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Case No. 22-00000
Electronically Filed
Aug 04 2022 12:08 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

VOLUME I

**RECORD OF DISCIPLINARY PROCEEDINGS,
PLEADINGS AND TRANSCRIPT OF HEARING**

Derrick S. Penney, Esq.
Nevada Bar No. 8606
547 Los Dolces Street
Las Vegas, NV 89138
Respondent

IN RE: DISCIPLINE OF)
DERRICK S. PENNEY, ESQ.,)
Bar No. 8606)
)
)
)
)

IN RE: DISCIPLINE OF)
DERRICK S. PENNEY, ESQ.,)
Bar No. 8606)
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IN RE: DISCIPLINE OF)
DERRICK S. PENNEY, ESQ.,)
Bar No. 8606)
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IN RE: DISCIPLINE OF)
DERRICK S. PENNEY, ESQ.,)
Bar No. 8606)
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IN RE: DISCIPLINE OF)
DERRICK S. PENNEY, ESQ.,)
Bar No. 8606)
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Respondent was not substantively responsive to repeated State Bar inquiries for information. The Respondent did not deposit about \$9,000 in fees for the Perez representation in his trust account.

2. Number of Grievances

This case arose from a single grievance.

3. Rules of Professional Conduct

The Panel found that Respondent violated RPC 1.3 (Diligence), RPC 1.4(a) (Communication), RPC 1.15(a) & (d) (Safekeeping Property), and RPC 8.1 (Disciplinary Matters).

4. Mental State

The Panel found that Respondent's mental state in committing four professional rule violations was knowing.

5. Injury

The Panel found that Respondent's conduct caused actual injury to the client, potential injury to the legal profession and actual minor injury to the legal system.

6. Discipline Baseline

The Panel considered ABA Annotated Standards for Imposing Lawyer Sanctions (2nd Ed. 2019), applying section 4.4 for Counts I & II (Diligence & Communication), section 4.12 for Count IV (Safekeeping

Property) and section 7.2 for Count V (Bar Disciplinary Matters) to arrive at a baseline sanction of Suspension.

7. Aggravation and Mitigation

Pursuant to SCR 102.5(1), the Panel found the following aggravating factors in considering the discipline to be imposed:

- (a) prior disciplinary offenses;
- (d) multiple offenses;
- (i) substantial experience in the practice of law.

Pursuant to SCR 102.5(2), the Panel found the following mitigating factors in considering the discipline to be imposed:

- (e) cooperative attitude toward the proceedings; and
- (*) substantial recent personal life changes.

8. Summary of the Recommended Discipline

The Panel recommended this court suspend Respondent from the practice of law for 6 months and 1 day, concurrent to his existing suspension issued by this court on April 29, 2022 in case number 84201.

The Panel recommended Respondent yield to binding fee dispute with Perez through the State Bar Fee Dispute program. The Panel

///

1 recommended that this court order the SCR 120(3) costs of \$2,500 and the
2 SCR 120(1) hearing costs against Respondent.

3 DATED this 28th day of July 2022.

4 **STATE BAR OF NEVADA**

5
6 *Bruce Hahn*

7 By: _____
8 Bruce C. Hahn, Assistant Bar Counsel
9 Nevada Bar No. 5011
3100 W. Charleston Blvd. Suite 100
Las Vegas, Nevada 89102
(702) 382-2200

INDEX

Description	Page Nos.	Vol. No.
Ad Hoc Order Filed May 2, 2022	ROA Page 053-054	I
Answer Filed March 8, 2022	ROA Page 021-025	I
Certificate of Mailing Record on Appel Dated August 2, 2022	ROA Page 079	I
Complaint, Designation of Hearing Panel Members, Declaration of Mailing Filed January 18, 2022	ROA Page 001-018	I
Conditional Guilty Plea in Exchange for a Stated Form of Discipline Filed May 17, 2022	ROA Page 057-065	I
Findings of Fact, Conclusions of Law & Recommendation Filed July 26, 2022	ROA Page 066-071	I
Notice of Intent to Proceed on a Default Basis Filed February 15, 2022	ROA Page 019-020	I
Notice of Telephonic Initial Case Conference Filed March 21, 2022	ROA Page 028-029	I
Order Appointing Formal Hearing Panel Filed March 30, 2022	ROA Page 034-035	I
Order Appointing Hearing Panel Chair Filed March 10, 2022	ROA Page 026-027	I
Order Appointing Mediator Filed May 6, 2022	ROA Page 055-056	I
Respondent's Initial Summary of Evidence and Disclosure of Witnesses for Formal Hearing Filed April 7, 2022	ROA Page 041-042	I
Scheduling Order Filed March 24, 2022	ROA Page 030-033	I
State Bar of Nevada's Final Summary of Evidence and Disclosure of Witnesses for Formal Hearing Filed April 26, 2022	ROA Page 043-047	I
State Bar of Nevada's Initial Summary of Evidence and Disclosure of Witnesses for Formal Hearing Filed March 30, 2022	ROA Page 036-040	I

Description	Page Nos.	Vol. No.
State Bar of Nevada's Memorandum of Costs Filed August 2, 2022	ROA Page 072-078	I
Subpoena & Request to Produce Filed April 28, 2022	ROA Page 051-052	I
Trial Subpoena Filed April 26, 2022	ROA Page 048-050	I

TRANSCRIPTS & EXHIBITS

Description	Page Nos.	Vol. No.
Transcript of Proceedings Held on May 18, 2022	ROA Page 080-150	II
SBN Exhibit 1- Hearing Packet	ROA Page 151-188	II
SBN Exhibit 2- Declaration of Prior Discipline	ROA Page 189-193	II
SBN Exhibit 3- Correspondence from Grievant to SBN dated April 23, 2021	ROA Page 194-200	II
SBN Exhibit 4- Correspondence from Respondent to SBN dated June 10, 2021	ROA Page 201-202	II
SBN Exhibit 5- U.S. District Court Docket for case no. 2:17-cv-01393-JCM-VCF	ROA Page 203-206	II
SBN Exhibit 6- Notice of Appearance	ROA Page 207	II
SBN Exhibit 7- Motion for Stay and Abeyance	ROA Page 208-210	II
SBN Exhibit 8- District Court Docket for case C-12- 283650-1	ROA Page 211-214	II
SBN Exhibit 9 – District Court case search for Ricardo Perez	ROA Page 215-216	II
SBN Exhibit 10 – U.S. District Court case search for Ricardo Perez	ROA Page 217	II
SBN Exhibit 11- Retainer Agreement dated July 11, 2017 and Receipt for \$5,000	ROA Page 218-222	II

Description	Page Nos.	Vol. No.
SBN Exhibit 12 – Retainer Agreement dated March 1, 2018	ROA Page 223-224	II
SBN Exhibit 13 – Receipt dated August 18, 2018 for Payment of \$1,000	ROA Page 225	II
SBN Exhibit 14 – Tami Doran’s text message with Respondent and Deposit Slip for payment	ROA Page 226-376	II
SBN Exhibit 15 – Purchase copy of Cashier’s checks dated May and July 2018	ROA Page 377	II
SBN Exhibit 16 – Respondent’s Wells Fargo Bank Deposit Records for account ending xx954	ROA Page 378-384	II
SBN Exhibit 17 – Grievant’s correspondence to Respondent dated February 20, 2021	ROA Page 385-386	II
SBN Exhibit 18 – State Bar’s reconciliation of Respondent’s Business Checking account ending xx4775	ROA Page 387-400	II
SBN Exhibit 19 – Conditional Guilty Plea	ROA Page 401-409	II



FILED

JAN 18 2022

STATE BAR OF NEVADA
BY:
OFFICE OF BAR COUNSEL

Case No.: OBC21-0386

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, Esq.)
Nevada Bar No. 8606)
)
Respondent.)

COMPLAINT

TO: Derrick S. Penney, Esq.
50 W. Fifth St. Winnemucca, NV 89445
(SCR 79 Permanent Mailing address)

AND

Derrick S. Penney, Esq.
Derrick.Penney@humboldtcountynv.gov
(SCR 79 Current Email Address)

PLEASE TAKE NOTICE that pursuant to 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., Ste. 100, Las Vegas, Nevada, 89102, within twenty (20) days of service of this Complaint. Procedure regarding service is addressed in SCR 109.

Complainant, State Bar of Nevada ("State Bar"), by and through Assistant Bar Counsel Bruce C. Hahn, is informed and believes as follows:

///

1 1. Respondent Joseph Derrick Stephen Penney, Esq., (“Respondent”) is currently
2 an active member of the State Bar of Nevada and has been licensed to practice law in Nevada
3 since 2003.

4 2. At all times pertinent to this complaint Respondent had his principal place of
5 business for the practice of law located in Clark County and thereafter Humboldt County,
6 Nevada. At pertinent times prior to or during March 2021, the Respondent reported to the
7 State Bar pursuant to SCR 79 that his permanent mailing address was: 2800 W. Sahara Ave.,
8 Suite 7C, Las Vegas, NV 89102. Sometime during or after March 2021, Respondent reported
9 to the State Bar pursuant to SCR 79 that his permanent mailing address was: 50 W. Fifth
10 Street, Winnemucca, NV 89445.

11 3. On or about March 28, 2021, Respondent’s client Ricardo Perez (“Perez” or
12 “Grievant”) filed a grievance with the Nevada State Bar regarding Respondent.

13 4. On or about July 11, 2017, Perez retained the Respondent to pursue post-
14 conviction relief in State court from a November 25, 2014, felony conviction in Clark County
15 District Court. Perez was then and is currently an inmate with the Nevada Department of
16 Corrections. An initial “flat fee” of \$5,000 was paid by Perez via his mother Tammy Doran
17 (“Doran”) to Respondent.

18 5. On or about March 2018, Perez agreed to an amended retainer agreement
19 payment of a “flat fee” of \$20,000, less the \$5,000 previously paid. This \$15,000 residual sum
20 was paid out in full in monthly payments with the final payment made January 31, 2019. This
21 amended agreement contemplated pursuing relief in State and Federal court.

22 6. Perez and the Respondent agreed to seek a forensic pathologist expert opinion
23 to help advances theories of conviction relief. Perez or Doran paid the expert directly a \$5,000
24 fee.

25 ///

1 7. Beginning January 2019 through July 12, 2021, attorney-client communication
2 was substantially impaired. The Respondent ceased to respond to reasonable requests
3 initiated by Perez and/or Doran by text messages and/or phone messages to discuss case
4 developments and strategy to advance theories of post-conviction relief in State and/or
5 Federal court.

6 8. Respondent ceased to return Perez's multiple phone messages for several weeks
7 at a time from May 2020 to March 2021.

8 9. Respondent failed to appear at previously scheduled phone appointments to
9 include July 17, 2020, August 21, 2020, October 9, 2020, and October 23, 2020, without
10 advance notice.

11 10. Respondent refused to provide a rough draft of the expert report for many
12 months and refused to provide a final copy of the finished expert report to Perez upon request.

13 11. Respondent relocated his Las Vegas practice location to Northern Nevada
14 without notice to Perez, nor offered notice of his professional practice change to government
15 practice in October 2020.

16 12. On or about February 20, 2021, Perez wrote Respondent a letter sent by US mail
17 requesting that he advise him of what was accomplished for the \$20,000 paid in fees. Perez
18 received no reply from Respondent.

19 13. On or between the months of March and April 23, 2021, Perez wrote Respondent
20 a letter sent by US mail requesting that he contact him. Perez received no reply from
21 Respondent.

22 14. On or about April 12, 2021, the State Bar emailed a Letter of Investigation to the
23 Respondent's SCR 79 email address of Derrick.Penney@humbolddcountynv.gov. The Letter
24 sought Respondent's response to the Perez grievance and requested he provide a series of
25 documents to include the retainer agreement, receipts, billings, client correspondence and

1 court pleadings, by April 26, 2021.

2 15. On or about April 26, 2021, the Respondent sent the State Bar a letter by US mail
3 of about three paragraphs without attachments. Respondent stated he sought out experts,
4 obtained a partially favorable report but “didn’t get anywhere in Federal Court.” He stated
5 that State court was no longer a viable option as the statute had expired. Respondent sought
6 two weeks to obtain the Perez file from storage to be able to respond.

7 16. On or about May 6, 2021, the State Bar sent another Letter of Investigation to
8 the Respondent’s SCR 79 physical address by certified mail, seeking his response by May 20.

9 17. On or about May 27, 2021, the State Bar emailed the Respondent seeking the
10 supplemental information he stated he would provide within two weeks’ time of his April 26
11 letter. The State Bar’s May 27 letter requested that Respondent provide the needed
12 information by June 10.

13 18. On or about June 10, 2021, the Respondent sent a letter to the State Bar by US
14 mail stating he would provide the documentation by June 24, 2021. The Respondent did not
15 provide the State Bar the documentation he represented he would.

16 19. The State Bar initiated its own investigation into the court record involving
17 Respondent’s efforts in seeking post-conviction relief on Perez’s behalf.

18 20. The Federal court record revealed the Respondent filed a one-page appearance
19 pleading and a two-page pleading on March 2, 2018. The document was entitled “Motion for
20 Stay and Abeyance,” seeking a stay of the Federal Habeas action pending a return to State
21 Court to exhaust further relief claims. On February 6, 2019, the Federal court dismissed
22 Respondent’s motion finding an insufficient showing was made for a stay. Respondent made
23 no further filings in this case. On June 3, 2019, the court dismissed the case.

24 21. The State court record revealed no filings by the Respondent.

25 ///

1 22. The State Bar examined the Respondent's Trust Account ("IOLTA") and
2 Business Operating Account transactions from August 2018 through April 2021. The IOLTA
3 and Operating Account records reflect \$6,000 in deposits from Doran on Perez's behalf from
4 August 2018 to January 2019. Of this \$6,000 sum in fees, Respondent only placed \$1,000 of
5 these fees in his Trust Account in October 2018. Respondent placed the residual \$5,000 in
6 fees directly into his Business Operating Account.

7 23. On or about December 6, 2021, the Respondent provided Perez via Doran with
8 an apparent partial refund of \$5,000.

9 **COUNT ONE: RPC 1.3 (Diligence)**

10 24. RPC 1.3 states: "A lawyer shall act with reasonable diligence and promptness in
11 representing a client."

12 25. On or after March 2, 2018, through July 4, 2019, Respondent failed to act with
13 reasonable diligence in the Perez representation by not filing a sufficiently supported motion
14 in Federal court, and/or taking remedial action with that motion before the court, which
15 resulted in dismissal of Perez's case.

16 26. Based on the foregoing paragraphs, Respondent has violated RPC 1.3.

17 **COUNT TWO: RPC 1.4(a) (Communication)**

18 27. RPC 1.4(a) states in relevant part: "(a) A lawyer shall: (1) Promptly inform the
19 client of any decision or circumstance with respect to which the client's informed consent is
20 required by these Rules; (3) Keep the client reasonably informed about the status of the matter;
21 (4) Promptly comply with reasonable requests for information;"

22 28. Here, Respondent failed to properly communicate with Perez directly or
23 indirectly via Doran by:

- 24 i) Not informing Perez of his professional relocation to Northern Nevada, and/or not
25 informing him of his transition to full-time government employment,

1 circumstances to which the client would need to be informed to decide whether to
2 continue with representation, and/or,

3 ii) Not keeping Perez directly or indirectly via Doran reasonably informed about the
4 status of the post-conviction objective developments, to include not keeping
5 scheduled appointments including July 17, 2020, and/or August 20, 2020, and/or
6 October 9, 2020 and/or October 23, 2020, and/or,

7 iii) Not timely returning phone calls and/or text messages from Perez and/or Doran
8 from January 2019 through July 2021, and/or,

9 iv) Not providing Perez with a copy of the rough draft expert report after months of
10 requests and/or not providing a copy of the expert final report, and/or,

11 v) Not providing an accounting of the expenditure of \$20,000 in fees in response to
12 Perez's written request(s) to Respondent on or after February 20, 2021.

13 29. Based on the foregoing paragraphs, Respondent violated RPC 1.4.

14 **COUNT THREE: RPC 1.5(a) (Fees)**

15 30. RPC 1.5(a) states in relevant part: "A lawyer shall not make an agreement for,
16 charge or collect an unreasonable fee or an unreasonable amount for expenses."

17 31. Respondent charged or collected an unreasonable fee from Perez via Doran by
18 having him and/or her pay \$20,000 in fees when:

19 i) Insufficient and/or unreported work was performed for fees paid, and/or,

20 ii) Respondent did not timely return unearned fees for services.

21 32. Based on the foregoing paragraphs, Respondent violated RPC 1.5(a).

22 **COUNT FOUR: RPC 1.15(a), (c) (Safekeeping Property)**

23 33. RPC 1.15(a), (c) states in relevant part:

24 (a) A lawyer shall hold funds or other property of clients or third persons that is
25 in a lawyer's possession in connection with a representation separate from the
lawyer's own property. All funds received or held for the benefit of clients by a

1 lawyer or firm, including advances for costs and expenses, shall be deposited in
2 one or more identifiable bank accounts designated as a trust account...

3 (c) A lawyer shall deposit into a client trust account legal fees and expenses that
4 have been paid in advance, to be withdrawn by the lawyer only as fees are
5 earned or expenses incurred.

6 34. From August 2018 through January 2019, Respondent failed to deposit about
7 \$5,000 fees paid in installments into a client trust account and separate from his own property.

8 35. Based on the foregoing paragraphs, Respondent violated RPC 1.15.

9 **COUNT FIVE: RPC 8.1 (Bar Disciplinary Matters)**

10 36. RPC 8.1 states in relevant part: "...a lawyer in connection with...a disciplinary
11 matter, shall not: (b) "... knowingly fail to respond to a lawful demand for information from an
12 admissions or disciplinary authority; ..."

13 37. On or about April 12, 2021, the State Bar opened a disciplinary file and
14 investigation into Respondent's professional conduct based upon the Perez grievance. The
15 State Bar sought to communicate with Respondent in the ensuing months by letter and email,
16 making lawful demand(s) for information.

17 38. Respondent failed to:

18 i) Substantively respond to the State Bar's emailed letter of investigation and request
19 for information of April 12, 2021, and/or,

20 ii) Provide the State Bar with information "within two weeks' time" as represented by
21 Respondent in his letter to the State Bar of April 26, 2021, and/or,

22 iii) Respond to the State Bar's certified mail letter of investigation and request for
23 information of May 6, 2021, seeking Respondent's response by May 20, and/or,

24 iv) Substantively respond to the State Bar's emailed letter of investigation and request
25 for information of May 27, 2021, seeking Respondent's response by June 10, and/or,

v) Provide the State Bar with information by June 24, 2021, as represented by
Respondent in his June 10, 2021, letter to the State Bar.

