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Electronically Filed
Feb 22 2022 12:52 p.m.
Case No. Elizabeth A. Brown
Clerk of Supreme Court

RECORD OF DISCIPLINARY PROCEEDINGS,
PLEADINGS AND TRANSCRIPT OF HEARING

Edward E. Vargas, Esq.
Nevada Bar No. 8702
David A. Clark, Esq.
Nevada Bar No. 15339
9900 Covington Cross Dr., Ste. 120
Las Vegas, NV 89144
Counsel for Respondent

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

2)
3 **IN RE:**)

4 **EDWARD E. VARGAS, ESQ.**)
NEVADA BAR NO. 8702)

CASE SUMMARY FOR
RECORD ON APPEAL

5
6 **SUMMARY OF NATURE OF THE CASE**

7 On or about January 24, 2020, and November 19, 2020, Jose Ramon Murillo
8 (hereinafter “Mr. Murillo”) and his wife, Susan Felix (hereinafter “Ms. Felix”), hired
9 Edward E. Vargas (hereinafter “Mr. Vargas”) through La Raza Rompe Tickets (“LRRT”)
10 to quash warrants on Mr. Murillo’s traffic citations.¹ On both occasions, Mr. Murillo
11 and/or Ms. Felix did not meet with an attorney before paying LRRT \$150.00 and \$100.00,
12 respectively. Mr. Vargas admitted that he has “never met nor spoken to Susan Felix nor
13 Mr. Murillo.”

14 LRRT is owned and/or operated by Jessica and her husband, Jonathan Alvarado
15 (hereinafter “Jonathan”).² Mr. Vargas stated that LRRT is a document and tax preparation
16 business and that he does not supervise their activities. However, Mr. Vargas explained
17 that he rents office space from LRRT, and that LRRT gets ticket information for him when
18

19

¹ Mr. Murillo’s cases were referred to Michael Printy, who informed the State Bar that his
20 only correspondence with Mr. Vargas’ office and/or LRRT regarding cases referred to
him was through Jessica Alvarado (hereinafter “Jessica”).

² Jessica and Jonathan also act as Mr. Vargas’ assistants and/or paralegals.

1 he is not in the office. Mr. Vargas also stated that LRRT schedules appointments for him
2 to meet with potential new clients on other criminal matters.

3 On December 7, 2021, a Formal Hearing was held through the online video
4 conferencing platform Zoom. After deliberations, the Formal Hearing Panel found by
5 clear and convincing evidence that Mr. Vargas violated RPC 5.4 (Professional
6 Independence of a Lawyer) and RPC 5.5 (Unauthorized Practice of Law).

7 **NUMBER OF GRIEVANCES INCLUDED IN CASE**

8 One (1) grievance file.

9 **THE RULES OF PROFESSIONAL CONDUCT**

10 The Complaint alleged that Mr. Vargas violated RPC 5.4 (Professional
11 Independence of a Lawyer) and RPC 5.5 (Unauthorized Practice of Law).

12 **THE NATURE OF THE RULE VIOLATIONS**

13 The Formal Hearing Panel found by clear and convincing evidence that Mr. Vargas
14 violated both RPC 5.4 (Professional Independence of a Lawyer) and RPC 5.5
15 (Unauthorized Practice of Law).

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Pursuant to SCR 120, Mr. Vargas shall pay a \$2,500 fee plus the actual costs of this proceeding, excluding Bar Counsel and staff salaries, no later than the 30th day after the Supreme Court's Order in this matter or service of a Memorandum of Costs, whichever is later.

DATED this 17th day of February, 2022.

STATE BAR OF NEVADA
DANIEL M. HOOGE, BAR COUNSEL



Gerard Gosioco, Assistant Bar Counsel
Nevada Bar No. 14371
3100 West Charleston Boulevard, Suite 100
Las Vegas, Nevada 89102
(702) 382-2200
Attorneys for the State Bar of Nevada

³ Mr. Vargas admitted to breaching the Nevada Supreme Court’s Order Approving Guilty Plea Agreement in Docket No. 80665, filed on May 15, 2020, and stipulated to waiving the notice and procedural requirements of a separate breach hearing.

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FILED

JUN 29 2021

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Case No: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.,
Nevada Bar No. 8702,

Respondent.

COMPLAINT

TO: EDWARD E. VARGAS, Esq.
The Vargas Law Office
1630 E. Sahara Ave., Ste. 1
Las Vegas, NV 89104
vargaslawlv@gmail.com

PLEASE TAKE NOTICE that pursuant to Nevada Supreme Court Rule (“SCR”) 105(2) a **VERIFIED RESPONSE OR ANSWER** to this Complaint **must be filed** with the Office of Bar Counsel, State Bar of Nevada, 3100 W. Charleston Blvd., Suite 100, Las Vegas, Nevada, 89102, **within twenty (20) days of service of this Complaint**. The procedure regarding service is addressed in SCR 109.

GENERAL ALLEGATIONS

1. Complainant, State Bar of Nevada (hereinafter “State Bar”) alleges that EDWARD E. VARGAS, Esq. (hereinafter “Respondent”), Nevada Bar No. 8702, is an active member of the State Bar, has been licensed to practice law in the State of Nevada since

1 March 26, 2004, and at all times pertinent to this Complaint, had a principal place of
2 business for the practice of law located in Clark County, Nevada.

3 2. Respondent has engaged in acts of misconduct in violation of the Nevada
4 Rules of Professional Conduct (“RPC”), requiring disciplinary sanctions.

5 3. On August 26, 2019, Jose Ramon Murillo (hereinafter “Mr. Murillo”) was
6 arrested and charged for three separate traffic citations.

7 4. The following day, Mr. Murillo plead guilty or no contest to all three charges.

8 5. According to the court dockets, Mr. Murillo was ordered to pay fines and
9 provide proof of insurance.

10 6. Bench warrants were issued because Mr. Murillo failed to pay his fines
11 and/or provide proof of insurance.

12 7. On or about January 24, 2020, Mr. Murillo and his wife, Susan Felix
13 (hereinafter “Ms. Felix”), hired Respondent through La Raza Rompe Tickets (“LRRT”).

14 8. LRRT is owned and/or operated by Jessica Alvarado (hereinafter “Jessica”) and
15 her husband, Jonathan Alvarado (hereinafter “Jonathan”).

16 9. Upon information and belief, Jessica and Jonathan are also Respondent’s
17 assistants and/or paralegals.

18 10. In his response to the State Bar, Respondent noted that LRRT is a document
19 and tax preparation business and that he does not supervise their activities.

20 11. Respondent explained that he rents office space from LRRT, and that LRRT
21 gets ticket information for him when he is not in the office.

22 12. Respondent either takes care of the tickets himself or refers them to other
23 attorneys.

24 13. Respondent stated that LRRT will schedule appointments for him to meet
25 with potential new clients on other criminal matters.

1 14. Respondent denied sharing fees with LRRT but admitted that LRRT collects
2 ticket payments and pays him the full amount of the fee.

3 15. Mr. Murillo and/or Ms. Felix did not meet with an attorney before paying
4 LRRT \$150.00 to quash the bench warrants.

5 16. Mr. Murillo's case was referred to Michael Printy, Esq. (hereinafter "Mr.
6 Printy").

7 17. On January 29, 2020, Mr. Murillo's bench warrants were quashed.

8 18. The court docket revealed that it was Mr. Murillo's "last chance per judge" to
9 comply with his requirements.

10 19. Mr. Murillo did not pay his fines, nor did he provide proof of insurance.

11 20. As such, warrants were issued again on November 3, 2020.

12 21. On or about November 19, 2020, Mr. Murillo and/or Ms. Felix paid LRRT an
13 additional \$100.00 to quash the new warrants.

14 22. Mr. Murillo's cases were again referred to Mr. Printy.

15 23. On November 19, 2020, Jessica emailed Mr. Printy informing him of the
16 referral.

17 24. Mr. Printy responded as follows: "In January the Judge said last chance on
18 payments so there's probably no way he's going to quash without a good faith payment. I
19 will still try but if client can at least get me \$100-200 on motion hearing date there will be
20 a much better chance."

21 25. Jonathan was tasked to call Ms. Felix to inform her of Respondent and/or
22 LRRT's efforts to work on Mr. Murillo's case but had the wrong file in front of him.

23 26. Accordingly, Jonathan relayed incorrect information to Ms. Felix.

24 27. Jessica, who had the correct file, attempted to reach Ms. Felix but allegedly
25 kept getting hung up on.

28. Jessica then text Ms. Felix to explain Mr. Murillo's situation and asked that she be given the opportunity to "fix this."

29. Jessica explained that Ms. Felix had two options: (1) bring a good faith payment to the office so that Mr. Printy can take the same to court with him; or (2) Jessica can issue a refund to Ms. Felix and Mr. Murillo can go in person to pay his fines in full.

30. Ms. Felix opted for the latter and stated that she will have Mr. Murillo pay the fines in person.

31. Jessica then sent the following email to Mr. Printy: “Hey Mike sorry for the inconvenience. We will no longer helping Mr. Murillo. We have refunded him due to his wife being nasty with the office.”

Count One

RPC 5.4 (Professional Independence of a Lawyer)

32. Complainant repeats and realleges the allegations contained in Paragraphs 1 through 31 as if fully incorporated herein.

33. Rule 5.4 (Professional Independence of a Lawyer) states, in pertinent part, that a lawyer “shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.”

34. Respondent knowingly formed and/or maintained a partnership with LRRT, and the activities of the partnership consisted of the practice of law.

35. Respondent's misconduct resulted in potential injury to his client, the public, and/or the legal system.

36. In light of the foregoing, including without limitation paragraphs 2 through 35, Respondent has violated Rule 5.4 (Professional Independence of a Lawyer).

///

///

Count Two

RPC 5.5 (Unauthorized Practice of Law)

37. Complainant repeats and realleges the allegations contained in Paragraphs 1 through 36 as if fully incorporated herein.

38. Rule 5.5 (Unauthorized Practice of Law) states that unless an exception applies, a lawyer shall not “practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction,” or “assist another person in the unauthorized practice of law.”

39. Respondent knowingly assisted LRRT in the unauthorized practice of law.

40. Respondent’s misconduct resulted in potential injury to his client, the public, and/or the legal system.

41. In light of the foregoing, including without limitation paragraphs 2 through 40, Respondent has violated RPC 5.5 (Unauthorized Practice of Law).

WHEREFORE, Complainant prays as follows:

42. That a hearing be held pursuant to SCR 105;

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1 43. That Respondent be assessed the costs of the disciplinary proceeding
2 pursuant to SCR 120(1); and

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

6 DATED this 29th day of June 2021.

7
8 Submitted by:
9 **STATE BAR OF NEVADA**
10 Daniel M. Hooge, Bar Counsel

11 

12 _____
13 GERARD GOSIOCO,
14 Assistant Bar Counsel
15 Nevada Bar No. 14371
16 3100 W. Charleston Blvd., Ste. 100
17 Las Vegas, NV 89102
18 *Attorneys for the State Bar of Nevada*



FILED

JUN 29 2021

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

Case No.: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
EDWARD E. VARGAS, ESQ.,)
NEVADA BAR No. 8702)
)
Respondent.)

**DESIGNATION OF
HEARING PANEL MEMBERS**

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

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

1. Russell E. Marsh, Esq., Chair
2. Dana Palmer Oswalt, Esq., Vice Chair
3. Christopher J. Lalli, Esq., Vice Chair
4. Annette L. Bradley, Esq.
5. John E. Bragonje, Esq.

- 1 6. Shemilly A. Briscoe, Esq.
- 2 7. Robert J. Caldwell, Esq.
- 3 8. Jacqueline B. Carman, Esq.
- 4 9. Andrew A. Chiu, Esq.
- 5 10. James P. Chrisman, Esq.
- 6 11. Nell E. Christensen, Esq.
- 7 12. Marc P. Cook, Esq.
- 8 13. Ira W. David, Esq.
- 9 14. Damon Dias, Esq.
- 10 15. Sandra K. DiGiacomo, Esq.
- 11 16. F. Thomas Edwards, Esq.
- 12 17. Matthew S. Fox, Esq.
- 13 18. Alan Freer, Esq.
- 14 19. Adam Garth, Esq.
- 15 20. Kelly Giordani, Esq.
- 16 21. Robert G. Giunta, Esq.
- 17 22. Angela Guingcangco, Esq.
- 18 23. Parish D. Heshmati, Esq.
- 19 24. Kenneth E. Hogan, Esq.
- 20 25. Jennifer K. Hostetler, Esq.
- 21 26. Franklin J. Katschke, Esq.
- 22 27. James T. Leavitt, Esq.
- 23 28. Michael B. Lee, Esq.
- 24 29. Anat R. Levy, Esq.
- 25 30. Jennifer R. Lloyd, Esq.

- 1 31. Donald Lowrey, Esq.
- 2 32. Dawn M. Lozano, Esq.
- 3 33. Jason R. Maier, Esq.
- 4 34. Farhan Naqvi, Esq.
- 5 35. Michael J. Oh, Esq.
- 6 36. Brian J. Pezzillo, Esq.
- 7 37. Gary A. Pulliam, Esq.
- 8 38. Michael D. Rawlins, Esq.
- 9 39. Jericho L. Remitio, Esq.
- 10 40. Miriam E. Rodriguez, Esq.
- 11 41. Vincent J. Romeo, Esq.
- 12 42. Daniel F. Royal, Esq.
- 13 43. Maria V. Saladino, Esq.
- 14 44. Africa A. Sanchez, Esq.
- 15 45. Jen J. Sarafina, Esq.
- 16 46. Jay A. Shafer, Esq.
- 17 47. Thomas R. Sheets, Esq.
- 18 48. Jeffrey G. Sloane, Esq.
- 19 49. Sarah E. Smith, Esq.
- 20 50. James R. Sweetin, Esq.
- 21 51. Stephen L. Titzer Esq.
- 22 52. Jacob J. Villani, Esq.
- 23 53. Marni Watkins, Esq.
- 24 54. Dan R. Waite, Esq.
- 25 55. Joseph Went, Esq.

- 1 56. Reed J. Werner, Esq.
- 2 57. Natalie Ann Allred, Laymember
- 3 58. Afeni Banks, Laymember
- 4 59. Brian Catlett, Laymember
- 5 60. Kathy Dalvey, Laymember
- 6 61. Brittany Falconi, Laymember
- 7 62. Joelyne Gold, Laymember
- 8 63. Elizabeth A. Hanson, Laymember
- 9 64. Jack S. Hegeduis, Laymember
- 10 65. Julia D. Hesmati, Laymember
- 11 66. William M. Holland, Laymember
- 12 67. Nicholas Kho, Laymember
- 13 68. Annette Kingsley, Laymember
- 14 69. Gale Kotlikova, Laymember
- 15 70. Benjamin S. Lurie, Laymember
- 16 71. Jo Kent McBeath, Laymember
- 17 72. Steve Moore, Laymember
- 18 73. Grace Ossowski, Laymember
- 19 74. Peter Ossowski, Laymember
- 20 75. Kellie C. Rubin, Laymember
- 21 76. Vikki L. Seelig, Laymember

22 ///

23 ///

24 ///

25 ///

1 77. Danny Lee Snyder, Jr., Laymember

2 78. Harvey Weatherford, Laymember

3
4 DATED this 29th day of June 2021.

5
6 **STATE BAR OF NEVADA**
7 Daniel M. Hooge, Bar Counsel

8
9 

10 By: _____

11 Gerard Gosioco, Assistant Bar Counsel
12 3100 W. Charleston Blvd, Ste. 100
13 Las Vegas, Nevada 89102
14 Phone: (702) 382-2200



FILED

JUN 29 2021

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Case No.: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
EDWARD E. VARGAS, ESQ.,)
BAR NO. 8702)
)
Respondent.)

DECLARATION OF MAILING

Sonia Del Rio, under penalty of perjury, being first and duly sworn, deposes and says as follows:

1. That Declarant is employed with the State Bar of Nevada and, in such capacity, Declarant is Custodian of Records for the Discipline Department of the State Bar of Nevada.
2. That Declarant states that the enclosed documents are true and correct copies of the **COMPLAINT, FIRST DESIGNATION OF HEARING PANEL MEMBERS, and STATE BAR OF NEVADA'S PEREMPTORY CHALLENGES** in the matter of the *State Bar of Nevada vs. Edward E. Vargas, Esq.*, Case No. OBC20-1287.

