never occurred. That's attached to
24 my petition as Exhibit B, so...

25 Q. Let's move on then. So the next problem

1 then of subsection C, and this is important for
2 everyone listening, that the attorney "has abstained
3 from the use of alcohol and other drugs for a stated
4 period of time."

5 So this happened well over a year ago. I'd
6 like you to state for everyone that's listening here
7 how long you've been clean and sober. This is an
8 important thing that everyone needs to hear.

9 A. I haven't -- I don't -- I don't -- I never
10 drink alcohol, and I haven't used pain medications
11 for over two and a half years now.

12 Q. Okay. So two and a half years clean and
13 sober from oxycodone, which is the drug, the
14 question, the problem here. And then the last prong
15 of subsection C, "and is likely to continue to
16 abstain from alcohol and other drugs."

17 So everyone here, the big question, the big
18 elephant in the room now is when they reinstate you,
19 or if they reinstate you and you're back to the
20 practice of law, and things heat up, convince
21 everyone here or tell everyone here why you won't go
22 back to oxycodone when we get back into this.

23 A. Well, there's no need for me to use the pain
24 medication anymore. I'm not in pain anymore. So
25 there's no basis for me to use it. That's why I was

1 using it in the first place. So, I mean, my
2 procedures that I had, it's no longer necessary for
3 me to use that.

4 Q. So physically there's no ailment that
5 requires it. And then you also touched on the fact
6 that at the time you went through a series of deaths
7 with close members of your family and friends and you
8 were going through a period of depression, that has
9 been fully addressed now with your mental health
10 counseling through your therapist, right?

11 A. Yes. And, like I said, I went over 18
12 months of counseling with a therapist, and it got to
13 the point where we kind of ran out of things to talk
14 about and it's kind of to the point where it's like,
15 well, you're ready to move forward with your life.
16 There's nothing more to kind of go back and, you
17 know, you kind of move forward, and there was no need
18 for me to continue to go back there. So he said, you
19 know...

20 Q. I know you said this but I want to make it
21 clear for everybody listening. And you were
22 discharged basically from your mental health
23 counselor after 18 months. They said basically you
24 don't really need to keep coming any more, right?

25 A. Yes.

1 Q. Okay. All right. I think we've addressed
2 in detail subsection C, so I'd like to move on. And
3 Bar Counsel did state at the beginning of the hearing
4 that the other factors weren't as important, or they
5 really weren't focusing on these as much, but I
6 believe by statute we have to cover these.

7 So subsection D, "the attorney recognizes
8 the wrongfulness and seriousness of the misconduct
9 resulting in the suspension." Please, if you would,
10 Joe, state to everyone why or how you recognize what
11 happened at the time, the wrongfulness and
12 seriousness of what happened of the misconduct, why
13 we're having the hearing here, and basically what
14 you've done to address it. I know there's going to
15 be some overlap here, but we're addressing subsection
16 B directly now.

17 A. Well, I've had a lot of time to think about
18 my actions and misconduct that I was -- that I did.
19 And it's been a lot of downtime for me over the past
20 year to reflect, and I am genuinely sorry for
21 everything I did. I'm sorry to my clients for any
22 harm that I may have caused or any potential harm I
23 could have caused. You know, I'm sorry that I'm
24 going through these proceedings, and it's been kind
25 something that I'm not very proud of, and I'm sorry

1 that I tarnished the reputation of the legal
2 community with what I did. I'm embarrassed that I'm
3 even a part of something like this.

4 You know, for the 15 years I practiced law,
5 I would look at attorneys that were going through --
6 that committed, you know, violations, and I would,
7 you know, look at them like, why? Why, you know, why
8 did you, you know, do that, because you harmed the
9 reputation of the rest of us that are, you know,
10 doing the right thing. And now that I'm on the other
11 side, I'm ashamed that, you know, that I potentially
12 harmed the, you know, the reputation of all lawyers,
13 because, you know, I've always taken pride in being a
14 lawyer.

15 And, you know, the things that happened with
16 me were isolated incidents and they're really out of
17 character for me. And I know that if I'm reinstated,
18 I'll never do the things that got me into this
19 situation in the first place. And I understand how
20 serious this is and the proceedings that I'm going
21 through, and I recognize that what I did was wrong
22 and I won't do it again in the future.

23 I can't change what I did, but I did, you
24 know, try to make the best recovery of the situation
25 that I could. I mean, I did repair the situation

1 with -- so there wasn't any real harm to my clients,
2 and that, you know, I tried to make the situation
3 right. And if I'm reinstated, I won't be in a
4 predicament like this again because I'll never do the
5 things that I did in the past.

6 Q. So moving on to the next one, to subsection
7 E, is pretty straightforward. I mean, Bar Counsel
8 would be aware of this. "The attorney has not
9 engaged in any other professional misconduct since
10 suspension." We have no new complaints. There's no
11 new cases open. There's been nothing new since this
12 happened; is that true?

13 A. To my knowledge there's nothing new, and I
14 haven't -- I mean, on my end I haven't done anything
15 since the suspension. Like I said, I haven't even
16 practiced law so there's nothing.

17 Q. There would be no future complaints because
18 you haven't been practicing law, you haven't
19 represented anybody, right?

20 A. Right.

21 Q. Okay. All right. Let's move on to
22 subsection F, "notwithstanding the conduct for which
23 the attorney was disciplined, the attorney has the
24 requisite honesty and integrity to practice law."

25 So, I mean, if you want to detail maybe your

1 past history of practicing law that shows the
2 requisite honesty and integrity and maybe address the
3 incident, what happened here. Everyone wants to know
4 that you have the honesty and integrity to move
5 forward and run a law firm again in the future or
6 work for another law firm or whatever.

7 A. Right. And, like I said, for the 15 years
8 that I practiced law before these proceedings and
9 before this incident occurred, or incidents occurred,
10 you know, I've always tried to help people and I've
11 always done the best I could to practice with
12 integrity and honesty.

13 I genuinely want to help people. That's why
14 I became a lawyer, and that's what I feel I can do
15 when I'm reinstated. I don't feel that the incidents
16 are a true, like, reflection of the type of a person
17 or the type of attorney I am. And that if I'm given
18 another opportunity to be reinstated, I will, you
19 know, practice with honesty and integrity and try to
20 do the right thing in all situations.

21 Q. So just to summarize for everyone listening
22 here, a glimpse of your past 15 years of successful
23 practice with a few isolated incidents, which is why
24 we're in front of Bar Counsel today. Moving forward,
25 your intention is to keep practicing law, practice

1 law with integrity and honesty; and whatever led to
2 these issues, which was going through the depression
3 and all of the, you know, the oxycodone and things
4 like that, those things have been removed from your
5 life, and moving forward honesty and integrity is how
6 you intend to run your law firm?

7 A. Yes.

8 Q. Okay. And then last but not least here, 2,
9 subsection G, this one is pretty straightforward as
10 well. "The attorney has kept informed about recent
11 developments in the law and is competent to
12 practice." So explain what you've done to keep
13 abreast of recent developments in the law and how you
14 stayed current, even though you haven't been
15 practicing law.

16 A. Well, like I said, attached to my petition,
17 Exhibit C, is a transcript where it shows that I've
18 completed over 26 hours of continuing legal education
19 courses. I've tried to keep in, you know, keep up to
20 date on what's happening with the legal community,
21 especially through the COVID, just by speaking to
22 attorneys that are still practicing. I kind of try
23 to stay up to date on, you know, developments, I
24 just, you know, by talking with you and finding out
25 what's going on with different updates with the DUI

1 laws, things like that. I do that with other
2 attorneys as well.

3 I try to just keep my ear to the state and
4 kind of follow what's going on. I read the Nevada
5 Lawyer magazine, and I think that -- I don't even
6 think it was required to do any continuing legal
7 education courses during the course of my suspension,
8 but I did complete like 26 hours, which is quite a
9 lot. So I believe I'm still kind of up to speed on
10 what's happening in the legal community.

11 Q. So to summarize, you've had conversations
12 with lawyers. I can include myself in this. We've
13 talked. I'm a DUI attorney. We've talked about
14 DUIs. You've talked to other attorneys about other
15 areas of law. You've read the Nevada Lawyer every
16 month. You've stayed abreast of the news on TV and
17 the legal news, big Supreme Court decisions, things
18 like that, and you've also completed 26 hours of CLE
19 credits; is that correct?

20 A. Yes.

21 Q. Which would be way more than the yearly
22 requirement for an attorney, which is I believe 14,
23 right? Don't quote me on that, I just do them every
24 year, okay.

25 So that will -- to everyone listening, that

1 will summarize the petitioner's presentation today.
2 Section 2 of the procedures for reinstatement list
3 very clearly subsections A through G, the
4 requirements, you know, to be reinstated. We've
5 addressed each of those directly. I read the
6 subsections so that we're all very clear what we're
7 discussing. Joe testified under oath, addressed each
8 of these subsections of what he's done.

9 He's gone above and beyond, you know, doing
10 the CLE requirements, the 18 months of mental health
11 counseling, the year while he's on probation of drug
12 testing. I mean, he's done more than his homework.
13 He's complied with all prior disciplinary orders,
14 including fines, fees, he's abstained from the
15 practice of law. He sought additional employment
16 outside the scope of law. He worked at a car
17 dealership and as a pet treatment service. The big
18 one, the big elephant in the room that we discussed
19 was subsection C.