39. Based on the foregoing paragraphs, Respondent violated RPC 8.1.

WHEREFORE, Complainant seeks for relief as follows:

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

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

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

Dated this 14th day of January 2022.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Bruce Hahn

By: _____

Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada, 89102



FILED

JAN 18 2022

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Case No.: OBC21-0386

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

**DESIGNATION OF FORMAL
HEARING PANEL MEMBERS**

TO: Derrick S. Penney, Esq.
50 W. Fifth St. Winnemucca, NV 89445
(SCR 79 Permanent Mailing address)

AND

Derrick S. Penney, Esq.
Derrick.Penney@humboldtcountynv.gov
(SCR 79 Current Email Address)

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

- | | | |
|----|-----|--|
| 1 | 2. | Dana Palmer Oswalt, Esq., Vice Chair |
| 2 | 3. | Christopher J. Lalli, Esq., Vice Chair |
| 3 | 4. | Sarah E. Atwood, Esq. |
| 4 | 5. | Neil Beller, Esq. |
| 5 | 6. | Annette L. Bradley, Esq. |
| 6 | 7. | John E. Bragonje, Esq. |
| 7 | 8. | Shemilly A. Briscoe, Esq. |
| 8 | 9. | Amanda Brookyser, Esq. |
| 9 | 10. | Robert J. Caldwell, Esq. |
| 10 | 11. | Jacqueline B. Carman, Esq. |
| 11 | 12. | Andrew A. Chiu, Esq. |
| 12 | 13. | James P. Chrisman, Esq. |
| 13 | 14. | Marc P. Cook, Esq. |
| 14 | 15. | Ira W. David, Esq. |
| 15 | 16. | Damon Dias, Esq. |
| 16 | 17. | Sandra K. DiGiacomo, Esq. |
| 17 | 18. | F. Thomas Edwards, Esq. |
| 18 | 19. | Matthew S. Fox, Esq. |
| 19 | 20. | Alan Freer, Esq. |
| 20 | 21. | Adam Garth, Esq. |
| 21 | 22. | Kelly Giordani, Esq. |
| 22 | 23. | Robert G. Giunta, Esq. |
| 23 | 24. | Angela Guingcangco, Esq. |
| 24 | 25. | Parish D. Heshmati, Esq. |
| 25 | 26. | Kenneth E. Hogan, Esq. |

- | | |
|----|---------------------------------|
| 1 | 27. Jennifer K. Hostetler, Esq. |
| 2 | 28. David Kaplan, Esq. |
| 3 | 29. Franklin J. Katschke, Esq. |
| 4 | 30. James T. Leavitt, Esq. |
| 5 | 31. Michael B. Lee, Esq. |
| 6 | 32. Jennifer R. Lloyd, Esq. |
| 7 | 33. Donald Lowrey, Esq. |
| 8 | 34. Dawn M. Lozano, Esq. |
| 9 | 35. Roger Madsen, Esq. |
| 10 | 36. Jason R. Maier, Esq. |
| 11 | 37. Farhan Naqvi, Esq. |
| 12 | 38. Michael J. Oh, Esq. |
| 13 | 39. Gary A. Pulliam, Esq. |
| 14 | 40. Paul "Luke" Puschnig, Esq. |
| 15 | 41. Michael D. Rawlins, Esq. |
| 16 | 42. Jericho L. Remitio, Esq. |
| 17 | 43. Jarrod L. Rickard, Esq. |
| 18 | 44. Miriam E. Rodriguez, Esq. |
| 19 | 45. Vincent J. Romeo, Esq. |
| 20 | 46. Daniel F. Royal, Esq. |
| 21 | 47. Maria V. Saladino, Esq. |
| 22 | 48. Africa A. Sanchez, Esq. |
| 23 | 49. Jen J. Sarafina, Esq. |
| 24 | 50. Jay A. Shafer, Esq. |
| 25 | 51. Thomas R. Sheets, Esq. |

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|----|------------------------------------|
| 1 | 52. Jeffrey G. Sloane, Esq. |
| 2 | 53. James R. Sweetin, Esq. |
| 3 | 54. Stephen L. Titzer Esq. |
| 4 | 55. Jacob J. Villani, Esq. |
| 5 | 56. Marni Watkins, Esq. |
| 6 | 57. Dan R. Waite, Esq. |
| 7 | 58. Joseph Went, Esq. |
| 8 | 59. Reed J. Werner, Esq. |
| 9 | 60. Natalie Ann Allred, Laymember |
| 10 | 61. Afeni Banks, Laymember |
| 11 | 62. Brian Catlett, Laymember |
| 12 | 63. Alexander Falconi, Laymember |
| 13 | 64. Brittany Falconi, Laymember |
| 14 | 65. Joelyne Gold, Laymember |
| 15 | 66. Elizabeth A. Hanson, Laymember |
| 16 | 67. Jack S. Hegeduis, Laymember |
| 17 | 68. Julia D. Hesmati, Laymember |
| 18 | 69. William M. Holland, Laymember |
| 19 | 70. Nicholas Kho, Laymember |
| 20 | 71. Annette Kingsley, Laymember |
| 21 | 72. Gale Kotlikova, Laymember |
| 22 | 73. Todd Krome, Laymember |
| 23 | 74. Benjamin S. Lurie, Laymember |
| 24 | 75. Jo Kent McBeath, Laymember |
| 25 | 76. Steve Moore, Laymember |

- 1 77. Kellie C. Rubin, Laymember
2 78. Danny Lee Snyder, Jr., Laymember
3 79. Harvey Weatherford, Laymember
4

5 Dated this 14th day of January 2022.
6

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

9 *Bruce Hahn*

10 By: _____

11 Bruce C. Hahn, Assistant Bar Counsel
12 Nevada Bar No. 5011
13 3100 W. Charleston Blvd., Ste. 100
14 Las Vegas, Nevada, 89102
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FILED

JAN 18 2022

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Case No.: OBC21-0386

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

BRUCE D. TINGEY, ESQ.,
Nevada Bar No. 5151,

Respondent.

DECLARATION OF MAILING

Tiffany Bradley, 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, DISCIPLINARY RULES OF PROCEDURE – AMENDED NOVEMBER 3, 2021, ADKT 516 and ADKT 518** in the matter of the *State Bar of Nevada vs. Derrick Stephen Penney, Esq.*, Case No. OBC21-0386.
3. That pursuant to Supreme Court Rule 109, the Complaint, First Designation of Hearing Panel Members, and State Bar of Nevada's Peremptory Challenges were served on the following placing copies in an envelope which was then sealed and

1 postage fully prepaid for regular and certified mail, and deposited in the United
2 States mail at Las Vegas, Nevada to:

3 Derrick S. Penney, Esq.
4 50 W. Fifth Street
5 Winnemucca, NV 89445
6 **Certified Mail: 7021 1970 0000 0350 3897**

6 **And via electronic mail to:**

- 7 1. Respondent: Derrick.Penney@humboldtcountynv.gov

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

9 Dated this 18th day of January 2022.

11 By: _____



12 Tiffany Bradley, an employee
13 of the State Bar of Nevada
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Track Another Package +

Tracking Number: 70211970000003503897

Remove X

Your item was delivered to the front desk, reception area, or mail room at 8:21 am on January 20, 2022 in WINNEMUCCA, NV 89445.

USPS Tracking Plus® Available ✓

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January 20, 2022 at 8:21 am
WINNEMUCCA, NV 89445

Feedback

Get Updates ✓

Text & Email Updates	✓
Tracking History	^
<div>January 20, 2022, 8:21 am</div> <div>Delivered, Front Desk/Reception/Mail Room</div> <div>WINNEMUCCA, NV 89445</div> <div>Your item was delivered to the front desk, reception area, or mail room at 8:21 am on January 20, 2022 in WINNEMUCCA, NV 89445.</div>	
<div>January 20, 2022, 8:12 am</div> <div>Arrived at Post Office</div> <div>WINNEMUCCA, NV 89445</div>	

January 19, 2022, 8:38 pm
Departed USPS Regional Facility
RENO NV DISTRIBUTION CENTER

January 19, 2022, 6:35 pm
Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

January 19, 2022, 8:24 am
Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

January 18, 2022, 10:01 pm
Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

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FAQs

From: [Derrick Penney](#)
To: [Tiffany Bradley](#)
Subject: Read: State Bar of Nevada vs. Derrick S. Penney, Esq. (Complaint OBC21-0386/Perez)
Date: Monday, January 31, 2022 11:09:04 AM

Your message

To:
Subject: State Bar of Nevada vs. Derrick S. Penney, Esq. (Complaint OBC21-0386/Perez)
Sent: Monday, January 31, 2022 7:09:03 PM (UTC+00:00) Monrovia, Reykjavik
was read on Monday, January 31, 2022 7:08:58 PM (UTC+00:00) Monrovia, Reykjavik.



FILED

FEB 15 2022

STATE BAR OF NEVADA

BY: [Signature]
OFFICE OF BAR COUNSEL

Case No.: OBC21-0386

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

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

**NOTICE OF INTENT TO
PROCEED ON A DEFAULT BASIS**

PLEASE TAKE NOTICE THAT unless the State Bar receives a responsive pleading in the above-captioned matter by **March 7, 2022**, it will proceed on a default basis and ***the charges against you shall be deemed admitted.*** Supreme Court Rule 105 (2) states in relevant part:

A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service . . . In the event the attorney fails to plead, **the charges shall be deemed admitted**; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable to mistake, inadvertence, surprise, or excusable neglect. (Emphasis added.)

Another copy of the Complaint previously served upon you, accompanies this Notice.

Dated this 15th day of February 2022.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Bruce Hahn

By: _____
Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada, 89102

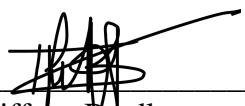
ROA Page 019

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **NOTICE OF INTENT TO PROCEED ON A DEFAULT BASIS** was served via email to:

1. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
2. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 15th day of February 2022.

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



FILED

MAR - 8 2022

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

Case No: OBC21-0386

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DERRICK STEPHEN PENNEY, Esq.
Nevada Bar No. 8606

Respondent.

ANSWER

DERRICK STEPHEN PENNEY, ("Respondent"), in answer to the Complaint on file herein, admits, denies, avers as follows:

1. In response to Paragraph 1, Respondent admits the allegations in Paragraph 1.
2. In response to Paragraph 2, Respondent admits the allegations in Paragraph 2.
3. In response to Paragraph 3, Respondent is without knowledge or information sufficient to form a belief as to the allegations in Paragraph 3 and, therefore, denies same.
4. In response to Paragraph 4, Respondent admits the allegations in Paragraph 4.
5. In response to Paragraph 5, Respondent admits that additional payments were paid in monthly installments of \$1,000.00 for fifteen ("15") months pursuant to an amended retainer agreement. Respondent denies the remaining allegations in Paragraph 5.
6. In Response to Paragraph 6, Respondent admits a forensic pathologist was retained to review the Perez file and paid \$900.00 directly by Ms. Doran. Respondent denies the remaining allegations in Paragraph 6.
7. In Response to Paragraph 7, Respondent denies the allegations in Paragraph 7.
8. In Response to Paragraph 8, Respondent denies the allegations in Paragraph 8.
9. In Response to Paragraph 9, Respondent denies the allegations in Paragraph 9.
10. In Response to Paragraph 10, Respondent denies the allegations in Paragraph 10.
11. In Response to Paragraph 11, Respondent denies the allegations in Paragraph 11.
12. In Response to Paragraph 12, Respondent is without knowledge or information

1 sufficient to form a belief as to the allegations in Paragraph 12 and, therefore, denies same.

2 13. In Response to Paragraph 13, Respondent is without knowledge or information
3 sufficient to form a belief as to the allegations in Paragraph 13 and, therefore, denies same.

4 14. In Response to Paragraph 14, Respondent admits the allegations in Paragraph 14.

5 15. In Response to Paragraph 15, Respondent admits the allegations in Paragraph 15.

6 16. In Response to Paragraph 16, Respondent is without knowledge or information
7 sufficient to form a belief as to the allegations in Paragraph 16 and, therefore, denies same.

8 17. In Response to Paragraph 17, Respondent admits the allegations in Paragraph 17.

9 18. In Response to Paragraph 18, Respondent admits sending a letter to the State Bar via
10 U.S. Mail on or about June 10, 2021. Respondent denies the remaining allegations in Paragraph 18.

11 19. In Response to Paragraph 19, Respondent is without knowledge or information
12 sufficient to form a belief as to the allegations in Paragraph 19 and, therefore, denies same.

13 20. In Response to Paragraph 20, Respondent admits the allegations in Paragraph 20.

14 21. In Response to Paragraph 21, Respondent is without knowledge or information
15 sufficient to form a belief as to the allegations in Paragraph 21 and, therefore, denies same.

16 22. In Response to Paragraph 22, Respondent denies the allegations in Paragraph 22.

17 23. In Response to Paragraph 23, Respondent admits the allegations in Paragraph 23.

18 24. In Response to Paragraph 24, Respondent admits the allegations in Paragraph 24.

19 25. In Response to Paragraph 25, Respondent denies the allegations in Paragraph 25.

20 26. In Response to Paragraph 26, Respondent denies the allegations in Paragraph 26.

21 27. In Response to Paragraph 27, Respondent admits the allegations in Paragraph 27.

22 28. In Response to Paragraph 28, Respondent denies the allegations in Paragraph 28.

23 29. In Response to Paragraph 29, Respondent denies the allegations in Paragraph 29.

24 30. In Response to Paragraph 30, Respondent admits the allegations in Paragraph 30.

25 31. In Response to Paragraph 31, Respondent denies the allegations in Paragraph 31.

26 32. In Response to Paragraph 32, Respondent denies the allegations in Paragraph 32.

27 33. In Response to Paragraph 33, Respondent admits the allegations in Paragraph 33.

1 34. In Response to Paragraph 34, Respondent denies the allegations in Paragraph 34.

2 35. In Response to Paragraph 35, Respondent denies the allegations in Paragraph 35.

3 36. In Response to Paragraph 36, Respondent admits the allegations in Paragraph 36.

4 37. In Response to Paragraph 37, Respondent is without knowledge or information
5 sufficient to form a belief as to the allegations in Paragraph 37 and, therefore, denies same.

6 38. In Response to Paragraph 38, Respondent denies the allegations in Paragraph 38.


7 39. In Response to Paragraph 39, Respondent denies the allegations in Paragraph 39.

8 **AFFIRMATIVE DEFENSES**

9 **I.**

10 That Respondent has at all times complied with all applicable laws and Rules of Professional
11 Conduct.

12 DATED this 7th day of March, 2022.

13
14 By: 
15 DERRICK S. PENNEY, ESQ.
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CERTIFICATE OF SERVICE

On the 7th day of March, 2022, the undersigned filed the foregoing ANSWER electronically
to: sbnnotices@nvbar.org


DERRICK STEPHEN PENNEY

VERIFICATION

Under penalty of perjury, I, **DERRICK STEPHEN PENNEY**, being first duly sworn according to law, deposes and says: That the undersigned is the Respondent in the above entitled action; that Respondent has read the above and foregoing Answer, and knows the contents thereof; that the same is true of Respondent's own knowledge, except for any matters therein stated upon information and belief, and as to those matters therein stated, Respondent believes them to be true.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED: this 7^h day of March, 2022.



DERRICK STEPHEN PENNEY



FILED

MAR 10 2022

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

Case No.: OBC21-0386

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

STATE BAR OF NEVADA,

Complainant,

vs.

DERRICK S. PENNEY, ESQ.,

NV BAR NO. 8606

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. Russell Marsh, Esq.,

DATED this 9 day of March, 2022

SOUTHERN NEVADA DISCIPLINARY BOARD

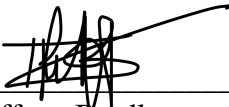
By: Dana P. Oswalt
Dana P. Oswalt (Mar 9, 2022 11:28 PST)
Dana Oswalt, Esq.
Nevada Bar No. 12061
Vice-Chair, Southern Nevada Disciplinary Board

CERTIFICATE OF SERVICE

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

1. Russell E. Marsh, Esq. (Panel Chair): russ@wmlawlv.com
2. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
3. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 10th day of March 2022.

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



FILED

MAR 21 2022

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

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

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

**NOTICE OF TELEPHONIC INITIAL
CASE CONFERENCE**

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **Wednesday, March 23, 2022, at 11 a.m.**

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

Dated this 21st day of March 2022.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Bruce Hahn


By: _____
Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada, 89102

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **NOTICE OF TELEPHONIC INITIAL CASE CONFERENCE** was served via email to:

1. Russell E. Marsh, Esq. (Panel Chair): russ@wmlawlv.com
2. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
3. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 21st day of March 2022.

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



FILED

MAR 24 2022

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Case No.: OBC21-0386

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DERRICK STEPHEN PENNEY, ESQ.

Nevada Bar No. 8606

Respondent.

SCHEDULING ORDER

Pursuant to Rule 17 of the Disciplinary Rules of Procedure ("DRP"), on Wednesday, March 23, 2022, at 11:00 a.m., Russell Marsh, Esq., the Formal Hearing Panel Chair, met telephonically with Bruce C. Hahn, Esq., Assistant Bar Counsel, on behalf of the State Bar of Nevada, and Respondent to conduct the Initial Case 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 SCR109(2), NRCPC 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 May 18, 2022**, and shall take place virtually through ZOOM video conference.

1 **4.** On or before **March 30, 2022, at 5:00 p.m.**, the State Bar of Nevada's initial
2 disclosures shall be served on all parties. The documents provided by the State Bar shall be
3 bates stamped with numerical designations. *See* DRP 17 (a). All documents need to be
4 submitted by 5:00 p.m. to be file stamped timely.

5 **5.** On or before **April 7, 2022, at 5:00 p.m.**, Respondent's initial disclosures
6 shall be served on all parties. The documents provided by the Respondent shall be bates
7 stamped with alphabetical exhibit designations. *See* DRP 17 (a). All documents need to be
8 submitted by 5:00 p.m. to be file stamped timely.

9 **6.** On or before **April 11, 2022, at 5:00 p.m.**, the parties shall file and serve any
10 Motions. *See* DRP 16. All documents need to be submitted by 5:00 p.m. to be file stamped
11 timely.

12 **7.** On or before **April 26, 2022, at 5:00 p.m.**, the parties shall serve a Final
13 Designation of witnesses expected to testify and exhibits expected to be presented at the
14 Formal Hearing in this matter, pursuant to SCR 105(2)(d), DRP 17(a) and DRP 21.

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

18 **8.** **On May 4, 2022, at 1:00 p.m.**, the parties shall meet telephonically with the
19 Panel Chair for the Pre-hearing Conference. Any pending issues, including Motions will be
20 addressed at the Pre-hearing Conference, the conference shall take place **virtually through**
21 **ZOOM video conference.**

22 **9.** Pursuant to DRP 23, at the Pre-hearing conference (i) the parties shall discuss all
23 matters needing attention prior to the hearing date, (ii) the Chair may rule on any motions or
24 disputes including motions to exclude evidence, witnesses, or other pretrial evidentiary matter,
25 and (iii) the parties shall discuss and determine stipulated exhibits proffered by either the State

1 Bar or Respondent as well as a stipulated statement of facts, if any.

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

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

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

8 Dated this ^{Mar 24, 2022} _____ day of March 2022.

9 SOUTHERN NEVADA DISCIPLINARY BOARD

10 *Russell E. Marsh*

11 Russell E. Marsh (Mar 24, 2022 12:34 PDT)
12 By: _____


13 Russell Marsh, Esq.
14 Formal Hearing Panel Chair
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CERTIFICATE OF SERVICE

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

1. Russell E. Marsh, Esq. (Panel Chair): russ@wmlawlv.com
2. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
3. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 24th day of March 2022.

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



FILED

MAR 30 2022

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

Case Nos: OBC21-0434

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DERRICK S. PENNEY, ESQ.

NV BAR No. 8606

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 18th day of May, 2022 starting at 9:00 a.m. via Zoom Video Conferencing.

1. Russ Marsh, Esq., Chair;
2. Jarrod Rickard, Esq.
3. Anne Hanson, Laymember

DATED this 30 day of March, 2022

SOUTHERN NEVADA DISCIPLINARY BOARD

By: Dana P. Oswalt
Dana P. Oswalt (Mar 30, 2022 10:31 PDT)
Dana P. Oswalt, Esq.
Nevada Bar No. 12061
Vice-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. Russell E. Marsh, Esq. (Panel Chair): russ@wmlawlv.com
2. Jarrod L. Rickard, Esq. (Panel Member): jlr@skrlawyers.com
3. Anne Hanson (Laymember): 2555aspen@gmail.com
4. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
5. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 30th day of March 2022.

By: 

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



FILED

MAR 30 2022

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

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

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

**STATE BAR OF NEVADA'S INITIAL
SUMMARY OF EVIDENCE AND
DISCLOSURE OF WITNESSES FOR
FORMAL HEARING**

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, bank record summaries prepared by the State Bar, receipts, billing entries and pleadings regarding grievance file number OBC21-0386.

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.	Correspondence from Grievant to SBN dated April 23, 2021	SBN 001-007
4.	Correspondence from Respondent to SBN dated June 10, 2021	SBN 001-002
5.	US District Court Docket for case no. 2:17-cv-01393-JCM-VCF	SBN 001-004
6.	Notice of Appearance, case no. 2:17-cv-01393-JCM-VCF. Filed March 2, 2018	SBN 001
7.	Motion for Stay and Abeyance, case no. 2:17-cv-01393-JCM-VCF. Filed March 2, 2018	SBN 001-003
8.	District Court Docket for case no. C-12-283650-1	SBN 001-004
9.	District Court case search for Ricardo Perez	SBN 001-002
10.	US District Court case search for Ricardo Perez	SBN 001
11.	Retainer Agreement dated July 11, 2017 and receipt for \$5,000	SBN 001-005
12.	Retainer Agreement dated March 1, 2018	SBN 001-002
13.	Receipt dated August 18, 2018 for payment of \$1,000 to Respondent	SBN 001
14.	Tammi Doran's text messages with Respondent and deposit slip for payment	SBN 001-151
15.	Purchase copy of Cashier's checks dated May and July 2018	SBN 001
16.	Respondent's Wells Fargo Bank deposit records for account ending xx954.	SBN 001-007
17.	Grievant's correspondence to Respondent dated February 20, 2021	SBN 001-002
18.	State Bar's reconciliation of Respondent's business checking account ending xx4775	SBN 001-014

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

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

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

11 Respondent is expected to provide testimony regarding his contact and correspondence
12 with grievant-client Ricardo Perez and Tammi Doran in connection with his representation,
13 along with his communication or lack thereof with the State Bar of Nevada.

14 2. Ricardo Perez is expected to offer testimony regarding the facts and
15 circumstances regarding Case No. OBC21-0386, including but not limited to, the facts and
16 communication surrounding the allegations contained in said grievance.

17 3. Tammi Doran is expected to offer testimony regarding the facts and
18 communication with Respondent regarding Case No. OBC21-0386, including but not limited
19 to, the facts and circumstances surrounding the allegations contained in said grievance.

20 ///

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1 4. Louise Watson, an investigator with the State Bar of Nevada Office of Bar
2 Counsel, is expected to provide testimony regarding her investigation of OBC21-0386,
3 including but not limited to, information and documents provided by the Grievant, written
4 communications, or lack thereof, with Respondent and Grievant, and Respondent's
5 disciplinary history.

6 Dated this 30th day of March 2022.

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

9 *Bruce Hahn*

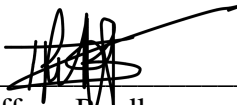
10 By: _____
11 Bruce C. Hahn, Assistant Bar Counsel
12 Nevada Bar No. 5011
13 3100 W. Charleston Blvd., Ste. 100
14 Las Vegas, Nevada, 89102

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR OF NEVADA'S INITIAL SUMMARY OF EVIDENCE AND DISCLOSURE OF WITNESSES FOR FORMAL HEARING** was served via email to:

1. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
2. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 30th day of March 2022.