1 3. That pursuant to Supreme Court Rule 109, the Complaint, First Designation of
2 Hearing Panel Members, and State Bar of Nevada's Peremptory Challenges
3 were served on the following placing copies in an envelope which was then
4 sealed and postage fully prepaid for regular and certified mail, and deposited
5 in the United States mail at Las Vegas, Nevada to:

6 Edward E. Vargas, Esq.
7 The Vargas Law Office
8 1630 E. Sahara Ave., Suite 1
9 Henderson, Nevada 89104

10 **CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 3477**

11 **And via electronic mail to:**

12 Edward E. Vargas, Esq.: vargaslawlv@gmail.com (SCR 79 email)

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Dated this 29th day of June 2021.

15 _____
16 *Sonia Del Rio*

17 Sonia Del Rio, an employee
18 of the State Bar of Nevada



FILED

JUL 22 2021

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Case No.: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.,
Nevada Bar No. 8702

Respondent.

**RESPONDENT'S ANSWER TO
COMPLAINT**

Respondent, Edward E. Vargas, Esq., Nevada Bar No. 8702 ("Respondent"), by and through his counsel of record, David A. Clark, of LIPSON NEILSON, P.C., hereby responds to the State Bar of Nevada's Complaint as follows:

1. Answering paragraph 1, Respondent admits the allegations contained therein.
2. Answering paragraph 2, Respondent denies the allegations contained therein.
3. Answering paragraphs 3 through 8, inclusive, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the allegations.
4. Answering paragraph 9, to the extent the allegations imply employment status, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the allegations.
5. To the extent the allegations contained in paragraphs 10 & 11 comprise direct quotes from Respondent's letter to the State Bar in response to the initial grievance filed in this matter, said documents speak for themselves. To the extent the allegations are inconsistent with the documents, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the allegations.
6. Answering paragraph 12, Respondent admits the allegations contained therein.

1 7. Answering paragraph 13, Respondent admits the allegations contained therein. To
2 the extent the allegations reference any documents with respect to these allegations, said
3 documents speak for themselves. To the extent the allegations are inconsistent with the
4 documents, Respondent is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained therein and therefore deny the allegations.

6 8. Answering paragraph 14, to the extent the allegations reference documents with
7 respect to these allegations, said documents speak for themselves. To the extent the allegations
8 are inconsistent with the documents, Respondent is without knowledge or information sufficient
9 to form a belief as to the truth of the allegations contained therein and therefore deny the
10 allegations.

11 9. Answering paragraph 15, Respondent is without knowledge or information
12 sufficient to form a belief as to the truth of the allegations contained therein and therefore deny
13 the allegations.

14 10. Answering paragraph 16, Respondent admits the allegations contained therein.

15 11. Answering paragraph 17, Respondent is without knowledge or information
16 sufficient to form a belief as to the truth of the allegations contained therein and therefore deny
17 the allegations.

18 12. Answering paragraph 18, to the extent the allegations reference documents with
19 respect to these allegations, said documents speak for themselves. To the extent the allegations
20 are inconsistent with the documents, Respondent is without knowledge or information sufficient
21 to form a belief as to the truth of the allegations contained therein and therefore deny the
22 allegations.

23 13. Answering paragraphs 19 through 21, inclusive, Respondent is without
24 knowledge or information sufficient to form a belief as to the truth of the allegations contained
25 therein and therefore deny the allegations.

26 14. Answering paragraph 22, Respondent admits the allegations contained therein.

27 15. Answering paragraph 23, Respondent is without knowledge or information
28 sufficient to form a belief as to the truth of the allegations contained therein and therefore deny

1 the allegations.

2 16. Answering paragraph 24, to the extent the allegations reference documents with
3 respect to these allegations, said documents speak for themselves. To the extent the allegations
4 are inconsistent with the documents, Respondent is without knowledge or information sufficient
5 to form a belief as to the truth of the allegations contained therein and therefore deny the
6 allegations.

7 17. Answering paragraphs 25 through 31, inclusive, Respondent is without
8 knowledge or information sufficient to form a belief as to the truth of the allegations contained
9 therein and therefore deny the allegations. To the extent the allegations reference any documents
10 with respect to these allegations, said documents speak for themselves. To the extent the
11 allegations are inconsistent with the documents, Respondent is without knowledge or
12 information sufficient to form a belief as to the truth of the allegations contained therein and
13 therefore deny the allegations.

14 **Count One**

15 **RPC 5.4 (Professional Independence of a Lawyer)**

16 18. Answering paragraph 32, Defendant repeats, re-alleges and incorporates by
17 reference as though fully set forth herein the answers set forth *supra* to the allegations in the
18 Complaint numbered paragraphs 1 through 31, inclusive.

19 19. Respondent admits that the excerpt quoted in paragraph 33 accurately depicts text
20 found in Nevada's Rule of Professional Conduct 5.4, but denies any other implications.

21 20. Answering paragraphs 34 through 36 inclusive, Respondent denies the allegations
22 contained therein.

23 **Count Two**

24 **RPC 5.5 (Unauthorized Practice of Law)**

25 21. Answering paragraph 37, Defendant repeats, re-alleges and incorporates by
26 reference as though fully set forth herein the answers set forth *supra* to the allegations in the
27 Complaint numbered paragraphs 1 through 36, inclusive.

28 22. Respondent admits that the excerpt quoted in paragraph 38 accurately depicts text

found in Nevada's Rule of Professional Conduct 5.5, but denies any other implications.

23. Answering paragraphs 39 through 41, inclusive, Respondent denies the allegations contained therein.

AFFIRMATIVE DEFENSES

1. The State Bar's Complaint fails to state a claim upon which relief can be granted.

2. Respondent neither ordered, nor with knowledge of the specific conduct, ratified the alleged misconduct herein.

3. If any of the alleged Rules violations are found to have occurred by clear and convincing evidence, Respondent lacked the requisite mental state (neither intentional, knowing nor negligent) under *ABA Standards for Imposing Lawyer Sanctions* 3.0 to warrant either a finding that he violated the Rule or to warrant the imposition of a discipline sanction.

4. Neither the grievant, Susan Felix, nor her husband, Jose Ramon Murrillo (Mr. Murrillo"), was harmed or prejudiced for purposes of supporting a violation of RPC 5.4.

5. Neither the grievant, Susan Felix, nor her husband, Mr. Murrillo, was harmed or prejudiced for purposes of supporting a violation of RPC 5.5.

6. A duly licensed attorney successfully fulfilled the objective of representation, specifically quashing Mr. Murrillo's bench warrant in Henderson Municipal Court.

7. Any harm to Mr. Murrillo was directly and proximately caused by Mr. Murrillo's failure to comply with the Court's Order to make timely payments to the clerk of the court until his fine was paid in full.

8. Pursuant to SCR 102.5(2), Respondent asserts mitigating circumstances that may justify a reduction in the degree of discipline to be imposed.

9. If any of the alleged Rules violations are found to have occurred by clear and convincing evidence, the mitigating factors of SCR 102.5 outweigh any aggravating factors in the imposition of any sanction.

10. If any of the alleged Rules violations are found to have occurred by clear and convincing evidence, any imposition of lawyer sanction must reflect Respondent's individual conduct and circumstances pursuant to *ABA Standards for Imposing Lawyer Sanctions* 1.3.

11. The State Bar's claims are barred, in whole or in part, by the equitable doctrines of laches, waiver, estoppel and/or unclean hands.

12. Respondent did not share ownership in his practice, nor fees or revenues with nonlawyers.

13. All possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon filing of this Answer. Therefore, Respondent reserves the right to amend this Answer to allege additional affirmative defenses and claims, as applicable, upon further investigation and discovery.

WHEREFORE, Respondent prays as follows:

1. That the State Bar take nothing by virtue of the Complaint, and that the same be dismissed with prejudice; and,

2. For such other relief as the Board or Court may deem just and proper.

Dated this 22nd day of July 2021.

LIPSON NEILSON P.C.

/s/ David A. Clark

By: _____

DAVID A. CLARK
Nevada Bar No. 4443
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Respondent,
Edward E. Vargas, Esq.

CERTIFICATE OF SERVICE

Pursuant to DRP 18((b)(2) and NRCP 5(b), I certify that on the 22nd day of July, 2021, I served via email the foregoing **RESPONDENT'S ANSWER TO COMPLAINT** to the following:

Gerard Gosioco
Assistant Bar Counsel
3100 W. Charleston Blvd., Ste. 100
Las Vegas, NV 89102
gerardg@nvbar.org
soniad@nvbar.org

/s/ Nancy Rozan
Employee of LIPSON NEILSON P.C.

VERIFICATION

I, EDWARD E. VARGAS, ESQ, being first duly sworn, depose and say:

I am the Respondent in this matter. I have read the foregoing Answer to the Complaint in Case No. OBC20-1287 and know the contents thereof. The same are true and correct of my own knowledge except those matters stated upon information and belief and, as to those matters, I believe them to be true.


EDWARD E. VARGAS, ESQ



FILED

AUG 16 2021

STATE BAR OF NEVADA

BY: [Signature]
OFFICE OF BAR COUNSEL

Case Nos: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.

NV BAR No. 8702

Respondent.

**ORDER APPOINTING
HEARING PANEL CHAIR**

IT IS HEREBY ORDERED that the following member of the Southern Nevada
Disciplinary Board has been designated and as the Hearing Panel Chair.

1. Dr. Daniel Royal, Esq., Chair

DATED this 13 day of August, 2021.

STATE BAR OF NEVADA


By: Russell E. Marsh
Russell E. Marsh (Aug 13, 2021 13:08 PDT)
Russell E. Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **ORDER APPOINTING PANEL CHAIR** was served via email to:

1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
2. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com;
dmarquez@lipsonneilson.com
3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

DATED this 19th day of August, 2021.

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



FILED

AUG 23 2021

STATE BAR OF NEVADA
BY:
OFFICE OF BAR COUNSEL

Case No. OBC20-1287

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,
Complainant,

vs.

EDWARD E. VARGAS, ESQ.,
Nevada Bar No. 8702,

Respondent.

**NOTICE OF TELEPHONIC INITIAL
CASE CONFERENCE**

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **September 8, 2021, at 3:30 p.m.** The State Bar conference call number is 1-877-594-8353, participant passcode is 46855068#.

Dated this 20th day of August, 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel


Gerard Gosioco, Assistant Bar Counsel
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 electronically to:

- 4 1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
5 2. David A. Clark, Esq. ([Counsel for Respondent](#)): dclark@lipsonneilson.com;
6 dmarquez@lipsonneilson.com
7 3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

8 Dated this 23rd day of August, 2021.

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10 
11 _____
12 Tiffany Bradley, an employee
13 of the State Bar of Nevada
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FILED

SEP -9 2021

STATE BAR OF NEVADA
BY:
OFFICE OF BAR COUNSEL

Case No. OBC20-1287

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
Complainant,)
vs.)
EDWARD E. VARGAS, ESQ.,)
Nevada Bar No. 8702,)
Respondent.)

AMENDED NOTICE OF TELEPHONIC
INITIAL CASE CONFERENCE

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **September 10, 2021, at 1:00 p.m.** The State Bar conference call number is 1-877-594-8353, participant passcode is 46855068#.

Dated this 9th day of September, 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

By:
Gerard Gosioco, Assistant Bar Counsel
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 **AMENDED**
3 **NOTICE OF TELEPHONIC INITIAL CASE CONFERENCE** was served electronically to:

- 4 1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
5 2. David A. Clark, Esq. ([Counsel for Respondent](#)): dclark@lipsonneilson.com;
6 dmarquez@lipsonneilson.com
7 3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

8 Dated this 9th day of September, 2021.

9 

10 _____
11 Tiffany Bradley, an employee
12 of the State Bar of Nevada
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FILED

SEP 13 2021

STATE BAR OF NEVADA

BY: *[Signature]*
OFFICE OF BAR COUNSEL

Case No.: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.,
NEVADA BAR No. 8702

Respondent.

Scheduling Order

Pursuant to Rule 17 of the Disciplinary Rules of Procedure ("DRP"), on Friday, September 10, 2021, at 1 p.m., Dr. Daniel Royal, Esq., the Formal Hearing Panel Chair, met telephonically with Gerard Gosioco, Esq., Bar Counsel, on behalf of the State Bar of Nevada, and David A. Clark, Esq., on behalf of Respondent 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 Tuesday, December 7, 2021**, and shall take place via Zoom or at the State Bar Office located at 3100 W. Charleston Blvd., Suite 100, Las Vegas, NV 89102.

1 **4.** On or before **September 17, 2021**, the State Bar of Nevada's initial disclosures shall
2 be served on all parties. The documents provided by the State Bar shall be bates stamped with
3 numerical designations. *See* DRP 17 (a).

4 **5.** On or before **September 27, 2021**, Respondent's initial disclosures shall be served
5 on all parties. The documents provided by the Respondent shall be bates stamped with alphabetical
6 exhibit designations. *See* DRP 17 (a).

7 **6.** On or before **October 18, 2021**, the parties shall file and serve any Motions.

8 **7.** On or before **November 2, 2021**, all oppositions to the Motions, if any, shall be
9 filed and served on the parties.

10 **8.** On or before **November 9, 2021**, the parties shall serve a Final Designation of
11 witnesses expected to testify and exhibits expected to be presented at the Formal Hearing in this
12 matter, pursuant to SCR 105(2)(d), DRP 17(a) and DRP 21.

13 **9.** All documents disclosed shall be bates stamped, the State Bar will use numerical
14 exhibit designations and Respondent will use alphabetical exhibit designations, pursuant to DRP 17.

15 **10.** On **November 20, 2021, at 9:30 a.m.**, the parties shall meet telephonically with Dr.
16 Daniel Royal, Esq. for the Pre-hearing Conference. Any pending issues, including pending Motions,
17 will be addressed at the Pre-hearing Conference. The parties shall use the State Bar conference
18 bridge (877) 594-8353 and the passcode is 46855068#.

19 Pursuant to DRP 23, at the Pre-hearing conference (i) the parties shall discuss all matters
20 needing attention prior to the hearing date, (ii) the Chair may rule on any motions or disputes
21 including motions to exclude evidence, witnesses, or other pretrial evidentiary matter, and (iii) the
22 parties shall discuss and determine stipulated exhibits proffered by either the State Bar or
23 Respondent as well as a stipulated statement of facts, if any.

24 //

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

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

Dated this ^{Sep 13, 202} _____ day of September, 2021.

SOUTHERN NEVADA DISCIPLINARY BOARD

Daniel Royal

By: Daniel Royal (Sep 13, 2021 09:41 PDT)


Dr. Daniel Royal, Esq.
Hearing Panel Chair

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **SCHEDULING ORDER** was served via email to:

1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
2. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com; dmarquez@lipsonneilson.com
3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

DATED this 13th day of September, 2021.

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



FILED

SEP 17 2021

STATE BAR OF NEVADA

BY: [Signature]
OFFICE OF BAR COUNSEL

Case No: OBC20-1287

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
EDWARD E. VARGAS, ESQ.,)
Nevada Bar No. 8702,)
)
Respondent.)
)

STATE BAR OF NEVADA'S
INITIAL DISCLOSURES OF
DOCUMENTS AND WITNESSES

TO: Edward E. Vargas, Esq.
c/o Lipson Neilson
Attn: David A. Clark, Esq.
9900 Covington Cross Dr., Ste. 120
Las Vegas, NV 89144

PLEASE TAKE NOTICE that the following is a list of witnesses and a summary of evidence which may be offered against Respondent at the time of the Formal Hearing, in the above-entitled complaint.

A. **Documentary Evidence**

Any and all documentation contained in the State Bar of Nevada's file including but not limited to, correspondence, emails, memorandums, text messages, notes, payments, invoices, bank records, receipts, billing entries and pleadings regarding grievance file number OBC20-1287.

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

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

Exhibit#	Document	Bates Stamped
1.	Formal Hearing Packet	will be produced prior to hearing
2.	Affidavit of Prior Discipline	will be produced at the time of hearing
3.	Grievance – November 24, 2020	SBN 001-002
4.	19CR008386 Docket	SBN 001-003
5.	19CR008388 Docket	SBN 001-003
6.	19CR008389 Docket	SBN 001-003
7.	Retainer Agreement – November 19, 2020	SBN 001-002
8.	Retainer Agreement – January 24, 2020	SBN 001-002
9.	Facebook Screenshots	SBN 001-013
10.	Document Preparation Service Registration	SBN 001
11.	Letter of Investigation – December 3, 2020	SBN 001
12.	Response from Respondent – December 8, 2020	SBN 001-037
13.	Request for More Information – December 9, 2020	SBN 001
14.	Response from Respondent – December 18, 2020	SBN 001-014
15.	Request for More Information – April 7, 2021	SBN 001
16.	Response from Respondent – April 19, 2021	SBN 001-003

The State Bar incorporates by reference all documents identified by Respondent in these matters.