20 Mr. Iarussi, you know, I've know him for a
21 long time. This was out of character for him. He's
22 been practicing law, you know, he's been practicing
23 for 15 years and all of a sudden these incidents
24 started popping up. I know, and Joe knows, and
25 hopefully everyone on this call knows, those

1 incidents were because of his use of the prescription
2 drugs, and that prescription drug use was initiated
3 because he had surgery on his hand and the pain
4 wouldn't go away. So to get away from that pain, he
5 started using the prescription drugs.

6 Joe testified today that all of that pain is
7 gone and that he hasn't used a prescription drug or
8 alcohol for over two and a half years. He relocated
9 out of the state to get away from any potential
10 problems that were going on at the time, he closed
11 his law firm, he's basically been living off his
12 savings from when he was practicing as a lawyer, and
13 he's addressed everything that the Bar wanted him to
14 address.

15 He's not been punished for anything since
16 this happened. He's not been arrested. He's
17 remained trouble free, and basically he's, you know,
18 he's been the -- he was the perfect candidate on
19 probation. His case was dismissed.

20 And with that, for everybody listening,
21 Mr. Iarussi hopefully will be allowed back in the
22 legal community in Nevada. And if he is, I can't
23 wait to see my friend again, and I can't way to see
24 him back in the trenches down at the Regional Justice
25 Center every morning like I used to.

1 Joe is one of the guys that I would go to,
2 not that, you know, representing attorney's opinion
3 is the end all be all, but he is one of the guys I
4 used to call when I needed advice because I could
5 always trust him to have the knowledge and the legal
6 expertise to help me, and he was always there for me.
7 And he was in my wedding. You know, he's one of my
8 best friends.

9 So with that we'll submit it. That would be
10 everything we've addressed. I don't know if you want
11 a statement from Mr. Iarussi himself, but he's done a
12 real good job of addressing all of our subsections
13 today.

14 CHAIR VILLANI: Mr. Pattee, do you have any
15 questions for Mr. Iarussi?

16 MR. PATTEE: Yes, I do. And preliminarily
17 my questions are not to embarrass Mr. Iarussi, I just
18 want to fill in some blanks so the panel has a little
19 bit more complete picture of what's going on here.
20 Mr. Iarussi's testimony has taken away all of my
21 really mean cross-examination questions, but I do
22 have a couple of general things and I want to go back
23 over his discipline and his criminal case just a
24 little bit. It actually will probably help him. I
25 don't mean to help him, but I just want to fill in

1 some blanks and it probably will.

2 CROSS-EXAMINATION

3 BY MR. PATTEE:

4 Q. But you say you're in -- you moved back
5 east. Where are you right now?

6 A. I'm in Pittsburgh, Pennsylvania.

7 Q. If you get reinstated, where are you going
8 to practice?

9 A. If I get reinstated, I plan to start by
10 working remotely as an attorney. There's a potential
11 tax position that I'll start working at, and I can
12 work remotely from my computer during tax season with
13 Intuit. It's something that I did in the past, and
14 if I have an active license, I can start by doing
15 that position. And then once I save money, I'll
16 eventually -- I plan to eventually move back to
17 Nevada and practice in Nevada, but not probably for
18 some time. I need to get everything in order before
19 I make a move back to the state of Nevada.

20 Q. You're also licensed in Pennsylvania?

21 A. I am licensed in Pennsylvania, but while I
22 was in Nevada, I let my license in Pennsylvania -- it
23 was too expensive to maintain two licenses, so it
24 went into an administrative type suspension for not
25 paying fees in Pennsylvania. So my license in

1 Pennsylvania has been administratively suspended for
2 like maybe ten years. I can't practice in
3 Pennsylvania.

4 Q. How about reciprocal discipline based on the
5 suspension in this state?

6 A. I'm sorry?

7 Q. What about reciprocal discipline. Have they
8 reciprocated based on our suspension?

9 A. No, because I haven't tried to renew my
10 license in Pennsylvania because of -- I'm suspended
11 in Nevada, and I can't -- I can't get -- if I'm
12 suspended in Nevada, they won't -- even if I tried to
13 be reinstated in Pennsylvania, they wouldn't allow it
14 because I'm suspended in another state, so I haven't
15 done anything with my license in Pennsylvania.

16 Q. Okay. In the matter which you got
17 suspended, that included your court case, which you
18 included. For the panel's edification, Exhibit 1 at
19 page 22 is the order which imposed the one year
20 suspension.

21 And on page 23, which is page two of the
22 order, one of the charges includes RPC 8.4(b), which
23 is committing a criminal offense that adversely
24 affects the -- reflects on the fitness of a lawyer.
25 He also had a 1.4, communication and a safekeeping

1 property issue.

2 And can you tell us a little bit about your
3 criminal case. What was that all about? How did you
4 come in contact with the police? And then I
5 understand you completed probation and the matter has
6 been dismissed and sealed, but can you explain to the
7 panel what happened here?

8 A. Well, I was prescribed pain medications, and
9 I was prescribed the pain medication and I basically
10 attempted to sell it.

11 Q. Okay. How were you caught?

12 A. The person I tried to sell it to was a
13 detective.

14 Q. Naturally.

15 A. So that didn't go very well.

16 Q. I used to do criminal defense, and it seemed
17 that everybody who was trying to find a hitman went
18 to a bar, and the person was an off-duty cop that
19 they tried to hire. It always -- it never fails.

20 If everybody would take a look at Exhibit 2,
21 which is the disciplinary history, on the second page
22 is a letter of reprimand from December 13, 2018. And
23 it involves three different matters where you were
24 found guilty of failing to appear in three different
25 cases, which is diligence, 3.4, failing to follow

1 court orders and in not responding to us. And to me
2 this looks like the same period of time that you were
3 dealing with all of your other problems; is that
4 correct?

5 A. Yes.

6 Q. And your addictions were the reason that you
7 got, one, this letter of reprimand in 2018, and your
8 eventual suspension that we're dealing with here; is
9 that correct?

10 A. That and the fact that I kind of got to the
11 point where the stress, it was too much stress. If I
12 didn't get paid, I wouldn't -- I had kind of a policy
13 where I wasn't going to go to court unless I got -- I
14 got tired of not getting paid. Going to court and
15 then they wouldn't pay me the fee, the rest of fee
16 that was owed. So I would only get paid up until the
17 point I went to go to court. So on that particular
18 client, he didn't pay me so I didn't appear at the
19 court date.

20 Q. You understand now that you're not -- once
21 you're attorney of record, you have to appear until
22 the judge lets you off, right?

23 A. Yes.

24 MR. PATTEE: Okay. We've got nothing
25 further.

1 RESPONDENT IARUSSI: Is there any other
2 questions from any of the other hearing panel
3 members?

4 CHAIR VILLANI: Sorry, Mr. Vander Heyden, do
5 you have any follow-up to that?

6 MR. VANDER HEYDEN: I don't. I think Joe
7 addressed all his questions directly.

8 CHAIR VILLANI: All right. Do we have any
9 questions from any of the panel members?

10 MEMBER BRISCOE: I do have a question.

11 CHAIR VILLANI: Go ahead.

12 EXAMINATION

13 BY MEMBER BRISCOE:

14 Q. Basically considering your addiction issues
15 going forward and the alcohol and drug use in the
16 future, you covered that you no longer need the hand
17 surgery, but there are other instances in life that
18 you could fall back into these same habits. So what
19 support do you have in place going forward if you
20 have another issue?

21 A. Well, like I said, I don't have an issue
22 with drugs or alcohol, I never have, it's just that
23 when I took those medications, it kind of got me to
24 the point where I abused them, I guess. So I used
25 too much and I ended up, you know, didn't -- lost

1 kind of care for things.

2 So my -- I don't use them. I can't get -- I
3 can't get pain medications anymore. I'm not
4 prescribed them so I'm not -- I mean, there's no
5 reason for me to even use them at this point. So I
6 guess not using the pills is my way of dealing with
7 not being addicted to the pills, because if you use
8 them then you can become addicted. So I don't feel
9 like there's any situation where I would fall back
10 into that. It's just like I don't use alcohol, I
11 don't use pain medication, I don't use street drugs.

12 So I don't know how else to address that. I
13 don't -- I don't have a desire to use them, or I
14 don't have any type of urge. I'm not addicted to
15 medications, it's just that when you are in that type
16 of use, you need that -- you need to keep using. So
17 if you don't use it, then you don't need to use it,
18 so...

19 Q. My question is more to address who is your
20 support system or what steps could you take if you
21 did have the issue going forward. So I realize your
22 mental health counselor released you, but I have to
23 presume you still have some type of relationship with
24 the party that was assisting you or friends or family
25 that could support you. Obviously Mr. Vander Heyden

1 but --

2 A. Yeah.

3 Q. -- what other support system do you have in
4 place?

5 A. Well, I have family, my mother and my father
6 and my sister. My sister lives in Nevada. I have a
7 strong family support system that's also actually
8 helped me get into the mental health counseling,
9 because they saw me, you know, dealing with the
10 things that I was dealing with and it was too much
11 for me to handle on my own, so that's how I actually
12 got into treatment, mental health counseling.

13 But when I went into the mental health
14 counseling, they determined that I don't have a
15 problem with alcohol and drugs, so they didn't put me
16 into drug counseling or drug treatment. I was
17 assessed by a person and I was determined that mental
18 health was really my issue with, you know, dealing
19 with depression and stress.

20 I was -- I was told that I had -- you know,
21 I did the evaluation and they didn't -- I didn't need
22 any type of alcohol or drug counseling because I
23 never had an issue with alcohol or drugs, it was just
24 more of they wanted me to go into mental health
25 counseling.