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



FILED

APR - 7 2022

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

Case No: OBC21-0386

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DERRICK S. PENNEY, ESQ.

Nevada Bar No. 8606

Respondent.

**RESPONDENT'S INITIAL
SUMMARY OF EVIDENCE &
DISCLOSURE OF WITNESSES
FOR FORMAL HEARING**

PLEASE TAKE NOTICE that the following is an initial list of witnesses and initial summary of evidence which may offered at the time of the Formal Hearing in the above-entitled action:

A. Documentary Evidence

Respondent reserves the right to supplement this list, as necessary.

Respondent incorporates by reference all documents identified by Complainant in its Initial Disclosure

B. Witnesses

Respondent reserves the right to supplement this list, as necessary.

Respondent incorporates by reference all witnesses identified by Complainant in its Initial Disclosure.

DATED this 7th day of April, 2022.

By: _____
DERRICK S. PENNEY, ESQ.

CERTIFICATE OF SERVICE

On the 7th day of April, 2022, the undersigned hereby certifies a true and correct copy of the foregoing RESPONDENT'S INITIAL SUMMARY OF EVIDENCE AND DISCLOSURE OF WITNESSES FOR FORMAL HEARING was served electronically via email to:

1. Bruce C. Hahn, Esq. (Assistant Bar Counsel); bruceh@nvbar.org.

DERRICK S. PENNEY



FILED

APR 26 2022

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

Case No.: OBC21-0386

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

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

**STATE BAR OF NEVADA'S FINAL SUMMARY OF EVIDENCE AND
DISCLOSURE OF WITNESSES FOR FORMAL HEARING**

PLEASE TAKE NOTICE that the following is the 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 OBC21-0386.

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
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4.	Correspondence from Respondent to SBN dated June 10, 2021	SBN 001-002
5.	US District Court Docket for case no. 2:17-cv-01393-JCM-VCF	SBN 001-004
6.	Notice of Appearance, case no. 2:17-cv-01393-JCM-VCF. Filed March 2, 2018	SBN 001
7.	Motion for Stay and Abeyance, case no. 2:17-cv-01393-JCM-VCF. Filed March 2, 2018	SBN 001-003
8.	District Court Docket for case no. C-12-283650-1	SBN 001-004
9.	District Court case search for Ricardo Perez	SBN 001-002
10.	US District Court case search for Ricardo Perez	SBN 001
11.	Retainer Agreement dated July 11, 2017 and receipt for \$5,000	SBN 001-005
12.	Retainer Agreement dated March 1, 2018	SBN 001-002
13.	Receipt dated August 18, 2018 for payment of \$1,000 to Respondent	SBN 001
14.	Tammi Doran's text messages with Respondent and deposit slip for payment	SBN 001-151
15.	Purchase copy of Cashier's checks dated May and July 2018	SBN 001
16.	Respondent's Wells Fargo Bank deposit records for account ending xx954.	SBN 001-007
17.	Grievant's correspondence to Respondent dated February 20, 2021	SBN 001-002
18.	State Bar's reconciliation of Respondent's business checking account ending xx4775	SBN 001-014

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

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

4
5 1. Respondent will be called and would be expected to testify regarding his conduct
6 and communications surrounding the events related to, and any and all documents pertinent
7 to, each of the charged violations of the Rules of Professional Conduct, including but not
8 limited to facts pertaining to the breach of his professional responsibilities as an attorney, his
9 mental state pursuant to ABA Standards, the harm resulting from his conduct, and any
10 aggravating and mitigating factors pursuant to Supreme Court Rule 102.5. Respondent is
11 expected to provide testimony regarding the facts and circumstances regarding OBC21-0386.

12 2. Ricardo Perez is expected to offer testimony regarding the facts and
13 circumstances regarding Case No. OBC21-0386, including but not limited to, the facts and
14 communication surrounding the allegations contained in said grievance.

15 3. Tammi Doran is expected to offer testimony regarding the facts and
16 communication with Respondent regarding Case No. OBC21-0386, including but not limited
17 to, the facts and circumstances surrounding the allegations contained in said grievance.

18 4. Louise Watson, an investigator with the State Bar of Nevada Office of Bar
19 Counsel, is expected to provide testimony regarding her investigation of OBC21-0386,

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1 including but not limited to, information and documents provided by the Grievant, written
2 communications with Respondent and Grievant, and Respondent's disciplinary history.

3 Dated this 26th day of April 2022.

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

6 *Bruce Hahn*

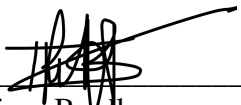
7 By: _____
8 Bruce C. Hahn, Assistant Bar Counsel
9 Nevada Bar No. 5011
10 3100 W. Charleston Blvd., Ste. 100
11 Las Vegas, Nevada, 89102
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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR OF NEVADA'S FINAL SUMMARY OF EVIDENCE AND DISCLOSURE OF WITNESSES FOR FORMAL HEARING** was served via email to:

1. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
2. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 26th day of April 2022.

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



FILED

APR 26 2022

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

Case No.: OBC21-0386

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

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

TRIAL SUBPOENA

To: Tammi L. Doran
9053 Glasbury Court
Las Vegas, NV 89123-6009
(702) 465-4008

YOU ARE HEREBY directed to set aside any and all business and excuses and to appear on **Wednesday, May 18, 2022, at 9:30 a.m.** at the State Bar of Nevada. The address where you are required to appear is via video conferencing ZOOM.

<https://nvbar.zoom.us/j/5323681289>

This subpoena is issued pursuant to Supreme Court Rule ("SCR") 110 and is issued in connection with a Formal Hearing undertaken pursuant to the Nevada Supreme Court Rules. It shall be regarded as contempt of the Supreme Court Rules for you to in any way breach the confidentiality of this investigation.

For failure to appear and attend as herein directed, it may be regarded as contempt of the Hearing Panel and subject to citation from the Eighth Judicial District Court of the

1 State of Nevada to show cause why you should not at the time and place fixed by the Court,
2 be punished for such contempt as provided in SCR 110.

3 Dated this 26th day of April 2022.

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

6 *Bruce Hahn*

7 By: _____
8 Bruce C. Hahn, Assistant Bar Counsel
9 Nevada Bar No. 5011
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada, 89102

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **TRIAL**
3 **SUBPOENA FOR TAMMI L. DORAN** was served via email to:

- 4
- 5 1. Tammi L. Doran: tamylin73@gmail.com
 - 6 2. Russell E. Marsh, Esq. (Panel Chair) : russ@wmlawlv.com
 - 7 3. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
 - 8 4. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

9 DATED this 26th day of April 2022.

10
11 By: 

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

APR 28 2022

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

Case No.: OBC21-0386

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

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

SUBPOENA & REQUEST TO PRODUCE

To: **Ronald Oliver, Associate Warden**

22010 Cold Creek Road
Indian Spring, NV 89070

Re: Richardo Perez #1131155
H.D.S.P.
P.O. Box 650
Indian Spring, NV 89070

YOU ARE HEREBY requested to set aside all business and to produce the person of necessary and material witness Ricardo Perez, inmate #113115 to appear for sworn testimony via audio-visual platform "Zoom" for **Wednesday, May 18, 2022, at 9:00 a.m.** The testimony will conclude by 12:00 pm Wednesday, May 18, 2022. This testimony is sought by the State Bar of Nevada, pursuant to witness Ricardo Perez's role as a grievant to the State Bar of Nevada in case number OBC21-0386; in connection with the legal representation provided by Respondent Derrick Stephen Penney, Esq., in pursuing a post-conviction relief action.

1 The address where the witness is required to appear is via video conferencing
2 ZOOM: <https://nvbar.zoom.us/j/5323681289>. Your facility's administrative assistant
3 has expressly consented that your facility would voluntarily cooperate with this
4 administrative proceeding upon request from the Southern Disciplinary Board Chair.
5 Ricardo Perez will be a cooperative witness in this proceeding.

6 This subpoena and request to produce is issued pursuant to Supreme Court Rule
7 ("SCR"), 103(6), 104(1)(c), SCR 110 and the consent of your facility and the witness. It is
8 issued in connection with a Formal Hearing undertaken pursuant to the Nevada Supreme
9 Court Rules. It can be regarded as contempt of the Supreme Court Rules for you to in any
10 way breach the confidentiality of this investigation.

11 For failure to appear and attend as herein directed, it may be regarded as contempt
12 of the Hearing Panel and subject to citation from the Eighth Judicial District Court of the
13 State of Nevada to show cause why you should not at the time and place fixed by the Court,
14 be considered for such contempt as provided in SCR 110.

15 Dated this 28th day of April 2022.

16 **STATE BAR OF NEVADA**
17 Daniel M. Hooge, Bar Counsel

18
19 By: Bruce Hahn
20 Bruce C. Hahn, Assistant Bar Counsel
21 Nevada Bar No. 5011
22 3100 W. Charleston Blvd., Ste. 100
23 Las Vegas, Nevada, 89102

24 Dated this 28th day of April, 2022

25 By: Russell E. Marsh
26 [Russell E. Marsh \(Apr 28, 2022 10:04 PDT\)](#)

Russell E. Marsh, Esq.
Board Chair, Southern Nevada Disciplinary Board



FILED

MAY - 2 2022

STATE BAR OF NEVADA
BY:
OFFICE OF BAR COUNSEL

Case No.: OBC21-0434

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DERRICK S. PENNEY, ESQ.

NV BAR No. 8606

Respondent.

AD HOC ORDER

IT IS HEREBY ORDERED that the following member of the Southern Nevada Disciplinary Board, ANNE HANSON has been released as panel member, and will be replaced by panel member BRITTANY FALCONI. The hearing will be convened on the 18th day of May, 2022 at 9:00 a.m. via Zoom Video Conferencing.

DATED this 29 day of April, 2022.

SOUTHERN NEVADA DISCIPLINARY BOARD

By: Dana P. Oswalt
Dana P. Oswalt, Esq.
Nevada Bar No. 12061
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. Russell E. Marsh, Esq. (Panel Chair): russ@wmlawlv.com
2. Jarrod L. Rickard, Esq. (Panel Member): jlr@skrlawyers.com
3. Brittany Falconi (Laymember): falconibrittany@gmail.com
4. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
5. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 2nd day of May 2022.

By: _____


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



FILED

MAY - 6 2022

STATE BAR OF NEVADA

BY: [Signature]
OFFICE OF BAR COUNSEL

Case No.: OBC21-0434

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
)
vs.)
)
DERRICK S. PENNEY, ESQ.)
NV BAR No. 7368)
)
Respondent.)

ORDER APPOINTING
MEDIATOR

IT IS HEREBY ORDERED that the following member of the Southern Nevada
Disciplinary Board has been designated as Mediator for Tuesday, May 10th, 2022 at 9:00 A.M. via
Zoom Video Conferencing.

1. Dana Oswalt, Esq., Mediator

DATED this 6 day of May, 2022

SOUTHERN NEVADA DISCIPLINARY BOARD

By: Christopher Lalli
Christopher Lalli (May 6, 2022 09:45 PDT)
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 **ORDER APPOINTING MEDIATOR** was served via electronic mail to:

1. Dana Oswalt, Esq. (Mediator): dana@bensonbingham.com
2. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
3. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 6th day of May 2022.

By: _____



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



FILED

MAY 17 2022

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

Case No.: OBC21-0386

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)	
)	
Complainant,)	CONDITIONAL GUILTY PLEA
)	IN EXCHANGE FOR A
vs.)	STATED FORM OF DISCIPLINE
)	
DERRICK STEPHEN PENNEY, ESQ.)	
Bar No. 8606)	
)	
Respondent.)	
)	

Derrick S. Penney, Esq., ("Respondent") *pro se* hereby tenders to Bar Counsel for the State Bar of Nevada ("State Bar") this Conditional Guilty Plea pursuant to Supreme Court Rule 113(1) ("SCR") in exchange for the imposition of a stated form of discipline as more fully set forth herein.

I. TENDER OF GUILTY PLEA

Respondent hereby agrees to plead guilty and admit that, as set forth in the Complaint filed on January 18, 2022, he violated the Rules of Professional Conduct ("RPC"), namely, **Count One – RPC 1.3 (Diligence), Count Two – RPC 1.4(a) (Communication), Count IV – RPC 1.15(a)(c) (Safekeeping Property) and Count Five – RPC 8.1(b) (Bar Disciplinary Matters).**

Respondent knowingly violated these four Rules of Professional Conduct and caused actual injury to the client (Counts I & II), potential injury to the legal profession (Count IV) and actual minor injury to the legal system (Count V) as follows:

Count One – Respondent failed to act with reasonable diligence by not filing a sufficiently supported motion in Federal Court, and/or failing take remedial action on that motion before the court.

Count Two – Respondent failed to promptly inform client Perez of circumstances to which his informed consent was required to wit: when he relocated practice to Northern Nevada and/or transitioned to full-time government practice, and/or to keep Perez reasonably informed about the status of his case in not responding to repeated inquiries and failing to keep at least four scheduled phone call appointments, and/or not promptly comply with reasonable requests for information from Perez by phone calls and letters and/or Doran by texts.

Count Four - Respondent failed to hold funds of Ricardo Perez and/or Tammi Doran separate from his own property, and/or failed to deposit them in a bank account designated as a trust account, and/or withdrew those fees before they were earned, by failing to deposit into a client trust account about \$9,000 in attorney's fees paid by Tammi Doran and/or Ricardo Perez from August 2018 through January 2019.

Count Five - Respondent failed to timely and properly respond to five written lawful demands for information from the State Bar of Nevada from April 2021 through June 2021, to wit: by not adequately responding to repeated certified mail and email inquiries for information on a grievance made by client Ricardo Perez.

II. STIPULATION OF FACTS

Respondent understands that by pleading guilty he admits the facts that support all elements of the rules to which he tenders his plea of guilty as follows:

1 1. On or about July 11, 2017, Ricardo Perez (“Perez”) retained the Respondent
2 to pursue post-conviction relief in State court from a November 25, 2014, felony conviction
3 in Clark County District Court. Perez was and is currently an inmate with the Nevada
4 Department of Corrections. Perez or his mother Tammy Doran (“Doran”) paid an initial
“flat fee” of \$5,000 to Respondent.

5 2. On or about March 2018, Perez agreed to an amended retainer agreement
6 payment of a “flat fee” of \$20,000, less the \$5,000 previously paid. Perez or Doran were to
7 pay the balance via monthly payments. The scope of work for this agreement included
pursuing relief in State and Federal court.

8 3. The balance of \$15,000 was paid in monthly payments by Doran to
9 Respondent.

10 4. Respondent failed to deposit \$9,000 of those attorney fees into a designated
client trust account.

11 5. Perez and the Respondent agreed to seek a forensic pathologist expert
12 opinion to help advances theories of conviction relief. Perez or Doran paid the expert
13 directly a \$5,000 fee.

14 6. Beginning January 2019 through July 12, 2021, Respondent ceased to
15 respond to reasonable requests from Perez and Doran. Perez and Doran sent multiple
requests to discuss case developments and strategy through text and phone messages.

16 7. Respondent ceased to return Perez’s multiple phone messages for several
17 weeks at a time from May 2020 to March 2021.

18 8. Respondent ceased to appear at scheduled phone appointments on July 17,
2020, August 21, 2020, October 9, 2020, and October 23, 2020.

19 9. Respondent declined to provide a rough draft of the expert report for months
20 after Perez made repeated requests.

1 10. Respondent relocated his Las Vegas practice location to Northern Nevada
2 without notice to Perez in October 2020. Respondent changed the nature of his practice to
3 full-time government practice without notice to Perez.

4 11. After February 8, 2021, Perez wrote Respondent at his Humboldt County
5 address by US mail asking for information about and a status on his case. Respondent did
6 not reply to Perez.

7 12. On or about April 12, 2021, the State Bar emailed a Letter of Investigation to
8 the Respondent's SCR 79 email address of Derrick.Penney@humboldtcountynev.gov. The
9 Letter sought Respondent's response to the Perez grievance and requested he provide a
10 series of documents to include the retainer agreement, receipts, billings, client
11 correspondence and court pleadings, by April 26, 2021.

12 13. On or about April 26, 2021, the Respondent mailed the State Bar a letter of
13 about three paragraphs without attachments. Respondent stated he sought out experts and
14 obtained a partially favorable report but "didn't get anywhere in Federal Court." He stated
15 that State court was no longer a viable option as the statute had expired. Respondent sought
16 two weeks to obtain the Perez file from storage to be able to respond.

17 14. On or about May 6, 2021, the State Bar sent another Letter of Investigation to
18 the Respondent's SCR 79 physical address by certified mail, seeking his response by May 20.

19 15. On or about May 27, 2021, the State Bar emailed the Respondent seeking the
20 supplemental information he stated he would provide within two weeks' time of his April 26
letter. The State Bar's May 27 letter requested that Respondent provide the needed
information by June 10.

 16. On or about June 10, 2021, the Respondent sent a letter to the State Bar by
US mail stating he would provide the documentation by June 24, 2021. The Respondent
did not provide the State Bar the documentation he represented he would.

1 17. The State Bar initiated its own investigation into the court record involving
2 Perez's case seeking post-conviction relief.

3 18. The Federal court record revealed the Respondent filed a one-page
4 appearance pleading and a two-page pleading on March 2, 2018. The document was
5 entitled "Motion for Stay and Abeyance," seeking a stay of the Federal Habeas action
6 pending a return to State Court to exhaust further relief claims. On February 6, 2019, the
7 Federal court dismissed Respondent's motion finding an insufficient showing was made for
8 a stay. Respondent made no further filings in this case. On June 3, 2019, the court
9 dismissed the case.

10 19. The State court record revealed no filings by the Respondent.

11 20. The State Bar obtained the Respondent's Trust Account ("IOLTA") and
12 Business Operating Account bank records from August 2018 through April 2021.

13 21. The IOLTA and Operating Account records show deposits of only \$6,000
14 from Doran and Perez after the initial payment of \$5,000. Perez or Doran sent the final
15 installment in January 2019. Of this \$6,000 sum, Respondent placed only \$1,000 in his
16 Trust Account in October 2018 and the rest in his Operating Account.

17 22. Respondent closed his Operating Account on March 13, 2019, with a balance
18 of \$97.93.

19 23. The State Bar was unable to locate any deposits from the \$9,000 in other
20 payments from Doran and Perez. Respondent did not deposit those fees into his IOLTA
account.

On or about December 6, 2021, the Respondent provided Doran with a partial refund
of \$5,000.

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III. BASELINE ABA STANDARD FOR IMPOSING LAWYER SANCTIONS

Pursuant to section 4.4 (Lack of Diligence) of the ABA Standards for Imposing Lawyer Sanctions (2019, 2nd Ed., “Standards”), the appropriate baseline sanction for Respondent’s violation(s) of Count I (RPC 1.3 – Diligence) and Count II (RPC 1.4(a) – Communication) is Suspension. Pursuant to section 4.12 (Failure to Preserve Client Property), of the Standards, the appropriate baseline sanction for Respondent’s violation of Count IV (RPC 1.15(a)(c) is Suspension. Pursuant to section 7.2 (Duties owed as a Professional) of the Standards, the appropriate baseline sanction for Respondent’s violation(s) of Count V (RPC 8.1(b) – Bar Disciplinary Matters), is Suspension.

IV. AGGRAVATING AND MITIGATING FACTORS

Three SCR 102.5(1) aggravating factors present here are: a) Prior disciplinary offenses, d) Multiple offenses, i) Substantial experience in the practice of law. Two SCR 102.5(2) mitigating factors present here are: e) Cooperative attitude toward the proceedings and i) Substantial recent personal life changes. SCR 102.5(2).

A qualitative weighing of the three aggravating factors in conjunction with the two mitigating factors does not warrant a deviation from the Suspension baseline sanction.

V. STATED FORM OF DISCIPLINE

Pursuant to the Conditional Guilty Plea and Stipulation of Facts as set forth above, Respondent agrees to the following:

1. Respondent shall be actually suspended from the practice of law for six months and one day following the Panel’s acceptance of Respondent’s admission to Count I (RPC 1.3 – Diligence), Count II (RPC 1.4(a) – Communication), Count IV (RPC 1.15(a)(c) – Safekeeping Property) and Count V (RPC 8.1(b) – Bar Disciplinary Matters) as stated above. The parties here agree that this actual suspension term shall run concurrent to his existing suspension of six actual months, issued by the Nevada Supreme Court on April

1 29, 2022, in case number 84201. Respondent understands that he must seek to petition
2 a panel for reinstatement to practice law following his suspension here, and that a
reinstatement recommendation must be approved by the Nevada Supreme Court.

3 2. Respondent agrees to submit to binding fee dispute process with the State
4 Bar of Nevada Fee Dispute Program within 30 days of the Nevada Supreme Court order
5 approving here. The fee dispute sum will be regarding the \$20,000 in fees paid by client
6 Perez and/or Doran here, less the \$5,000 refunded by Respondent to Doran on December
6, 2021.

7 3. Respondent shall pay \$2,500 in costs, plus the “hard costs” of the
8 proceeding to include the reporter appearance fee and transcript, as contemplated by SCR
9 120. These costs shall be made within 30 days of the order approving to be issued by the
Nevada Supreme Court.