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1 **B. Witnesses and Brief Statement of Facts**

2 1. Respondent, Edward E. Vargas, Esq., will be called and would be expected to testify
3 regarding his conduct and communications surrounding the events related to, and any and all
4 documents pertinent to, each of the charged violations of the Rules of Professional Conduct,
5 including but not limited to facts pertaining to the breach of his professional responsibilities as an
6 attorney, his mental state pursuant to ABA Standards, the harm resulting from his conduct, and
7 any aggravating and mitigating factors pursuant to Supreme Court Rule 102.5. Respondent is
8 expected to provide testimony regarding the facts and circumstances regarding OBC20-1287.

9 2. Louise Watson, an investigator with the State Bar of Nevada Office of Bar Counsel,
10 is expected to provide testimony regarding her investigation of OBC20-1287, including but not
11 limited to, information and documents provided by Respondent and Grievant(s), communications
12 with Respondent and Grievant(s), and Respondent's disciplinary history.

13 3. Susan Felix is expected to offer testimony regarding the facts and circumstances
14 regarding Case No. OBC20-1287, including but not limited to, the facts and circumstances
15 surrounding the allegations contained in said grievance.

16 4. Jose Ramon Murillo is expected to offer testimony regarding the facts and
17 circumstances regarding Case No. OBC20-1287, including but not limited to, the facts and
18 circumstances surrounding the allegations contained in said grievance.

19 5. Jessica Alvarado is expected to offer testimony regarding the facts and
20 circumstances regarding Case No. OBC20-1287, including but not limited to, the facts and
21 circumstances surrounding the allegations contained in said grievance.

22 6. Jonathan Alvarado is expected to offer testimony regarding the facts and
23 circumstances regarding Case No. OBC20-1287, including but not limited to, the facts and
24 circumstances surrounding the allegations contained in said grievance.
25

7. Michael Printy, Esq., is expected to offer testimony regarding the facts and circumstances regarding Case No. OBC20-1287, including but not limited to, the facts and circumstances surrounding the allegations contained in said grievance.

Dated this ^{Sep 17, 2021} _____ day of September, 2021.

STATE BAR OF NEVADA
DANIEL M. HOOGE, BAR COUNSEL

By:



Gerard Gosioco, Assistant Bar Counsel
Nevada Bar No. 14371
3100 West Charleston Boulevard, Suite 100
Las Vegas, Nevada 89102
(702) 382-2200

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR'S**
3 **INITIAL DISCLOSURE OF WITNESSES & DOCUMENTS** was sent by prepaid first-
4 class certified U.S. Mail to:

5 Edward E. Vargas, Esq.
6 c/o Lipson Neilson
7 Attn: David A. Clark, Esq.
9900 Covington Cross Dr., Ste. 120
Las Vegas, NV 89144

8 **And via email to:**

- 9 1. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com;
10 dmarquez@lipsonneilson.com
11 2. Edward E. Vargas, Esq. (Respondent): vargaslawlv@gmail.com
12 3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

13 DATED this 17th day of September, 2021.

14
15 By: _____



16 Tiffany Bradley,
17 An employee of the State Bar of Nevada
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FILED

SEP 24 2021

STATE BAR OF NEVADA

BY: Russell E. Marsh

OFFICE OF BAR COUNSEL

Case Nos: OBC21-0044

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.

NV BAR No. 8702

Respondent.

**ORDER APPOINTING
FORMAL HEARING PANEL**

IT IS HEREBY ORDERED that the following members of the Southern Nevada Disciplinary Board have been designated as members of the formal hearing panel in the above-entitled action. The hearing will be convened on the 7th day of December, 2021 starting at 9:00 a.m. via Zoom Video Conferencing.

1. Dr. Dan Royal, Esq., Chair;
2. Marni Watkins, Esq.
3. William Holland, Laymember

DATED this 20th day of September, 2021

STATE BAR OF NEVADA

By: Russell E. Marsh

Russell E. Marsh (Sep 20, 2021 14:31 PDT)

Russell Marsh, Esq.

Nevada Bar No. 11198

Chair, Southern Nevada Disciplinary Board

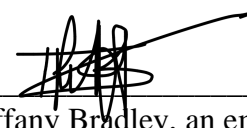
CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **ORDER APPOINTING FORMAL HEARING PANEL** was served via email to:

1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
2. Marni Watkins, Esq. (Panel Member): marnidukes@yahoo.com
3. William Holland (Laymember): Wholland2@aol.com
4. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com; dmarquez@lipsonneilson.com
5. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

DATED this 24th day of September, 2021.

By: _____


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



FILED

SEP 24 2021

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

Case Nos.: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.,
Nevada Bar No. 8702

Respondent.

**RESPONDENT'S INITIAL LIST OF
WITNESSES AND DOCUMENTS**

Respondent Edward E. Vargas, Esq., Nevada Bar No. 8702 ("Respondent"), by and through his counsel of record of LIPSON NEILSON P.C., hereby files his List of Witnesses and Documents as follows:

A. Documentary Evidence.

1. All documentation contained in the State Bar of Nevada's file in case no. OBC20-1287.
2. All documentation contained in the State Bar's Initial Summary of Evidence and Disclosure of Witnesses for Formal Hearing in this matter.
3. Sample Retainer Agreement.
4. Any and all documentation contained in the records of the State Bar of Nevada regarding Respondent's license.

B. Witnesses.

1. **Mike Printy, Esq.** is a Nevada attorney and may be called to testify regarding his knowledge of the facts and circumstances set forth in the discipline Complaint in this matter.
2. **Jessica Alvarado** may be called regarding her knowledge of the facts and circumstances set forth in the discipline Complaint in this matter.

1 3. **Jonathan Alvarado** may be called regarding his knowledge of the facts and
2 circumstances set forth in the discipline Complaint in this matter.

3 4. **Susan Felix** may be called to testify regarding his knowledge of the facts and
4 circumstances set forth in the discipline Complaint in this matter.

5 5. **Jose Murillo** may be called to testify regarding his knowledge of the facts and
6 circumstances set forth in the discipline Complaint in this matter.
7

8 Dated this 24th day of September, 2021.

9 LIPSON NEILSON P.C.

10 By: /s/ David Clark _____
11 DAVID A. CLARK
12 Nevada Bar No. 4443
13 9900 Covington Cross Drive, Suite 120
14 Las Vegas, Nevada 89144
15 Attorneys for Respondent,
16 Edward E. Vargas, Esq.

CERTIFICATE OF SERVICE

Pursuant to DRP 18((b)(2) and NRCP 5(b), I certify that on the 24th day of September, 2021, I served via email the foregoing **RESPONDENT'S INITIAL LIST OF WITNESSES AND DOCUMENTS** to the following:

Gerard Gosioco
Assistant Bar Counsel
3100 W. Charleston Blvd., Ste. 100
Las Vegas, NV 89102
gerardg@nvbar.org
TiffanyB@nvbar.org
sbnnotices@nvbar.org

/s/ Debra Marquez

Employee of LIPSON NEILSON P.C.



FILED

NOV - 9 2021

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

Case No: OBC20-1287

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

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
EDWARD E. VARGAS, ESQ.,)
Nevada Bar No. 8702,)
)
Respondent.)
)
)

**STATE BAR OF NEVADA'S
FINAL DISCLOSURES OF
DOCUMENTS AND WITNESSES**

TO: Edward E. Vargas, Esq.
c/o Lipson Neilson
Attn: David A. Clark, Esq.
9900 Covington Cross Dr., Ste. 120
Las Vegas, NV 89144

PLEASE TAKE NOTICE that the following is a final list of witnesses and a summary of evidence which may be offered against Respondent at the time of the Formal Hearing, in the above-entitled complaint.

A. Documentary Evidence

Any and all documentation contained in the State Bar of Nevada's file including but not limited to, correspondence, emails, memorandums, text messages, notes, payments, invoices, bank records, receipts, billing entries and pleadings regarding grievance file number OBC20-1287.

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

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

Exhibit#	Document	Bates Stamped
1.	Formal Hearing Packet	will be produced prior to hearing
2.	Affidavit of Prior Discipline	will be produced at the time of hearing
3.	Grievance – November 24, 2020	SBN 001-002
4.	19CR008386 Docket	SBN 001-003
5.	19CR008388 Docket	SBN 001-003
6.	19CR008389 Docket	SBN 001-003
7.	Retainer Agreement – November 19, 2020	SBN 001-002
8.	Retainer Agreement – January 24, 2020	SBN 001-002
9.	Facebook Screenshots	SBN 001-013
10.	Document Preparation Service Registration	SBN 001
11.	Letter of Investigation – December 3, 2020	SBN 001
12.	Response from Respondent – December 8, 2020	SBN 001-037
13.	Request for More Information – December 9, 2020	SBN 001
14.	Response from Respondent – December 18, 2020	SBN 001-014
15.	Request for More Information – April 7, 2021	SBN 001
16.	Response from Respondent – April 19, 2021	SBN 001-003
17.	Henderson Municipal Court Certified Records for Jose Ramon Murillo	SBN 001-015
18.	Alvarado y Alvarado Secretary of State Records	SBN 001-008

The State Bar incorporates by reference all documents identified by Respondent in these matters.

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1 **B. Witnesses and Brief Statement of Facts**

2 1. Respondent, Edward E. Vargas, Esq., will be called and would be expected to testify
3 regarding his conduct and communications surrounding the events related to, and any and all
4 documents pertinent to, each of the charged violations of the Rules of Professional Conduct,
5 including but not limited to facts pertaining to the breach of his professional responsibilities as an
6 attorney, his mental state pursuant to ABA Standards, the harm resulting from his conduct, and
7 any aggravating and mitigating factors pursuant to Supreme Court Rule 102.5. Respondent is
8 expected to provide testimony regarding the facts and circumstances regarding OBC20-1287.

9 2. Louise Watson, an investigator with the State Bar of Nevada Office of Bar Counsel,
10 is expected to provide testimony regarding her investigation of OBC20-1287, including but not
11 limited to, information and documents provided by Respondent and Grievant(s), communications
12 with Respondent and Grievant(s), and Respondent's disciplinary history.

13 3. Susan Felix is expected to offer testimony regarding the facts and circumstances
14 regarding Case No. OBC20-1287, including but not limited to, the facts and circumstances
15 surrounding the allegations contained in said grievance.

16 4. Jose Ramon Murillo is expected to offer testimony regarding the facts and
17 circumstances regarding Case No. OBC20-1287, including but not limited to, the facts and
18 circumstances surrounding the allegations contained in said grievance.

19 5. Jessica Alvarado is expected to offer testimony regarding the facts and
20 circumstances regarding Case No. OBC20-1287, including but not limited to, the facts and
21 circumstances surrounding the allegations contained in said grievance.

22 6. Jonathan Alvarado is expected to offer testimony regarding the facts and
23 circumstances regarding Case No. OBC20-1287, including but not limited to, the facts and
24 circumstances surrounding the allegations contained in said grievance.

7. Michael Printy, Esq., is expected to offer testimony regarding the facts and circumstances regarding Case No. OBC20-1287, including but not limited to, the facts and circumstances surrounding the allegations contained in said grievance.

Dated this 9th day of November, 2021.

STATE BAR OF NEVADA
DANIEL M. HOOGE, BAR COUNSEL



By:

Gerard Gosioco, Assistant Bar Counsel
Nevada Bar No. 14371
3100 West Charleston Boulevard, Suite 100
Las Vegas, Nevada 89102
(702) 382-2200

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR'S**
3 **FINAL DISCLOSURES OF WITNESSES & DOCUMENTS** was sent by electronic mail to:

- 4
5 1. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com;
6 dmarquez@lipsonneilson.com
7 2. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

8 DATED this 9th day of November, 2021.

9
10 By: _____



11 Tiffany Bradley,
12 An employee of the State Bar of Nevada
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FILED

Nov 16 2021

STATE BAR OF NEVADA

BY: [Signature]
OFFICE OF BAR COUNSEL

Case No.: OBC21-0044

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.

NV BAR No. 8702

Respondent.

AD HOC ORDER

IT IS HEREBY ORDERED that the following member of the Southern Nevada Disciplinary Board, MARNI WATKINS has been released as panel member, and will be replaced by panel member FARHAN NAQVI. The hearing will be convened on the 7th day of December, 2021 at 9:00 a.m. via Zoom Video Conferencing.

DATED this 15 day of November, 2021.

STATE BAR OF NEVADA

By: Christopher Lalli
Christopher Lalli (Nov 15, 2021 12:05 PST)

Christopher Lalli, Esq.

Nevada Bar No.5398

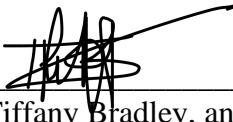
Vice-Chair, Southern Nevada Disciplinary Board

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **AD HOC ORDER** was served via email to:

1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
- ~~2. Marni Watkins, Esq. (Panel Member): marnidukes@yahoo.com~~
3. Farhan Naqvi, Esq. (Panel Member): Naqvi@naqvilaw.com
4. William Holland (Laymember): Wholland2@aol.com
5. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com;
dmarquez@lipsonneilson.com
6. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

DATED this 17th day of November, 2021.

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



FILED

DEC - 6 2021

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

Case No.: OBC20-1287

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.,

Nevada Bar No. 8702

Respondent.

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

EDWARD E. VARGAS, Esq. (hereinafter "Respondent"), Bar No. 8702, hereby tenders a Conditional Guilty Plea (hereinafter "Plea") pursuant to Nevada Supreme Court Rule ("SCR") 113(1) and agrees to the imposition of the following Stated Form of Discipline in the above captioned case.

I. CONDITIONAL GUILTY PLEA

1. Respondent is currently an active member of the State Bar of Nevada (hereinafter "State Bar") having been licensed to practice law in the State of Nevada since March 26, 2004, and at all times pertinent to this Complaint having a principal place of business for the practice of law located in Clark County, Nevada.

2. Respondent has engaged in the following acts of misconduct in violation of RPC 5.4 (Professional Independence of a Lawyer) and RPC 5.5 (Unauthorized Practice of Law) warranting the imposition of professional discipline as set out herein.

3. The Southern Nevada Disciplinary Board has jurisdiction over Respondent and the subject matter of these proceedings pursuant to SCR 99.

II. STIPULATION OF FACTS

4. On August 26, 2019, Jose Ramon Murillo (hereinafter “Mr. Murillo”) was arrested and charged for three separate traffic citations.

5. The following day, Mr. Murillo plead guilty or no contest to all three charges.

6. According to court records, Mr. Murillo was ordered to pay fines and provide proof of insurance.

7. Bench warrants were issued because Mr. Murillo failed to pay his fines and/or provide proof of insurance.

8. On January 24, 2020, Mr. Murillo, through his wife, Susan Felix (hereinafter “Ms. Felix”), hired Respondent through La Raza Rompe Tickets (“LRRT”).

9. LRRT is owned and/or operated by Jessica Alvarado (hereinafter “Jessica”) and her husband, Jonathan Alvarado (hereinafter “Jonathan”).

10. Ms. Felix paid Respondent's office and/or LRRT \$150.00 to quash Mr. Murillo's bench warrants over the phone.

11. Jessica and Jonathan also act as Respondent's assistants and/or paralegals.

12. Ms. Felix did not meet with an attorney before making the \$150.00 payment.

13. Mr. Murillo's case was referred to Michael Printy, Esq. (hereinafter "Mr. Printy").

14. On January 29, 2020, Mr. Murillo's bench warrants were quashed.

15. Court records revealed that it was Mr. Murillo's "last chance per judge" to comply with his requirements.

16. Mr. Murillo did not pay his fines, nor did he provide proof of insurance.

1 17. As such, failure to pay warrants were issued on November 3, 2020.

2 18. On or about November 19, 2020, Mr. Murillo and/or Ms. Felix paid Respondent's office
3 and/or LRRT an additional \$100.00 to quash the failure to pay warrants.

4 19. Mr. Murillo and/or Ms. Felix did not meet with an attorney before making the additional
5 \$100.00 payment.

6 20. Mr. Murillo's cases were again referred to Mr. Printy.

7 21. On November 19, 2020, Jessica emailed Mr. Printy informing him of the referral.

8 22. Mr. Printy responded as follows: "In January the Judge said last chance on payments so
9 there's probably no way he's going to quash without a good faith payment. I will still try but if client
10 can at least get me \$100-200 on motion hearing date there will be a much better chance."

11 23. Jonathan was tasked to call Ms. Felix to inform her of Respondent and/or LRRT's efforts
12 to work on Mr. Murillo's case but had the wrong file in front of him.

13 24. Accordingly, Jonathan relayed incorrect information to Ms. Felix.

14 25. Jessica, who had the correct file, attempted to reach Ms. Felix but allegedly kept getting
15 hung up on.