1 And that was through the -- that was through
2 my court case, I was also required to do mental
3 health counseling, so I had to get an evaluation.
4 And when I did get the evaluation, the authorities or
5 people that are, you know, specialize in that type of
6 evaluation, you know, the doctors or whatever type of
7 people they are, behavior, they determined that I
8 needed to see a behavioral therapist, not at drug
9 addiction counselor or specialist.

10 So that's not -- that was never my issue. I
11 know a lot talk has been about addiction in this
12 proceeding, but that really isn't -- that really
13 wasn't the underlying issue, it was more of a mental
14 health issue and a thing that I needed to get
15 treatment for that, which I did. Does that answer
16 your question?

17 Q. Yes. Thank you.

18 A. Thank you.

19 CHAIR VILLANI: Any questions from any of
20 the other panel members?

21 MEMBER LURIE: I do.

22 EXAMINATION

23 BY MEMBER LURIE:

24 Q. How are you doing, Mr. Iarussi. Thanks for
25 coming today and joining us for your reinstatement

1 hearing here. I have a question. You said you saw a
2 counselor. What I'm confused about in situations
3 like these, is there some reason why a letter wasn't
4 sent to the Bar as an exhibit to support that you had
5 completed all the counseling requirements that they
6 felt like you needed to release; and why wouldn't you
7 submit a letter from your doctor, psychiatrist,
8 psychologist, or licensed therapist that would state
9 that you've completed this program, you're no longer
10 a candidate. Why did you not go through those steps?

11 A. Well, my counseling was ordered through my
12 criminal case, and that's -- the judge in the
13 district court on that case, I did supply all the
14 documentation to her at that time. So all the
15 documentation was presented to the district court
16 through my probation officer, and also through direct
17 contact with, you know, my court, the court in
18 correspondence. And they felt that I fulfilled my
19 duties under the agreement and I pursued the
20 appropriate counseling and therapy, and they -- that
21 was why my court case was dismissed.

22 There was no other court to report to,
23 besides the court that was monitoring my case before
24 it was dismissed. So I believe that they were
25 satisfied with all the documentation I did present

1 and they went ahead and dismissed that case and
2 closed it out.

3 Q. Would you be aware if they would be willing
4 to submit a letter that basically said you had
5 completed the course and that they felt you no longer
6 needed it?

7 A. Yeah, they -- I actually supplied that
8 letter to the court, and the judge reviewed that and
9 was satisfied that, you know, she even mentioned that
10 if I wanted to continue but it's always good to go
11 through, you know, have someone to talk to, but there
12 was no real reason for me to do that because the
13 therapist felt that I had reached, you know, maximum
14 improvement I guess, and kind of that was the letter
15 that was supplied in that case, so...

16 Q. Is there a reason why the letter wasn't
17 supplied as part of your exhibit package today?

18 A. Well, because the underlying proceedings in
19 this case really, especially in the order of
20 suspension, really weren't addressed the mental
21 health aspect. I didn't believe -- I didn't -- I
22 didn't -- I wasn't aware that it was going to be an
23 issue until about 30 minutes ago of these
24 proceedings, because my underlying suspension was for
25 being arrested and also for not placing a check in an

1 appropriate bank account, it wasn't anything having
2 to do with, you know, my depression two years ago or
3 my mental health status two years ago, so that's why
4 I didn't present it at this proceeding.

5 I didn't -- I didn't know it was going to be
6 an issue that we were going to discuss, but, you
7 know, I thought that in the prior proceeding -- I
8 mean, I was dismissed from probation and my case was
9 dismissed over a year ago, so, you know, this, the
10 mental health aspect and everything is, you know,
11 12 -- more than 12 months old where, you know, I
12 thought that was -- we were past all that coming into
13 today's hearing.

14 MR. PATTEE: Dr. Lurie, if I may, we were
15 familiar with such letters that had to be presented
16 to the court, and as part of our investigation we
17 went through, our investigator went through that
18 criminal case. And even though we haven't seen such
19 a letter, we can see by court records that such a
20 letter was submitted to the court and accepted.

21 MEMBER LURIE: I appreciate that.

22 MR. PATTEE: We didn't actually see it, but
23 there's a lot of evidence that a letter like that
24 existed and is somewhere in a sealed file, a file
25 which is now sealed, so we didn't have any concerns

1 about that. And we probably didn't ask for it
2 because you could see from the court records what had
3 been required and what was submitted, and so we're
4 satisfied, even though we haven't seen a physical
5 letter that's signed by a doctor.

6 BY MEMBER LURIE:

7 Q. Okay. And just last question. In the past
8 couple years you haven't been seen by a doctor, you
9 haven't been to a doctor for any health conditions or
10 reasons that would require you to take any pain
11 medications?

12 A. No, sir.

13 Q. Okay. And then I always just follow this
14 up, even when I sat on the chiropractic board, but
15 are you honest with your doctors about the past
16 addiction so they're fully aware of the problems that
17 you had so if you did need recommendations in the
18 future, they don't lead you back down this path?

19 A. Yeah. Actually I broke my toe. I dropped a
20 weight on my toe, and I went into the emergency room
21 and they wouldn't -- they didn't even prescribe me
22 pain medication for that, nor did I want them. I
23 just took ibuprofen.

24 But, yeah, I don't have any desire to take
25 the pain medications because I know how powerful they

1 are, and I understand why, you know, doctors really
2 don't want to prescribe those because of the
3 severity. It can lead to problems with people and
4 become dependent on it, so, you know, I don't even --
5 it's just something I don't -- I don't even want.

6 Just like alcohol. I don't -- I don't drink
7 alcohol because I don't -- I don't like the way it
8 makes me feel inside. I just don't do it. There's
9 no -- there's no reason for me to drink. I know if I
10 drink, I'm going to feel a certain way, so I don't
11 drink alcohol. I just don't do it.

12 MEMBER LURIE: Okay. Thank you.

13 CHAIR VILLANI: All right. Anything else
14 from the panel members? Anything from either counsel
15 in response to the panel members' questions?

16 MR. VANDER HEYDEN: No, I think they
17 addressed it very directly, all their questions.

18 CHAIR VILLANI: Okay. Then are we okay with
19 Mr. Iarussi stepping off the stand?

20 MR. VANDER HEYDEN: I have no further
21 questions for him. Does Bar Counsel?

22 MR. PATTEE: No, we're good.

23 CHAIR VILLANI: All right, Mr. Vander
24 Heyden, any more witnesses?

25 MR. VANDER HEYDEN: No.

1 CHAIR VILLANI: Anything else to present?

2 MR. VANDER HEYDEN: No, I think Joe
3 submitted all the exhibits already, so whatever he
4 wanted submitted has already been done.

5 CHAIR VILLANI: Okay. So Mr. Vander Heyden
6 sounds like he's resting. Does the Bar have anything
7 to present?

8 MR. PATTEE: Nothing to present. We have a
9 recommendation.

10 CHAIR VILLANI: Let's hear your
11 recommendation.

12 MR. PATTEE: State Bar has no objection to
13 him being reinstated. We would ask the panel to
14 consider placing him on probation for let's say a
15 year with no conditions, except that an agreement
16 that if we get wind of a problem, that he agrees to
17 go and take a drug test.

18 In case -- and he's not going -- he says
19 he's not going to be here for a while, okay, but if
20 we should get a grievance that talks about Supreme
21 Court Rule 1.1, just, for example, anything, but the
22 ones we see with substance abuse is 1.1, diligence;
23 1.4, communication; 3.4, failing to follow court
24 orders, 8.1(b), failure to respond to the State Bar,
25 which is exactly what we're dealing with with

1 Mr. Iarussi, so that would be the only condition.

2 No mentor, no quarterly reports, just if our
3 crack intake department spots a grievance coming in
4 that says a diligence, alleges a diligence issue, a
5 communication issue, et cetera, that Mr. Iarussi is
6 required, if we call, to go down and get a drug test.
7 And if he's not using, I'm sure he wouldn't have a
8 problem.

9 And I don't want probation to go on for five
10 years or ten years, I'm just thinking about 12
11 months. And I would make that as -- I would include
12 that in a recommendation to the Supreme Court for his
13 reinstatement.

14 CHAIR VILLANI: All right. And let me ask
15 you this just for myself. Would you be satisfied
16 with instead of the one year probation with the drug
17 test triggered upon any, you know, which this is kind
18 of what seems like the subjective language, any sort
19 of referral or any complaints or anything like that,
20 would you be satisfied with just like a drug test
21 every three months for a year, just if he just
22 voluntarily submits to one just to make sure he's on
23 the right track?

24 MR. PATTEE: If he would like to do that,
25 but I really don't think we're going to have that

1 problem with him. And to make him go down every
2 three months to take a drug test and have to pay for
3 it, I just -- I really don't think it's necessary.

4 But under an abundance of caution I would
5 just like an agreement that if we have any
6 suspicions, that he'll be happy to go take one. But
7 if he's not going to be using for the next year, I
8 just -- having to do down and spend \$200 for a
9 urinalysis test seems like a bit much.

10 CHAIR VILLANI: Okay. I mean, to me it just
11 seems --

12 MR. PATTEE: That's fine.

13 CHAIR VILLANI: -- a little arbitrary as to
14 how to trigger that or what the issue would be, but
15 if Mr. Iarussi doesn't have a problem with it, I'm
16 fine with that.