10 **VI. CONDITIONAL APPROVAL AND AGREEMENT BY STATE BAR**

11 Conditional to Respondent’s execution of the instant plea agreement and
12 ratification of the agreement at the hearing in this matter, the State Bar accepts the Plea
13 and recommends approval of the stated form of punishment by the Formal Hearing Panel
14 as a bargained-for exchange for the Respondent’s acceptance of responsibility to Counts
15 I, II, IV & V. The State Bar moves to dismiss Count III (RPC 1.5 – Fees) upon the Hearing
16 Panel’s recommendation to accept Respondent’s admissions and imposition of the
agreed-upon sanction noted above.

17 **VII. APPROVAL OF RESPONDENT**

18 Respondent certifies as true and acknowledges the following:

19 He has read the Conditional Guilty Plea in Exchange for a Stated Form of
20 Discipline and understands that by pleading guilty he admits the facts that support all
elements of the four aforementioned rule violations.

1 He has considered this plea carefully and has had opportunity to review this
2 document. He fully understands the terms and conditions set forth herein and the
3 consequences of this plea, including that this plea resolves only the grievances, claims,
4 and charges contained within the Complaint filed in OBC21-0386 and not any other
5 matters pending with, or grievances that may be in investigation by, the State Bar of
6 Nevada. He understands he has the right to counsel of his choosing should he retain one.
7 He has considered the option of retaining counsel and has elected to forgo that option. He
8 has sought and obtained the benefit of mediation in this matter which occurred on May
9 10, 2022. He is signing this agreement voluntarily and is not acting under duress or
10 coercion or by virtue of any promises by any person.

11 He further understands a failure to fully adhere to any of the subject terms and
12 conditions of the instant plea shall constitute grounds upon which the State Bar may

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1 directly seek relief from the Nevada Supreme Court or the Southern Nevada Disciplinary
2 Board by the original panel composition or a new panel for said noncompliance.

3 **DATED** this 17th day of May 2022.

4 
5 By: Derrick Penney (May 17, 2022 16:47 PDT)
6 Derrick S. Penney, Esq.
Nevada Bar No. 8606
RESPONDENT, pro se

7 **DATED** this 17th day of May 2022.

8 **STATE BAR OF NEVADA**
Daniel M. Hooge, Bar Counsel

9 *Bruce Hahn*
10 By: Bruce C. Hahn, Assistant Bar Counsel
11 Nevada Bar No. 5011
3100 W. Charleston Blvd., Suite 100
Las Vegas, NV 89102
12 **ATTORNEY FOR THE STATE BAR OF NEVADA**



FILED

Jul 26, 2022

STATE BAR OF NEVADA

BY: 
OFFICE OF BAR COUNSEL

Case No.: OBC21-0386

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant

DERRICK STEPHEN PENNEY, ESQ.,

NV Bar No. 8606

Respondent.

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

This matter came before a Formal Hearing Panel of the Southern Nevada Disciplinary Board ("Panel") on May 18, 2022 at 9:00 am conducted by simultaneous audio-visual transmission platform "Zoom." The Panel consisted of Chair Russell Marsh, Esq., Jarrod Rickard, Esq., and lay member Brittany Falconi. Assistant Bar Counsel, Bruce Hahn, Esq., represented the State Bar of Nevada ("State Bar" or "SBN"). The Respondent appeared *pro se*.

The Panel submits the following Findings of Fact, Conclusions of Law and Recommendation in a unanimous decision,¹ based upon the pleadings, documentary evidence presented, and argument of counsel and Respondent.

¹ Transcript of Proceedings of May 18, 2022 ("TOP") 58:16-21.

FINDINGS OF FACT

The Panel finds the following:

1. The Panel proceeded to hearing an uncontested matter involving the joint tender of a Conditional Guilty Plea Agreement (“CGP”) and argument to support a proposed settlement of the State Bar’s complaint filed January 18, 2022. The complaint alleged five violations of Nevada Rules of Professional Conduct (“NRPC”) to wit: Count I – 1.3 (Diligence), Count II – 1.4(a) (Communication), Count III – 1.5(a) (Fees), Count IV – 1.15(a), (d) (Safekeeping Property), and Count V – 8.1(b) (Bar Disciplinary Matters). Exhibit 1 (SBN 001-008), TOP 23:1 – 29:2. Respondent’s Answer of March 8, 2022 denied material elements of each of the five violations charged. Exhibit 1 (SBN 021-025).

2. The Panel considered no sworn testimony. The Respondent offered an unsworn statement at the close of the State Bar’s proffer in support of the CGP.

3. The Panel considered documentary evidence admitted along with argument of counsel. The State Bar offered exhibits 1² - 19³ without objection. TOP 7:7-18. Respondent offered no exhibits.

² Exhibit 1 containing the case pleadings in the “Hearing Packet” (SBN 001-037) consisted of: i) The Complaint, Panel Designation, and Declaration of Mailing of January 18, 2022 (001-018); ii) Notice of Intent to Proceed on a Default Basis (019-020); iii) Answer (021-025); iv) Order Appointing Hearing Panel Chair (026-027); v) Notice of Telephonic Initial Case Conference (028-029); vi) Scheduling Order (030-033); vii) Order Appointing Hearing Panel (034-035); viii) Ad Hoc Order (036-037).

³ The Exhibits were: 2) Affidavit of prior discipline, 3) Grievant letter of 4/23/21, 4) Respondent letter, 5) USDC docket sheet, 6) USDC notice of appearance, 7) Respondent motion for stay, 8) Clark County District Court docket sheet, 9) Clark County District Court case search, 10) USDC case search, 11) Initial retainer agreement, 12) Amended retainer agreement, 13) Fee payment receipt of 8/8/18, 14) Respondent-Client’s mother text exchanges & Fee payment checks, 15) Fee payment checks, 16) Fee payment checks, 17) Grievant letter of 2/20/21, 18) SBN summary reconciliation of Respondent’s account, 19) CGP.

1 4. The State Bar proved all the elements of Counts I - NRPC 1.3 (Diligence),
2 II - NRPC 1.4(a) (Communication), IV - NRPC 1.15(a), (d) (Safekeeping Property), V -
3 NRPC 8.1 (Bar Disciplinary Matters) to the standard of clear and convincing evidence
4 at Formal Hearing based upon the admission of Exhibits 2-19, Respondent's
5 acknowledgement at formal hearing and his execution of the CGP. Exhibit 19; TOP
6 58:1-7.

7 5. The Respondent's mental state in committing the four professional rule
8 violations found was Knowing. CGP 2:1-3; TOP 30:14 – 31:12; 58:24 – 59:6.

9 6. The Respondent's conduct in committing the professional rule
10 violations here caused actual injury to the client, potential injury to the legal
11 profession and actual minor injury to the legal system. CGP 2:1-3; TOP 31:13 – 33:22;
12 58:24 – 59:6.

13 7. The Panel considered ABA Annotated Standards for Imposing Lawyer
14 Sanctions (2nd Ed. 2019) ("Standards") with the application of: i) Section 4.4 for
15 Counts I & II (Diligence & Communication), ii) Section 4.12 for Count IV (Failure to
16 preserve client's property) and iii) Section 7.2 for Count V (Duties owed as a
17 Professional). CGP 6:1-7; TOP 33:23 – 34:9.

18 8. Three aggravating circumstances found under SCR 102.5(1) were: a)
19 prior disciplinary offenses, d) multiple offenses and i) substantial experience in the
20 practice of law. CGP 6:8-11; TOP 34:10 – 35:17.

 10. Two mitigating circumstances found under SCR 102.5(2) were: e)
 cooperative attitude toward the proceedings and i) substantial recent personal life
 changes. CGP 6:12-13; TOP 35:18–24.

1 11. A weighing of the aggravating and mitigating circumstances did not
2 warrant a deviation from the Suspension baseline. CGP 6:12–13; TOP 36:6-9.

3 **CONCLUSIONS OF LAW**

4 Based upon the foregoing Findings of Fact, the Panel hereby issues the
5 following Conclusions of Law:

6 1. The Southern Nevada Disciplinary Board has jurisdiction over
7 Petitioner and the subject matter of these proceedings. SCR 99.

8 2. Venue is proper in Clark County, Nevada. Parties' stipulation.

9 3. Respondent was practicing law in the State of Nevada from 2003 to
10 present. Exhibit 2.

11 4. The State Bar must prove by clear and convincing evidence that
12 Respondent violated any Rules of Professional Conduct. SCR 105(2)(f). *In re Stuhff*,
108 Nev. 629, 633-634, 837 P.2d 853, 856 (1992); *Gentile v. State Bar*, 106 Nev. 60,
62, 787 P.2d 386, 387 (1990).

13 **RECOMMENDATION**

14 Based upon the foregoing Findings of Fact and Conclusions of Law, the Panel
15 unanimously hereby recommends that:

16 1. Respondent be suspended from the practice of law for 6 months
17 and 1 day, to
18 run concurrent to Respondent's current discipline in case number 84201 issued by the
Nevada Supreme Court on April 29, 2022. CGP 6:13 – 7:3; TOP 36:10 – 37:8.

19 2. Respondent to pay administrative costs of \$2,500. SCR 120(3). CGP 7:7
20 – 10; CGP 38:3-16.

3. Respondent to yield to binding fee dispute through the State Bar Fee Dispute program within 30 days of the order approving, concerning a disputed sum of \$15,000 with Tammy Doran and/or Ricardo Perez in this matter. CGP 7:4-8; TOP 37:11 – 38:2.

4. Respondent to pay costs of the Formal Hearing proceedings including the reporter's appearance and transcript expense to the State Bar of Nevada, within 30 days of the Supreme Court's order approving the Formal Hearing Panel's recommendation. SCR 120(1). CGP 7; TOP 38:3-16.

DATED this 26th day of July, 2022.

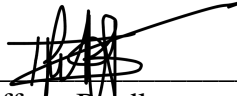
By: Russell E. Marsh
Russell E. Marsh (Jul 26, 2022 10:15 PDT)
 Russell E. Marsh, Esq.
 Hearing Panel Chair
 Southern Nevada Disciplinary Panel

CERTIFICATE OF SERVICE

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

1. Derrick S. Penney, Esq. (Respondent): old80@hotmail.com
2. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 26th day of July 2022.

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



FILED

Aug 02, 2022

STATE BAR OF NEVADA

BY: 
OFFICE OF BAR COUNSEL

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

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

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

Description	Amount
Court Reporter Fee & Transcript Fee Hearing held on June 10, 2022	\$550.00
Certified mail: Xx3897 - \$6.86	\$6.86
SCR 120 costs	\$2,500.00
TOTAL DUE:	\$3,056.86

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

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 receipt of the State Bar of Nevada's Memorandum of Costs in this matter pursuant to Supreme Court Rule 120(1).

Dated this 2nd day of August 2022.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Bruce Hahn


By: Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada, 89102

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR**
3 **OF NEVADA'S MEMORANDUM OF COSTS** was served by electronic mail to:

- 4 1. Derrick S. Penney, Esq., (Respondent): old80@hotmail.com
5 2. Bruce C. Hahn, Esq., (Assistant Bar Counsel): bruceh@nvbar.org
6

7 DATED this 2nd day of August 2022.

8 By: 
9 Tiffany Bradley, an employee of
10 the State Bar of Nevada.
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Integrity Court Reporting
7835 S. Rainbow Boulevard
Suite 4-25
Las Vegas, NV 89139
(702)509-3121

Invoice

Number: 1988

Date: 6/10/2022

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.
5-18-22	Derrick Penney	State Bar v Penney	OBC21-0386

Description	Amount
Half Day Appearance Fee	\$100.00
Transcript - 60 Pages @ 7.50	\$450.00

6/13/2022

Tax I.D. No. 01-0974768
Nevada Court Reporting Firm #069F

Total

\$550.00

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Derrick S. Penney, Esq.
50 W. Fifth Street
Winnemucca, NV 89445

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WINNEMUCCA, NV 89445

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January 19, 2022, 8:38 pm
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January 19, 2022, 6:35 pm
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January 19, 2022, 8:24 am
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1. Derrick S. Penney, Esq. (Respondent): old80@hotmail.com
2. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

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

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Case No. _____

**RECORD OF DISCIPLINARY PROCEEDINGS,
PLEADINGS AND TRANSCRIPT OF HEARING**

Derrick S. Penney, Esq.
Nevada Bar No. 8606
547 Los Dolces Street
Las Vegas, NV 89138
Respondent

INDEX

Description	Page Nos.	Vol. No.
Ad Hoc Order Filed May 2, 2022	ROA Page 053-054	I
Answer Filed March 8, 2022	ROA Page 021-025	I
Certificate of Mailing Record on Appel Dated August 2, 2022	ROA Page 079	I
Complaint, Designation of Hearing Panel Members, Declaration of Mailing Filed January 18, 2022	ROA Page 001-018	I
Conditional Guilty Plea in Exchange for a Stated Form of Discipline Filed May 17, 2022	ROA Page 057-065	I
Findings of Fact, Conclusions of Law & Recommendation Filed July 26, 2022	ROA Page 066-071	I
Notice of Intent to Proceed on a Default Basis Filed February 15, 2022	ROA Page 019-020	I
Notice of Telephonic Initial Case Conference Filed March 21, 2022	ROA Page 028-029	I
Order Appointing Formal Hearing Panel Filed March 30, 2022	ROA Page 034-035	I
Order Appointing Hearing Panel Chair Filed March 10, 2022	ROA Page 026-027	I
Order Appointing Mediator Filed May 6, 2022	ROA Page 055-056	I
Respondent's Initial Summary of Evidence and Disclosure of Witnesses for Formal Hearing Filed April 7, 2022	ROA Page 041-042	I
Scheduling Order Filed March 24, 2022	ROA Page 030-033	I
State Bar of Nevada's Final Summary of Evidence and Disclosure of Witnesses for Formal Hearing Filed April 26, 2022	ROA Page 043-047	I
State Bar of Nevada's Initial Summary of Evidence and Disclosure of Witnesses for Formal Hearing Filed March 30, 2022	ROA Page 036-040	I

Description	Page Nos.	Vol. No.
State Bar of Nevada's Memorandum of Costs Filed August 2, 2022	ROA Page 072-078	I
Subpoena & Request to Produce Filed April 28, 2022	ROA Page 051-052	I
Trial Subpoena Filed April 26, 2022	ROA Page 048-050	I

TRANSCRIPTS & EXHIBITS

Description	Page Nos.	Vol. No.
Transcript of Proceedings Held on May 18, 2022	ROA Page 080-150	II
SBN Exhibit 1- Hearing Packet	ROA Page 151-188	II
SBN Exhibit 2- Declaration of Prior Discipline	ROA Page 189-193	II
SBN Exhibit 3- Correspondence from Grievant to SBN dated April 23, 2021	ROA Page 194-200	II
SBN Exhibit 4- Correspondence from Respondent to SBN dated June 10, 2021	ROA Page 201-202	II
SBN Exhibit 5- U.S. District Court Docket for case no. 2:17-cv-01393-JCM-VCF	ROA Page 203-206	II
SBN Exhibit 6- Notice of Appearance	ROA Page 207	II
SBN Exhibit 7- Motion for Stay and Abeyance	ROA Page 208-210	II
SBN Exhibit 8- District Court Docket for case C-12- 283650-1	ROA Page 211-214	II
SBN Exhibit 9 – District Court case search for Ricardo Perez	ROA Page 215-216	II
SBN Exhibit 10 – U.S. District Court case search for Ricardo Perez	ROA Page 217	II
SBN Exhibit 11- Retainer Agreement dated July 11, 2017 and Receipt for \$5,000	ROA Page 218-222	II

Description	Page Nos.	Vol. No.
SBN Exhibit 12 – Retainer Agreement dated March 1, 2018	ROA Page 223-224	II
SBN Exhibit 13 – Receipt dated August 18, 2018 for Payment of \$1,000	ROA Page 225	II
SBN Exhibit 14 – Tami Doran’s text message with Respondent and Deposit Slip for payment	ROA Page 226-376	II
SBN Exhibit 15 – Purchase copy of Cashier’s checks dated May and July 2018	ROA Page 377	II
SBN Exhibit 16 – Respondent’s Wells Fargo Bank Deposit Records for account ending xx954	ROA Page 378-384	II
SBN Exhibit 17 – Grievant’s correspondence to Respondent dated February 20, 2021	ROA Page 385-386	II
SBN Exhibit 18 – State Bar’s reconciliation of Respondent’s Business Checking account ending xx4775	ROA Page 387-400	II
SBN Exhibit 19 – Conditional Guilty Plea	ROA Page 401-409	II

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA

Complainant,

vs.

DERRICK S. PENNEY, ESQ.,
Nevada Bar No. 8606

Respondent.

)
) Case No.
) OBC21-0386
)
)

CERTIFIED
TRANSCRIPT

FORMAL HEARING OF DERRICK S. PENNEY, ESQ.

Taken at the State Bar of Nevada Via Zoom Videoconference

3100 W. Charleston Boulevard, Suite 100

Las Vegas, Nevada

On Wednesday, May 18, 2022

At 9:02 a.m.

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

Appearances (via Zoom videoconference):

Commission Panel:

RUSSELL E. MARSH, ESQ.
Panel Chairman

JARROD L. RICKARD, ESQ.
Panel Member

BRITTANY FALCONI
Laymember

For the Complainant:

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

For the Respondent:

DERRICK S. PENNEY, ESQ.

Also Present:

TIFFANY BRADLEY
Hearing Paralegal

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
--------	-------------	------

Complainant's

1	Formal Hearing Packet	7
2	Affidavit of Prior Discipline	8
3	Correspondence from Grievant to SBN	
	Dated April 23, 2021	8
4	Correspondence from Respondent to SBN	
	Dated June 10, 2021	8
5	U.S. District Court Docket for Case	
	2:17-cv-01393-JCM-VCF	8
6	Notice of Appearance	8
7	Motion for Stay and Abeyance	8
8	District Court Docket for Case	
	C-12-283650-1	8
9	District Court Case Search for	
	Ricardo Perez	8
10	U.S. District Court Case Search	
	Ricardo Perez	8
11	Retainer Agreement Dated July 11, 2017	
	and Receipt for \$5,000	8
12	Retainer Agreement Dated March 1, 2018	8
13	Receipt dated August 18, 2018 for Payment	
	of \$1,000	8

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Complainant's		
14	Tammi Doran's text messages with Respondent and Deposit Slip for Payment	8
15	Purchase copy of Cashier's checks dated May and July 2018	8
16	Respondent's Wells Fargo Bank Deposit Records for Account Ending xx954	8
17	Grievant's correspondence to Respondent Dated February 20, 2021	8
18	State Bar's reconciliation of Respondent's Business Checking Account Ending xx4775	8
19	Conditional Guilty Plea	8

1 CHAIR MARSH: I'm calling the matter of
2 Derrick Penney, Bar Number 8606. This is OBC21-0434
3 (sic). I'm Russ Marsh. I'm the panel chair at
4 today's hearing. I'd like to ask the other panel
5 members to introduce themselves, starting with the
6 laymember.

7 PANEL MEMBER FALCONI: Hi, Brittany Falconi,
8 laymember.

9 PANEL MEMBER RICKARD: Good morning. Jared
10 Rickard, panel member.

11 CHAIR MARSH: Thanks to you both for being
12 here. I would ask counsel and the respondent to
13 enter their appearance, starting with Bar Counsel.

14 MR. HAHN: Good morning, panel. Bruce Hahn
15 on behalf of the State Bar.

16 RESPONDENT PENNEY: Good morning, panel.
17 Derrick Penney on behalf of myself.

18 THE COURT: All right. I understand that
19 there's a conditional guilty plea for consideration
20 by the panel. Is that right, Mr. Hahn?

21 MR. HAHN: That's correct, Chair. The --
22 after you -- after you make your remarks and open it
23 up to the Bar, I would be moving to admit it as
24 Exhibit 19.

25 CHAIR MARSH: I don't know that I have any

1 further remarks. I think I'd like to go next to
2 exhibits to make sure we have everything admitted
3 that needs to be on the record. Does the State Bar
4 have a motion to that effect?

5 MR. HAHN: I do, Chair. Again, once again
6 Bruce Hahn on behalf of the State Bar. Chair, I do
7 have a general plan of what I would like to offer the
8 panel, and of course whatever direction you want to
9 push me into, I'm happy to do it. But initially I do
10 have some housekeeping matters with regard to
11 exhibits.

12 Thereafter I would propose, to use wise use
13 of the panel's time today, I wouldn't be offering any
14 testimony, I would merely be summarizing the facts,
15 the baseline, the injury, the mental state. I would
16 invite thereafter any questions that the panel might
17 have. I would invite Mr. -- you to consider inviting
18 Mr. Penney to offer any summary and thereafter a
19 canvass and thereafter a deliberation.

20 So that would be my proposed plan, but again
21 whatever the panel wants, I'm here for the panel.
22 But I'm prepared to go ahead and start with the
23 housekeeping matters on the exhibits whenever you're
24 ready.

25 CHAIR MARSH: I am. Your plan sounds good.

1 I've been through a few of these conditional guilty
2 plea hearings before, and I think that's a good way
3 to proceed. And I will definitely try to save
4 everybody's time this morning. Since you were able
5 to reach an agreement, that certainly is going to
6 help, so go ahead with the exhibits.