16 26. Jessica then text Ms. Felix to explain Mr. Murillo's situation and asked that she be given
17 the opportunity to "fix this."

18 27. Jessica explained that Ms. Felix had two options: (1) bring a good faith payment to the
19 office so that Mr. Printy can take the same to court with him; or (2) Jessica can issue a refund to Ms.
20 Felix and Mr. Murillo can go in person to pay his fines in full.

21 28. Ms. Felix opted for the latter and stated that she will have Mr. Murillo pay the fines in
22 person.

29. Jessica then sent the following email to Mr. Printy: “Hey Mike sorry for the inconvenience. We will no longer helping [sic] Mr. Murillo. We have refunded him due to his wife being nasty with the office.”

30. Mr. Printy informed the State Bar that his only correspondence with Respondent's office and/or LRRT regarding cases referred to him was through Jessica.

31. Mr. Printy also informed the State Bar that he never spoke with Mr. Murillo or Ms. Felix.

32. On December 3, 2020, the State Bar sent Respondent a Letter of Investigation (“LOI”).

33. On December 8, 2020, Respondent provided his response to the State Bar's LOI.

34. In his response to the State Bar, Respondent noted that LRRT is a document and tax preparation business but claimed that he does not supervise their activities.

35. Respondent explained that he rents office space from LRRT and that LRRT gets ticket information for him when he is not in the office.

36. Respondent stated that LRRT will schedule appointments for him to meet with potential new clients on other criminal matters.

37. With regard to the instant matter, Respondent admitted that he has “never met nor spoken to Susan Felix nor Mr. Murillo.”

III. RULE VIOLATIONS

38. Respondent violated RPC 5.4 (Professional Independence of a Lawyer).

39. RPC 5.4 (Professional Independence of a Lawyer) states, in pertinent part, that a lawyer “shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.”

40. Respondent maintained a practice that appeared to the public to be a partnership with LRRT.

1 41. Respondent violated RPC 5.5 (Unauthorized Practice of Law).

2 42. RPC 5.5 (Unauthorized Practice of Law) states that unless an exception applies, a lawyer
3 shall not “practice law in a jurisdiction where doing so violates the regulation of the legal profession in
4 that jurisdiction,” or “assist another person in the unauthorized practice of law.”

5 43. Respondent assisted LRRT in the unauthorized practice of law.

6 **IV. MENTAL STATE AND INJURY**

7 44. Respondent’s mental state to the above misconduct was knowing, which is defined as “the
8 conscious awareness of the nature or attendant circumstances of the conduct but without the conscious
9 objective or purpose to accomplish a particular result.” American Bar Association, *Annotated Standards*
10 *for Imposing Lawyer Sanctions* (2d ed. 2019), p. xxi.

11 45. Respondent’s misconduct resulted in potential injury to his client and/or the public and/or
12 the legal system.

13 **V. AGGRAVATION AND MITIGATION**

14 46. Pursuant to SCR 102.5(1), the Parties considered the following ***aggravating*** factors as
15 they relate to the discipline to be imposed:

- 16 i. (a) Prior disciplinary offenses
17 ii. (c) A pattern of misconduct
18 iii. (d) Multiple offenses
19 iv. (i) Substantial experience in the practice of law

20 47. Pursuant to SCR 102.5(2), the Parties considered the following ***mitigating*** factors as they
21 relate to the discipline to be imposed:

- 22 i. (e) Full and free disclosure to disciplinary authority or cooperative attitude toward
23 proceeding
24
25

1 **VI. STATED FORM OF DISCIPLINE**

2 Based upon the above and foregoing, the Parties agree to recommend attorney discipline subject
3 to the following conditions.

4 48. The baseline sanction for the agreed misconduct is suspension pursuant to ABA standard
5 7.2:

6 Suspension is generally appropriate when a lawyer knowingly
7 engages in conduct that is a violation of a duty owed as a
8 professional and causes injury or potential injury to a client, the
9 public, or the legal system.

9 49. Respondent agrees to serve an actual ***suspension*** from the practice of law for a period of
10 ***six (6) months and one (1) day*** in violation of RPC 5.4 (Professional Independence of a Lawyer) and
11 RPC 5.5 (Unauthorized Practice of Law).

12 50. Such suspension will run concurrently with Respondent's prior disciplinary case (OBC18-
13 1324; Nevada Supreme Court Docket No. 80665).

14 51. Respondent shall admit to breaching the Nevada Supreme Court's Order Approving
15 Guilty Plea Agreement in Docket No. 80665, filed on May 15, 2020.

16 52. Respondent stipulates to waiving the notice and procedural requirements of a separate
17 breach hearing and further stipulates to consolidate the breach in OBC18-1324 (Docket No. 80665) to
18 the instant proceedings.

19 53. Respondent shall pay costs, provided for in SCR 120, in the amount of \$2,500.00 plus the
20 hard costs of these proceedings. Such payment shall be made no later than thirty (30) days after receiving
21 a billing from the State Bar.

22 ///

23 ///

1 **VII. CONDITIONAL AGREEMENT BY THE STATE BAR**

2 Conditional to approval of this Plea by the Southern Nevada Formal Disciplinary Panel and an
3 Order approving this Plea, the State Bar agrees to dismiss all remaining allegations of violations of Rules,
4 with prejudice.

5 **VIII. APPROVAL OF RESPONDENT**

6 Having read the Plea and being satisfied with it, the same is hereby approved by Respondent.
7 Respondent fully understands the terms and conditions set forth herein and enters into this Plea freely
8 and voluntarily.

9 DATED this ^{Dec 6, 2021} _____ day of December 2021.

10
11 

12 ED VARGAS (Dec 6, 2021 15:07 PST)

13 _____
14 EDWARD E. VARGAS
15 Nevada Bar No. 8702
16 1630 E. Sahara Ave., Ste. 1
17 Las Vegas, NV 89104
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DATED this 6th day of December 2021.



Attorneys for the State Bar of Nevada

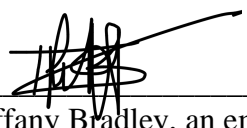
CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **CONDITIONAL GUILTY PLEA** was served via email to:

1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
2. Farhan Naqvi, Esq. (Panel Member): Naqvi@naqvilaw.com
3. William Holland (Laymember): Wholland2@aol.com
4. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com; dmarquez@lipsonneilson.com
5. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

DATED this 6th day of December, 2021.

By: _____


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



FILED

JAN 14 2022

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

Case No. OBC20-1287

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS,
STATE BAR NO. 8702

Respondent.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND RECOMMENDATION
AFTER FORMAL HEARING**

This matter involving attorney EDWARD E. VARGAS, Esq. (hereinafter “Respondent”), Bar No. 8702, initially came before a designated Formal Hearing Panel of the Southern Nevada Disciplinary Board (hereinafter “Panel”) at 9:00 a.m. on Tuesday, December 7, 2021, on the online video conferencing platform Zoom. The Panel consisted of Chair Daniel F. Royal, Esq., Farhan Naqvi, Esq., and William Holland, Laymember. Transcript 5. Assistant Bar Counsel Gerard Gosioco, Esq., represented the State Bar of Nevada (hereinafter “State Bar”). *Id.* at 4. David A. Clark, Esq., represented the Respondent who was also present. *Id.* at 5, 15.

1 The State Bar presented materials consisting of pleadings and State Bar documents,
2 which were admitted into evidence as Exhibits 1 and 2. Transcript 4-5.

3 Based upon the evidence presented, the Panel unanimously issues the following
4 Findings of Fact, Conclusions of Law, and Recommendation:

5 **FINDINGS OF FACT**

6 1. Respondent is an attorney licensed to practice law in the State of Nevada and
7 was admitted to the State Bar of Nevada on or about March 26, 2004. Conditional Guilty
8 Plea (“CGP”) 1.

9 2. During the period in question, Respondent maintained a law practice in
10 Clark County, Nevada. *Id.*

11 3. The Stipulation of Facts, as set forth in paragraphs 4 through 37 of the
12 Conditional Guilty Plea in Exchange for a Stated Form of Discipline, accurately reflects this
13 Panel’s findings regarding facts and circumstances pertinent to these proceedings. *See*
14 CGP 2-4; *see also* Transcript 6-10.

15 4. On June 29, 2021, the State Bar filed a disciplinary Complaint which charged
16 Respondent with the following violations of the Rules of Professional Conduct (“RPC”): (1)
17 RPC 5.4 (Professional Independence of a Lawyer); and (2) RPC 5.5 (Unauthorized Practice
18 of Law).

19 5. On July 22, 2021, Respondent filed an Answer to the State Bar’s Complaint.

20 6. On September 24, 2021, an Order Appointing Formal Hearing Panel was
21 filed.

22 7. Respondent knowingly and voluntarily agreed that he violated RPC 5.4
23 (Professional Independence of a Lawyer) and RPC 5.5 (Unauthorized Practice of Law). *See*
24 CGP 1-8.

1 **CONCLUSIONS OF LAW**

2 Based upon the foregoing Findings of Fact, the Panel hereby issues the following
3 Conclusions of Law:

4 1. The Southern Nevada Disciplinary Board has jurisdiction over Respondent
5 and the subject matter of these proceedings pursuant to Supreme Court Rule (“SCR”) 99.
6 CGP 2.

7 2. Venue is proper in Clark County.

8 3. The State Bar must prove by clear and convincing evidence that Respondent
9 violated any Rules of Professional Conduct. *See* Nev. Sup. Ct. R. 105(2)(f); *In re Stuhff*,
10 108 Nev. 629, 633-634, 837 P.2d 853, 856; *Gentile v. State Bar*, 106 Nev. 60, 62, 787 P.2d
11 386, 387 (1990).

12 4. The Panel unanimously found that the foregoing findings of fact prove by
13 clear and convincing evidence that Respondent knowingly violated RPC 5.4 (Professional
14 Independence of a Lawyer) and RPC 5.5 (Unauthorized Practice of Law) which caused
15 potential injury to his client and/or the public and/or the legal system. Transcript 6-11.

16 5. The appropriate level of discipline must be determined considering “all
17 relevant factors and mitigating circumstances on a case-by-case basis.” *State Bar of*
18 *Nevada v. Claiborne*, 104 Nev. 11, 219, 756 P.2d 464, 531 (1988). We evaluate The
19 American Bar Association Standards for Imposing Lawyer Sanctions’ four factors to be
20 considered in determining the appropriate disciplinary sanction: “the duty violated, the
21 lawyer’s mental state, the potential or actual injury caused by the lawyer’s misconduct, and
22 the existence of aggravating or mitigating factors.” *See In re Discipline of Lerner*, 124 Nev.
23 1232, 1246, 197 P.3d 1067, 1078 (2008).

24 6. Pursuant to Standard 7.2 of the ABA Standard for Imposing Lawyer
25 Sanctions, the appropriate baseline sanction for Respondent’s violations of RPC 5.4

(Professional Independence of a Lawyer) and RPC 5.5 (Unauthorized Practice of Law) is suspension. Transcript 11.

7. Pursuant to SCR 102.5(1), the Panel unanimously found the following aggravating factors exist:

- a. Prior disciplinary offenses;
- b. A pattern of misconduct;
- c. Multiple offenses; and
- d. Substantial experience in the practice of law.

Id. at 11-13.

8. Pursuant to SCR 102.5(2), the Panel unanimously found that Respondent's full and free disclosure to disciplinary authority or cooperative attitude toward proceeding exists as a mitigating factor. *Id.* at 13.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Panel hereby recommends that Respondent receive an actual suspension from the practice of law for a period of six (6) months and one (1) day, and that such suspension will run concurrent with Respondent's prior disciplinary case (OBC18-1324; Nevada Supreme Court Docket No, 80665). Transcript 13, 17-19.

In addition, Respondent admitted to breaching the Nevada Supreme Court's Order Approving Guilty Plea Agreement in Docket No. 80665, filed on May 15, 2020, and stipulates to waiving the notice and procedural requirements of a separate breach hearing. *Id.* at 13-14, 17-19. Respondent further stipulates to consolidate his breach in OBC18-1324 (Docket No. 80665) to the instant proceedings. *Id.* at 14, 17-19.

Pursuant to SCR 120, Respondent shall pay a \$2,500.00 fee plus the actual costs of this proceeding, excluding Bar Counsel and staff salaries no later than the 30th day after

1 the Supreme Court's Order in this matter or service of a Memorandum of Costs, whichever
2 is later. Transcript 14, 17-19.

4 DATED this _____ day of January, 2022.

5 *Daniel Royal*
6 Daniel Royal (Jan 13, 2022 16:06 PST)
7

8 **Daniel F. Royal, Esq., Chair**
9 Southern Nevada Disciplinary Panel

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **FINDING OF**
3 **FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION AFTER FORMAL**
4 **HEARING** was served via email to:

- 5 1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
6 2. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com;
7 dmarquez@lipsonneilson.com
8 3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

9 DATED this 14th day of January, 2022.

10
11 By:  _____

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



FILED

JAN 26 2022

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Case No.: OBC20-1287

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
EDWARD E. VARGAS, ESQ.,)
Nevada Bar No. 8702,)
)
Respondent.)
)
)

STATE BAR OF NEVADA'S
MEMORANDUM OF COSTS

Description	Amount
Court Reporter Fee & Transcript Fee Hearing Held December 27, 2021	\$250.00
Certified Mailing Receipt xx3477 - \$6.86	\$6.86
SCR 120 costs	\$2,500.00
Total:	\$2,756.86

1. I am Assistant Bar Counsel with the State Bar of Nevada.

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

3. As stated in the Findings of Fact, Conclusions of Law and Recommendation, Respondent shall be ordered to pay the fees and costs of these proceedings within thirty (30) days of the Issuance of the Nevada Supreme Court Order matter pursuant to Supreme Court Rule 120(1).

Dated this 26th day of January 2022.

STATE BAR OF NEVADA
DANIEL M. HOOGE, BAR COUNSEL




By:

Gerard Gosioco, Assistant Bar Counsel
Nevada Bar No. 14371
3100 West Charleston Boulevard, Suite 100
Las Vegas, Nevada 89102
(702) 382-2200

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1. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com;
2. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@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: 1875

Date: 12/27/2021

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.
12-721	Edward Vargas	State Bar v Vargas	OBC20-1287

Description	Amount
Half Day Appearance Fee	\$100.00
Transcript - 20 Pages @ 7.50	\$150.00

Tax I.D. No. 01-0974768

Total

\$250.00

Received On: _____

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6-29-21

OBC 20-1287

Postmark
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Complaint

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\$

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Street

City, State

Edward E. Vargas, Esq.

The Vargas Law Office

1630 E. Sahara Ave., Suite 1

Henderson, Nevada 89104

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Edward E. Vargas, Esq.
The Vargas Law Office
1630 E. Sahara Ave., Suite 1
Henderson, Nevada 89104



9590 9402 6609 1028 7653 72

2. Article Number (Transfer from service label)

7021 0350 0001 7810 3477

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
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| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

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First-Class Mail
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9590 9402 6609 1028 7653 72

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• Sender: Please print your name, address, and ZIP+4® in this box •



STATE BAR OF NEVADA

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

www.nvbar.org

08c20-1287 / Complaint

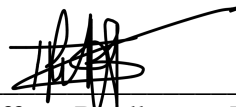
Attn: Sonia Del Rio

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that a true and correct copy of the foregoing **RECORD**
3 **ON APPEAL** was served via electronic mail to:

4 David A. Clark, Esq., Counsel for Respondent: dclark@lipsonneilson.com;
5 mstones@lipsonneilson.com;

6 DATED this 18th day of February 2022.

7 
8 _____
9 Tiffany Bradley, an Employee
10 of the State Bar of Nevada
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1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 IN RE: DISCIPLINE OF)
4 EDWARD E. VARGAS, ESQ.)
5 NEVADA BAR NO. 8702)
6)
7 _____)

Case No. _____

8
9
10
11 **VOLUME II**

12
13 **RECORD OF DISCIPLINARY PROCEEDINGS,**
14 **PLEADINGS AND TRANSCRIPT OF HEARING**

15
16
17
18
19
20 Gerard Gosioco, Esq.
21 Nevada Bar No. 14371
22 State Bar of Nevada
23 3100 W. Charleston Blvd., Ste. 100
24 Las Vegas, NV 89102
25 Counsel for the State Bar of Nevada

Edward E. Vargas, Esq.
Nevada Bar No. 8702
David A. Clark, Esq.
Nevada Bar No. 15339
9900 Covington Cross Dr., Ste. 120
Las Vegas, NV 89144
Counsel for Respondent

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STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA

Complainant,

vs.

EDWARD VARGES, ESQ.,
Nevada Bar No. 8702

Respondent.