17 Mr. Vander Heyden, do you have anything with
18 regard to that recommendation?

19 MR. VANDER HEYDEN: We have no problem with
20 any recommendation whatsoever. Mr. Iarussi has been
21 clean and sober for over two and a half years. If
22 you want to drug test him, we'll go along. He has no
23 objection to any of that.

24 CHAIR VILLANI: Okay. With that does
25 anybody have anything else before the panel convenes

1 to discuss possible recommendations?

2 MR. PATTEE: Not from the State Bar.

3 CHAIR VILLANI: Okay. Tiffany, can you
4 throw us into a private room.

5 MS. BRADLEY: Will do.

6 (A recess was taken.)

7 CHAIR VILLANI: Okay. The panel members met
8 and we are in agreement with Mr. Iarussi having shown
9 by clear and convincing evidence that he is okay to
10 proceed and to be reinstated for the practice of law.
11 We're also in agreement with the Bar's recommendation
12 of one year probation.

13 We decided that instead of having that
14 contingent upon a complaint being filed, or anything
15 of that nature, the way we'd like it worded is within
16 24 hours of a request from the State Bar, the
17 defendant is to take and pay for a drug test. And so
18 that will leave it up to the State Bar to determine
19 whether you're going to require a complaint, whether
20 you just have a hunch, whatever.

21 Sounds like Mr. Pattee isn't anticipating a
22 problem, but that will be the condition. Any time
23 the State Bar requests it within that one-year
24 probation period, Mr. Iarussi, you are to pay for and
25 take a drug test within 24 hours of that request.

1 RESPONDENT IARUSSI: Okay. Thank you.

2 CHAIR VILLANI: Anything else we need to
3 actually add to that record, Mr. Pattee, for the
4 order or anything like that?

5 MR. PATTEE: No. He needs to pay -- he's
6 already put a deposit down, but he needs to pay the
7 actual costs of this hearing, which he's already made
8 a deposit, and whatever needs to be returned to him
9 will be.

10 CHAIR VILLANI: Okay. And so he's already
11 put the thousand dollars down; is that fair?

12 MR. PATTEE: Yes. And if he needs to owe
13 more, we'll bill him; otherwise, we'll refund
14 whatever we don't use.

15 CHAIR VILLANI: Okay. Mr. Vander Heyden,
16 Mr. Iarussi, any questions?

17 RESPONDENT IARUSSI: None, thank you. Thank
18 you all for your time.

19 MR. VANDER HEYDEN: He definitely needs to
20 pay my bill. I'll be mailing it to you, Joe. No,
21 I'm just kidding.

22 CHAIR VILLANI: All right. Anything to add
23 from the panel members?

24 MEMBER LURIE: None.

25 MEMBER BRISCOE: No. Good luck to you.

RESPONDENT IARUSSI: Thank you. Thank you
all.

MR. VANDER HEYDEN: Thank you all. Have a
good day.

CHAIR VILLANI: Thank you. And I assume a
draft of the order will be sent over for signature?

MR. PATTEE: Oh, you'd like some help with
that? Yes.

CHAIR VILLANI: Yes.

MR. PATTEE: Yes, we'll take care of it.

CHAIR VILLANI: All right. Thank you,
everybody, for your time. I appreciate it.

MR. PATTEE: And we're going to need a
transcript.

CHAIR VILLANI: Okay. And we'll have that
ordered as well.

MR. VANDER HEYDEN: Thank you very much,
everyone. Have a good day.

(Thereupon the proceedings
were concluded at 11:41 a.m.)

* * * * *

CERTIFICATE OF REPORTER

STATE OF NEVADA)

SS:

COUNTY OF CLARK)

I, Deborah Ann Hines, certified court reporter, do hereby certify that I took down in shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated; and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto affixed my hand this 29th day of December, 2021.



Deborah Ann Hines, CCR #473, RPR

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STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

JOSEPH B. IARUSSI
Nevada Bar No. 9284
File No.: SBN21-99142

REINSTATEMENT HEARING
December 8, 2021 at 10:30 a.m. via Zoom

INDEX OF DOCUMENTS

DOCUMENT	PAGE NOS.
Supreme Court Rule 116.....	SBN 001-002
Petition for Reinstatement Filed September 27, 2021	SBN 003-021
Supreme Court Order Filed October 23, 2020.....	SBN 022-025
Order Appointing Hearing Panel Chair Filed September 30, 2021	SBN 026-027
Notice of Telephonic Initial Case Conference Filed October 22, 2021	SBN 028-029
Scheduling Order Filed November 1, 2021	SBN 030-032
Order Appointing Formal Hearing Panel Filed December 1, 2021	SBN 033-034

PANEL

Jacob J. Villani, Esq., Panel Chair
Shemilly A. Briscoe, Esq., Panel Member
Dr. Benjamin S. Lurie, Lay Member

Phillip J. Pattee, Esq.
Bar Counsel

Joseph B. Iarussi
Petitioner

Tiffany Bradley
Hearing Paralegal

Rule 116. Reinstatement.

1. **Order of supreme court required.** An attorney suspended as discipline for more than 6 months may not resume practice unless reinstated by order of the supreme court.

2. **Procedure for reinstatement.** Petitions for reinstatement by a suspended attorney shall be filed with bar counsel's office, which shall promptly refer the petition to the chair of the appropriate disciplinary board. The chair or vice chair shall promptly refer the petition to a hearing panel, which shall, within 60 days after referral, conduct a hearing. An attorney may be reinstated or readmitted only if the attorney demonstrates by clear and convincing evidence the following criteria, or if not, presents good and sufficient reason why the attorney should nevertheless be reinstated or readmitted:

(a) Full compliance with the terms and conditions of all prior disciplinary orders;

(b) The attorney has neither engaged in nor attempted to engage in the unauthorized practice of law during the period of suspension;

(c) Any physical or mental disability or infirmity existing at the time of suspension has been removed; if alcohol or other drug abuse was a causative factor in the attorney's misconduct, the attorney has pursued appropriate treatment, has abstained from the use of alcohol or other drugs for a stated period of time, generally not less than one year, and is likely to continue to abstain from alcohol or other drugs;

(d) The attorney recognizes the wrongfulness and seriousness of the misconduct resulting in the suspension;

(e) The attorney has not engaged in any other professional misconduct since suspension;

(f) Notwithstanding the conduct for which the attorney was disciplined, the attorney has the requisite honesty and integrity to practice law; and

(g) The attorney has kept informed about recent developments in the law and is competent to practice.

Within 60 days after the hearing concludes, bar counsel shall file the record of the proceedings, together with the panel's findings and recommendation, with the supreme court. Receipt of the record shall be acknowledged in writing by the supreme court clerk.

The attorney or bar counsel shall have 30 days from the date the supreme court acknowledges receipt of the record within which to file an opening brief or otherwise advise the court if he or she intends to contest the hearing panel's findings and recommendations. If an opening brief is filed, briefing shall thereafter proceed in accordance with [NRAP 31\(a\)](#). Extensions of time to file briefs are disfavored and will only be granted upon a showing of good cause. The parties shall not be required to prepare an appendix, but rather shall cite to the record of the reinstatement proceedings. If no opening brief is filed, the matter will be submitted for decision on the record without briefing or oral argument.

3. **Bar counsel to appear.** In proceedings for reinstatement, bar counsel shall represent the state bar and submit any evidence and produce any witnesses relevant to the petition. Prior to the hearing, bar counsel may make a lawful request for information consistent with the requirements for admission under [S.C.R. 51](#).

4. **Tender of costs in advance.** Petitions for reinstatement under this rule shall be accompanied by an advance cost deposit of \$1,000 to cover anticipated costs of the reinstatement proceeding.

5. **Decision on reinstatement; conditions.** If the attorney does not meet the burden of proof to justify reinstatement, the petition shall be dismissed by the hearing panel. If the attorney meets the burden of proof, the hearing panel's recommendation for reinstatement shall be entered.

Reinstatement shall be conditioned upon the attorney's payment of the costs of the proceeding, restitution to parties injured by the petitioner's misconduct, including the Clients' Security Fund, any further conditions deemed appropriate by the panel, and such proof of competency as may be required by the supreme court, which proof may include certification by the bar examiners of the successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment. If an attorney has been continuously suspended for 5 years or more at the time a petition for reinstatement is filed, irrespective of the term of suspension initially imposed, successful completion of the examination for admission to practice shall be a mandatory condition of reinstatement.

6. **Successive petitions.** A petition for reinstatement under this rule shall not be filed within 1 year following an adverse judgment on a petition for reinstatement filed by the same attorney, unless otherwise ordered by the court.

[Added; effective February 15, 1979; amended effective January 10, 2018.]

ORIGINAL

Case No.: CR19-0463 & OBC19-0601



FILED

SEP 27 2021

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD
BY 
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA,

Complainant,

Vs.

JOSEPH IARUSSI, ESQ.

Nevada Bar No. 9284,

Respondent.

**PETITION FOR REINSTATEMENT TO ACTIVE STATUS PURSUANT TO
SCR 116 (2) AND REQUEST FOR HEARING DATE**

Respondent JOSEPH IARUSSI, hereby respectfully files this Petition For Reinstatement to Active Status and requests a hearing to be set at the Board and Bar's earliest convenience, pursuant to SCR 116(2).