7 MR. HAHN: Very well. First of all, I would
8 ask the Chair to affirm the preadmission and
9 publishing of the case pleadings. That's what we
10 call the hearing packet, and that would be Exhibit 1.
11 Miss Bradley made that available. I believe that
12 would be pages SBN001 through 037 that was published,
13 I believe it was last week.

14 CHAIR MARSH: That's fine.

15 Mr. Penney, any objections?

16 RESPONDENT PENNEY: No, Chair, I have no
17 objection. Thank you.

18 CHAIR MARSH: Exhibit 1 will be admitted,
19 Mr. Hahn.

20 (Thereupon Complainant's Exhibit
21 1 was admitted into evidence.)

22 MR. HAHN: Thereafter the State Bar has
23 offered a series of disclosures to Mr. Penney.
24 Rather than me go through them in great detail, I
25 would simply offer them at this time, and I would

1 demonstrate very briefly with a summary what the
2 relevance is so the panel's a little more informed to
3 make a decision, and that would be Exhibits 2 through
4 19.

5 CHAIR MARSH: Okay. And you're planning to
6 discuss those as you make your presentation regarding
7 the plea?

8 MR. HAHN: Yes, sir. And Exhibits 2 through
9 18 were previously disclosed to Mr. Penney. I
10 believe he hadn't -- he wanted additional time to
11 examine them. Those were part of the Bar's final
12 disclosures, and then the Exhibit 19, that would be
13 the conditional guilty plea memorandum I spoke of
14 earlier.

15 CHAIR MARSH: All right. Mr. Penney, do you
16 have any objection to the admission of Exhibits 2
17 through 19?

18 RESPONDENT PENNEY: I have no objection,
19 Chair. Thank you.

20 CHAIR MARSH: All right. They will all be
21 admitted.

22 (Thereupon Complainant's Exhibit
23 2 through 19 were admitted into
24 evidence.)

25 CHAIR MARSH: Mr. Hahn, do you have any

1 further exhibits to offer at this time?

2 MR. HAHN: There's no further exhibits at
3 this time. I would simply be asking for your
4 direction as to when Miss Bradley could publish those
5 to the panel and make those available as I'm going
6 through a presentation.

7 CHAIR MARSH: That's fine, however you want
8 to do that.

9 MR. HAHN: Very well. No other housekeeping
10 matters at this time.

11 CHAIR MARSH: All right. Let's proceed with
12 the State Bar's presentation in support of the
13 proposed conditional guilty plea.

14 MR. HAHN: Very well. Good morning again,
15 panel. Bruce Hahn on behalf of the State Bar. What
16 we have here for you is a joint recommendation from
17 Mr. Penney, who's the respondent, he's representing
18 himself, and the State Bar. What we have and what
19 your options are today three. You can, after you've
20 considered the supporting evidence and you've heard
21 the arguments of myself and Mr. Penney and considered
22 everything, you can -- you have the option of
23 accepting our agreement today and recommending that
24 to the Supreme Court.

25 Your second choice is you can decline it, in

1 which case we would be going to a new panel. The
2 third, the third choice you would have is is that you
3 could accept it but offer recommendations to
4 Mr. Penney and I to modify what we have already
5 agreed upon, and then of course Mr. Penney and I, we
6 would need to go off line, discuss that and then see
7 if that was something that was mutually acceptable by
8 Bar Counsel and by Mr. Penney.

9 So those are essentially your three options
10 for today. What I'd like to do now is identify what
11 the supporting exhibits are so you understand what
12 the relevance of them are, and then I can move
13 forward into the facts, the duty that was breached,
14 the mental state, the injury, the baseline, and then
15 of course any aggravating and mitigating
16 circumstances, and then again I'll invite the Chair
17 to proffer any questions on your behalf or on his
18 behalf.

19 So if I could, with regard to our supporting
20 exhibits, to help you make an informed decision
21 today, I'll begin first with Exhibit 2, and that's
22 really of your last consideration. It's a little out
23 of order. It really should be at the very bottom,
24 but it's relevant and it's been admitted. And what
25 that is is that's an affidavit of prior discipline

1 involving Mr. Penney.

2 He has a recent matter. I believe it was
3 issued by our Nevada Supreme Court on April 29, 2022,
4 and it indicates that he is currently under
5 suspension by our Nevada Supreme Court. And again
6 that's simply offering -- that's simply going to an
7 issue of what might be an aggravating factor. We'll
8 have many other things to discuss before we get
9 there.

10 Exhibit 3 for your consideration is one of
11 the primary grievances that was offered by the
12 grievant in this case. The grievant in this case,
13 his name is Ricardo Perez. He's an inmate. He's in
14 custody for second degree murder over in -- over with
15 Nevada Department of Corrections.

16 And in connection with the representation
17 involving Mr. Penney is Mr. Perez and his mother,
18 Tammy Doran, reached out to Mr. Penney to see if he
19 would help them with some postconviction matters,
20 basically to develop some theories of relief.

21 Mr. Penney has some expertise in criminal matters,
22 and so there was -- there was two agreements that
23 were reached, and I'll get into those very shortly.

24 But there was an initial retainer and then
25 there was an amended retainer by which they were

1 going to go forward again to develop some theories of
2 relief and offer them initially in one court and then
3 later in state and federal court. So that was the
4 basis of the representation, and value of course was
5 paid. So Exhibit 3 is the handwritten grievance from
6 Mr. Perez who's an inmate.

7 With regard to Exhibit 4, to offer you some
8 background, this is a notification here -- forgive
9 me, let me find my summary. That is some
10 correspondence from Mr. Penney to the State Bar of
11 Nevada, but that really goes to Count 5. Again I
12 don't -- we didn't get everything quite in order, but
13 Count 5 has to do with Mr. Penney's responses to the
14 State Bar, or lack thereof. So little bit out of
15 order this one, but that's the relevance of
16 Exhibit 4.

17 Exhibit 5, that is what I'll refer to as the
18 U.S. District Court docket. As part of the State
19 Bar's investigation in determining what services were
20 provided by Mr. Penney for value, there was an
21 examination into the district court docket to find
22 out exactly what was filed. We had inquired from
23 Mr. Penney to find out what was done. He was not
24 able to marshal those documents so we had to do that
25 ourselves.

1 And so this is simply to demonstrate that
2 there was in fact a filing by Mr. Penney on
3 Mr. Perez's behalf, and then what the timing was,
4 because essentially the retention began in I believe
5 it was twenty -- forgive me, I believe it was 2017,
6 then it went into 2018, and then it stretched out
7 over a course of time. So we were trying to find out
8 what was done when.

9 That's the relevance of Exhibit 5 to sort of
10 help you understand when the action was initially
11 sought by Mr. Perez for relief, when Mr. Penney got
12 involved, when he did what he did, and ultimately
13 when the court did what it did, which was to dismiss
14 the action entirely.

15 Exhibit 6, what that demonstrates is, and
16 again let me refer to my notes, that's a notice of
17 appearance that Mr. Perez had made and when
18 Mr. Penney got involved, which was March 2nd of 2018.
19 And again that was to develop postconviction theories
20 of relief on Mr. Perez's behalf.

21 Exhibit 7, this is the single document that
22 we found filed on Mr. Perez's behalf that was for
23 value. And this is Mr. Penney's, or at least it
24 bears his name, a motion for stay and abeyance in
25 federal court. And what this is is this is

1 essentially a page and a half document with a
2 certification of service. So that is the relevance
3 of that to determine, to help you determine whether
4 or not that was diligent representation, which is
5 Count 1, which is 1.3 of the Rules of Professional
6 Conduct.

7 Exhibit 8 and Exhibit 9 are related. What
8 they are is is that we also, as part of the State
9 Bar's investigation, wanted to find out was there any
10 relief sought in state court, because when you look
11 carefully at the amended agreement in March of 2018,
12 and I'm talking about the retainer agreement between
13 Mr. Penney and Mr. Perez, the contemplated relief
14 sought was going to be in two separate courts, not
15 just federal court but state court, and so we wanted
16 to demonstrate what the Bar did to try and determine
17 was there some relief, again because Mr. Penney
18 wasn't able to come up with the records that we were
19 hoping for.

20 We had to do our own investigation, and we
21 found out that there was not any significant action
22 that was taken by Mr. Penney on Mr. Perez's behalf in
23 state court. So again we tried to offer a more
24 complete perspective of what was done and what was
25 not done.

1 With regard to Exhibit 10, that's the U.S.
2 District Court case search for Mr. Perez. When we
3 threw out the net, we wanted to throw it out wide and
4 see if there was something else that we might have
5 missed. That's the relevance of that.

6 With regard to Exhibit 11, what this is is
7 this is the retainer agreement I was referring to.
8 You'll notice that it's dated July 8th of 2017. This
9 is when Mr. Penney was engaged by Mr. Perez. And
10 because he was an inmate, most of the conversation
11 and texts and whatnot, I will not say most of, the
12 majority of was done through Ms. Doran and
13 Mr. Penney.

14 Again Miss Doran's relationship to the
15 grievant is is that is his mother and she had easier
16 access to texting, phone calls and whatnot. So a lot
17 of the communication was with the third party,
18 Miss Doran, on Mr. -- rather on Mr. Perez's behalf.

19 What you'll see in Exhibit 11 is the
20 engagement letter and then some of the terms, and of
21 course ultimately what was signed, which was -- yes,
22 that's the -- that's the signature of the parties on
23 that document. And then of course there was a
24 receipt of \$5,000, because that was the initial
25 engagement. It was take a look and see what I have,

1 tell me what your expertise is, tell me what you
2 think we could do. So that was the initial
3 engagement.

4 What you'll discover thereafter in exhibit,
5 I believe it is Exhibit 12, let me make sure I can
6 find this properly, this is the second retainer.
7 This is what is referred to on page two of Exhibit
8 12, you'll see it says Amended Attorney Employment
9 Contract. This is the second engagement.

10 And what this is is this contemplated a
11 wider scope of services, and of course the amount
12 here was \$20,000. The first one in 2017 was \$5,000
13 involving one court. The second retainer agreement
14 was March of 2018 and it contemplated seeking
15 theories of relief in two separate courts, state and
16 federal. And then the second agreement, that
17 contemplated a sum of \$20,000 less the \$5,000 that
18 was already paid.

19 So at issue here was, again, \$15,000 with
20 the second agreement. And again you'll see the
21 signatures and whatnot and the terms that were
22 contemplated by the parties, again to help you
23 determine whether or not diligence, the 1.3 was in
24 fact committed. And in this case --

25 CHAIR MARSH: Mr. Hahn, can I stop you there

1 real quick?

2 MR. HAHN: Yes.

3 CHAIR MARSH: I just wanted to make sure the
4 other panel members had received, I don't know if
5 you're able to do this simultaneously, but I see that
6 Miss Bradley sent out an email with all of the
7 exhibits attached as a link. Did the other panel
8 members have that or did you receive it?

9 PANEL MEMBER RICKARD: Yes, I have them,
10 Mr. Chair. Thank you.

11 CHAIR MARSH: Ms. Falconi?

12 PANEL MEMBER FALCONI: Oh, yes, I did.

13 CHAIR MARSH: Okay. Great. I'm sorry. I
14 just wanted you to be aware that we can now see the
15 exhibits as we're going along, Mr. Hahn.

16 MR. HAHN: Outstanding. Very well. So
17 Exhibit 12 reflects that. And again in this case
18 Mr. Penney, he has conceded responsibility for Counts
19 1, 2, 4 and 5, but again I'm trying to just offer you
20 foundation for that basis of him doing that. I don't
21 mean to belabor this, Chair. Forgive me.

22 With regard to Exhibit 13, what that is is
23 that is simply indicating one of the initial payments
24 of attorney's fees that was paid. And again that's
25 who Tammy Doran is. You'll see that on page one of

1 Exhibit 13. That's the third party I was referring
2 to that is Mr. Perez's mother.

3 Now, with regard to Exhibit 14, this is a
4 long, long exhibit, and I don't know that you need to
5 spend a whole lot of time on it. I'm not
6 recommending that, but I am trying to demonstrate the
7 conversations that were going back and forth because
8 what was alleged in this matter was a Rule of
9 Professional Conduct violation 1.4A, which has to do
10 with the necessary communication that must occur
11 between a client and a lawyer.

12 And what this is in Exhibit 14, this is
13 about 151 pages and it's just screenshots between
14 Miss Doran, who's Mr. Perez's mother, and Mr. Penney.
15 And as you go through those different screenshots I
16 think you'll see what starts off as a good, good
17 level of communication that Mr. Penney was
18 demonstrating initially to where it completely drops
19 off. So that's the relevance of that document. And
20 again it's a long exhibit, about 151 pages.

21 Now, towards the end of that we blended some
22 of the exhibits, and I apologize for that. The
23 blending of the exhibits begins on Exhibit 14, page
24 145. What we do is you'll just see an abrupt turn to
25 cashier's checks. That's what that is. And now

1 we're moving into the issue of Count 4, which has to
2 do with the trust account and proper safekeeping of
3 client's property. So we've sort of moved from the
4 diligence and the communication, now we're moving
5 into Count 4, which has to do with the IOLTA and the
6 lack of deposits in the IOLTA.

7 So what this demonstrates again on
8 Exhibit 14, page 145 all the way through the end,
9 which is page 151 of Exhibit 14, is is that's just
10 showing the records of the payments that were made.
11 In this case Mr. Penney, he graciously concedes that
12 all the value was paid, that \$15,000, but that's
13 simply records of those payments that we wanted to
14 demonstrate to you that full value was paid by
15 Ms. Doran on Mr. Perez's behalf. So that's simply
16 evidence for you folks to look at, rely on. She's
17 not a lady of significant means, and to just
18 demonstrate those 1,000 payments methodically
19 throughout the course of the representation.

20 So SBN14 page 145 through page 150 is sort
21 of really the beginning of Exhibit 16, and that's the
22 State Bar's Exhibit 16, which of course is more
23 evidence of payments that were made. And again
24 that's simply background to demonstrate that value
25 was paid for Mr. Penney's expertise in this matter.

1 The Exhibit 17 is I'm just wrapping up for
2 our record what the exhibits are. This was a letter,
3 another handwritten letter from Mr. Perez from
4 custody dated February 20, 2021. And you'll see that
5 it sort of demonstrates Mr. Perez's frustration in
6 communication I believe, and diligence I believe.

7 But I'll invite you folks to make your own
8 determination with what it shows. But he was really
9 hoping I think for an accounting. Okay, if you
10 couldn't do something, tell me why you couldn't do
11 it, tell me why you haven't been able to communicate.
12 And he's discouraged. He's disappointed with the
13 services that he had.

14 And in fairness to Mr. Penney, maybe there
15 wasn't a whole lot that could be done, but the client
16 didn't know that. The client didn't understand that.
17 That wasn't sufficiently communicated because, again,
18 Mr. Penney has quite a bit of expertise in this
19 realm. And if relief couldn't be obtained, that
20 simply wasn't sufficiently communicated, which is the
21 State Bar's concern of communication.

22 The diligence, you folks are going to have
23 to take a look and see if that one pleading in
24 federal court demonstrates that diligence. But again
25 Mr. Penney's been gracious, he's conceded that, so we

1 offer that as background.

2 Exhibit 18, what this is, and some of you
3 are familiar with State Bar employee hearing
4 administrator Louise Watson. What Miss Watson did is
5 is that in connection with this case and another
6 matter, she had looked intently into the IOLTA
7 account, and what she was doing is she was trying to
8 track that \$20,000 that was paid. Remember the
9 initial 5 and then the subsequent 15? The value was
10 paid for with the initial agreement and then with the
11 amended agreement. She was trying to track where
12 that money went. That's what she was trying to do.

13 And this is her voluminous record summary,
14 your normal exception to the hearsay rule where she
15 went through that accounting, and what you'll
16 discover is is that in reproducing this summary, what
17 she did is she made the memo notes as they appeared
18 to her, and so you'll see that. You'll see
19 everything from settlement proceeds on cases to what
20 appears to be a school tuition. It's sort of a --
21 it's kind of an amalgamation of what was happening in
22 that trust account.

23 And what you'll discover is part of the
24 pleadings is is that there's about \$9,000 of that
25 20,000, basically the 15 and the subsequent that was

1 never properly deposited in the IOLTA account. And
2 that's the basis for Count 4. Client trust funds,
3 they've got to put -- it's got to be kept separate
4 from a lawyer's property completely, and in this case
5 we couldn't even find it.

6 What Mr. Penney did with it, I don't know.
7 I suppose that's his business, but I do know what the
8 Rules of Professional Conduct indicate, and it needs
9 to be placed in there and it needs to be not consumed
10 until it's earned. And again, because we weren't
11 able to get all the records from Mr. Penney earlier
12 on, we weren't able to determine whether or not those
13 fees had been fully earned. But irrespective if they
14 were, they were never properly put in the trust
15 account. So that's again the Bar's concern here.

16 And then lastly with Exhibit 19, the
17 relevance of this document is Mr. Penney and I coming
18 to an agreement with what we believe an appropriate
19 disposition is for your consideration. And what I'll
20 do is I'll simply walk through that as best as I can,
21 and again I want to yield to the chair and any panel
22 member questions, but this document sort of
23 memorializes the terms that Mr. Penney and I have
24 reached.

25 Thank you, Miss Bradley.

1 You'll see in this document here the
2 arrangement that we have made is there was originally
3 five counts that were charged. There was the 1.3,
4 which is diligence. That involved filing a single
5 document in federal court and not even seeking to --
6 seeking for relief or request for a continuance or,
7 you know, motion for more time, for more
8 documentation. It was simply one pleading.

9 Count 2 has to do with communication, and
10 you'll see again that extensive series of text
11 messages. Count 3 has to do with fees. And the Bar
12 is proposing, if you accept this agreement, to
13 dismiss that. And that has to do with Mr. Penney was
14 kind enough to provide the State Bar with an
15 accounting very recently. It was last week, I think
16 it was last weekend, that sort of demonstrated the
17 hours that he believed that he could work.

18 And so what we have proposed is is that I
19 would be moving to dismiss Count 3, if the panel
20 accepts that, and then the matter go to binding fee
21 arbitration, because Miss Doran and Mr. Perez believe
22 that they received little value. Mr. Penney
23 demonstrates maybe you didn't receive a whole lot of
24 value but he worked his tail off on the case, and I
25 think there's -- that's worth your consideration.

1 So we just don't have the time to do the
2 workup that we would like, so Mr. Penney has
3 consented, and I've consented, that this matter go to
4 binding fee arbitration for that sum for the
5 grievants who believe that they're out that money.
6 So that's why you don't see Count 3 represented here
7 on line 17 and 18 of page one of Exhibit 19.

8 Count 4 has to do with the safekeeping of
9 property. I've sort of shared the two theories,
10 subsection A and subsection C, that the State Bar
11 has.

12 And then of course Count 5 has to do with
13 the Bar disciplinary matters, and I didn't really
14 spend much time on this. But if you look at the
15 complaint, what you'll discover is is that the Bar,
16 we reached out to Mr. Penney, we reached out
17 repeatedly to him. I think we got two responses out
18 of five, if I'm recalling the facts correctly, and
19 the responses weren't substantive. They weren't
20 helpful. They weren't responsive to what we needed.
21 I think Mr. Penney was having difficulty obtaining
22 some records. He offered a date that he would do it.
23 It didn't happen.

24 So with regard to this agreement, what
25 you'll see -- and forgive me, Miss Bradley, would you

1 be so kind as to go up to Count 1 on that page on
2 that document. Thank you.

3 Again this is basically a brief summary of
4 what the complaint already demonstrates, and again
5 I'm looking at Exhibit 19, page two. This is just
6 simply summarizing for everyone what the Bar's
7 position is that Mr. Penney consents to as to
8 diligence. He didn't act with reasonable diligence.

9 Count 2 is is that he didn't adequately
10 communicate with Mr. Perez. Mr. Penney, he had
11 relocated his practice. He relocated his practice
12 from Southern Nevada to Northern Nevada, and he
13 transitioned to full-time government practice. And
14 that's great for Mr. Penney, but that wasn't
15 information that was communicated to the client. And
16 I believe that the Bar's position is is that that
17 information is something that a client needs to know.
18 Maybe Mr. Penney couldn't reach him in Southern
19 Nevada because he was in custody, but his mother
20 certainly could. And so that's relevant.

21 Going to full-time government practice,
22 that's a busy practice. Mr. Penney did have a very
23 busy practice, and I think that that's something that
24 a client needs to be informed about to make an
25 informed decision about is this representation going

1 to continue to work out.

2 So there may or may not have been conflict
3 with the work. That's not the Bar's point. The
4 Bar's point is is that that information needs to be
5 shared with the client so they can make an informed
6 decision about is this still the right lawyer for me.
7 So that's why I explain what I do in lines 6 through
8 10 and a half.

9 And then of course there was at least four
10 scheduled phone call appointments that were scheduled
11 between Mr. Penney. He had set those with Mr. Perez.
12 It's a little bit difficult to schedule meetings,
13 some phone calls with someone who's in custody, and
14 so when these four different appointments were not
15 met, that caused a lot of frustration. There was no
16 call/no show by Mr. Penney. And I have those dates
17 in the actual Bar complaint, so if you wanted to
18 refer to the dates, that's where you would find them.
19 I'm merely summarizing here.