)
) Case No.
) OBC20-1287
)
)

CERTIFIED
TRANSCRIPT

FORMAL HEARING OF EDWARD VARGES, ESQ.

Taken at the State Bar of Nevada Via Zoom Videoconference

3100 W. Charleston Boulevard, Suite 100

Las Vegas, Nevada

On Tuesday, December 7, 2021

At 9:01 a.m.

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

Appearances (via Zoom videoconference):

Commission Panel:

DAN ROYAL, ESQ.
Panel Chairman

FARHAN NAQVI, ESQ.
Panel Member

WILLIAM HOLLAND
Laymember

For the Complainant:

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

For the Petitioner:

DAVID CLARK, ESQ.
Lipson Neilson
9900 Covington Cross Drive
Suite 120
Las Vegas, NV 89144
(702) 382-1500
dclark@lipsonneilson.com

Also Present:

EDWARD VARGAS
Respondent

TIFFANY BRADLEY
Hearing Paralegal

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
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Complainant's

1	Formal Hearing Packet	5
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2	Affidavit of Prior Discipline	5
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1 CHAIR ROYAL: We have our panel members are
2 here, defense is here, State Bar is here. State Bar
3 counsel.

4 MR. GOSIOCO: Good morning.

5 CHAIR ROYAL: Oh, there you are, okay. All
6 right, so we received something yesterday from
7 Tiffany regarding -- well, was it yesterday or the
8 day before? Anyway, regarding a conditional guilty
9 plea. So maybe we should have State Bar maybe make a
10 comment about that before we proceed.

11 MR. GOSIOCO: Absolutely. Thank you,
12 Dr. Royal. And I assume we're currently on the
13 record. Is that correct, sir?

14 CHAIR ROYAL: Yes, we are.

15 MR. GOSIOCO: Okay. Just as a housekeeping
16 matter -- first and foremost, good morning, members
17 of the panel. Gerard Gosioco on behalf of the State
18 Bar of Nevada. I'm the Assistant Bar Counsel
19 assigned to Case Number OBC20-1287, State Bar of
20 Nevada versus Edward E. Vargas.

21 As a housekeeping matter, the State Bar
22 moved to admit and publish to the members of the
23 panel Exhibits 1 and 2. Exhibit 1 is the formal
24 hearing packet, and Exhibit 2 is the affidavit of
25 prior discipline.

1 MR. CLARK: And this is David Clark on
2 behalf of the respondent, Ed Vargas, who is here with
3 me as well. We have no objection.

4 CHAIR ROYAL: Okay. So admitted.

5 (Thereupon Complainant's Exhibit
6 1 and Exhibit 2 were admitted
7 into evidence.)

8 CHAIR ROYAL: And I guess for the record we
9 should introduce ourselves as well. For the hearing
10 panel I'm Dan Royal, and we also have a couple of
11 other members, so can you introduce yourselves?

12 MEMBER NAQVI: I'm Farhan Naqvi, panel
13 member.

14 MEMBER HOLLAND: And William Holland as a
15 laymember.

16 CHAIR ROYAL: Okay. So we're now on the
17 record. Are there any other housekeeping matters
18 before we move ahead from either counsel?

19 MR. GOSIOCO: None from the State Bar.

20 MR. CLARK: None from respondent. Thank
21 you.

22 CHAIR ROYAL: Okay. Well, why don't we go
23 ahead and have the State Bar present their case.

24 MR. GOSIOCO: Absolutely. Thank you,
25 Mr. Chairman. As Mr. Chairman stated, there is a

1 conditional guilty plea in exchange for a stated form
2 of discipline in this case. And in these
3 disciplinary cases, we take a look at the facts, and
4 once we look at the facts, the ABA Annotated
5 Standards for Imposing Lawyer Sanctions asks us to
6 look at four factors. Number one, the duty violated;
7 number two, the mental state; number three, injury,
8 if any, and then once we look at that, we get a
9 baseline sanction standard. And taking into account
10 the baseline sanction, then we look at any
11 aggravating and mitigating factors that are
12 applicable to the instant proceedings.

13 So as to the facts, the facts are as
14 follows: On August 16, 2019, Jose Ramon Murillo was
15 arrested and charged for three separate traffic
16 citations. The following day Mr. Murillo pled guilty
17 or no contest to all three charges. According to the
18 court records, Mr. Murillo was ordered to pay fines
19 and provide proof of insurance. Bench warrants
20 eventually were issued because Mr. Murillo failed to
21 pay his fines and/or provide proof of insurance.

22 Accordingly, on January 24, 2020,
23 Mr. Murillo, through his wife, Susan Felix, hired
24 Mr. Vargas through La Raza Rompe Tickets, or we're
25 going to call it LRRT. And LRRT is owned and/or

1 operated by Jessica Alvarado and her husband,
2 Jonathan Alvarado. Miss Felix paid Mr. Vargas'
3 office or LRRT \$150 to quash Mr. Murillo's bench
4 warrants over the phone. The payment was accepted
5 over the phone. And Jonathan and Jessica also act as
6 Mr. Vargas' assistants and/or paralegals.

7 Now, Miss Felix did not meet with an
8 attorney before making the \$150 payment.
9 Mr. Murillo's cases -- his case was then referred to
10 Michael Printy, and on January 29, 2020 Mr. Murillo's
11 bench warrants were quashed through Mr. Printy's
12 appearance. Court records revealed that it was
13 Mr. Murillo's, quote, last chance per judge, end
14 quote, to comply with his requirements.

15 Eventually Mr. Murillo did not pay his
16 fines, nor did he provide any proof of insurance.
17 And as such, failure to pay warrants were issued on
18 November 3, 2020.

19 Fast forward about two weeks later, on or
20 about November 19, 2020, Mr. Murillo and/or
21 Miss Felix paid Mr. Vargas' office and/or LRRT an
22 additional \$100 to quash the failure to pay warrants.
23 Mr. Murillo or Miss Felix did not meet with an
24 attorney before making that \$100 payment, and again
25 Mr. Murillo's case was referred to Mr. Printy.

1 On that same day, on November 19, 2020,
2 Jessica Alvarado emailed Mr. Printy informing him of
3 the referral, and Mr. Printy responded that in
4 January the judge said last chance on payments, so
5 there's probably no way he's going to quash the
6 warrants without a good faith payment; however, he
7 will still try, but if the client can get at least
8 100 to \$200 on the motion hearing date, there will be
9 a much better chance.

10 Jonathan Alvarado was tasked to call
11 Miss Felix to inform her of Mr. Vargas' and LRRT's
12 efforts to work on Mr. Murillo's case but he
13 unfortunately had the wrong case file in front of
14 him. Accordingly, Jonathan relayed incorrect
15 information to Miss Felix. His wife, Jessica, who
16 had the correct file, attempted to reach Miss Felix
17 but allegedly kept getting hung up on.

18 Jessica then texted Miss Felix to explain
19 Mr. Murillo's situation and asked that she be given
20 the opportunity to, quote, fix this. Jessica then
21 explained to Miss Felix that she had one of two
22 options. Number one, bring a good faith payment to
23 the office so that Mr. Printy can take the same to
24 court with him; or, number two, Jessica can issue a
25 refund to Miss Felix, and Mr. Murillo can go in

1 person to pay his fines in full.

2 Miss Felix opted for the latter and stated
3 that she will have Mr. Murillo pay the fines in
4 person. Then Jessica then sent the following email
5 to Mr. Printy: Quote, hey, Mike, sorry for the
6 inconvenience. We will no longer helping
7 Mr. Murillo. We have refunded him due to his wife
8 being nasty with the office, end quote.

9 Mr. Printy informed the State Bar that his
10 only correspondence with the respondent Mr. Vargas'
11 office or LRRT regarding the cases referred to him
12 was through Jessica alone. Mr. Printy also informed
13 the State Bar that he has never spoken with
14 Miss Felix or Mr. Murillo.

15 On December 3, 2020, the State Bar sent
16 Mr. Vargas a letter of investigation. Five days
17 later he provided his response to the State Bar's
18 letter, and in his response Mr. Vargas noted that
19 LRRT is a document and tax preparation business but
20 claimed that he does not supervise their activities.
21 He explained that he rents office space from LRRT and
22 that LRRT gets ticket information for him when he's
23 not in the office.

24 Mr. Vargas also stated that LRRT will
25 schedule appointments for him to meet with potential

1 new clients on other criminal matters. And lastly,
2 with regard to the instant matter, Mr. Vargas
3 admitted that he has never -- he's, quote, never met
4 nor spoken to Susan Felix nor Mr. Murillo, end quote.
5 And those are the facts as we have it in the instant
6 matter.

7 As I stated earlier, the ABA asks us to look
8 at four separate factors, the first being duties
9 violated. In this case Mr. Vargas violated his
10 duties under RPC 5.4, which is the professional
11 independence of a lawyer, as well RPC 5.5,
12 unauthorized practice of law.

13 As to RPC 5.4, Mr. Vargas violated this duty
14 by maintaining a practice that appeared to the public
15 to be in partnership with LRRT. And as to RPC 5.5,
16 the unauthorized practice of law, Mr. Vargas violated
17 his duty by assisting LRRT in the unauthorized
18 practice of law, namely by accepting these clients
19 and retaining them over the phone without having met
20 with an attorney.

21 The second factor we look at for those
22 duties violated is the mental state of Mr. Vargas for
23 the alleged conduct. In this case the parties have
24 stipulated that Mr. Vargas' mental state was knowing.
25 And the ABA Annotated Sanctions for Imposing Lawyer

1 Sanctions defines knowledge as the conscious
2 awareness of the nature or attendant circumstances of
3 the conduct but without the conscious objective or
4 purpose to accomplish a particular result.

5 Now, the third factor we look at is the
6 injury, if any. And the parties have stipulated that
7 there was potential injury to his client,
8 Mr. Murillo, and/or the public and/or the legal
9 system. Now, based off those three factors, we come
10 to a baseline sanction, which in this case is
11 standard 7.2.

12 Standard 7.2 states that suspension is
13 generally appropriate when a lawyer knowingly engages
14 in conduct that is a violation of a duty owed as a
15 professional and causes injury or potential injury to
16 a client, the public or the legal system.

17 Now, as I mentioned earlier, once we get a
18 baseline sanction, we look at any aggravating or
19 mitigating factors that are applicable. In this case
20 those are codified in Supreme Court Rule 102.5. As
21 to the aggravating factors, in SCR 102.5(1) the
22 parties have stipulated to four aggravating factors,
23 the first being prior disciplinary offenses.

24 Mr. Vargas' disciplinary history is as
25 follows: On September 13, 2005, Mr. Vargas received

1 a one-year suspension based off reciprocal discipline
2 for violations of RPC 3.1, meritorious claims and
3 contentions, and RPC 5.5, unauthorized practice of
4 law.

5 On May 31st, 2012, Mr. Vargas received a
6 public reprimand for violations of RPC 1.3,
7 diligence; RPR 3.4, fairness to opposing party and
8 counsel; RPC 8.1, Bar admission and disciplinary
9 matters; as well as RPC 8.4, misconduct.

10 Now lastly, on May 15, 2020, Mr. Vargas
11 received an order from the Supreme Court suspending
12 him for six months and one day, however all but the
13 first three months were stayed for a period of two
14 years, which means his probationary period ends on
15 May 15, 2022. Mr. Vargas has already served three
16 months in that sentence, and those are for violations
17 RPC 1.3, diligence; 1.4, communication; 1.5, fees;
18 1.16, withdrawal from representation; RPC 3.2,
19 expediting litigation; and RPC 3.4, fairness to
20 opposing party and counsel.

21 The second aggravating factor we stipulated
22 to is a pattern of misconduct. The third, multiple
23 offenses. And the last aggravating factor the
24 parties have stipulated to is substantial experience
25 in the practice of law. Mr. Vargas has been

1 practiced, licensed to practice law in the state of
2 Nevada since March 26, 2004.

3 And as to the mitigating factors, under SCR
4 102.5(2) the parties have stipulated there's one
5 mitigating factor that is applicable in this case,
6 which is full and free disclosure to disciplinary
7 authority, poor cooperative attitude towards a
8 proceeding.

9 Based on those factors, they do not warrant
10 a deviation from the baseline sanction of 7.2
11 suspension, and our recommendation is as follows: As
12 I stated, there was a conditional guilty plea that
13 was executed yesterday. Mr. Vargas signed the CGP
14 freely and voluntarily and was not acting under
15 duress or coercion.

16 And the terms are that, Mr. Vargas shall
17 serve an actual suspension of six months and one day,
18 in violation of RPC 5.4, as well as RPC 5.5; however,
19 that suspension will run concurrent to Mr. Vargas'
20 prior disciplinary complaint in OBC18-1324, which is
21 also Supreme Court Docket Number 80665.

22 Mr. Vargas will also admit to breaching the
23 Nevada Supreme Court's order approving his
24 conditional guilty plea in Docket Number 80665. In
25 other words, Mr. Vargas stipulates that his

1 misconduct in the instant matter and the issuance of
2 a sanction because of it violates the terms of his
3 probation as set forth in Docket Number 80665.

4 Mr. Vargas further stipulates to waiving the
5 notice and procedural requirements of a separate
6 breach hearing and further stipulates to consolidate
7 that matter into the instant proceedings.

8 Mr. Vargas has discussed with his counsel,
9 Mr. Clark, and fully understands that he has the
10 opportunity to file a responsive pleading in that
11 matter and proceed to a fully contested evidentiary
12 hearing, and by submitting this conditional guilty
13 plea he's foregoing that opportunity.

14 And lastly, Mr. Vargas shall pay SCR 120
15 costs in the amount of \$2,500 plus the hard cost of
16 these proceedings. All in all we're asking you to do
17 two things. Number one, accept the conditional
18 guilty plea that was executed yesterday; and number
19 two, based off Mr. Vargas' stipulation to consolidate
20 his previous matter to this matter and waiving his
21 procedural and notice requirements for that breach
22 hearing, we are also asking that you find Mr. Vargas
23 has breached the terms of his probation in his prior
24 disciplinary case. And with that the State Bar
25 rests.

1 CHAIR ROYAL: Okay. Thank you, Mr. Gosioco.
2 I should probably just confirm that we've just gone
3 through the conditional guilty plea from beginning to
4 end, and I want to make sure the panel members did
5 receive a copy of that conditional guilty plea and
6 were able to follow along with the State Bar's case.

7 MEMBER HOLLAND: Yes, Mr. Chairman, I
8 received it.

9 MEMBER NAQVI: Yes, Dr. Royal, I received it
10 and reviewed it.

11 CHAIR ROYAL: Okay. Now we should also
12 mention for the record Mr. Edward Vargas is present
13 in the hearing today. Is that correct, Mr. Clark?

14 MR. CLARK: Yes, he is. He's right here
15 with me.

16 CHAIR ROYAL: Okay. So I think we're ready
17 to hear from defense counsel.

18 MR. CLARK: Thank you, Mr. Chairman. This
19 is David Clark on behalf of Mr. Vargas, and
20 Mr. Vargas is here as well. Yes, Mr. Vargas signed
21 the conditional guilty plea pursuant to the terms as
22 were set forth to the panel.

23 We have stipulated strictly for purposes of
24 this plea that there was potential injury. I would
25 point out that Mr. Vargas maintains, and there's been

1 no finding otherwise, that he shares no fees with the
2 nonlawyers, that he got no fee in this case
3 regardless, and it was all passed along to
4 Mr. Printy, who, in fact, accomplished for the client
5 in January what they paid Mr. Vargas' office to do.

6 In terms of the injury, Miss Felix asked for
7 a refund of her money. She never came and got it.
8 In fact, it's still sitting across the street from
9 where see lives at the offices of LRRT.

10 But we have stipulated to those four
11 factors. We are agreeing to consolidate the prior
12 discipline and the breach hearing for the
13 misconduct -- for the sanctions that occurred from
14 the misconduct in November of 2020, but not the
15 January, as constituting a breach of the prior
16 probation.

17 And, you know, Mr. Vargas has, you know, for
18 what it's worth he's changed his practice since this.
19 He no longer allows nonlawyers to be with clients,
20 but he's looking to get this behind him, looking to
21 head towards retirement, and he's here to answer any
22 questions that you may have for him directly.

23 But we would agree with the recommendation
24 and submit it as well for approval by the panel. And
25 with that I will conclude and ask if the panel has

1 any questions of my client or me.

2 CHAIR ROYAL: Thank you, Mr. Clark.

3 Panel members, do you have any questions for
4 either the lawyers or Mr. Vargas?

5 MEMBER NAQVI: I do not.

6 MEMBER HOLLAND: Mr. Chairman, I don't
7 either.

8 CHAIR ROYAL: Okay. Does either the State
9 Bar or defense counsel have any final comments before
10 we take a recess for deliberation?