On February 26, 2020 Respondent, and The State Bar of Nevada ("the parties") entered into an agreement via a Conditional Guilty Plea in Exchange For A Stated Form of Discipline. Under that agreement Respondent admitted to violating 1.4 (Communication), RPC 1.15 (Safekeeping property), and RPC 8.4(b) (Misconduct: Committing a Criminal Act that reflects adversely on the Lawyer's honesty, trustworthiness, or fitness)

On October 23, 2020 the Supreme Court issued an Order Denying Petition for Temporary Suspension and Approving Conditional Guilty Plea Agreement. The Court stated in that Order "we hereby suspend attorney Joseph Iarussi from the practice of law for a period of one year commencing from the date of this order. Also, Iarussi must pay the costs of the disciplinary proceeding, including \$2,500 under SCR 120." The parties shall comply with SCR 115 and SCR 121.1."

Respondent, Joseph. Iarussi, complied with the Order of the Court. All costs of the disciplinary proceeding, including \$2,500.00 under SCR 120 have been paid to the State Bar of Nevada (See State Bar of Nevada's Memorandum of Costs, See Also **Checks made payable to State Bar of Nevada from Joseph Iarussi, attached hereto as Exhibit "A"**). Additionally, the one year of suspension issued by the Court has ended. Respondent now seeks a finding by the Board that he has demonstrated by clear and convincing evidence the criteria detailed in SCR 116(2), and should be reinstated to practice law in the State of Nevada. Respondent will provide evidence and testimony in advance of and at the hearing required by SCR 116(2)¹

. . . An attorney may be reinstated or readmitted only if the attorney demonstrates by clear and convincing evidence the following criteria, or if not, presents good and sufficient reason why the attorney should nevertheless be reinstated or readmitted:

- (a) Full compliance with the terms and conditions of all prior disciplinary orders;
- (b) The attorney has neither engaged in nor attempted to engage in the unauthorized practice of law during the period of suspension;
- (c) Any physical or mental disability or infirmity existing at the time of suspension has been removed; if alcohol or other drug abuse was a causative factor in the attorney's misconduct, the attorney has pursued appropriate treatment, has abstained from the use of alcohol or other drugs for a stated period of time, generally not less than one year, and is likely to continue to abstain from alcohol or other drugs;
- (d) The attorney recognizes the wrongfulness and seriousness of the misconduct resulting in the suspension;
- (e) The attorney has not engaged in any other professional misconduct since suspension;
- (f) Notwithstanding the conduct for which the attorney was disciplined, the attorney has the requisite honesty and integrity to practice law; and
- (g) The attorney has kept informed about recent developments in the law and is competent to practice.

Respondent has been in full compliance with the terms and conditions of all prior disciplinary orders. Respondent has neither engaged in nor attempted to engage in the unauthorized practice of law during the period of his suspension.

Furthermore, the Criminal Act that Respondent was arrested for ultimately resulted in a full Dismissal of the charges and case that was filed in the District Court. The record of the arrest and the whole incident has been permanently sealed by the District Court, and permanently purged from all Departments holding records as if the arrest and incident never occurred. (See Order to Seal Records Case No.: **C-19-339126-1**, See also Letter from Nevada Department of Public Safety Records, Communication, and Compliance Division attached as Exhibit "B").

Respondent has abstained from the use of alcohol, and is likely to continue to abstain from alcohol or other drugs as alcohol and drugs has never been an issue for Respondent.


The Respondent recognises the wrongfulness and seriousness of the misconduct resulting in the suspension, any and all restitution has been paid, and he has not engaged in any other professional misconduct since the suspension;

Notwithstanding the conduct for which Respondent was disciplined, the Respondent has the requisite honesty and integrity to practice law; and Respondent has kept informed about recent developments in the law by completing Twenty Six (26) hours of continuing legal education courses during the time of the Court ordered suspension (See Nevada Board of Continuing Legal Education Unaudited CLE Transcript attached as Exhibit "C").

Respondent is competent to practice law, has over 15 years of experience representing individuals in the State of Nevada, and should be allowed the opportunity to be an active member of the state bar at this time.

Respondent thanks the Board for their time and respectfully submits this petition for consideration.

Dated: 9/23/2021



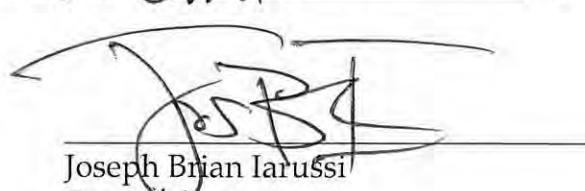
Joseph Iarussi
Respondent

VERIFICATION / DECLARATION OF JOSEPH IARUSSI

Comes Now, JOSEPH IARUSSI, being first. Duly sworn, deposes and says under penalty of perjury and certifies the following is true and correct:

I am the Respondent in the above-referenced matter, have personal knowledge of the facts contained herein and am competent to attest thereto, and I hereby declare that all assertions I have made herein are true and correct to the best of my knowledge.

Dated this 23rd day of September, 2021.



Joseph Brian Iarussi
Respondent

CERTIFICATE OF SERVICE

I certify that on Sept 23rd, 2021 I delivered a true and correct copy of this **PETITION FOR REINSTATEMENT TO ACTIVE STATUS AND REQUEST FOR HEARING** upon State Bar Counsel by mailing it by first class mail with sufficient postage prepaid to the following addressees and also hand delivered a copy to:

STATE BAR OF NEVADA
PHILLIP J. PATTEE, ASSISTANT BAR COUNSEL
3100 West Charleston Blvd., Suite 100
Las Vegas, NV 89102

and emailed a

copy to PHILPA NVBAR
ORG

Dated this 23rd day of Sept, 2021.


Joseph Larussi,
Respondent

EXHIBIT "A"

Case Nos.: CR19-0463; OBC19-0601

B. Felix

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,
Complainant,

vs.

JOSEPH IARUSSI,

Nevada Bar No. 9284

Respondent.

**STATE BAR OF NEVADA'S
MEMORANDUM OF COSTS**

Description	Amount
Court Reporter Fee & Transcript Fee (Hearing held on March 9, 2020)	\$651.35
Nevada State Bank Invoice	\$8.50
Wells Fargo Invoice	\$62.30
NationWide Legal Service of Subpoena on Wells Fargo Bank (7/17/2019)	\$55.00
NationWide Legal Service of Subpoena on Wells Fargo Bank(8/2/2019)	\$55.00
Certified Mailing (\$6.86 x 4)	\$27.44
SCR 120 costs	\$2,500.00
Total:	\$3,359.59

1. I am Bar Counsel with the State Bar of Nevada. I have personal knowledge of the above-referenced costs and disbursements expended.

JOSEPH B IARUSSI
238 COURTNEY PL
WEXFORD, PA 15090-0656

DATE 6-8-2021 8-9430

PAY TO THE ORDER OF STATE Bar of Nevada - \$ 3,000.00 /XX
THREE THOUSAND DOLLARS and NO CENTS DOLLARS

PNC Bank, National Association
Pittsburgh
62245

ME C SIN Lead Case No. 81338
Paid in full

Resident Advisor's Drink

For repairs only
—good for on the road

1-800-828-6888

התקן זה אינו מיועד לשימוש כמכשיר מדידה או כמכשיר מדידת זמן. הוא אינו מיועד לשימוש כמכשיר מדידת זמן או כמכשיר מדידת זמן.

^a LUTRA-PL, 0.0520 g; PMAHND 67.60 g; 4.27 g; 1.00 g.

DATE 5-1-2021 03430

TO THE ORDER OF STATE BAR OF NIGERIA \$ 359.59 ~~xx~~

Three Hundred Fifty Nine Dollars and Fifty Nine Cents DOLLARS

PNC Bank, National Association
Pittsburgh
15249
Payment

MEMO SEN Lead Case No: 81338 JABE

Balance Now: \$ 3,000.00

" [REDACTED]

DISCOUNT NOTE

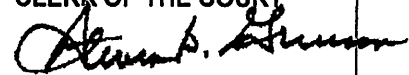
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12/31/2018
12/31/2018

DO NOT WRITE, STAMP OR SIGN IN THIS SPACE
RESERVED FOR FINANCIAL INSTITUTION USE

RECEIVED BY THE BANK OF AMERICA

EXHIBIT "B"



OTS
JOSEPH BRIAN IARUSSI
Petitioner
239 Courtney Place
Wexford, PA 15090
Email: joseph.brian.iarussi@gmail.com
412-204-7171

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Application of,

JOSEPH BRIAN IARUSSI

ID #181-66-7526

Date of Birth: 7/12/1977

For an Order to Seal Records

CASE NO: A-20-823209-S

DEPT NO: 32

ORDER TO SEAL RECORDS

Pursuant to the Petition JOSEPH BRIAN IARUSSI, Petitioner, and Steven B. Wolfson, District Attorney for Clark County, Nevada, having stipulated below, the Court finding that the statutory requirements of NRS 179.245, 179.255, 176A.265, 179.259, 179.285 and/or 453.3365 are satisfied, and good cause appearing, therefore,

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<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

1 All proceedings recounted in the sealed records are deemed never to have
2 occurred, and the person to whom this order pertains may properly answer
3 accordingly to any inquiry, including without limitation an inquiry
4 relating to an application for employment, concerning the sealed arrest,
5 conviction, dismissal or acquittal and the events and proceedings relating to
6 the arrest, conviction, dismissal or acquittal.

7
8 DATED this 17th day of November, 2020.