20 And of course there was a number of text
21 messages and phone calls, and you'll see that that's
22 demonstrated, I believe it's in Exhibit 14, that very
23 long exhibit of about 154 pages.

24 Now, Count 4, again I skipped Count 3
25 because I'm not recommending a plea to that count,

1 I'm recommending that that issue go to binding fee
2 arbitration. Count 4 is is that the trust funds, the
3 attorney fees that were paid by Mr. Perez or
4 Miss Doran, again that has to be kept separate from
5 his own property. And those, a number of those sums,
6 they were not deposited in a bank account that was
7 designated as a trust account.

8 Again, when the Bar threw out that net, when
9 we weren't able to get the information from
10 Mr. Penney, we couldn't even find them when we looked
11 at three separate accounts, so we know that they
12 weren't listed in an IOLTA. And it's also consistent
13 with the Bar's recommendation is is that those fees,
14 because they weren't even deposited, they were
15 withdrawn before they were earned.

16 Again Mr. Penney was kind enough to share
17 some information last week to suggest that not all of
18 that might be accurate, but nonetheless there was
19 fees that were not deposited. And again the window
20 of time is roughly March of 2018, even though it
21 indicates August on line 14 through January of 2019.
22 January of 2019 is when all of the sum was paid,
23 again the 5,000 from the initial agreement in 2017,
24 and the 15,000 from 2018 in March. So that's the
25 bookends, so to speak.

1 And then of course Count 5, this is where
2 Mr. Penney did not timely and properly respond. The
3 Bar made five written lawful demands. When I say
4 "written," it was put in writing, but sometimes those
5 were sent by email, other times it was sent by
6 registered and certified mail. And of course in this
7 case, I don't recall specifically, I believe that
8 Mr. Penney had long relocated to Northern Nevada from
9 Southern Nevada.

10 He was working up in Humboldt County, and
11 the SCR 79 address had not been updated, but the key
12 window of time that I've pled here was April of 2021
13 through June of 2021. I believe Mr. Penney, and I'll
14 invite him to correct me if I'm wrong, but he had
15 relocated from Southern Nevada roughly October of
16 2020. So again I'll commit that to Mr. Penney to
17 correct me.

18 And, Miss Bradley, if you'd be so kind,
19 we'll just move through this document.

20 The stipulation of facts, what this is is
21 this is the summary of a number of salient facts for
22 Counts 1, 2, 4 and 5 from the complaint. So you've
23 already seen this language before, but I wanted to
24 put it in this document and memorialize it for you
25 and for our Supreme Court. So again, Miss Bradley,

1 if you would just gently scroll through it. I'm not
2 going to discuss any more about this.

3 Very well, we'll stop right here,
4 Miss Bradley. Thank you. What I try and do is is
5 that I try and articulate the baseline, or the
6 baseline standards. So in other words we look at the
7 duty that was breached, we look at the attorney's
8 mental state, and we proceed through those four
9 Lerner factors. And what I'll simply do now is sort
10 of summarize for you what we have agreed to in this
11 particular case.

12 In this matter the duty in Counts 1 and 2,
13 those are duties to clients. You've got a duty to
14 diligence to your client and you've got a duty of
15 communication to your client. Within the ABA
16 standards for imposing lawyer sanctions from our
17 green book, it falls under a duty owed to a client.

18 Count 4, which is -- has to do with
19 safekeeping property, that's also a duty to a client,
20 but it's also a duty to the legal profession because
21 the IOLTA is managed by SCR 78.5 I believe and then
22 SCR 217, and then it mandates how the IOLTA is to be
23 managed. So, yes, there was a duty violated to the
24 client, but when you're talking about Supreme Court
25 rules and how someone is to handle the IOLTA account,

1 it's an injury to the profession as well. It's a
2 breach of duty to the profession.

3 And then Count 5, that's a duty that was
4 breached to the legal profession as well, and that's
5 the State Bar. And what our role is is to protect
6 the public and to, you know, we have member services
7 which offers a number of services that we do to our
8 members, but our little narrow function of the Office
9 of Bar Counsel is is to try and help offer consumer
10 protection. And so that was the function there of
11 him not responding to the Bar's repeated inquiries,
12 that's a duty that's owed to the legal profession for
13 anyone who is a licensed professional.

14 Moving now to the mental state. In this
15 particular case there's -- well, in any case there's
16 different levels of intent: There's negligence,
17 there's knowing, and then there's intentional.
18 "Intentional" is a conscious intent to accomplish
19 something by a design. "Negligence" is sort of like
20 indifference, and then "knowing" is generally where
21 most of the cases follow.

22 In this particular case Mr. Penney and I,
23 we've agreed that his intent in doing these four
24 offenses of the Rules of Professional Conduct were
25 knowing, and that's a consciousness -- that's a

1 conscious awareness of the nature or attendant
2 circumstances of his conduct but without the
3 conscious objective to accomplish a particular
4 result. So that's the difference between intentional
5 and knowing. In this case we've agreed that the
6 level of intent was knowing.

7 I don't have evidence to demonstrate that
8 Mr. Penney intentionally did not deposit that \$9,000
9 to avoid something. And that's not even what I'm
10 representing. I think it was a time in his life
11 where that simply was not of a -- not of a particular
12 concern to him.

13 With regard to the injury in this case, I
14 indicated that the legal profession's involved, the
15 courts are involved, and then the public is involved.
16 There's duties that are owed, and different folks can
17 be injured as a result of failure to follow the Rules
18 of Professional Conduct.

19 With regard to the diligence, there was
20 actual injury as to the diligence count, and that was
21 Mr. Perez, and what happened in his case was
22 dismissed outright. When you look at that federal
23 register of conduct and the dates, you'll see there
24 was plenty of time to step it up. There was plenty
25 of time for more filings. There was plenty of

1 opportunity to seek more relief or get more time to
2 do so. And in this case that wasn't done. So actual
3 injury occurred to Mr. Perez, and you'll see that
4 from the register. And again, Mr. Penney consents to
5 this. I don't need to belabor the point, I just want
6 the panel to be informed.

7 With regard to communication, there was
8 actual injury to Mr. Penney -- or, forgive me, to
9 Mr. Perez, and that's the enormous frustration.
10 You'll see that this took place from 2017 to 2019 and
11 into 2020 with those texts and phone calls that were
12 made. The Bar didn't get involved until 2021. So
13 the communication, there was actual injury in this
14 particular case, and that was enormous frustration
15 over the delay for the extended period of time.

16 As to Count 4, which is the safekeeping
17 property, again there was actual injury to the
18 particular client. There -- Mr. Penney has consented
19 to binding fee dispute, put they're out money that
20 they believe that they paid value for where they
21 didn't receive services. So that is the nature of
22 the injury there.

23 And with regard to safekeeping property, I
24 think there's also potential injury to the
25 profession. When the consuming public learns about

1 licensed professionals and their money wasn't
2 handled, I believe that that -- our courts have
3 expressed concern from time to time about how the
4 public feels about us, how we treat our legal
5 consumers. And when trust funds are mishandled, it's
6 of great concern, typically to our Supreme Court. So
7 in this particular case I believe that there's
8 evidence of potential injury to our profession.

9 Lastly as I wrap up injury as to Count 5
10 now, which is the Bar disciplinary matters, there's
11 actual minor injury in this case. What you'll see is
12 is that none of us are particularly thrilled about
13 the height of our Bar dues, and those Bar dues go to
14 take care of things like this. And in this
15 particular case there was actual minor injury.

16 Miss Bradley's time, the Bar investigator's
17 time, the email, the postage, the repeat follow-up,
18 the maintaining the records and the databases, yes,
19 it's a cost of -- it's a cost of business but it's a
20 cost that's passed on to the consuming public and our
21 members at large. So there's actual injury with
22 regard to that.

23 And now going to the baseline ABA standards,
24 that's what you're looking at right now on your
25 screen, which is Exhibit 19, which is our conditional

1 guilty plea memorandum. You'll see where we come up
2 with the baseline standards. And the baseline
3 standards for each of these violations is suspension.

4 So then what we do, based on what the
5 Supreme Court tells us, is is that again we look at
6 the injury, we look at the duty that was breached, we
7 look at the mental state, you know, then we come to
8 ultimately the baseline standard, and then that gives
9 us a point of where do we go.

10 And then after that then we look at
11 aggravating and mitigating circumstances, and this is
12 where Miss Bradley is taking us now. I have
13 stipulated with Mr. Penney that there are three
14 aggravating circumstances here and there are two
15 mitigating factors, okay. The aggravating
16 circumstances is prior disciplinary offenses, and of
17 course that's Exhibit 2, and you'll see the Supreme
18 Court order, and that was issued just last month.

19 "D" is is there's multiple offenses. In
20 this case there's four that we're tendering for you
21 to consider recommending to the Supreme Court, the
22 acceptance of his admission of liability for
23 diligence, communication, safekeeping property, and
24 Bar disciplinary matters. So there's multiple
25 offenses.

1 And then "I" is substantial experience in
2 the practice of law. Mr. Penney is extremely
3 experienced. He's been practicing for nearly 30
4 years. You see his bar number. You'll see in
5 Exhibit 2 how long he's practicing and when he was
6 admitted. And I'll invite Mr. Penney to share, if he
7 so chooses, but I believe he's admitted in other
8 states as well, so he's extremely intelligent and
9 substantial practice of law experience.

10 Generally the baseline is ten years,
11 according to the Nevada Supreme Court. In this case
12 Mr. Penney has substantially more than ten years.
13 And the theory is is that if you have substantial
14 experience in the practice of law, you shouldn't be
15 making routine mistakes with clients, with the legal
16 profession. That's the theory, and that's why it's
17 an aggravating factor.

18 The two mitigating factors under SCR
19 120.5(2) is is that I believe he's demonstrated a
20 cooperative attitude towards these proceedings here
21 today, and that he has undergone some substantial
22 recent personal life changes. And I offer that, and
23 I'll let Mr. Penney address that, but that was one of
24 the expressed findings.

25 And as a member of the Office of Bar Counsel

1 I simply want you to be informed that a prior panel
2 found. And so I will, again, I'll yield to
3 Mr. Penney when it's his opportunity to share what
4 those substantial recent life changes are, if he
5 chooses. If he doesn't, I'm still stipulating to it.

6 So when you weigh out the three aggravating
7 versus the two mitigating, it doesn't really move
8 that baseline up of suspension much one way or
9 another.

10 So, Ms. Bradley, if you'd be so kind, we'll
11 continue to go through Exhibit 19. What I simply do
12 is memorialize here what the specific recommendation
13 is. And what we're recommending in this case is is a
14 period of suspension of six months and one day. Of
15 course this will require that Mr. Penney seek
16 readmission for the practice of law. But the
17 suspension of six months and one day run concurrent
18 to his existing suspension of six months that's
19 already been rendered by our Nevada Supreme Court.

20 So in this particular case, you know, the
21 panels can always recommend concurrent, they can --
22 or consecutive, they can recommend concurrent to run
23 alongside each other. Mr. Penney and I are
24 recommending the latter. We're recommending that his
25 existing period of six months, and then basically two

1 and a half years of probation from his existing
2 suspension matter the came out last month, that you
3 consider recommending to the Supreme Court six months
4 and one day to run alongside that existing matter.

5 Of course in this case six months and one
6 day it will require him to seek readmission to
7 practice law, so there is a consequence associated
8 with this matter that was not in the first matter.

9 So that is what we are recommending. And he
10 understands what the consequences of that are.

11 Now, the second term that you'll see here in
12 item number two, this is on line three and a half of
13 Exhibit 19, he agrees to submit to binding fee
14 dispute, and that has to do with the \$20,000.

15 Remember there was the initial 5,000 that was paid,
16 there was the remaining \$15,000 that was paid. In
17 this case Mr. Penney apparently refunded \$5,000 on
18 his own volition to Miss Doran on December 6 of 2021.

19 So the fee dispute people will hear about
20 this. They're going to hear that he did voluntarily
21 tender some money back. And so fee dispute would be
22 resolving any discrepancy between the two. Again,
23 Mr. Perez feels he received very little value.
24 Mr. Penney has just very recently shown evidence to
25 the Bar that he did do a substantial amount of work.

1 That's for the folks at fee dispute to resolve.

2 That's what we're recommending.

3 The last term is is that there's costs
4 associated with this. There's SCR 120 costs of \$2500
5 in the event of a suspension, and then of course
6 there's hard costs of our proceeding today. We're
7 grateful for the volunteer service that you perform,
8 but Ms. Hines, she has a fee for transcribing, and
9 she also has an appearance fee, and those are costs
10 that are contemplated by our Nevada Supreme Court in
11 SCR 120.

12 So we're recommending that the panel impose
13 not only the administrative costs of \$2500, but what
14 we call the hard costs, and that would be made within
15 30 days once our Nevada Supreme Court considers your
16 recommendation, if that's what you recommend.

17 Ms. Bradley, if you'd be so kind to
18 continue.

19 What we're simply indicating here is is that
20 the Bar will be moving to dismiss Count 3, if you so
21 recommend to the Supreme Court the acceptance of our
22 agreement and plea to Counts 1, 2, 4, and 5.

23 The approval of respondent. This is simply
24 a recitation of Mr. Penney. Again he's an extremely
25 experienced attorney. He's chosen to represent

1 himself. He understands what he's doing. He
2 understands the terms and conditions. Of course he's
3 examined the Bar's file in connection with this case.
4 He understands that this is resolving any grievance
5 or matters simply in this specific case. He
6 understands he has a right to counsel. He has the
7 option of retaining counsel. He's considered that.
8 He has declined to do that.

9 And in this case he has sought and obtained
10 the benefit of mediation in this matter. This matter
11 was mediated. Someone did step in between the Bar
12 and Mr. Penney to see if either one of us were
13 being -- we weren't hearing each other, perhaps.
14 Maybe that's a good way of saying it. And mediation
15 did occur, and of course that he's signing this
16 agreement voluntarily and without any promises by
17 anybody.

18 So if you would, Miss Bradley, please
19 continue to scroll.

20 And this simply indicates his signature on
21 line four. It was executed on the 17th, which of
22 course was yesterday. And this is the document that
23 memorializes what we've recommended today.

24 So, panel, I'm so sorry to be so longwinded,
25 but again I wanted you to be informed to help you

1 with your deliberation process. At this time I'd
2 like to ask Chair Marsh if there's any questions on
3 his behalf or your behalf that I can answer, and then
4 I would encourage the Chair to -- we would yield to
5 Mr. Penney and any comments he'd like to offer with
6 regard to mitigation or otherwise. So with that I
7 yield to the Chair. Thank you for your time.

8 CHAIR MARSH: Thank you, Mr. Hahn. I
9 appreciate the very thorough presentation. I don't
10 have many questions, maybe a couple. One would be
11 regarding the -- actually they both relate to the
12 suspension. The first one is why the Bar is
13 recommending a concurrent suspension.

14 MR. HAHN: The agreement in this particular
15 case has gone directly to Bar Counsel, Mr. Hooge. He
16 is acquainted with, well acquainted with Mr. Penney's
17 prior matter. He's also acquainted with this matter.
18 And as I'm a little newer to the practice with the
19 State Bar Office of Bar Counsel, I frequently go to
20 Mr. Hooge for direction.

21 And Mr. Hooge believed that based on the
22 arguments and the evidence that was raised at the
23 previously contested hearing, and what I'm talking
24 about is Exhibit 2, the prior matter of discipline,
25 Mr. Penney was represented by very able counsel. He

1 presented very well.

2 I presented that matter to a panel in a
3 contested matter, and we had some recommendations.
4 The panel chose to do what it did. And Mr. Hooge
5 carefully considered the feelings of that panel and
6 felt that in connection with this matter, which
7 roughly occurred during the same window of time,
8 obviously a different client -- the client in the
9 first matter was a probate matter, and that was a
10 Ms. Montoya.

11 So there was overlap in the window of time
12 between this matter and that matter, and I believe
13 that's when the substantial life changes that the
14 first panel felt were significant that impacted
15 Mr. Penney's ability to practice were relevant.

16 So in answer to your question, Chair, Bar
17 Counsel personally examined this matter, he felt that
18 this was appropriate based on the strong feelings of
19 the first panel, and then the overlap of not only the
20 conduct but during that window of time that the first
21 panel felt that the mitigators were significant.

22 CHAIR MARSH: All right. Thank you,
23 Mr. Hahn. And, you know, I could have just asked
24 panel member Rickard, I know he was on the previous
25 panel involving this, and I would just note that for

1 the record, and that neither side has asked
2 Mr. Rickard to recuse himself in this matter. Can
3 you tell me, Mr. Hahn, what the recommendation was to
4 the panel in the previous matter?

5 MR. HAHN: Yes. The panel recommended a
6 period of six months actual suspension to be followed
7 by essentially two and a half years of probation.
8 And the two and a half years of additional probation,
9 there were some conditions of probation, Chair. And
10 what that involved is is no handling of client trust
11 funds during that two and a half years of probation.

12 I think, and I would have to speculate, and
13 I don't want to do that, especially with Mr. Rickard
14 being personally involved, so I'm just throwing this
15 out there, that they felt that he needed to consider
16 being under the direct mentorship of someone, someone
17 who can really handle that.

18 CHAIR MARSH: Understood. I've got it. And
19 my other question is they're to run concurrent. Does
20 that mean that he will serve a total of six months
21 and a day before he can apply for reinstatement or
22 will there be any additional? I mean, when does the
23 six months in this matter start, assuming that we
24 approve it?

25 MR. HAHN: The six months would commence

1 essentially with the Nevada Supreme Court's order in
2 the previous matter, which was just last month. I
3 believe it was either April 27 or April 29. That's
4 when it would begin to run. That's in fairness to
5 Mr. Penney. I believe that that's when the date
6 would apply. So it would be somewhat retroactive, if
7 this panel were to recommend that to the Nevada
8 Supreme Court.

9 CHAIR MARSH: Okay. That's what I figured,
10 it's just I know in criminal cases this issue comes
11 up all the time and you've got to make sure that
12 we're careful about how we put that. So I appreciate
13 you putting that on the record.

14 Miss Falconi, do you have any questions for
15 Mr. Hahn?

16 PANEL MEMBER FALCONI: I don't.

17 CHAIR MARSH: Mr. Rickard?

18 PANEL MEMBER RICKARD: Just a quick
19 question. Mr. Hahn, I also appreciate your thorough
20 and organized presentation. I thought it was very
21 good. The one question that I had is about the flat
22 fee and the money not going into the IOLTA trust
23 account. Sorry, I have a little bit of a sore throat
24 so apologies if you can't hear me very well. But did
25 Mr. Penney raise the argument, or is there any

1 potential argument here that because it was a flat
2 fee it was earned immediately and didn't need to go
3 into an IOLTA account?

4 MR. HAHN: I think that's -- in answer to
5 your question, Panel Member Rickard, thank you, I
6 believe that that is a common misconception that many
7 of our practitioners offer. They do believe that a
8 flat fee without more, without that being a true
9 engagement, you know, to -- for a lawyer, for she or
10 he to reserve their time and to reserve, you know,
11 not taking other clients. Absent that, the Bar's
12 position is is that no, it must be fully earned.

13 I did not see the earmarks, in answer to
14 your question, of a true engagement to separate
15 himself for this matter or to prevent other clients
16 from coming to him. That is my perceptive of a true
17 flat fee. So can the argument be raised? Oh,
18 certainly, but I believe that our position and the
19 Dorans' position is is that the fees must be earned.

20 Mr. Penney did recently provide me last
21 weekend an accounting that we had been hoping for
22 earlier. So I don't believe that is going to be
23 something that he's presenting right now, but I can't
24 speak for Mr. Penney in any way. So I hope I
25 answered your question.

1 PANEL MEMBER RICKARD: You did, and
2 appreciate it, and I think that's my only question.

3 Thank you, Mr. Chair.

4 CHAIR MARSH: All right. That's great. And
5 I'll give everybody an opportunity to ask Mr. Hahn
6 any additional question you may have after we hear
7 Mr. Penney's presentation.

8 Mr. Penney, are you ready to proceed?

9 RESPONDENT PENNEY: Good morning, Chair. I
10 am.

11 CHAIR MARSH: All right. Go ahead.

12 RESPONDENT PENNEY: I just want to thank the
13 panel for your time this morning. I know you're
14 taking time away from busy practices and things like
15 that, so I do appreciate your time.

16 Good morning again, Mr. Rickard. Good to
17 see you again, unfortunately under these
18 circumstances, but, you know, we're here.

19 You know, the bottom line is I know I let
20 my -- I know I let my client down in this case, let
21 Ricky down, is what I call him, Ricky Perez. That's
22 why I did enter into this conditional joint plea
23 agreement with the Bar.

24 The main thing with Ricky is that it's -- I
25 didn't want -- it was almost like I know I should

1 have told him, the news was not necessarily good and
2 I didn't do that and I know I let him down with
3 communication. It was, you know, just I feel really
4 bad about that, and that's part of the reason why I,
5 you know, accepted responsibility for this, because
6 that's the worst thing that happened here with me
7 letting Ricky down.

8 I know the Bar, Bar Counsel mentioned the,
9 you know, the life changes that happened to me, and
10 that came out in that earlier proceeding. What
11 happened was my wife, we got four kids together
12 through the course of 2013 to 2017. My youngest
13 daughter was born in 2017, and then she -- my wife
14 returned to work in the fall of October '18. She
15 works for the Clark County Planning Department.