11 MR. GOSIOCO: None from the State Bar.

12 MR. CLARK: None from respondent. Thank
13 you.

14 CHAIR ROYAL: I want to thank you both for
15 your participation today and for working out the
16 conditional guilty plea. We appreciate that greatly.
17 And we will take that into consideration as we move
18 to our private chat room for deliberation.

19 Can you assist us with that, Miss Bradley.

20 (A recess was taken.)

21 CHAIR ROYAL: Okay. We are back on the
22 record. The disciplinary committee has had an
23 opportunity to hear the facts as presented by the
24 State Bar, along with their proposed discipline, as
25 well as the response by the defendant's attorney,

1 Mr. Clark, and we've taken all this into
2 consideration.

3 The conditional guilty plea outlines
4 everything, including the facts, mitigating and
5 aggravating circumstances, along with the proposed
6 discipline, so we feel, as a panel, to defer to the
7 judgment of the two attorneys that have worked out
8 the agreement of this conditional plea, since we were
9 not privy to what additional facts might have been
10 revealed through the hearing, the witnesses and so
11 forth. And so the finding of the panel is that we do
12 agree with the conditional guilty plea, and that is
13 our final recommendation.

14 Do any of the panel members have any further
15 comments or questions that they have for either of
16 the attorneys or Mr. Vargas?

17 MEMBER HOLLAND: No, Mr. Chairman.

18 MEMBER NAQVI: No.

19 CHAIR ROYAL: Okay. Is there anything else
20 we need from -- do the attorneys have any questions?

21 MR. GOSIOCO: And just briefly,
22 Mr. Chairman, for the record, does the panel also
23 find that Mr. Vargas breached the terms of his
24 probation from his prior disciplinary case?

25 CHAIR ROYAL: Yes, we do.

1 MR. GOSIOCO: Thank you, sir. Nothing
2 further from the State Bar.

3 CHAIR ROYAL: Mr. Clark?

4 MR. CLARK: Nothing further from respondent.
5 Thank you.

6 CHAIR ROYAL: I believe that this discipline
7 hearing has now come to a conclusion. The State Bar,
8 would you please help to write up the findings and
9 conclusions for us.

10 MR. GOSIOCO: Absolutely.

11 CHAIR ROYAL: Okay. Anything further you
12 need from us, Miss Bradley?

13 MS. BRADLEY: No, sir. Thank you.

14 CHAIR ROYAL: All right. Well, thank you
15 all for being here today and I hope you enjoy the
16 rest of your day. Thank you very much.

17 MR. CLARK: Thank you.

18 (Thereupon the proceedings
19 were concluded at 9:31 a.m.)

20 * * * * *

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 27th day of December, 2021.



Deborah Ann Hines, CCR #473, RPR

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STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

EDWARD E. VARGAS, ESQ.

Nevada Bar No. 8702

File No.: OBC20-1287

FORMAL HEARING

December 7, 2021 at 9:00 a.m. via Zoom

INDEX OF DOCUMENTS

DOCUMENT	PAGE NOS.
Complaint, Designation of Hearing Panel, and Declaration of Mailing Filed June 29, 2021	SBN 001-013
Answer Filed July 22, 2021	SBN 014-020
Order Appointing Hearing Panel Chair Filed August 16, 2021	SBN 021-022
Notice of Telephonic Initial Case Conference Filed August 23, 2021	SBN 023-024
Amended Notice of Telephonic Initial Case Conference Filed September 9, 2021	SBN 025-026
Scheduling Order Filed September 13, 2021	SBN 027-030
Order Appointing Formal Hearing Panel Filed September 24, 2021	SBN 031-032
Ad Hoc Panel Member Order Filed November 17, 2021	SBN 033-034

PANEL

Dr. Daniel Royal, Esq., Panel Chair

Farhan Naqvi, Esq., Panel Member

William Holland, Lay Member

Gerard Gosioco, Esq.
Bar Counsel

Tiffany Bradley
Hearing Paralegal

Edward E. Vargas, Esq.
Respondent

David A. Clark, Esq.
Counsel for Respondent



FILED

JUN 29 2021

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

Case No: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
EDWARD E. VARGAS, ESQ.,)
Nevada Bar No. 8702,)
)
Respondent.)

COMPLAINT

TO: EDWARD E. VARGAS, Esq.
The Vargas Law Office
1630 E. Sahara Ave., Ste. 1
Las Vegas, NV 89104
vargaslawlv@gmail.com

PLEASE TAKE NOTICE that pursuant to Nevada Supreme Court Rule (“SCR”) 105(2) a **VERIFIED RESPONSE OR ANSWER** to this Complaint **must be filed** with the Office of Bar Counsel, State Bar of Nevada, 3100 W. Charleston Blvd., Suite 100, Las Vegas, Nevada, 89102, **within twenty (20) days of service of this Complaint**. The procedure regarding service is addressed in SCR 109.

GENERAL ALLEGATIONS

1. Complainant, State Bar of Nevada (hereinafter “State Bar”) alleges that EDWARD E. VARGAS, Esq. (hereinafter “Respondent”), Nevada Bar No. 8702, is an active member of the State Bar, has been licensed to practice law in the State of Nevada since

1 March 26, 2004, and at all times pertinent to this Complaint, had a principal place of
2 business for the practice of law located in Clark County, Nevada.

3 2. Respondent has engaged in acts of misconduct in violation of the Nevada
4 Rules of Professional Conduct (“RPC”), requiring disciplinary sanctions.

5 3. On August 26, 2019, Jose Ramon Murillo (hereinafter “Mr. Murillo”) was
6 arrested and charged for three separate traffic citations.

7 4. The following day, Mr. Murillo plead guilty or no contest to all three charges.

8 5. According to the court dockets, Mr. Murillo was ordered to pay fines and
9 provide proof of insurance.

10 6. Bench warrants were issued because Mr. Murillo failed to pay his fines
11 and/or provide proof of insurance.

12 7. On or about January 24, 2020, Mr. Murillo and his wife, Susan Felix
13 (hereinafter “Ms. Felix”), hired Respondent through La Raza Rompe Tickets (“LRRT”).

14 8. LRRT is owned and/or operated by Jessica Alvarado (hereinafter “Jessica”) and
15 her husband, Jonathan Alvarado (hereinafter “Jonathan”).

16 9. Upon information and belief, Jessica and Jonathan are also Respondent’s
17 assistants and/or paralegals.

18 10. In his response to the State Bar, Respondent noted that LRRT is a document
19 and tax preparation business and that he does not supervise their activities.

20 11. Respondent explained that he rents office space from LRRT, and that LRRT
21 gets ticket information for him when he is not in the office.

22 12. Respondent either takes care of the tickets himself or refers them to other
23 attorneys.

24 13. Respondent stated that LRRT will schedule appointments for him to meet
25 with potential new clients on other criminal matters.

1 14. Respondent denied sharing fees with LRRT but admitted that LRRT collects
2 ticket payments and pays him the full amount of the fee.

3 15. Mr. Murillo and/or Ms. Felix did not meet with an attorney before paying
4 LRRT \$150.00 to quash the bench warrants.

5 16. Mr. Murillo's case was referred to Michael Printy, Esq. (hereinafter "Mr.
6 Printy").

7 17. On January 29, 2020, Mr. Murillo's bench warrants were quashed.

8 18. The court docket revealed that it was Mr. Murillo's "last chance per judge" to
9 comply with his requirements.

10 19. Mr. Murillo did not pay his fines, nor did he provide proof of insurance.

11 20. As such, warrants were issued again on November 3, 2020.

12 21. On or about November 19, 2020, Mr. Murillo and/or Ms. Felix paid LRRT an
13 additional \$100.00 to quash the new warrants.

14 22. Mr. Murillo's cases were again referred to Mr. Printy.

15 23. On November 19, 2020, Jessica emailed Mr. Printy informing him of the
16 referral.

17 24. Mr. Printy responded as follows: "In January the Judge said last chance on
18 payments so there's probably no way he's going to quash without a good faith payment. I
19 will still try but if client can at least get me \$100-200 on motion hearing date there will be
20 a much better chance."

21 25. Jonathan was tasked to call Ms. Felix to inform her of Respondent and/or
22 LRRT's efforts to work on Mr. Murillo's case but had the wrong file in front of him.

23 26. Accordingly, Jonathan relayed incorrect information to Ms. Felix.

24 27. Jessica, who had the correct file, attempted to reach Ms. Felix but allegedly
25 kept getting hung up on.

28. Jessica then text Ms. Felix to explain Mr. Murillo's situation and asked that she be given the opportunity to "fix this."

29. Jessica explained that Ms. Felix had two options: (1) bring a good faith payment to the office so that Mr. Printy can take the same to court with him; or (2) Jessica can issue a refund to Ms. Felix and Mr. Murillo can go in person to pay his fines in full.

30. Ms. Felix opted for the latter and stated that she will have Mr. Murillo pay the fines in person.

31. Jessica then sent the following email to Mr. Printy: “Hey Mike sorry for the inconvenience. We will no longer helping Mr. Murillo. We have refunded him due to his wife being nasty with the office.”

Count One

RPC 5.4 (Professional Independence of a Lawyer)

32. Complainant repeats and realleges the allegations contained in Paragraphs 1 through 31 as if fully incorporated herein.

33. Rule 5.4 (Professional Independence of a Lawyer) states, in pertinent part, that a lawyer “shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.”

34. Respondent knowingly formed and/or maintained a partnership with LRRT, and the activities of the partnership consisted of the practice of law.

35. Respondent's misconduct resulted in potential injury to his client, the public, and/or the legal system.

36. In light of the foregoing, including without limitation paragraphs 2 through 35, Respondent has violated Rule 5.4 (Professional Independence of a Lawyer).

///

///

Count Two

RPC 5.5 (Unauthorized Practice of Law)

37. Complainant repeats and realleges the allegations contained in Paragraphs 1 through 36 as if fully incorporated herein.

38. Rule 5.5 (Unauthorized Practice of Law) states that unless an exception applies, a lawyer shall not “practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction,” or “assist another person in the unauthorized practice of law.”

39. Respondent knowingly assisted LRRT in the unauthorized practice of law.

40. Respondent’s misconduct resulted in potential injury to his client, the public, and/or the legal system.

41. In light of the foregoing, including without limitation paragraphs 2 through 40, Respondent has violated RPC 5.5 (Unauthorized Practice of Law).

WHEREFORE, Complainant prays as follows:

42. That a hearing be held pursuant to SCR 105;

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1 43. That Respondent be assessed the costs of the disciplinary proceeding
2 pursuant to SCR 120(1); and

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

6 DATED this 29th day of June 2021.

7
8 Submitted by:
9 **STATE BAR OF NEVADA**
10 Daniel M. Hooge, Bar Counsel

11 

12 _____
13 GERARD GOSIOCO,
14 Assistant Bar Counsel
15 Nevada Bar No. 14371
16 3100 W. Charleston Blvd., Ste. 100
17 Las Vegas, NV 89102
18 *Attorneys for the State Bar of Nevada*



FILED

JUN 29 2021

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

Case No.: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
EDWARD E. VARGAS, ESQ.,)
NEVADA BAR No. 8702)
)
Respondent.)

**DESIGNATION OF
HEARING PANEL MEMBERS**

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

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

1. Russell E. Marsh, Esq., Chair
2. Dana Palmer Oswalt, Esq., Vice Chair
3. Christopher J. Lalli, Esq., Vice Chair
4. Annette L. Bradley, Esq.
5. John E. Bragonje, Esq.

- 1 6. Shemilly A. Briscoe, Esq.
- 2 7. Robert J. Caldwell, Esq.
- 3 8. Jacqueline B. Carman, Esq.
- 4 9. Andrew A. Chiu, Esq.
- 5 10. James P. Chrisman, Esq.
- 6 11. Nell E. Christensen, Esq.
- 7 12. Marc P. Cook, Esq.
- 8 13. Ira W. David, Esq.
- 9 14. Damon Dias, Esq.
- 10 15. Sandra K. DiGiacomo, Esq.
- 11 16. F. Thomas Edwards, Esq.
- 12 17. Matthew S. Fox, Esq.
- 13 18. Alan Freer, Esq.
- 14 19. Adam Garth, Esq.
- 15 20. Kelly Giordani, Esq.
- 16 21. Robert G. Giunta, Esq.
- 17 22. Angela Guingcangco, Esq.
- 18 23. Parish D. Heshmati, Esq.
- 19 24. Kenneth E. Hogan, Esq.
- 20 25. Jennifer K. Hostetler, Esq.
- 21 26. Franklin J. Katschke, Esq.
- 22 27. James T. Leavitt, Esq.
- 23 28. Michael B. Lee, Esq.
- 24 29. Anat R. Levy, Esq.
- 25 30. Jennifer R. Lloyd, Esq.

31. Donald Lowrey, Esq.
32. Dawn M. Lozano, Esq.
33. Jason R. Maier, Esq.
34. Farhan Naqvi, Esq.
35. Michael J. Oh, Esq.
36. Brian J. Pezzillo, Esq.
37. Gary A. Pulliam, Esq.
38. Michael D. Rawlins, Esq.
39. Jericho L. Remitio, Esq.
40. Miriam E. Rodriguez, Esq.
41. Vincent J. Romeo, Esq.
42. Daniel F. Royal, Esq.
43. Maria V. Saladino, Esq.
44. Africa A. Sanchez, Esq.
45. Jen J. Sarafina, Esq.
46. Jay A. Shafer, Esq.
47. Thomas R. Sheets, Esq.
48. Jeffrey G. Sloane, Esq.
49. Sarah E. Smith, Esq.
50. James R. Sweetin, Esq.
51. Stephen L. Titzer Esq.
52. Jacob J. Villani, Esq.
53. Marni Watkins, Esq.
54. Dan R. Waite, Esq.
55. Joseph Went, Esq.

- 1 56. Reed J. Werner, Esq.
- 2 57. Natalie Ann Allred, Laymember
- 3 58. Afeni Banks, Laymember
- 4 59. Brian Catlett, Laymember
- 5 60. Kathy Dalvey, Laymember
- 6 61. Brittany Falconi, Laymember
- 7 62. Joelyne Gold, Laymember
- 8 63. Elizabeth A. Hanson, Laymember
- 9 64. Jack S. Hegeduis, Laymember
- 10 65. Julia D. Hesmati, Laymember
- 11 66. William M. Holland, Laymember
- 12 67. Nicholas Kho, Laymember
- 13 68. Annette Kingsley, Laymember
- 14 69. Gale Kotlikova, Laymember
- 15 70. Benjamin S. Lurie, Laymember
- 16 71. Jo Kent McBeath, Laymember
- 17 72. Steve Moore, Laymember
- 18 73. Grace Ossowski, Laymember
- 19 74. Peter Ossowski, Laymember
- 20 75. Kellie C. Rubin, Laymember
- 21 76. Vikki L. Seelig, Laymember

22 ///

23 ///

24 ///

25 ///

1 77. Danny Lee Snyder, Jr., Laymember

2 78. Harvey Weatherford, Laymember

3
4 DATED this 29th day of June 2021.

5
6 **STATE BAR OF NEVADA**
7 Daniel M. Hooe, Bar Counsel

8
9 

10 By: _____

11 Gerard Gosioco, Assistant Bar Counsel
12 3100 W. Charleston Blvd, Ste. 100
13 Las Vegas, Nevada 89102
14 Phone: (702) 382-2200



FILED

JUN 29 2021

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

Case No.: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
EDWARD E. VARGAS, ESQ.,)
BAR NO. 8702)
)
Respondent.)

DECLARATION OF MAILING

Sonia Del Rio, under penalty of perjury, being first and duly sworn, deposes and says as follows:

1. That Declarant is employed with the State Bar of Nevada and, in such capacity, Declarant is Custodian of Records for the Discipline Department of the State Bar of Nevada.
2. That Declarant states that the enclosed documents are true and correct copies of the **COMPLAINT, FIRST DESIGNATION OF HEARING PANEL MEMBERS, and STATE BAR OF NEVADA'S PEREMPTORY CHALLENGES** in the matter of the *State Bar of Nevada vs. Edward E. Vargas, Esq.*, Case No. OBC20-1287.

1 3. That pursuant to Supreme Court Rule 109, the Complaint, First Designation of
2 Hearing Panel Members, and State Bar of Nevada's Peremptory Challenges
3 were served on the following placing copies in an envelope which was then
4 sealed and postage fully prepaid for regular and certified mail, and deposited
5 in the United States mail at Las Vegas, Nevada to:

6 Edward E. Vargas, Esq.
7 The Vargas Law Office
8 1630 E. Sahara Ave., Suite 1
9 Henderson, Nevada 89104

10 **CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 3477**

11 **And via electronic mail to:**

12 Edward E. Vargas, Esq.: vargaslawlv@gmail.com (SCR 79 email)

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Dated this 29th day of June 2021.