9
10 
11 _____
12 DISTRICT COURT JUDGE
13 ROB BARE

14 The **District Attorney** has reviewed the applicable Criminal History and agrees that
15 the record is statutorily eligible for sealing. The decision to order the sealing of a
16 record remains solely within the discretion of the court. The District Attorney has no
17 objection to the granting of the Petition to seal the criminal record(s) of the
18 petitioner and stipulates to this Order pursuant to NRS 179.245.5

19
20
21 STEVEN B. WOLFSON, DISTRICT ATTORNEY

22 By: Charles Wolfson DATED 10-1 2020.

23 Deputy District Attorney

24 Bar No: 7439

25 200 Lewis Ave, Las Vegas, NV 89155
26
27
28

Nevada Department of Public Safety
RECORDS, COMMUNICATIONS AND COMPLIANCE DIVISION
333 West Nye Lane, Carson City, NV 89706
Phone: (775) 687-0196
Fax: (775) 687-3284

DATE: April 2, 2021

RE: COMPLIANCE OF COURT ORDER
CHR File #: 2012X026

Name: Joseph Brian Iarussi
AKA:
DOB:

DISTRICT COURT: **Clark County District Court (8th)**
MUNICIPAL/JUSTICE COURT:
CASE NO: A20823209S

ARRESTING AGENCY: Las Vegas Metropolitan Police Department

This office is in receipt of a copy of the Court's Order to Seal Criminal History Record(s) pertaining to the above mentioned individual.

In compliance with the Court Order the following has been executed:

- ☒ The results of the information provided and the inquiry into the Nevada Criminal Justice Information System (NCJIS) and/or the FBI indicate the State of Nevada and/or the FBI has **complied** with the court order.
- ☐ The results of the information provided and the inquiry into the Nevada Criminal Justice Information System (NCJIS) indicate the State of Nevada and/or the Federal Bureau of Investigations has **complied with the NRS 179A.160**.
- ☐ **Federal arrest:** e.g.: (Bureau of Indian Affairs, Tribal Police, US Marshall)
The Court Order needs to be submitted to the local Federal Bureau of Investigations (FBI) office (address below) requesting that the record(s) be removed from their records.

FBI, 1787 West Lake Mead Blvd., Las Vegas, NV 89106
- ☐ The charge(s) is not maintained within the Criminal History Repository; therefore **no action is required** by the Repository.

If you are interested in obtaining a personal copy of your current Nevada Criminal History Record, or absence of record, you may do so by submitting a Personal Identification Document (PID) by visiting our website for instructions at: www.rccd.nv.gov.

If you wish to obtain a personal copy of your FBI record, you can find instructions on how to request a personal background check for personal review on their website at: www.fbi.gov

Should you need further assistance please contact the Criminal Records Unit at (775) 687-0196.

Nevada Department of Public Safety
Records, Communications and Compliance Division
Criminal History Repository

cc: JOSEPH BRIAN IARUSSI
239 COURTNEY PL
WEXFORD, PA 15090



POLICE DEPARTMENT

JOSEPH LOMBARDO, Sheriff

Partners with the Community

November 25, 2020

Joseph Brian Iarussi
239 Courtney Place
Wexford, PA 15090

**RE: Court Order to Seal the Record of Joseph Iarussi, ID# [REDACTED]
CO#A20823209S, Dated [REDACTED]**

Dear Joseph Brian Iarussi,

Please be advised that the Las Vegas Metropolitan Police Department, Police Records Bureau, has completed the sealing process on the above-listed subject. All records, papers and files in our possession have been sealed and were deleted from SCOPE (our local computer records system). We are now in compliance with your Order to Seal.

If you have any questions or concerns, please call our Sealing unit at 702-828-3227.

Sincerely,

Saraka Slade, Records Supervisor
Police Records and Fingerprint Bureau

cc: Clerk of the Eighth Judicial District Court
File

SS/ky

CONFIDENTIAL





Las Vegas Justice Court

Regional Justice Center

200 Lewis Avenue 2nd Fl • Box 552511 • Las Vegas NV 89155-2511

(702) 671-3116

<http://www.lasvegasjusticecourt.us/>

COMPLIANCE OF COURT ORDER

Date: December 21, 2020

To: District Court

Civil Case No.(s): A-20-823209-S

Arresting Agency: Las Vegas Metropolitan Police

Name of Petitioner: JOSEPH IARUSSI

Las Vegas Justice Court Case Number(s): 17F21168X; 17M14171X; 104624725; 105288774;
105667419; E08183081207193; E08357204809013;
E10221639; LVM0032273; LVM0049346; LVM0145467
& X00726374

Las Vegas Justice Court Criminal Division is in receipt of a copy of the Court's Order to Seal the criminal records pertaining to the above mentioned Petitioner as stated in Civil Case Number: A-20-823209-S.

To comply with the Court's order, the information provided to our office in the Order to Seal order has been verified and sealed. Therefore, Las Vegas Justice Court Criminal Division has complied with the Court's order.

EXHIBIT "C"

Nevada Board of Continuing Legal Education

Unaudited CLE Transcript

Saturday, August 28, 2021

Joseph B. Iarussi

Compliance Group 1

Suspended -- NO CLE requirement

The following courses have been reported to your record. Please be aware that the hours may or may not satisfy your requirement upon return to Active status depending upon when reactivation occurs.

Course Name	Course Date	Credits			Course Type
		General	Ethics	Substance Abuse	
Preparing Clients for Deposition: An Investment in Performance	8/9/2021	1.00			DF
Adam Walsh Act: Family-Based Immigration Petitions	8/8/2021	1.00			DF
Examination of Altered Documents	7/16/2021	1.00			DF
The Effect of Criminal Convictions on Military Personnel	7/2/2021	1.00			D
Speedwriting: From Brain to Brief in a Hurry	6/3/2021	0.50			D
Common Issues in Wrongful Convictions with Innocence Project	6/1/2021	1.00			D
Update on Non-Compete Agreements	5/15/2021	1.50			D
Trade Dress: Protecting the Look & Feel of Products, Packaging & Places of Business	5/14/2021	1.00			D
Chapter 7: The Initial Consult	5/13/2021	1.00			D
Solo & Small Practice Management Series: Formation	5/13/2021	1.00			D
Examining the Ethical Ebb & Flow of E-Discovery	5/11/2021		1.00		D
The Consequences of Bias in Litigation	5/11/2021		1.00		D
Don't Give Up 5 Minutes Before the Miracle	5/10/2021			1.00	D
Practicing Law in a Pandemic: Remote Lawyering in the Age of COVID-19 Part II	12/24/2020		1.00		D
The New Discovery Law: Practical Impact In Criminal Practice	12/24/2020	1.00			D
Practicing Law in a Pandemic: Remote Lawyering in the Age of COVID-19	12/23/2020		1.00		D
The Realities of Mental Health & Substance Abuse & How to Practice Wellness in the Legal Profession	12/22/2020			1.00	D
The United States Supreme Court: A Foundation Model Approach to the 4th Amendment	12/21/2020	1.50			D
Practical Problems In Everyday Practice: DWI Arrests	12/19/2020	1.00			D
Demystifying Jury Selection in a Criminal Case	12/18/2020	1.00			D
How to Prepare for High Profile Cases	12/18/2020	1.00			D
Crimmigration: Where Criminal Law Collides with Immigration Law	12/17/2020	1.50			D
Achieving Precision in the Written Word	12/15/2020	1.50			D
Crime & Entertainment	12/15/2020	1.50			D

Posting Codes

E = Ethics

G = General

S = Substance Abuse

THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
JOSEPH IARUSSI, BAR NO. 9284

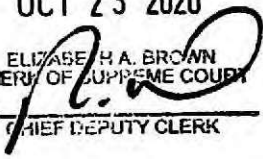
IN THE MATTER OF DISCIPLINE OF
JOSEPH B. IARUSSI, BAR NO. 9284

No. 79030 ✓

No. 81338

FILED

OCT 23 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

*ORDER DENYING PETITION FOR TEMPORARY SUSPENSION AND
APPROVING CONDITIONAL GUILTY PLEA AGREEMENT*

Docket No. 79030 is a petition under SCR 111, in which the State Bar reported that attorney Joseph B. Iarussi had entered a guilty plea to possession of a controlled substance, a felony in violation of NRS 453.336. In that matter, we deferred a decision on whether to temporarily suspend Iarussi until after sentencing in the criminal case, and we referred the matter to the Southern Nevada Disciplinary Board for formal disciplinary proceedings. From that referral, and based on other unrelated conduct, Iarussi entered into a conditional guilty plea agreement in exchange for a stated form of discipline. Docket No. 81338 is an automatic review of the hearing panel's recommendation that this court approve that agreement pursuant to SCR 113. Under the agreement, Iarussi admitted to violating

RPC 1.4 (communication), RPC 1.15 (safekeeping property), and RPC 8.4(b) (misconduct: committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness).

Iarussi has admitted to the facts and violations as part of the disciplinary conditional guilty plea agreement. The record therefore establishes that Iarussi knowingly violated RPC 8.4(b) by committing a criminal offense that adversely reflects on his fitness as a lawyer.¹ Additionally, the record establishes that Iarussi violated RPC 1.15 and RPC 1.4 by depositing settlement funds obtained on behalf of a minor into a bank account not approved as a trust account, waiting several years to petition the court for compromise of the minor's claim and to deposit the funds into a blocked account, and failing to communicate with the minor's representatives regarding the status of the case despite requests for such information. In exchange for his guilty plea, Iarussi agreed to a one-year suspension from the practice of law and to pay the disciplinary proceeding costs.