16 And at that point in time I took over the,
17 basically primary responsibility for taking care of
18 my daughter, who was born in 2017, so at the time
19 about a year and a half. So she was too young for
20 daycare, those kinds of things, so she basically was
21 with me wherever I went, and I kind of focused on
22 that and then I lost my way with Ricky.

23 And that was some of the things that were
24 going on and that's what's been alluded to in the
25 prior proceeding. I know Mr. Rickard heard some of

1 that in that proceeding, but just for the benefit of
2 Chair and Miss Falconi, that was -- that was some of
3 the personal events that were going on at the time.

4 And then COVID hit two years ago. I worked
5 briefly for a firm in downtown Las Vegas. That
6 didn't work out, and then there's a period of time
7 was on unemployment, and then I ended up getting
8 hired by Humboldt County in October 2020. I became
9 the Humboldt County alternate public defender, and I
10 served in that capacity from late October of 2020
11 until time of the suspension of April -- it was
12 actually April 29th I believe was the date of the
13 Supreme Court's order.

14 And I was happy to provide those indigent
15 service, or indigent legal services to rural Nevada.
16 I know that's an underserved population and I had
17 exemplary reviews from my supervisors. I know that's
18 a little tangential but I think it is a mitigating
19 factor, and I did provide those services for a year
20 and a half.

21 And, you know, I know that I need to
22 obviously -- sorry about that, conclude this
23 proceeding here and, you know, when you deal with the
24 sanctions here, and that's why I've accepted full
25 responsibility for that, but I think I'm in a better

1 place now.

2 And, you know, if the panel does accept our
3 joint recommendation, you know, the six months and
4 whatever time, will apply if it's today or something
5 different, or whenever that suspension is, I'll serve
6 that, you know, take care of the financial
7 obligations and, you know, be ready to go back to the
8 practice of law.

9 And that's what I want to do is get back to
10 the practice of law and take care of my clients and
11 make sure nothing like this ever happens again. So
12 if anyone has any questions, I'd welcome that at this
13 time. Thank you.

14 CHAIR MARSH: Sorry, I was having issues
15 un-muting there. Thank you, Mr. Penney, I appreciate
16 all of your statements this morning. I just have a
17 couple of questions, or at least one. You know, I
18 think anybody who's ever done postconviction work or
19 habeas work knows how difficult it can be because
20 you've got a variety of options on how to proceed and
21 a lot of procedural bars to work through and so
22 forth, and I'm sure that was the case here.

23 But I guess I just wanted to ask what, real
24 briefly what type of claim could he have had, and,
25 you know, was there any potential there of success,

1 because, you know, these type of cases, families
2 often pay a bunch of money, or somebody's appointed a
3 lawyer, you work really hard, you do a lot of work on
4 it and nothing comes of it, and that's just the
5 nature of doing that kind of work. So I just want to
6 get a sense of how Mr. Perez's case sort of fit into
7 that framework.

8 RESPONDENT PENNEY: Thank you, Mr. Chair.
9 Just for a little background, Ricky was convicted
10 pursuant to a guilty plea agreement late 2014 of
11 second degree murder. He was represented by counsel
12 at the district court level. He did go through a
13 preliminary hearing, and so the file that I initially
14 received in 2017 was very voluminous.

15 But in any event he did enter into that
16 guilty plea agreement and was sentenced to a very
17 lengthy term in state prison. I believe it was -- it
18 was 20 or 30 years, something like that. But in any
19 event, no appeal was filed, most likely because he
20 did enter into that plea agreement.

21 And when I first came onto the case that
22 Ricky had filed his own habeas petition in federal
23 court. I think the biggest thing, at least from his
24 perspective, at that time was that he didn't think
25 that his confession was voluntary, and he was making

1 claims that his trial counsel hadn't raised that
2 issue.

3 Just for the panel's background information,
4 Ricky had -- it was an accidental shooting that
5 occurred. It was actually his girlfriend who he
6 accidentally shot in the head, was under the influence
7 of drugs and alcohol at the time, panicked, instead
8 of taking her to a hospital, he got her into the car,
9 took her out to the desert, still heard her
10 breathing, it was pretty horrible, and so he ended up
11 shooting her a second time in the head. Just
12 basically he didn't think there was anything he could
13 do to help her. That was the facts and circumstances
14 of that case.

15 He gets back into town. Within a day or so
16 he does tell his mom, Tammy, about what happened and
17 so she said, Well, you've got to go tell the police.
18 So he actually reported to the Clark County Detention
19 Center and said, I killed somebody. You know, I want
20 to just -- you know, I want to, you know, tell you
21 what happened.

22 So they ended up bringing detectives over,
23 they took the confession, but at some point in
24 reviewing that transcript he did ask for a lawyer.
25 But I don't know how viable that claim was, to get

1 back to your question, Chair Marsh. I mean, it was,
2 at least from what I reviewed with the transcript of
3 things like that, clearly comes in there, tells them
4 what happened, and then he does invoke his right to
5 counsel, you know, about maybe 10 or 20 minutes in,
6 but I don't know how far that would have gone, to be
7 honest with you.

8 So what I did, the one filing that Chair, or
9 excuse me, that Bar Counsel mentioned was the motion
10 for stay and abeyance in federal court. That was
11 filed in March of 2018. Unfortunately there was no
12 decision on that until almost a year later in early
13 2019.

14 And, yes, I do have a lot of criminal
15 experience but I'm not a habeas expert at all, and
16 that's not an excuse here, because I do have a lot of
17 experience just as a lawyer of course, and I should
18 have done more I think for Ricky and I didn't do
19 that. But as far as the viabilities and claim, that
20 was I think the most important claim that he had, and
21 I don't know how far we could have gotten with that,
22 but, you know, that's -- I don't know if that answers
23 your question at all or not.

24 CHAIR MARSH: No, I found that very helpful,
25 especially, I mean, Mr. Hahn made a very good point

1 that there was harm caused to Mr. Perez by your not,
2 you know, acting as diligently as you should have.
3 But, you know, in the end it may not have made any
4 difference, and I just wanted to get a sense from you
5 on that as obviously something that you thought
6 through. And, you know, that will go to binding
7 arbitration if we approve the agreement, you know,
8 how much of the fees that you actually earned, so...

9 RESPONDENT PENNEY: And, Chair, if I may,
10 just another I guess comment. As far as the state
11 court action, initially I thought, you know, if we
12 had a doctor, a forensic pathologist review Ricky's
13 file that perhaps we could opine as to the young
14 lady's cause of death and perhaps suggest that either
15 shot twice in the head could have been fatal and that
16 might have made a difference in whether, you know, as
17 far as how it all came out as far as, you know,
18 Mr. Perez's culpability.

19 Then later on it's determined basically
20 there's a two year statute of limitations on filing
21 motions based on newly discovered evidence, and I
22 didn't know if we were time barred on that or not.
23 That's just one of the reasons why I didn't file
24 something in state court. Just, like I said, I just
25 wanted the panel just be aware of that, so...

1 CHAIR MARSH: All right. Thank you.

2 Mr. Rickard, do you have any questions?

3 PANEL MEMBER RICKARD: Yes, really quickly,
4 Mr. Chair. I also thank you for your comments,
5 Mr. Penney. If the panel today adopts the Bar's
6 recommendations, do you have any current plans of
7 what you plan on doing for the next three years
8 professionally?

9 And then I guess as a follow-up question, if
10 your ability to practice law is restored after three
11 years, do you have any plans in that regard going
12 back to practice and what kind of practice you'd be
13 looking at.

14 RESPONDENT PENNEY: My plan is actually to
15 petition for reinstatement whenever I'm eligible,
16 which should be after the six months plus one day.
17 So I assume that would be early November, or
18 thereabouts, whatever the correct time is. I mean,
19 right now I'm applying for any kind of nonlegal
20 position, you know, that I can get, because obviously
21 I have to provide for my family, so I'm doing that.

22 I'm in my fifties now. I'm not a young man
23 anymore, but, you know, my plan is to get back to the
24 practice of law as soon as I can. And, you know,
25 obviously I have some conditions attached to the

1 prior proceeding that I need to take care of, you
2 know, once -- if I get reinstated, which I don't
3 think -- hopefully that won't be an issue, but, you
4 know, I'll need to have that all set up to get a
5 mentor in place and then obviously make sure that I
6 don't have anything to do with client funds.

7 My plan is and goal is, because I had such a
8 positive experience as a public defender up in
9 Humboldt County, is to get back to government
10 practice. I would like to continue serving, you
11 know, indigent clients if I could. I mean, I really
12 enjoyed doing it. I think that was reflected in the
13 work that I did up there.

14 And whether it's here or somewhere else in
15 Nevada, if I stay in Clark County or if I go back to
16 Humboldt County, because I know that I can reapply
17 there after the six months, those are some of the
18 things that, you know, I would consider doing. But I
19 definitely do want to get back to, if I can continue
20 to represent indigent clients when my license -- if I
21 get my license back, that's probably where I'm going
22 to look first.

23 PANEL MEMBER RICKARD: Are you back in Las
24 Vegas right now?

25 RESPONDENT PENNEY: I am because I actually

1 was just renting a place. I was renting a place up
2 in Humboldt. My family with my kids, because my kids
3 were all school age, they've been going to school the
4 whole time. We were never able to actually find a
5 house that would accommodate our family of six, so
6 that was one of the things -- that blow was lessened
7 because we do have a home down here in Las Vegas, so
8 we're still here.

9 PANEL MEMBER RICKARD: Okay. Thank you. I
10 appreciate it. No further questions from me.

11 CHAIR MARSH: Miss Falconi, do you have any
12 questions?

13 PANEL MEMBER FALCONI: I do not.

14 CHAIR MARSH: Okay. Does anybody have any
15 follow-up? And again, thank you very much,
16 Mr. Penney. Appreciate your being here, making your
17 presentation and answering our questions this
18 morning.

19 Does anybody have any questions for Bar
20 Counsel, having heard that, or would you like to make
21 a statement, Mr. Hahn? Go ahead.

22 MR. HAHN: I was simply going to respond to
23 the -- more fully to your question, Chair. I only
24 answered it partially because I did not have the
25 document handy. You asked specifically what the

1 recommendations involved from the previous
2 proceeding, and I shared that it was six months
3 actual plus another two and a half years of
4 probation.

5 What I failed to mention is is, as
6 Mr. Penney just pointed out, he was required to
7 obtain and fully cooperate with a legal practice
8 mentor. I failed to mention that. Another condition
9 is is that, which I did mention, which is no contact
10 with client trust accounts during the probationary
11 period. And the third condition was he had to
12 complete an additional nine continuing legal
13 education hours in trust account handling, and that
14 was ordered by the previous panel and signed by Chair
15 Hogan.

16 CHAIR MARSH: All right. Thank you very
17 much for that, Mr. Hahn. You know, and I would note,
18 Mr. Penney, if you are able to be reinstated and you
19 are able to get some job being a public defender, or
20 any other government job, that probably takes care of
21 two or three of those requirements. So, you know,
22 some of us have been government employees for most of
23 our careers. That's not a bad way to go.

24 Do either of the other panel members have
25 any questions for Mr. Hahn?

1 PANEL MEMBER RICKARD: I do not. Thank you,
2 Mr. Chair.

3 CHAIR MARSH: Miss Falconi?

4 PANEL MEMBER FALCONI: I don't. Thanks.

5 CHAIR MARSH: Mr. Hahn, is there anything
6 further you want to say before we begin our
7 deliberations, consideration of the proposed guilty
8 plea agreement?

9 MR. HAHN: No, nothing further, Chair. I
10 appreciate everyone's time. And again I'm sorry for
11 the lengthy presentation, but I know that many panels
12 want to know that background, and so I took a little
13 extra time, so forgive me.

14 CHAIR MARSH: That's fine. You said it
15 would be two or three hours. I was hoping to keep it
16 under an hour but that's all right, we'll get through
17 it.

18 Miss Bradley, is the next step for you to
19 put us into a little breakout room so we can
20 deliberate?

21 MS. BRADLEY: Yes, sir, it would be.

22 CHAIR MARSH: All right. Let's go ahead and
23 do that.

24 (A recess was taken.)

25 CHAIR MARSH: Let's go back on the record.

1 This is the matter of Derrick Penney, Nevada Bar
2 Number 8606, OBC21-0434 (sic). The panel has
3 deliberated. I want to report that we have accepted
4 the conditional guilty plea agreement and will be
5 recommending to the Supreme Court that they accept
6 it. And normally I'll say something now but I think
7 I've made every comment that I would want to make.

8 Do either of the other panel members have
9 anything that they want to put on the record?

10 PANEL MEMBER RICKARD: Nothing from me,
11 Mr. Chair. I appreciate it though.

12 PANEL MEMBER FALCONI: And nothing from me
13 either.

14 CHAIR MARSH: Great. Do we have anything
15 further that we need to do, Mr. Hahn?

16 MR. HAHN: All I would ask, Chair, is is
17 that just to make sure that I'm absolutely crystal in
18 the findings of fact document that I'm going to be
19 proposing to you shortly. First of all, this
20 decision is unanimous; am I correct?

21 CHAIR MARSH: It is.

22 MR. HAHN: Very well. Does --

23 CHAIR MARSH: I should have said that.

24 MR. HAHN: Does the panel adopt each of the
25 recommendations, namely the fee dispute, the costs,

1 in addition to the six months and one day, in
2 addition to that six months and one day running
3 concurrent to his present matter?

4 CHAIR MARSH: Yes, we fully accept
5 everything that's in the plea, conditional guilty
6 plea agreement.

7 MR. HAHN: Very well. All right. Well,
8 that being the case, the Bar has nothing further.
9 The Bar wants to thank you for your time and
10 everyone's service here today. We appreciate it.
11 And I will be getting to you, Chair Marsh, a proposed
12 findings of fact and conclusions of law and
13 recommendation shortly, so thank you.

14 CHAIR MARSH: I'll look for the order. I'll
15 sign it as quick as I can. Thanks to everybody and
16 have a good day.

17 PANEL MEMBER RICKARD: Thanks, everybody.

18 (Thereupon the proceedings
19 were concluded at 10:16 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 10th day of June, 2022.



Deborah Ann Hines, CCR #473, RPR

\$	16 19:21,22	23:11,19 24:6	abeyance 13:24	42:6 56:3
	17 20:1 24:7	26:24 38:20	51:10	addition 59:1,2
\$15,000 16:19	17th 39:21	30 35:3 38:15	ability 41:15	additional 8:10
19:12 37:16	18 8:9 21:2 24:7	49:18	53:10	42:8,22 45:6
\$20,000 16:12,17	46:14	4	abrupt 18:24	56:12
21:8 37:14	19 5:24 8:4,12,17,		Absent 44:11	address 28:11
\$2500 38:4,13	23 22:16 24:7	4 12:7,16 17:19	absolutely 58:17	35:23
\$5,000 15:24	25:5 33:25 36:11	19:1,5 22:2 24:8	accept 10:3	adequately 25:9
16:12,17 37:17	37:13	26:24 27:2 28:22	23:12 48:2 58:5	administrative
\$9,000 21:24	2	29:18 32:16	59:4	38:13
31:8		38:22	acceptable 10:7	administrator
0	2 8:3,8,16,23	5	acceptance	21:4
	10:21 17:19 23:9		34:22 38:21	admission 8:16
037 7:12	25:9 28:22 29:12	5 12:11,13,17	accepted 46:5	34:22
	34:17 35:5 38:22	13:9 17:19 21:9	47:24 58:3	admit 5:23
1	40:24	24:12 28:1,22	accepting 9:23	admitted 6:2
	20 20:4 49:18	30:3 33:9 38:22	accepts 23:20	7:18,21 8:21,23
1 7:10,18,21 14:5	51:5	5,000 27:23	access 15:16	10:24 35:6,7
17:19 25:1 28:22	20,000 21:25	37:15	accidental 50:4	adopt 58:24
29:12 38:22	2013 46:12	6	accidently 50:6	adopts 53:5
1,000 19:18	2014 49:10		accommodate	affidavit 10:25
1.3 14:5 16:23	2017 13:5 15:8	6 13:15 26:7	55:5	affirm 7:8
23:3	16:12 27:23	37:18	accomplish	age 55:3
1.4A 18:9	32:10 46:12,13,	7	30:18 31:3	aggravating
10 15:1 26:8 51:5	18 49:14		account 19:2	10:15 11:7 34:11,
10:16 59:19	2018 13:6,18	7 13:21	21:7,22 22:1,15	14,15 35:17 36:6
11 15:6,19	14:11 16:14	78.5 29:21	27:6,7 29:25	agreed 10:5
12 16:5,8 17:17	27:20,24 51:11	79 28:11	43:23 44:3 56:13	29:10 30:23 31:5
120 38:4,11	2019 27:21,22	8	accounting 20:9	agreement 7:5
120.5(2) 35:19	32:10 51:13		21:15 23:15	9:23 14:11,12
13 17:22 18:1	2020 28:16 32:11	8 14:7	44:21	15:7 16:13,16,20
14 18:3,12,23	47:8,10	8606 5:2 58:2	accounts 27:11	21:10,11 22:18
19:8,9 26:22	2021 20:4 28:12,	8th 15:8	56:10	23:12 24:24
27:21	13 32:12 37:18	9	accurate 27:18	27:23 38:22
145 18:24 19:8,20	2022 11:3		acquainted	39:16 40:14
15 21:9,25	217 29:22	9 14:7	40:16,17	45:23 49:10,16,
15,000 27:24	27 43:3	A	act 25:8	20 52:7 57:8 58:4
150 19:20	29 11:3 43:3		acting 52:2	59:6
151 18:13,20 19:9	29th 47:12	a.m. 59:19	action 13:10,14	agreements
154 26:23	2nd 13:18	ABA 29:15 33:23	14:21 52:11	11:22
	3		actual 26:17	agrees 37:13
	3 11:10 12:5		31:20 32:2,8,13,	ahead 6:22 7:6
			17 33:11,15,21	45:11 55:21
				57:22
				alcohol 50:7

alleged 18:8	articulate 29:5	53:5	bottom 10:23	41:5
alluded 46:24	assume 53:17	barred 52:22	45:19	case 7:9 10:1
alongside 36:23 37:4	assuming 42:23	bars 48:21	Bradley 7:11 9:4	11:12 15:2 16:24
alternate 47:9	attached 17:7 53:25	based 34:4 40:21 41:18 52:21	17:6 22:25 24:25	17:17 19:11 21:5
amalgamation 21:21	attendant 31:1	baseline 6:15	28:18,25 29:4	22:4 23:24 28:7
amended 11:25 14:11 16:8 21:11	attitude 35:20	10:14 29:5,6	34:12 36:10	29:11 30:15,22
amount 16:11 37:25	attorney 16:8 27:3 38:25	33:23 34:2,8	38:17 39:18	31:5,13,21 32:2,
answering 55:17	attorney's 17:24 29:7	35:10 36:8	57:18,21	14 33:7,11,15
answers 51:22	August 27:21	basically 11:20	Bradley's 33:16	34:20 35:11
anymore 53:23	avoid 31:9	21:25 25:3 36:25	breach 30:2	36:13,20 37:5,17
apologies 43:24	aware 17:14 52:25	46:17,20 50:12	breached 10:13	39:3,5,9 40:15
apologize 18:22	awareness 31:1	52:19	29:7 30:4 34:6	45:20 48:22 49:6,
apparently 37:17	<hr/> B <hr/>	basis 12:4 17:20 22:2	breakout 57:19	21 50:14 59:8
appeal 49:19	back 18:7 37:21	bears 13:24	breathing 50:10	cases 21:19
appearance 5:13 13:17 38:9	48:7,9 50:15 51:1	began 13:4	briefly 8:1 47:5	30:21 43:10 49:1
appeared 21:17	53:12,23 54:9,15, 19,21,23 57:25	begin 10:21 43:4 57:6	48:24	cashier's 18:25
appears 21:20	background 12:8 19:24 21:1	beginning 19:21	bringing 50:22	caused 26:15
apply 42:21 43:6 48:4	49:9 50:3 57:12	begins 18:23	Brittany 5:7	52:1
applying 53:19	bad 46:4 56:23	behalf 5:15,17	Bruce 5:14 6:6	Center 50:19
appointed 49:2	bank 27:6	6:6 9:15 10:17,18	9:15	certification 14:2
appointments 26:10,14	bar 5:2,13,15,23	13:3,20,22 14:22	bunch 49:2	certified 28:6
approval 38:23	14:16 21:3 23:11, 14 24:10,13,15	15:18 19:15 40:3	business 22:7	chair 5:1,3,11,21,
approve 42:24 52:7	26:17 27:8 28:3	belabor 17:21 32:5	33:19	25 6:5,6,25 7:8,
April 11:3 28:12 43:3 47:11,12	30:5,9 32:12	believed 23:17 40:21	busy 25:22,23 45:14	14,16,18 8:5,15,
arbitration 23:21 24:4 27:2 52:7	33:10,13,16	benefit 39:10 47:1	<hr/> C <hr/>	19,20,25 9:7,11
argument 43:25 44:1,17	34:24 35:4,25	biggest 49:23	call 7:10 26:10	10:16 16:25 17:3,
arguments 9:21 40:22	37:25 38:20	binding 23:20	38:14 45:21	10,11,13,21
arrangement 23:2	39:11 40:12,15, 19 41:16 45:23	24:4 27:1 32:19	call/no 26:16	22:21 40:2,4,7,8
	46:8 51:9 55:19	37:13 52:6	calling 5:1	41:16,22 42:9,18
	58:1 59:8,9	bit 12:14 20:18 26:12 43:23	calls 15:16 26:13, 21 32:11	43:9,17 45:3,4,9,
	Bar's 8:11 9:12	blended 18:21	canvass 6:19	11 47:2 48:14
	12:19 14:9 19:22	blending 18:23	capacity 47:10	49:8 51:1,8,24
	20:21 22:15 25:6,	blow 55:6	car 50:8	52:9 53:1,4
	16 26:3,4 27:13	book 29:17	care 33:14 46:17	55:11,14,23
	30:11 39:3 44:11	bookends 27:25	48:6,10 54:1	56:14,16 57:2,3,
		born 46:13,18	56:20	5,9,14,22,25
			careers 56:23	58:11,14,16,21,
			careful 43:12	23 59:4,11,14
			carefully 14:11	charged 23:3
				checks 18:25
				choice 9:25 10:2
				chooses 35:7
				36:5
				chose 41:4
				chosen 38:25
				circumstances 10:16 31:2 34:11,