15 _____
16 *Sonia Del Rio*

17 Sonia Del Rio, an employee
18 of the State Bar of Nevada



FILED

JUL 22 2021

STATE BAR OF NEVADA
BY: OFFICE OF BAR COUNSEL

Case No.: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.,
Nevada Bar No. 8702

Respondent.

**RESPONDENT'S ANSWER TO
COMPLAINT**

Respondent, Edward E. Vargas, Esq., Nevada Bar No. 8702 ("Respondent"), by and through his counsel of record, David A. Clark, of LIPSON NEILSON, P.C., hereby responds to the State Bar of Nevada's Complaint as follows:

1. Answering paragraph 1, Respondent admits the allegations contained therein.
2. Answering paragraph 2, Respondent denies the allegations contained therein.
3. Answering paragraphs 3 through 8, inclusive, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the allegations.
4. Answering paragraph 9, to the extent the allegations imply employment status, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the allegations.
5. To the extent the allegations contained in paragraphs 10 & 11 comprise direct quotes from Respondent's letter to the State Bar in response to the initial grievance filed in this matter, said documents speak for themselves. To the extent the allegations are inconsistent with the documents, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the allegations.
6. Answering paragraph 12, Respondent admits the allegations contained therein.

1 7. Answering paragraph 13, Respondent admits the allegations contained therein. To
2 the extent the allegations reference any documents with respect to these allegations, said
3 documents speak for themselves. To the extent the allegations are inconsistent with the
4 documents, Respondent is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained therein and therefore deny the allegations.

6 8. Answering paragraph 14, to the extent the allegations reference documents with
7 respect to these allegations, said documents speak for themselves. To the extent the allegations
8 are inconsistent with the documents, Respondent is without knowledge or information sufficient
9 to form a belief as to the truth of the allegations contained therein and therefore deny the
10 allegations.

11 9. Answering paragraph 15, Respondent is without knowledge or information
12 sufficient to form a belief as to the truth of the allegations contained therein and therefore deny
13 the allegations.

14 10. Answering paragraph 16, Respondent admits the allegations contained therein.

15 11. Answering paragraph 17, Respondent is without knowledge or information
16 sufficient to form a belief as to the truth of the allegations contained therein and therefore deny
17 the allegations.

18 12. Answering paragraph 18, to the extent the allegations reference documents with
19 respect to these allegations, said documents speak for themselves. To the extent the allegations
20 are inconsistent with the documents, Respondent is without knowledge or information sufficient
21 to form a belief as to the truth of the allegations contained therein and therefore deny the
22 allegations.

23 13. Answering paragraphs 19 through 21, inclusive, Respondent is without
24 knowledge or information sufficient to form a belief as to the truth of the allegations contained
25 therein and therefore deny the allegations.

26 14. Answering paragraph 22, Respondent admits the allegations contained therein.

27 15. Answering paragraph 23, Respondent is without knowledge or information
28 sufficient to form a belief as to the truth of the allegations contained therein and therefore deny

1 the allegations.

2 16. Answering paragraph 24, to the extent the allegations reference documents with
3 respect to these allegations, said documents speak for themselves. To the extent the allegations
4 are inconsistent with the documents, Respondent is without knowledge or information sufficient
5 to form a belief as to the truth of the allegations contained therein and therefore deny the
6 allegations.

7 17. Answering paragraphs 25 through 31, inclusive, Respondent is without
8 knowledge or information sufficient to form a belief as to the truth of the allegations contained
9 therein and therefore deny the allegations. To the extent the allegations reference any documents
10 with respect to these allegations, said documents speak for themselves. To the extent the
11 allegations are inconsistent with the documents, Respondent is without knowledge or
12 information sufficient to form a belief as to the truth of the allegations contained therein and
13 therefore deny the allegations.

14 **Count One**

15 **RPC 5.4 (Professional Independence of a Lawyer)**

16 18. Answering paragraph 32, Defendant repeats, re-alleges and incorporates by
17 reference as though fully set forth herein the answers set forth *supra* to the allegations in the
18 Complaint numbered paragraphs 1 through 31, inclusive.

19 19. Respondent admits that the excerpt quoted in paragraph 33 accurately depicts text
20 found in Nevada's Rule of Professional Conduct 5.4, but denies any other implications.

21 20. Answering paragraphs 34 through 36 inclusive, Respondent denies the allegations
22 contained therein.

23 **Count Two**

24 **RPC 5.5 (Unauthorized Practice of Law)**

25 21. Answering paragraph 37, Defendant repeats, re-alleges and incorporates by
26 reference as though fully set forth herein the answers set forth *supra* to the allegations in the
27 Complaint numbered paragraphs 1 through 36, inclusive.

28 22. Respondent admits that the excerpt quoted in paragraph 38 accurately depicts text

found in Nevada's Rule of Professional Conduct 5.5, but denies any other implications.

23. Answering paragraphs 39 through 41, inclusive, Respondent denies the allegations contained therein.

AFFIRMATIVE DEFENSES

1. The State Bar's Complaint fails to state a claim upon which relief can be granted.

2. Respondent neither ordered, nor with knowledge of the specific conduct, ratified the alleged misconduct herein.

3. If any of the alleged Rules violations are found to have occurred by clear and convincing evidence, Respondent lacked the requisite mental state (neither intentional, knowing nor negligent) under *ABA Standards for Imposing Lawyer Sanctions* 3.0 to warrant either a finding that he violated the Rule or to warrant the imposition of a discipline sanction.

4. Neither the grievant, Susan Felix, nor her husband, Jose Ramon Murrillo (Mr. Murrillo"), was harmed or prejudiced for purposes of supporting a violation of RPC 5.4.

5. Neither the grievant, Susan Felix, nor her husband, Mr. Murrillo, was harmed or prejudiced for purposes of supporting a violation of RPC 5.5.

6. A duly licensed attorney successfully fulfilled the objective of representation, specifically quashing Mr. Murrillo's bench warrant in Henderson Municipal Court.

7. Any harm to Mr. Murrillo was directly and proximately caused by Mr. Murrillo's failure to comply with the Court's Order to make timely payments to the clerk of the court until his fine was paid in full.

8. Pursuant to SCR 102.5(2), Respondent asserts mitigating circumstances that may justify a reduction in the degree of discipline to be imposed.

9. If any of the alleged Rules violations are found to have occurred by clear and convincing evidence, the mitigating factors of SCR 102.5 outweigh any aggravating factors in the imposition of any sanction.

10. If any of the alleged Rules violations are found to have occurred by clear and convincing evidence, any imposition of lawyer sanction must reflect Respondent's individual conduct and circumstances pursuant to *ABA Standards for Imposing Lawyer Sanctions* 1.3.

1 11. The State Bar's claims are barred, in whole or in part, by the equitable doctrines of
2 laches, waiver, estoppel and/or unclean hands.

3 12. Respondent did not share ownership in his practice, nor fees or revenues with
4 nonlawyers.

5 13. All possible affirmative defenses may not have been alleged herein insofar as
6 sufficient facts were not available after reasonable inquiry upon filing of this Answer. Therefore,
7 Respondent reserves the right to amend this Answer to allege additional affirmative defenses and
8 claims, as applicable, upon further investigation and discovery.

9 WHEREFORE, Respondent prays as follows:

10 1. That the State Bar take nothing by virtue of the Complaint, and that the same be
11 dismissed with prejudice; and,

12 2. For such other relief as the Board or Court may deem just and proper.

13 Dated this 22nd day of July 2021.

14 LIPSON NEILSON P.C.

15 /s/ David A. Clark

16 By: _____

17 DAVID A. CLARK
18 Nevada Bar No. 4443
19 9900 Covington Cross Drive, Suite 120
20 Las Vegas, Nevada 89144
21 Attorneys for Respondent,
22 Edward E. Vargas, Esq.

CERTIFICATE OF SERVICE

Pursuant to DRP 18((b)(2) and NRCP 5(b), I certify that on the 22nd day of July, 2021, I served via email the foregoing **RESPONDENT'S ANSWER TO COMPLAINT** to the following:

Gerard Gosioco
Assistant Bar Counsel
3100 W. Charleston Blvd., Ste. 100
Las Vegas, NV 89102
gerardg@nvbar.org
soniad@nvbar.org

/s/ Nancy Rozan
Employee of LIPSON NEILSON P.C.

VERIFICATION

I, EDWARD E. VARGAS, ESQ, being first duly sworn, depose and say:

I am the Respondent in this matter. I have read the foregoing Answer to the Complaint in Case No. OBC20-1287 and know the contents thereof. The same are true and correct of my own knowledge except those matters stated upon information and belief and, as to those matters, I believe them to be true.


EDWARD E. VARGAS, ESQ



FILED

AUG 16 2021

STATE BAR OF NEVADA

BY: [Signature]
OFFICE OF BAR COUNSEL

Case Nos: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.

NV BAR No. 8702

Respondent.

**ORDER APPOINTING
HEARING PANEL CHAIR**

IT IS HEREBY ORDERED that the following member of the Southern Nevada
Disciplinary Board has been designated and as the Hearing Panel Chair.

1. Dr. Daniel Royal, Esq., Chair

DATED this 13 day of August, 2021.

STATE BAR OF NEVADA


By: Russell E. Marsh
Russell E. Marsh (Aug 13, 2021 13:08 PDT)
Russell E. Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **ORDER APPOINTING PANEL CHAIR** was served via email to:

1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
2. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com;
dmarquez@lipsonneilson.com
3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

DATED this 19th day of August, 2021.

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



FILED

AUG 23 2021

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Case No. OBC20-1287

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
Complainant,)
vs.)
EDWARD E. VARGAS, ESQ.,)
Nevada Bar No. 8702,)
Respondent.)

**NOTICE OF TELEPHONIC INITIAL
CASE CONFERENCE**

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **September 8, 2021, at 3:30 p.m.** The State Bar conference call number is 1-877-594-8353, participant passcode is 46855068#.

Dated this 20th day of August, 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel




Gerard Gosioco, Assistant Bar Counsel
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 electronically to:

- 4 1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
5 2. David A. Clark, Esq. ([Counsel for Respondent](#)): dclark@lipsonneilson.com;
6 dmarquez@lipsonneilson.com
7 3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

8 Dated this 23rd day of August, 2021.

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11 _____
12 Tiffany Bradley, an employee
13 of the State Bar of Nevada
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FILED

SEP -9 2021

STATE BAR OF NEVADA
BY:
OFFICE OF BAR COUNSEL

Case No. OBC20-1287

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
Complainant,)
vs.)
EDWARD E. VARGAS, ESQ.,)
Nevada Bar No. 8702,)
Respondent.)

AMENDED NOTICE OF TELEPHONIC
INITIAL CASE CONFERENCE

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **September 10, 2021, at 1:00 p.m.** The State Bar conference call number is 1-877-594-8353, participant passcode is 46855068#.

Dated this 9th day of September, 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

By:

Gerard Gosioco, Assistant Bar Counsel
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 **AMENDED**
3 **NOTICE OF TELEPHONIC INITIAL CASE CONFERENCE** was served electronically to:

- 4 1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
5 2. David A. Clark, Esq. ([Counsel for Respondent](#)): dclark@lipsonneilson.com;
6 dmarquez@lipsonneilson.com
7 3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

8 Dated this 9th day of September, 2021.

9 

10 _____
11 Tiffany Bradley, an employee
12 of the State Bar of Nevada
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FILED

SEP 13 2021

STATE BAR OF NEVADA

BY: *[Signature]*
OFFICE OF BAR COUNSEL

Case No.: OBC20-1287

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.,
NEVADA BAR No. 8702

Respondent.

Scheduling Order

Pursuant to Rule 17 of the Disciplinary Rules of Procedure ("DRP"), on Friday, September 10, 2021, at 1 p.m., Dr. Daniel Royal, Esq., the Formal Hearing Panel Chair, met telephonically with Gerard Gosioco, Esq., Bar Counsel, on behalf of the State Bar of Nevada, and David A. Clark, Esq., on behalf of Respondent 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 Tuesday, December 7, 2021**, and shall take place via Zoom or at the State Bar Office located at 3100 W. Charleston Blvd., Suite 100, Las Vegas, NV 89102.

1 **4.** On or before **September 17, 2021**, the State Bar of Nevada's initial disclosures shall
2 be served on all parties. The documents provided by the State Bar shall be bates stamped with
3 numerical designations. *See* DRP 17 (a).

4 **5.** On or before **September 27, 2021**, Respondent's initial disclosures shall be served
5 on all parties. The documents provided by the Respondent shall be bates stamped with alphabetical
6 exhibit designations. *See* DRP 17 (a).

7 **6.** On or before **October 18, 2021**, the parties shall file and serve any Motions.

8 **7.** On or before **November 2, 2021**, all oppositions to the Motions, if any, shall be
9 filed and served on the parties.

10 **8.** On or before **November 9, 2021**, the parties shall serve a Final Designation of
11 witnesses expected to testify and exhibits expected to be presented at the Formal Hearing in this
12 matter, pursuant to SCR 105(2)(d), DRP 17(a) and DRP 21.

13 **9.** All documents disclosed shall be bates stamped, the State Bar will use numerical
14 exhibit designations and Respondent will use alphabetical exhibit designations, pursuant to DRP 17.

15 **10.** On **November 20, 2021, at 9:30 a.m.**, the parties shall meet telephonically with Dr.
16 Daniel Royal, Esq. for the Pre-hearing Conference. Any pending issues, including pending Motions,
17 will be addressed at the Pre-hearing Conference. The parties shall use the State Bar conference
18 bridge (877) 594-8353 and the passcode is 46855068#.

19 Pursuant to DRP 23, at the Pre-hearing conference (i) the parties shall discuss all matters
20 needing attention prior to the hearing date, (ii) the Chair may rule on any motions or disputes
21 including motions to exclude evidence, witnesses, or other pretrial evidentiary matter, and (iii) the
22 parties shall discuss and determine stipulated exhibits proffered by either the State Bar or
23 Respondent as well as a stipulated statement of facts, if any.

24 //

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

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

Dated this ^{Sep 13, 202} _____ day of September, 2021.

SOUTHERN NEVADA DISCIPLINARY BOARD

Daniel Royal

By: Daniel Royal (Sep 13, 2021 09:41 PDT)


Dr. Daniel Royal, Esq.
Hearing Panel Chair

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **SCHEDULING ORDER** was served via email to:

1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
2. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com; dmarquez@lipsonneilson.com
3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

DATED this 13th day of September, 2021.

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



FILED

SEP 24 2021

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

Case Nos: OBC21-0044

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.

NV BAR No. 8702

Respondent.

**ORDER APPOINTING
FORMAL HEARING PANEL**

IT IS HEREBY ORDERED that the following members of the Southern Nevada Disciplinary Board have been designated as members of the formal hearing panel in the above-entitled action. The hearing will be convened on the 7th day of December, 2021 starting at 9:00 a.m. via Zoom Video Conferencing.

1. Dr. Dan Royal, Esq., Chair;
2. Marni Watkins, Esq.
3. William Holland, Laymember

DATED this 20th day of September, 2021

STATE BAR OF NEVADA

By: Russell E. Marsh
Russell E. Marsh (Sep 20, 2021 14:31 PDT)
Russell Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

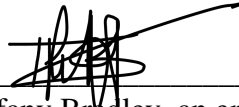
CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **ORDER APPOINTING FORMAL HEARING PANEL** was served via email to:

1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
2. Marni Watkins, Esq. (Panel Member): marnidukes@yahoo.com
3. William Holland (Laymember): Wholland2@aol.com
4. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com; dmarquez@lipsonneilson.com
5. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org

DATED this 24th day of September, 2021.

By: _____


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



FILED

Nov 16 2021

STATE BAR OF NEVADA

BY: [Signature]
OFFICE OF BAR COUNSEL

Case No.: OBC21-0044

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

EDWARD E. VARGAS, ESQ.

NV BAR No. 8702

Respondent.

AD HOC ORDER

IT IS HEREBY ORDERED that the following member of the Southern Nevada Disciplinary Board, MARNI WATKINS has been released as panel member, and will be replaced by panel member FARHAN NAQVI. The hearing will be convened on the 7th day of December, 2021 at 9:00 a.m. via Zoom Video Conferencing.

DATED this 15 day of November, 2021.

STATE BAR OF NEVADA

By: Christopher Lalli
Christopher Lalli (Nov 15, 2021 12:05 PST)

Christopher Lalli, Esq.