Based on our review of the record, we approve the conditional guilty plea agreement.² SCR 113. Iarussi acted knowingly in violating the

¹After accepting Iarussi's guilty plea in the criminal case, the district court stayed adjudication and placed Iarussi on probation for three years subject to a diversion program.

²Because the conduct addressed in the petition for temporary suspension in Docket No. 79030 was subsequently addressed in Docket No. 81338 in reaching the conditional guilty plea agreement, and by the panel in recommending approval of the agreement, we deny as moot the petition for temporary suspension in Docket No. 79030.

above-referenced rules; his conduct resulted in actual or potential injury to his client, the public, the legal system, and the profession; and the record supports the panel's findings of three aggravating circumstances (prior disciplinary offenses, vulnerability of victim, and substantial experience in the practice of law) and four mitigating circumstances (full and free disclosure to disciplinary authority/cooperative attitude, personal or emotional problems, imposition of other penalties, and remorse). *See In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008) (setting forth four factors to be considered in determining appropriate discipline: "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"). Considering the factors outlined in *Lerner*, we agree that the one-year suspension recommended in Docket No. 81338 is appropriate and serves the purpose of attorney discipline. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.12 (Am. Bar Ass'n 2018) ("Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client."); *see also generally State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (observing that the purpose of attorney discipline is to protect the public, the courts, and the legal profession, not to punish the attorney).

Accordingly, we hereby suspend attorney Joseph Iarussi from the practice of law in Nevada for a period of one year commencing from the date of this order. Also, Iarussi must pay the costs of the disciplinary

proceeding, including \$2,500 under SCR 120 within 90 days from the date of this order.³ The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

cc: Chair, Southern Nevada Disciplinary Board
Bar Counsel, State Bar of Nevada
Joseph B. Iarussi
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court

³The conditional guilty plea agreement included a condition that Iarussi must pay the costs of a previous disciplinary matter before applying for reinstatement, but as we explained in *Shoen v. State Bar of Nevada*, 136 Nev., Adv. Op. 30, 464 P.3d 402, 405 (2020), a 2018 amendment to SCR 116(2) renders such ad hoc reinstatement-based conditions unnecessary. The condition is not included in the panel's written recommendation to approve the agreement.

Case Nos.: SBN21-99142



FILED

OCT - 1 2021

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

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

IN RE: PETITION FOR REINSTATEMENT)
JOSEPH B. IARUSSI)
Nevada Bar No. 9284)
Petitioner.)

**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. Jacob Villani, Esq., Chair

DATED this 30 day of September, 2021.

STATE BAR OF NEVADA

By: Russell E. Marsh
Russell E. Marsh (Sep 30, 2021 15:02 PDT)
Russell E. Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

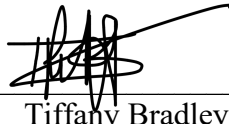
1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **ORDER**
3 **APPOINTING HEARING PANEL CHAIR** was served by electronic mail to:

- 4 1. Panel Chair – Jacob J. Villani, Esq.: jacob.villani@clarkcountyda.com
5 2. Petitioner – Joseph B. Iarussi: josephiarussi@icloud.com
6 3. Assistant Bar Counsel – Phil J. Pattee, Esq.: philp@nvbar.org

7 DATED this 21st day of October, 2021.

8 By: _____



9 Tiffany Bradley, an employee of
10 the State Bar of Nevada.
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FILED

OCT 22 2021

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

Case No. SBN21-99142

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE: PETITION FOR REINSTATEMENT)
)
)
JOSEPH B. IARUSSI)
Nevada Bar No. 9284,)
)
Petitioner.)
)

**NOTICE OF TELEPHONIC
INITIAL CASE CONFERENCE**

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **October 26, 2021, at 9 a.m.**

The State Bar conference call number is 1-877-594-8353, participant passcode is 46855068#.

Dated this 22nd day of October, 2021.


STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

By: *Phillip J. Pattee*
Phillip J. Pattee (Oct 22, 2021 09:48 PDT)
Phillip J. Pattee, Assistant Bar Counsel
Nevada Bar No. 4021
3100 W. Charleston Boulevard, Suite 100
Las Vegas, Nevada 89102
(702) 382-2200
Attorney for State Bar of Nevada

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1. Panel Chair – Jacob J. Villani, Esq.: jacob.villani@clarkcountyda.com
2. Petitioner – Joseph B. Iarussi: josephiarussi@icloud.com
3. Assistant Bar Counsel – Phil J. Pattee, Esq.: philp@nvbar.org

DATED this 22nd day of October, 2021.

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

Case No. SBN21-99142



FILED

NOV - 1 2021

STATE BAR OF NEVADA

BY: 

OFFICE OF BAR COUNSEL

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

IN RE: PETITION FOR REINSTATEMENT)
)
)
JOSEPH B. IARUSSI)
Nevada Bar No. 9284,)
)
Petitioner.)
)

SCHEDULING ORDER

Pursuant to Rule 17 of the Disciplinary Rules of Procedure (“DRP”), on Tuesday, October 26, 2021, at 9 a.m., Jacob J. Villani, Esq., the Formal Hearing Panel Chair, met telephonically with Phillip J. Pattee, Esq., Assistant Bar Counsel, on behalf of the State Bar of Nevada, and Respondent, *pro se* to conduct the Initial Conference in this matter.

During the Case Conference the parties discussed 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. The parties consent to service by electronic means of all documents pursuant to SCR 109(2), NRCP 5, and DRP 11(b)(3) with the understanding that **all documents need to be submitted by 5:00 p.m. to be file stamped timely.**

2. The parties stipulate that venue is proper in Clark County, Nevada.

3. The Formal Hearing for this matter is hereby set for **one (1) day starting at 9:00 a.m. on December 8, 2021**, and shall take place **via Zoom**.

4. On or before **November 17, 2021**, the parties shall serve a Final Designation of witnesses expected to testify and exhibits expected to be presented at the Formal Hearing in this matter, pursuant to SCR 105(2)(d), DRP 17(a) and DRP 21.

All documents disclosed shall be bates stamped, the State Bar will use numerical exhibit designations and **Respondent will use alphabetical exhibit designations**, pursuant to DRP 17. All documents need to be submitted by 5:00 p.m. to be file stamped timely.

5. On **November 30, 2021, at 2:00 p.m.**, the parties shall meet telephonically with Panel Chair, Jacob J. Villani, Esq., for the Pre-hearing Conference. Any pending issues, including pending Motions, will be addressed at the Pre-hearing Conference.


Pursuant to DRP 23, at the Pre-hearing conference (i) the parties shall discuss all matters needing attention prior to the hearing date, (ii) the Chair may rule on any motions or disputes including motions to exclude evidence, witnesses, or other pretrial evidentiary matter, and (iii) the 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.

6. The parties stipulate to waive SCR 105(2)(d) to allow for the formal appointment of the remaining hearing panel members.

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

Dated this ^{Nov 1, 2021} day of November, 2021.

SOUTHERN NEVADA DISCIPLINARY BOARD

By: 
Jacob Villani (Nov 1, 2021 10:15 PDT)
 Jacob J. Villani, Esq.
Hearing Panel Chair

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ORDER was served by electronic mail to:

1. Panel Chair – Jacob J. Villani, Esq.: jacob.villani@clarkcountyda.com
2. Petitioner – Joseph B. Iarussi: josephiarussi@icloud.com
3. Assistant Bar Counsel – Phil J. Pattee, Esq.: philp@nvbar.org

By: Sonia Del Rio
Sonia Del Rio, an employee of
the State Bar of Nevada.



FILED

DEC - 1 2021

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

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE: PETITION FOR REINSTATEMENT)
)
)
JOSEPH B. IARUSSI,)
)
Nevada Bar No. 9284)
Petitioner)

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 8th day of December, 2021 starting at 9:00 a.m. via Zoom Video Conferencing.

1. Jacob Villani, Esq., Chair;
2. Shemilly Briscoe, Esq.
3. Dr. Ben Lurie, Laymember

DATED this 30th day of November, 2021.

SOUTHERN NEVADA DISCIPLINARY BOARD

By: Russell E. Marsh
Russell E. Marsh (Nov 30, 2021 12:11 PST)
Russell E. Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

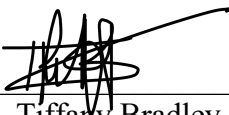
1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **ORDER**
3 **APPOINTING FORMAL HEARING PANEL** was served by electronic mail to:

- 4 1. Panel Chair – Jacob J. Villani, Esq.: jacob.villani@clarkcountyda.com
5 2. Shemilly Briscoe, Esq.: shemilly@briscoelawgroup.com
6 3. Dr. Benjamin S. Lurie: drLurie@theneckandbackclinics.com; nexnbaxdoc@gmail.com
7 4. Petitioner – Joseph B. Iarussi: josephiarussi@icloud.com
8 5. Assistant Bar Counsel – Phil J. Pattee, Esq.: philp@nvbar.org

9 DATED this 1st day of December, 2021.

10
11 By: _____




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

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1. That Declarant 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;
2. That Declarant has reviewed the State Bar of Nevada membership records regarding Respondent Joseph B. Iarussi, Nevada Bar number 9284 and has verified that he was first licensed to practice law in the State of Nevada on October 6, 2005.
3. That Declarant has reviewed the State Bar of Nevada membership records and confirmed Respondent is currently suspended.
4. That Declarant has reviewed the State Bar of Nevada discipline records regarding Respondent and has verified that he has the following prior discipline:
 - December 13, 2018 – Letter of Reprimand for violation of RPCs 1.3, 3.4 and 8.1.
 - October 23, 2020 – Supreme Court Order, Suspension for one year for violation for RPCs 1.4, 1.15 and 8.4(b).

Dated this 7th day of December, 2021.

By: 
Tiffany Bradley, Hearing Paralegal



December 13, 2018

LETTER OF REPRIMAND

Joseph Iarussi, Esq.
1416 Santa Margarita Street
Las Vegas, NV 89416

RE: Grievance File OBC17-1578/Adam Madi

Dear Mr. Iarussi:

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

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

www.nvbar.org

On September 26, 2018, a Formal Hearing Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. The Panel concluded that you violated the Rules of Professional Conduct and should be reprimanded. This letter shall constitute delivery of that reprimand.

Adam Madi ("Madi") retained you to represent him in a divorce and custody matter in the Eighth Judicial District Court. You charged Madi \$1,500, with \$750 paid at the onset of representation and the remainder due at the conclusion of the case.

In May 2017, Madi contacted your office twice to determine the status of his case. Both times he was told you were working on it. Thereafter, Madi was arrested and charged with domestic violence against his ex-wife. A temporary protection order ("TPO") was imposed, with a hearing to extend set for June 5, 2017. You appeared for Madi at that hearing after agreeing to represent him in the matter at no additional charge.

Madi informed you of evidence he believed would exonerate him in the form of surveillance video from Smith's Food Market ("Smith's"). You informed Madi you would obtain the video, and sent a process server to Smith's with a subpoena duces tecum. The video was never obtained.

On June 29, 2017, attorney Scott Steinhoff appeared at Madi's arraignment at your request and confirmed to the Court that you were retained counsel. The case was set for trial on September 5, 2017.

You failed to appear at Madi's trial on September 5, 2017. The Court made multiple attempts to reach you without success. As a result, the Court assessed witness fees against you and issued an Order to Show Cause for September 12, 2017. When you failed to appear on September 12, 2017, the hearing was reset for the following day.

On September 13, 2017, you appeared at the Order to Show Cause hearing and indicated you were still representing Madi. The trial was continued to September 26, 2017. You were present on that date and opposed the prosecution's motion to continue. The motion was granted, and the trial rescheduled for October 16, 2017. You were present on that date and Madi was found guilty, with sentencing scheduled for the following day.

On October 17, 2017, you failed to appear for Madi's sentencing hearing. Your office contacted chambers and asked that the matter be trailed to a later calendar, as you were in another department. The matter was continued to the following day, but your office was informed Madi was going to be remanded at that time. You appeared on October 18, 2017, but the Court noted you did not appear to be in an appropriate state of mind to appear on Madi's behalf and a public defender was appointed. The sentencing was again continued to the following day. Madi, then represented by the Public Defenders' Office, received a suspended sentence and a release order was issued. You were not present at the sentencing.

A letter of investigation was mailed to your Supreme Court Rule ("SCR") 79 address on January 2, 2018, via certified mail. The signed receipt was received by the State Bar on January 8, 2018. You failed to respond. On January 25, 2018, the State Bar sent a second letter via certified mail enclosing a copy of the January 2, 2018, advising you that your continued failure to respond would be pursued as a separate violation of the Rules of Professional Conduct under SCR 8.1(b). The letter was signed for on February 1, 2018. Again, you failed to respond.

The State Bar, as part of its investigation of this matter, reviewed court records for other proceedings in which you were retained counsel. On September 6, 2017, there was a Motion to Continue in *The State of Nevada v. Ronnie Withers*. You had been retained to Withers, but you failed to appear in court on that date. As a result, the Court set an Order to Show Cause hearing for September 11, 2017 to determine why you should not be held in contempt for failing to appear. You claimed he had been ill and was subsequently sanctioned.

On January 11, 2018, there was an Unconditional Waiver hearing held in *The State of Nevada v. Daniel Rodriguez*. You failed to appear at the hearing despite being retained as Rodriguez's counsel. The District Attorney noted prior instances in which you failed to appear for your client and requested that another attorney be appointed to represent Rodriguez.

Nevada Rule of Professional Conduct 1.3 (Diligence) requires you to act with reasonable diligence and promptness in representing your clients. Your failure to appear in court falls below this standard.

Nevada Rule of Professional Conduct 3.4 (Fairness to Opposing Party and Counsel) prohibits a lawyer from knowingly disobeying an obligation of the tribunal. Your failure to appear in court violates this Rule.

Mr. Joseph Iarussi, Esq.
December 13, 2018
Page 3 of 3

Nevada Rule of Professional Conduct 8.1 (Bar Admission and Disciplinary Matters) prohibits a lawyer from knowingly failing to respond to a lawful demand for information from the State Bar. Your repeated failure to respond to the State Bar's investigation into these matters violates this Rule.

Accordingly, you are hereby **REPRIMANDED** for having violated Rules of Professional Conduct 1.3 (Diligence), 3.4 (Fairness to Opposing Party and Counsel) and 8.1 (Bar Admission and Disciplinary Matters).

We trust that this reprimand will serve as a reminder to you of your ethical obligations, and that no such problems will arise in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "O.J. Pancheri", with a stylized flourish at the end.

Oliver J. Pancheri, Esq.,
Chair, Formal Hearing Panel

THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
JOSEPH IARUSSI, BAR NO. 9284

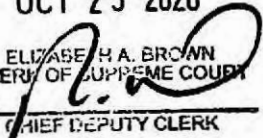
IN THE MATTER OF DISCIPLINE OF
JOSEPH B. IARUSSI, BAR NO. 9284

No. 79030 ✓

No. 81338

FILED

OCT 23 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

*ORDER DENYING PETITION FOR TEMPORARY SUSPENSION AND
APPROVING CONDITIONAL GUILTY PLEA AGREEMENT*

Docket No. 79030 is a petition under SCR 111, in which the State Bar reported that attorney Joseph B. Iarussi had entered a guilty plea to possession of a controlled substance, a felony in violation of NRS 453.336. In that matter, we deferred a decision on whether to temporarily suspend Iarussi until after sentencing in the criminal case, and we referred the matter to the Southern Nevada Disciplinary Board for formal disciplinary proceedings. From that referral, and based on other unrelated conduct, Iarussi entered into a conditional guilty plea agreement in exchange for a stated form of discipline. Docket No. 81338 is an automatic review of the hearing panel's recommendation that this court approve that agreement pursuant to SCR 113. Under the agreement, Iarussi admitted to violating

RPC 1.4 (communication), RPC 1.15 (safekeeping property), and RPC 8.4(b) (misconduct: committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness).

Iarussi has admitted to the facts and violations as part of the disciplinary conditional guilty plea agreement. The record therefore establishes that Iarussi knowingly violated RPC 8.4(b) by committing a criminal offense that adversely reflects on his fitness as a lawyer.¹ Additionally, the record establishes that Iarussi violated RPC 1.15 and RPC 1.4 by depositing settlement funds obtained on behalf of a minor into a bank account not approved as a trust account, waiting several years to petition the court for compromise of the minor's claim and to deposit the funds into a blocked account, and failing to communicate with the minor's representatives regarding the status of the case despite requests for such information. In exchange for his guilty plea, Iarussi agreed to a one-year suspension from the practice of law and to pay the disciplinary proceeding costs.

Based on our review of the record, we approve the conditional guilty plea agreement.² SCR 113. Iarussi acted knowingly in violating the

¹After accepting Iarussi's guilty plea in the criminal case, the district court stayed adjudication and placed Iarussi on probation for three years subject to a diversion program.

²Because the conduct addressed in the petition for temporary suspension in Docket No. 79030 was subsequently addressed in Docket No. 81338 in reaching the conditional guilty plea agreement, and by the panel in recommending approval of the agreement, we deny as moot the petition for temporary suspension in Docket No. 79030.

above-referenced rules; his conduct resulted in actual or potential injury to his client, the public, the legal system, and the profession; and the record supports the panel's findings of three aggravating circumstances (prior disciplinary offenses, vulnerability of victim, and substantial experience in the practice of law) and four mitigating circumstances (full and free disclosure to disciplinary authority/cooperative attitude, personal or emotional problems, imposition of other penalties, and remorse). *See In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008) (setting forth four factors to be considered in determining appropriate discipline: "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"). Considering the factors outlined in *Lerner*, we agree that the one-year suspension recommended in Docket No. 81338 is appropriate and serves the purpose of attorney discipline. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.12 (Am. Bar Ass'n 2018) ("Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client."); *see also generally State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (observing that the purpose of attorney discipline is to protect the public, the courts, and the legal profession, not to punish the attorney).

Accordingly, we hereby suspend attorney Joseph Iarussi from the practice of law in Nevada for a period of one year commencing from the date of this order. Also, Iarussi must pay the costs of the disciplinary

proceeding, including \$2,500 under SCR 120 within 90 days from the date of this order.³ The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

cc: Chair, Southern Nevada Disciplinary Board
Bar Counsel, State Bar of Nevada
Joseph B. Iarussi
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court

³The conditional guilty plea agreement included a condition that Iarussi must pay the costs of a previous disciplinary matter before applying for reinstatement, but as we explained in *Shoen v. State Bar of Nevada*, 136 Nev., Adv. Op. 30, 464 P.3d 402, 405 (2020), a 2018 amendment to SCR 116(2) renders such ad hoc reinstatement-based conditions unnecessary. The condition is not included in the panel's written recommendation to approve the agreement.