Nevada Bar No.5398

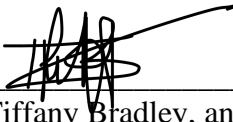
Vice-Chair, Southern Nevada Disciplinary Board

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **AD HOC ORDER** was served via email to:

1. Dr. Daniel Royal, Esq. (Hearing Panel Chair): droyal@royalmedicalclinic.com
- ~~2. Marni Watkins, Esq. (Panel Member): marnidukes@yahoo.com~~
3. Farhan Naqvi, Esq. (Panel Member): Naqvi@naqvilaw.com
4. William Holland (Laymember): Wholland2@aol.com
5. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com;
dmarquez@lipsonneilson.com
6. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org


DATED this 17th day of November, 2021.

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 Edward E. Vargas, Nevada Bar number 8702 and has verified that he was first licensed to practice law in the State of Nevada on March 26, 2004.
3. That Declarant has reviewed the State Bar of Nevada membership records and confirmed Respondent is currently active.
4. That Declarant has reviewed the State Bar of Nevada discipline records regarding Respondent and has verified that he has the following prior discipline:
 - September 13, 2005- Supreme Court Order Imposing Reciprocal Discipline for 1 year suspension, stayed 3 years, violation of RPCs 5.5 and 3.1.
 - May 31, 2012 -Public Reprimand for violation of RPCs 1.3, 3.4, 8.1, 8.4.
 - May 15, 2020 – Supreme Court Order, Suspension for 6 month + 1 day, all but first 3 months stayed for 2 years for violation of RPCs 1.3, 1.4, 1.5, 1.16, 3.2 and 3.4.

Dated this 29th day of November, 2021.

By: 
Tiffany Bradley, Hearing Paralegal

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
EDWARD E. VARGAS, ESQ.

No. 45538

FILED

SEP 13 2005

ANETTE A. ALLISON
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER IMPOSING RECIPROCAL DISCIPLINE

This is a petition under SCR 114 to reciprocally discipline attorney Edward E. Vargas, based on his suspension in California.

Vargas was admitted to practice law in Nevada on March 26, 2004. He was previously admitted to practice law in California on October 21, 1988.

On February 9, 2005, a California state bar judge entered an order approving Vargas and the California state bar's joint stipulation of facts and disposition. In summary, Vargas pleaded nolo contendere to violating the California equivalents of Nevada's SCR 189 (unauthorized practice of law) and SCR 170 (meritorious claims and contentions).

The California discipline was based on Vargas being "of counsel" to a non-attorney legal service provider and permitting non-attorneys to interview clients and to sign his name on declarations,

Effective Date: September 13, 2005
Bar Number: 8702

lw

pleadings, discovery and correspondence without seeing the documents himself. Complaints filed by the legal service provider were found by California courts to be insufficient and/or frivolous, and Vargas was sanctioned \$6,500 in one case. There were no aggravating or mitigating circumstances considered by the California State Bar Court.

Based upon this conduct, on May 27, 2005, the California Supreme Court suspended Vargas for one year, with the suspension stayed, and he was placed on probation for three years on the condition that he be actually suspended for 60 days. Vargas was also ordered to comply with the other conditions of probation recommended by the California State Bar Court, summarized as follows:

1. If Vargas is actually suspended for two or more years for probation violations, then he must prove his rehabilitation.
2. Vargas must comply with the provisions of the California State Bar Act and Rules of Professional Conduct.
3. Vargas must report any change of contact information, including his office address and telephone number, to the California State Bar's Membership Records Office and the Office of Probation within ten days of any change.
4. Within thirty days from the effective discipline date, Vargas must contact the probation office and schedule a meeting to discuss the terms and conditions of probation. During the period of probation, Vargas must promptly meet with the probation deputy as directed and upon request, either in person or by telephone.

5. Vargas must submit written quarterly reports to the probation office on each January 10, April 10, July 10, and October 10 of the probation period. Under penalty of perjury, Vargas must state whether he has complied with the California State Bar Act, the Rules of Professional Conduct, and all probation conditions during the preceding calendar quarter. Vargas must also state whether there are any proceedings pending against him in the California State Bar Court, and if so, the case number and current status of the case.
6. Vargas must answer fully, promptly and truthfully any inquiries of the probation office or probation monitor to determine whether he is complying with the probation conditions.
7. Within one year of the effective date of the discipline, Vargas must provide to the probation office satisfactory proof of attendance at a session of the California Ethics School, and proof that he has passed the test given at the end of that session.
8. Vargas must complete six hours of continuing legal education in the subject area of law office management, and must provide proof of completion to the probation office no later than 90 days before his probation expires.
9. Vargas must provide to the probation office proof that he has passed the Multi-State Professional Responsibility Examination ("MPRE") during the period of actual

suspension or within one year, whichever period is longer. Failure to pass the MPRE will result in an actual suspension without further hearing until passage.

10. If Vargas remains actually suspended for 90 days or more, he must comply with the requirements of California Rule of Court 955.

Vargas self-reported his California suspension to the State Bar of Nevada on June 14, 2005, and provided the bar with a copy of the California Supreme Court's order.

SCR 114(4) provides that this court shall impose identical reciprocal discipline unless the attorney demonstrates or this court determines that one of three exceptions applies:

- (a) That the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (b) That there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the court could not, consistent with its duty, accept the decision of the other jurisdiction as fairly reached; or
- (c) That the misconduct established warrants substantially different discipline in this state.

Discipline elsewhere is res judicata, as SCR 114(5) also provides, "[i]n all other respects, a final adjudication in another jurisdiction that an attorney has been guilty of misconduct conclusively establishes the misconduct for the purposes of a disciplinary proceeding in this state."

Vargas has failed to provide any affidavits or other evidence to meet his burden of proving that any of the exceptions to SCR 114 applies and that he should not be reciprocally disciplined in Nevada. Consequently, we grant the bar's petition for reciprocal discipline.

We note, however, that Vargas has been reinstated to the active practice of law in California as of August 25, 2005. Additionally, it appears that during the period of his California suspension, Vargas refrained from the active practice of law in Nevada and removed himself from the Nevada state bar's referral service, because he was under the impression that his reciprocal suspension in Nevada was automatic and ran concurrently with his California suspension.

Accordingly, Vargas shall be suspended from the practice of law for one year, with the suspension stayed. He shall be placed on probation for three years, and shall comply with the conditions of probation recommended by the California State Bar Court. Additionally, Vargas shall comply with the provisions of SCR 115. If Vargas fails to meet the conditions of his probation and is actually suspended for more than six months, then he must meet the requirements of SCR 116 before being reinstated. Vargas must provide the State Bar of Nevada with copies of any documents that he provides to or receives from the California State Bar's Office of Probation, including proof of attending the California Ethics School and passage of the ethics test, completion of six hours of law office management classes, and passage of the MPRE, as required by the California disciplinary order. Vargas' failure to pass the MPRE within one year from the date of this order shall result in his actual suspension from the practice of law in Nevada without further hearing until passage.

Vargas must also comply with the Nevada Rules of Professional Conduct, and SCR 79.

It is so ORDERED.¹

Becker, C. J.
Becker

Rose, J.
Rose

Maupin, J.
Maupin

Gibbons, J.
Gibbons

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
Edward E. Vargas
Perry Thompson, Admissions Office, United State Supreme Court

¹This is our final disposition of this matter. Any new proceedings concerning Vargas shall be docketed under a different docket number.

1 Case No. SG11-0647

2 STATE BAR OF NEVADA

FILED

3 SOUTHERN NEVADA DISCIPLINARY BOARD

MAY 31 2012

4 STATE BAR OF NEVADA,)

5 Complainant,)

6 vs.)

7 EDWARD E. VARGAS, ESQ.,)

8 Bar No. 8702,)

9 Respondent.)

STATE BAR OF NEVADA

10 PUBLIC REPRIMAND

11 TO: EDWARD E. VARGAS, ESQ.

12
13
14 In a criminal case which underlies the above-referenced disciplinary case, you
15 represented a client in the Eighth Judicial District Court whose conviction ultimately was
16 appealed to the Nevada Supreme Court ("Supreme Court"), which subsequently referred the
17 instant matter to the State Bar of Nevada ("State Bar") pursuant to Supreme Court Rule
18 ("SCR") 105.

19 You initially represented Manuel Flores ("Flores") in a criminal matter entitled *State of*
20 *Nevada vs. Manuel Flores*, Case No. 10-C-264453, which originally was heard in the Eighth
21 Judicial District Court.

22 ///

23 ///

24 ///

1 On November 1, 2010, Flores filed a *pro per* Notice of Appeal with the Supreme
2 Court. On the same day, the Supreme Court's Clerk of the Court issued a Notice to Request
3 Rough Draft Transcripts which directed you to file a rough draft transcript request form
4 pursuant to Nevada Rule of Appellate Procedure ("NRAP") 3C(d)(3) within ten (10) days.
5 The Notice warned you that failure to comply with the Court's directive could result in the
6 imposition of sanctions pursuant to NRAP 3C(n).

7 You did not file the Request within the period of ten (10) days. Therefore, the
8 Supreme Court entered an order on December 6, 2010, which:

- 9 1. Conditionally imposed sanctions of \$500 upon you, and directed you to pay the
10 sanction to the Supreme Court Law Library and provide proof of payment to the
11 Supreme Court within fifteen (15) days; and
- 12 2. Directed you to, within ten (10) days, file two (2) file-stamped copies of the rough
13 draft transcript request form or a certificate that no transcripts were being
14 requested.

15 The Court's order of December 6, 2010, also stated that if you filed the documents in
16 a timely manner, the conditional sanctions would be automatically vacated. Finally, the order
17 reminded you that the fast track statement and appendix in Flores' case were due by
18 December 13, 2010.

19 In response, you sent a letter to the Supreme Court on December 31, 2010,
20 acknowledging that you did not file the appeal in the *Flores* case. You stated that your
21 representation of Mr. Flores had ended at the sentencing hearing in District Court, and you
22 had been so informed by the Flores family. You also told the Supreme Court that you had
23 been contacted by another law firm which you believed would thereafter handle Flores'
24 appeal, and that you had "no intentions of pursuing any appeal" for Mr. Flores.
25

1 Thereafter, despite three (3) orders (dated January 19, February 9 and March 10,
2 2011) from the Supreme Court instructing you to do so, you filed no further documents in the
3 *Flores* matter. In an order dated May 4, 2011, the Supreme Court:

- 4 1. Removed you as counsel-of-record in the *Flores* matter;
- 5 2. Imposed sanctions upon you totaling \$1,500, which was to be paid within ten (10)
6 days to the Supreme Court Law Library; and
- 7 3. Referred this matter to the State Bar of Nevada for review.

8 In correspondence to the State Bar and in testimony to a Formal Hearing panel of the
9 Southern Nevada Disciplinary Board, you stated a belief that you could not file any appellate
10 documents on behalf of Mr. *Flores* because you had been instructed not to do so by the
11 client and/or his family; there were no legal grounds for filing an appeal; and it was your
12 understanding that another attorney had taken over Mr. *Flores*' representation.

13 The Panel is sympathetic to the apparent ethical quandary in which you found yourself
14 in being asked to file documents in an appeal in which you had no part, and for a client who
15 did not desire your services, with a promised substitute counsel ready to take over handling
16 the matter.

17 However, as disciplinary panel members and the Office of Bar Counsel have
18 explained to you, an attorney cannot simply ignore orders from a court, especially the
19 Supreme Court. In this matter, the only response which you provided to the Supreme Court
20 at all came after you were initially sanctioned and was simply a letter, not a proper motion,
21 expressing your position and concerns.

22 ///

23 ///

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1 As an experienced lawyer with more than twenty (20) years of experience, you should
2 have known that this was improper and inadequate. Moreover, after the Supreme Court
3 generously construed your letter as a motion and ruled on same, you completely ignored
4 their subsequent orders directing you to take certain actions.

5 The language of NRAP 3C mandated the conduct which was the subject of the orders
6 from the Supreme Court. While you might have felt uncomfortable in that role, it was not an
7 ethical violation to so act because the Rule required it and the Supreme Court ordered it.
8 Further, there were other alternative actions which you could have taken, such as having
9 new counsel immediately substitute in as counsel or have the Flores family write a letter to
10 the Supreme Court refusing to accept your assistance any further. Inaction, especially in the
11 form of ignoring specific directions from the Supreme Court, was not an option and was
12 conduct worthy of this reprimand.

13 Failure to comply, or at least properly reply, to any court orders, especially from the
14 Nevada Supreme Court, is inappropriate and unacceptable.

15 In mitigation, you ultimately cooperated with the State Bar's investigation and
16 accepted responsibility for your action. You also have paid the sanctions imposed by the
17 Supreme Court. In addition, the Formal Hearing Panel senses that you are truly remorseful
18 for your actions and now realize the impropriety of such. The Panel expects that there will be
19 no replication of this behavior. For these reasons, the Panel is issuing only a Public
20 Reprimand rather than recommending more severe discipline.

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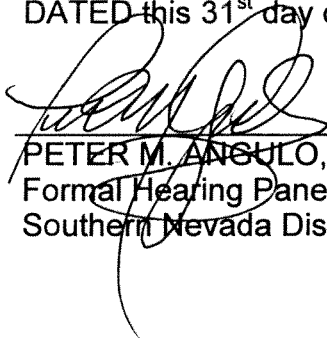
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1 In light of the foregoing, you violated Rule of Professional Conduct ("RPC") 1.3
2 (Diligence), RPC 3.4(c) (Fairness to Opposing Party and Counsel: Knowingly disobeying an
3 obligation under the rules of a tribunal), RPC 8.1(b) (Bar Admission and Disciplinary
4 Matters), and RPC 8.4(d) (Misconduct: Engaging in conduct that is prejudicial to the
5 administration of justice), and are hereby PUBLICLY REPRIMANDED.

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7 DATED this 31st day of May, 2012.

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10 PETER M. ANGULO, ESQ.
11 Formal Hearing Panel Chair
12 Southern Nevada Disciplinary Board
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IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
EDWARD E. VARGAS, BAR NO. 8702

No. 80665

FILED

MAY 15 2020

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

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Edward E. Vargas. Under the agreement, Vargas admitted to violating RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.5 (fees), RPC 1.16 (declining or terminating representation), RPC 3.2 (expediting litigation), and RPC 3.4 (fairness to opposing party and counsel). Under the agreement, Vargas agreed to a six-month-and-one-day suspension, with all but the first three months stayed for two years, subject to certain conditions. He also agreed to the payment of costs.


Vargas has admitted to the facts and violations as part of his guilty plea agreement. The record therefore establishes that he violated the above-listed rules by knowingly entering into a contingency fee agreement that did not include required language; failing to properly communicate with his client about the status of the client's case; failing to respond to motions filed by opposing counsel, leading to the case being adjudicated against his client; and failing to appear at multiple hearings.

The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. In determining the appropriate discipline, we weigh four factors: “the duty violated, the lawyer’s mental state, the potential or actual injury caused by the lawyer’s misconduct, and the existence of aggravating or mitigating factors.” *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Based on the duties Vargas violated, and because he acted knowingly and his conduct resulted in actual or potential injury to his client and the profession, the baseline sanction before factoring aggravating and mitigating circumstances is suspension. See Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.42 (Am. Bar Ass’n 2018) (providing that suspension is generally appropriate when “a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client”). The record supports the panel’s findings of four aggravating circumstances (prior disciplinary offenses, pattern of misconduct, multiple offenses, and substantial experience in the practice of law), and four mitigating circumstances (absence of dishonest or selfish motive, full and free disclosure to disciplinary authority/cooperative attitude, physical disability, and remorse). Considering the factors outlined in *Lerner*, we conclude that the recommended discipline is appropriate and serves the purpose of attorney discipline. See *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (recognizing that the purpose of attorney discipline is to protect the public, courts, and the legal profession, not to punish the attorney).

Accordingly, commencing from the date of this order, we hereby suspend attorney Edward E. Vargas from the practice of law in Nevada for a period of six months and one day with all but the first three months stayed for a period of two years. During the two-year probationary period, Vargas must (1) not have any new grievances filed against him arising out of conduct post-dating the conditional guilty plea agreement that results in a letter of reprimand or greater discipline; and (2) obtain a "practice of law mentor" who must submit quarterly reports to the State Bar and with whom Vargas must meet at least monthly for guidance on his legal practice. Additionally, Vargas must pay the costs of the disciplinary proceeding, including \$2,500 under SCR 120 within 30 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.


Gibbons J.


Stiglich J.


Silver J.

cc: Edward E. Vargas
Chair, Southern Nevada Disciplinary Board
Bar Counsel, State of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court