14,16 45:18 50:13	conceded 17:18 20:25	consideration 5:19 10:22 11:10 22:19 23:25 57:7	cost 33:19,20	D
claim 48:24 50:25 51:19,20	concedes 19:11	considered 9:20,21 39:7 41:5	costs 38:3,4,6,9, 13,14 58:25	
claims 50:1	concern 20:21 22:15 31:12 33:3, 6	considers 38:15	counsel 5:12,13 10:8 30:9 35:25 39:6,7 40:15,19, 25 41:17 46:8 49:11 50:1 51:5,9 55:20	databases 33:18
Clark 46:15 50:18 54:15	conclude 47:22	consistent 27:12	count 12:11,13 14:5 19:1,5 22:2 23:9,11,19 24:6, 8,12 25:1,9 26:24,25 27:2 28:1 29:18 30:3 31:20 32:16 33:9 38:20	date 24:22 43:5 47:12
client 18:11 20:15,16 22:2 25:15,17,24 26:5 29:14,15,17,19, 24 32:18 41:8 42:10 45:20 54:6 56:10	concluded 59:19	consumed 22:9	counts 17:18 23:3 28:22 29:12 38:22	dated 15:8 20:4
client's 19:3	conclusions 59:12	consumer 30:9	County 28:10 46:15 47:8,9 50:18 54:9,15,16	dates 26:16,18 31:23
clients 29:13 35:15 44:11,15 48:10 54:11,20	concurrent 36:17,21,22 40:13 42:19 59:3	consumers 33:5	couple 40:10 48:17	daughter 46:13, 18
commence 42:25	condition 56:8, 11	consuming 32:25 33:20	court 5:18 9:24 11:3,5 12:2,3,18, 21 13:13,25 14:10,15,23 15:2 16:13 20:24 23:5 28:25 29:24 33:6 34:5,18,21 35:11 36:19 37:3 38:10, 15,21 43:8 49:12, 23 51:10 52:11, 24 58:5	day 36:14,17 37:4,6 42:21 50:15 53:16 59:1, 2,16
comment 52:10 58:7	conditional 5:19 7:1 8:13 9:13 33:25 45:22 58:4 59:5	contact 56:9	Court's 43:1 47:13	daycare 46:20
comments 40:5 53:4	conditions 39:2 42:9 53:25	contemplated 14:13 16:10,14, 17,22 38:10	courts 14:14 16:15 31:15 33:2	days 38:15
commit 28:16	conduct 14:6 18:9 22:8 30:24 31:2,18,23 41:20	contested 40:23 41:3	COVID 47:4	deal 47:23
committed 16:24	confession 49:25 50:23	continuance 23:6	criminal 11:21 43:10 51:14	death 52:14
common 44:6	conflict 26:2	continue 26:1 36:11 38:18 39:19 54:10,19	crystal 58:17	December 37:18
communicate 20:11 25:10	connection 11:16 21:5 39:3 41:6	continuing 56:12	culpability 52:18	decision 8:3 10:20 25:25 26:6 51:12 58:20
communicated 20:17,20 25:15	conscious 30:18 31:1,3	Contract 16:9	current 53:6	decline 9:25
communication 15:17 18:10,17 19:4 20:6,21 23:9 29:15 32:7,13 34:23 46:3	consciousness 30:25	conversation 15:10	custody 11:14 20:4 25:19 26:13	declined 39:8
Complainant's 7:20 8:22	consecutive 36:22	conversations 18:7		defender 47:9 54:8 56:19
complaint 24:15 25:4 26:17 28:22	consented 24:3 32:18	convicted 49:9		degree 11:14 49:11
complete 14:24 56:12	consents 25:7 32:4	cooperate 56:7		delay 32:15
completely 18:18 22:4	consequence 37:7	cooperative 35:20		deliberate 57:20
	consequences 37:10	correct 5:21 28:14,17 53:18 58:20		deliberated 58:3
		Corrections 11:15		deliberation 6:19 40:1
		correctly 24:18		deliberations 57:7
		correspondenc e 12:10		demonstrate 8:1 13:1 14:16 18:6 19:14,18,24 31:7
				demonstrated 23:16 26:22 35:19

demonstrates 13:15 19:7 20:5, 24 23:23 25:4	directly 40:15	18:14 19:15 23:21 27:4 37:18	engagement 15:20,25 16:3,9 44:9,14	17:7,15 18:22,23 20:2
demonstrating 18:18	disappointed 20:12	Doran's 15:14	enjoyed 54:12	existing 36:18, 25 37:1,4
Department 11:15 46:15	disciplinary 24:13 33:10 34:16,24	Dorans' 44:19	enormous 32:9, 14	experience 35:1, 9,14 51:15,17 54:8
deposit 31:8	discipline 10:25 40:24	downtown 47:5	enter 5:13 45:22 49:15,20	experienced 35:3 38:25
deposited 22:1 27:6,14,19	disclosed 8:9	drops 18:18	essentially 10:9 13:4 14:1 42:7 43:1	expert 51:15
deposits 19:6	disclosures 7:23 8:12	dues 33:13	event 38:5 49:15, 19	expertise 11:21 16:1 19:25 20:18
Derrick 5:2,17 58:1	discouraged 20:12	duties 29:13 31:16	events 47:3	explain 26:7
desert 50:9	discover 16:4 21:16,23 24:15	duty 10:13 29:7, 12,13,14,17,19, 20,23 30:2,3,12 34:6	everybody's 7:4	expressed 33:3 35:24
design 30:19	discovered 52:21	<hr/> E <hr/>	everyone's 57:10 59:10	extended 32:15
designated 27:7	discrepancy 37:22	earlier 8:14 22:11 44:22 46:10	evidence 7:21 8:24 9:20 19:16, 23 31:7 33:8 37:24 40:22 52:21	extensive 23:10
detail 7:24	discuss 8:6 10:6 11:8 29:2	early 51:12 53:17	examination 12:21	extra 57:13
detectives 50:22	dismiss 13:13 23:13,19 38:20	earmarks 44:13	examine 8:11	extremely 35:2,8 38:24
Detention 50:18	dismissed 31:22	earned 22:10,13 27:15 44:2,12,19 52:8	examined 39:3 41:17	<hr/> F <hr/>
determination 20:8	disposition 22:19	easier 15:15	exception 21:14	fact 13:2 16:24 58:18 59:12
determine 14:3, 16 16:23 22:12	dispute 32:19 37:14,19,21 38:1 58:25	education 56:13	excuse 51:9,16	factor 11:7 35:17 47:19
determined 52:19	district 12:18,21 15:2 49:12	effect 6:4	executed 39:21	factors 29:9 34:15 35:18
determining 12:19	docket 12:18,21	eligible 53:15	exemplary 47:17	facts 6:14 10:13 24:18 28:20,21 50:13
develop 11:20 12:1 13:19	doctor 52:12	email 17:6 28:5 33:17	exhibit 5:24 7:10, 18,20 8:12,22 10:21 11:10 12:5, 7,16,17 13:9,15, 21 14:7 15:1,6,19 16:4,5,7 17:17,22 18:1,3,4,12,20,23 19:8,9,21,22 20:1 21:2 22:16 24:7 25:5 26:22,23 33:25 34:17 35:5 36:11 37:13 40:24	failed 56:5,8
difference 31:4 52:4,16	document 13:21 14:1 15:23 18:19 22:17,22 23:1,5 25:2 28:19,24 39:22 55:25 58:18	employee 21:3	exhibits 6:2,11, 23 7:6 8:3,8,16 9:1,2 10:11,20	failure 31:17
difficult 26:12 48:19	documentation 23:8	employees 56:22		fairness 20:14 43:4
difficulty 24:21	documents 12:24	Employment 16:8		Falconi 5:7 17:11,12 43:14, 16 47:2 55:11,13 57:3,4 58:12
diligence 16:23 19:4 20:6,22,24 23:4 25:8 29:14 31:19,20 34:23	Doran 11:18 15:12,18 17:25	encourage 40:4		fall 46:14
diligent 14:4		end 18:21 19:8 52:3		falls 29:17
diligently 52:2		ended 47:7 50:10,22		familiar 21:3
direct 42:16		engaged 15:9		
direction 6:8 9:4 40:20				

families 49:1	fit 49:6	goal 54:7	37:1,12 42:7,8,11 46:19 47:20 56:3	hope 44:24
family 53:21 55:2,5	flat 43:21 44:1,8, 17	good 5:9,14,16 6:25 7:2 9:14 18:16 39:14 43:21 45:9,16 46:1 51:25 59:16	handle 29:25 42:17	hoping 14:19 20:9 44:21 57:15
fatal 52:15	focused 46:21	government 25:13,21 54:9 56:20,22	handled 33:2	horrible 50:10
February 20:4	folks 19:16 20:7, 22 31:16 38:1	gracious 20:25	handling 42:10 56:13	hospital 50:8
federal 12:3 13:25 14:15 16:16 20:24 23:5 31:22 49:22 51:10	follow 30:21 31:17	graciously 19:11	handwritten 12:5 20:3	hour 57:16
fee 23:20 24:4 27:1 32:19 37:13, 19,21 38:1,8,9 43:22 44:2,8,17 58:25	follow-up 33:17 53:9 55:15	grateful 38:7	handy 55:25	hours 23:17 56:13 57:15
feel 46:3	forensic 52:12	great 7:24 17:13 25:14 33:6 45:4 58:14	happen 24:23	house 55:5
feelings 41:5,18	forgive 12:8 13:5 17:21 24:25 32:8 57:13	green 29:17	happened 31:21 46:6,9,11 50:16, 21 51:4	housekeeping 6:10,23 9:9
feels 33:4 37:23	forward 10:13 12:1	grievance 12:5 39:4	happening 21:21	Humboldt 28:10 47:8,9 54:9,16 55:2
fees 17:24 22:13 23:11 27:3,13,19 44:19 52:8	found 13:22 14:21 36:2 51:24	grievances 11:11	happy 6:9 47:14	<hr/> I <hr/>
felt 41:6,14,17,21 42:15	foundation 17:20	grievant 11:12 15:15	hard 38:6,14 49:3	identify 10:10
fifties 53:22	framework 49:7	grievants 24:5	harm 52:1	immediately 44:2
figured 43:9	frequently 40:19	guess 48:23 52:10 53:9	head 50:6,11 52:15	impacted 41:14
file 39:3 49:13 52:13,23	frustration 20:5 26:15 32:9,14	guilty 5:19 7:1 8:13 9:13 34:1 49:10,16 57:7 58:4 59:5	hear 37:19,20 43:24 45:6	important 51:20
filed 12:22 13:22 49:19,22 51:11	full 19:14 47:24	<hr/> H <hr/>	heard 9:20 46:25 50:9 55:20	impose 38:12
filing 13:2 23:4 51:8 52:20	full-time 25:13, 21	habeas 48:19 49:22 51:15	hearing 5:4 7:10 21:3 39:13 40:23 49:13	imposing 29:16
filings 31:25	fully 22:13 44:12 55:23 56:7 59:4		hearings 7:2	indicating 17:23 38:19
final 8:11	function 30:8,10		hearsay 21:14	indifference 30:20
financial 48:6	funds 22:2 27:2 33:5 42:11 54:6	Hahn 5:14,20,21 6:5,6 7:7,19,22 8:8,25 9:2,9,14, 15 16:25 17:2,15, 16 40:8,14 41:23 42:3,5,25 43:15, 19 44:4 45:5 51:25 55:21,22 56:17,25 57:5,9 58:15,16,22,24 59:7	height 33:13	indigent 47:14, 15 54:11,20
find 12:9,21,23 13:7 14:9 16:6 22:5 26:18 27:10 55:4	<hr/> G <hr/>	half 14:1 26:8	helpful 24:20 51:24	influence 50:6
findings 35:24 58:18 59:12	general 6:7		Hines 38:8	information 25:15,17 26:4 27:9,17 50:3
fine 7:14 9:7 57:14	generally 30:20 35:10		hired 47:8	informed 8:2 10:20 25:24,25 26:5 32:6 36:1 39:25
firm 47:5	gently 29:1		hit 47:4	initial 11:24 15:24 16:2 17:23 21:9,10 27:23 37:15
	get all 22:11		Hogan 56:15	initially 6:9 12:2 13:10 18:18
	girlfriend 50:5		home 55:7	
	give 45:5		honest 51:7	
			Hooge 40:15,20, 21 41:4	

49:13 52:11	issued 11:3 34:18	10 53:10,24 59:12	lot 15:16 18:5 20:15 23:23 26:15 48:21 49:3 51:14,16	23:20 24:3 29:12 37:2,4,8 39:10 40:17,24 41:2,3, 6,9,12,17 42:2,4, 23 43:2 44:15 58:1 59:3
injured 31:17	issues 48:14	lawful 28:3	Louise 21:4	matters 6:10,23 9:10 11:19,21 24:13 33:10 34:24 39:5
injury 6:15 10:14 30:1 31:13,20 32:3,8,13,17,22, 24 33:8,9,11,15, 21 34:6	item 37:12	lawyer 18:11 26:6 29:16 44:9 49:3 50:24 51:17	M	mediated 39:11
inmate 11:13 12:6 15:10	January 27:21, 22	lawyer's 22:4	made 7:11 13:17 19:10,23 21:17 23:2 28:3 32:12 38:14 51:25 52:3, 16 58:7	mediation 39:10, 14
inquired 12:22	Jared 5:9	laymember 5:6, 8	mail 28:6	meetings 26:12
inquiries 30:11	job 56:19,20	learns 32:25	main 45:24	member 5:7,9,10 17:9,12 22:22 30:6 35:25 41:24 43:16,18 44:5 45:1 53:3 54:23 55:9,13 57:1,4 58:10,12 59:17
intelligent 35:8	joint 9:16 45:22 48:3	legal 29:20 30:4, 12 31:14 33:4 35:15 47:15 56:7, 12	maintaining 33:18	members 5:5 17:4,8 30:8 33:21 56:24 58:8
intent 30:16,18, 23 31:6	July 15:8	lengthy 49:17 57:11	majority 15:12	memo 21:17
intentional 30:17,18 31:4	June 28:13	Lerner 29:9	make 5:22 6:2 8:3,6 9:5 10:20 16:5 17:3 20:7 25:24 26:5 43:11 48:11 54:5 55:20 58:7,17	memorandum 8:13 34:1
intentionally 31:8	K	lessened 55:6	making 35:15 49:25 55:16	memorialize 28:24 36:12
intently 21:6	key 28:11	letter 15:20 20:2, 3	man 53:22	memorializes 22:23 39:23
introduce 5:5	kids 46:11 55:2	letting 46:7	managed 29:21, 23	mental 6:15 10:14 29:8 30:14 34:7
investigation 12:19 14:9,20	killed 50:19	level 18:17 31:6 49:12	mandates 29:22	mention 56:5,8,9
investigator's 33:16	kind 21:21 23:14 25:1 27:16 28:18 36:10 38:17 46:21 49:5 53:12, 19	levels 30:16	March 13:18 14:11 16:14 27:20,24 51:11	mentioned 46:8 51:9
invite 6:16,17 10:16 20:7 28:14 35:6	kinds 46:20	liability 34:22	Marsh 5:1,3,11, 25 6:25 7:14,18 8:5,15,20,25 9:7, 11 16:25 17:3,11, 13 40:2,8 41:22 42:18 43:9,17 45:4,11 48:14 51:1,24 53:1 55:11,14 56:16 57:3,5,14,22,25 58:14,21,23 59:4, 11,14	mentor 54:5 56:8
inviting 6:17	knowing 30:17, 20,25 31:5,6	license 54:20,21	mandates 29:22	mentorship 42:16
invoke 51:4	knowing 30:17, 20,25 31:5,6	licensed 30:13 33:1	March 13:18 14:11 16:14 27:20,24 51:11	messages 23:11 26:21
involved 13:12, 18 23:4 31:14,15 32:12 42:10,14 56:1	L	life 31:10 35:22 36:4 41:13 46:9	March 13:18 14:11 16:14 27:20,24 51:11	met 26:15
involving 11:1, 17 16:13 41:25	lack 12:14 19:6	limitations 52:20	Marsh 5:1,3,11, 25 6:25 7:14,18 8:5,15,20,25 9:7, 11 16:25 17:3,11, 13 40:2,8 41:22 42:18 43:9,17 45:4,11 48:14 51:1,24 53:1 55:11,14 56:16 57:3,5,14,22,25 58:14,21,23 59:4, 11,14	methodically 19:18
IOLTA 19:5,6 21:6 22:1 27:12 29:21,22,25 43:22 44:3	lady 19:17	lines 26:7	mandates 29:22	
irrespective 22:13	lady's 52:14	link 17:7	March 13:18 14:11 16:14 27:20,24 51:11	
issue 11:7 16:19 19:1 27:1 43:10 50:2 54:3	language 28:23	listed 27:12	March 13:18 14:11 16:14 27:20,24 51:11	
	large 33:21	long 18:4,20 26:23 28:8 35:5	March 13:18 14:11 16:14 27:20,24 51:11	
	Las 47:5 54:23 55:7	longwinded 39:24	March 13:18 14:11 16:14 27:20,24 51:11	
	lastly 22:16 33:9	looked 21:6 27:10	March 13:18 14:11 16:14 27:20,24 51:11	
	late 47:10 49:10	lost 46:22	March 13:18 14:11 16:14 27:20,24 51:11	
	law 35:2,9,14 36:16 37:7 48:8,		March 13:18 14:11 16:14 27:20,24 51:11	

minor 33:11,15	murder 11:14 49:11	58:2	originally 23:2	pay 49:2
minutes 51:5	mutually 10:7	objection 7:17 8:16,18	outright 31:22	payments 17:23 19:10,13,18,23
misconception 44:6	<hr/> N <hr/>	objections 7:15	Outstanding 17:16	Penney 5:2,16, 17 6:18 7:15,16, 23 8:9,15,18 9:17,21 10:4,5,8 11:1,17,18,21 12:10,20,23 13:2, 11,18 14:13,17, 22 15:9,13 17:18 18:14,17 19:11 20:14,18 22:6,11, 17,23 23:13,22 24:2,16,21 25:7, 10,14,18,22 26:11,16 27:10, 16 28:2,8,13,16 30:22 31:8 32:4, 8,18 34:13 35:2, 6,12,23 36:3,15, 23 37:17,24 38:24 39:12 40:5, 25 43:5,25 44:20, 24 45:8,9,12 48:15 49:8 52:9 53:5,14 54:25 55:16 56:6,18 58:1
mishandled 33:5	narrow 30:8	objective 31:3	overlap 41:11,19	
missed 15:5	nature 31:1 32:21 49:5	obligations 48:7	owed 29:17 30:12 31:16	
mistakes 35:15	necessarily 46:1	obtain 56:7	<hr/> P <hr/>	
mitigating 10:15 34:11,15 35:18 36:7 47:18	needed 24:20 42:15	obtained 20:19 39:9	packet 7:10	
mitigation 40:6	negligence 30:16,19	obtaining 24:21	pages 7:12 18:13,20 26:23	
mitigators 41:21	net 15:3 27:8	occur 18:10 39:15	paid 12:5 16:18 17:24 19:12,14, 25 21:8,10 27:3, 22 32:20 37:15, 16	
modify 10:4	Nevada 11:3,5, 15 12:11 25:12, 19 28:8,9,15 35:11 36:19 38:10,15 43:1,7 47:15 54:15 58:1	occurred 32:3 41:7 50:5	panel 5:3,4,7,9, 10,14,16,20 6:8, 16,21 9:5,15 10:1 17:4,7,9,12 22:21 23:19 32:6 36:1 38:12 39:24 41:2, 4,5,14,19,21,24, 25 42:4,5 43:7, 16,18 44:5 45:1, 13 48:2 52:25 53:3,5 54:23 55:9,13 56:14,24 57:1,4 58:2,8,10, 12,24 59:17	
mom 50:16	newer 40:18	October 28:15 46:14 47:8,10	panels 36:21 57:11	
money 21:12 24:5 32:19 33:1 37:21 43:22 49:2	newly 52:21	offenses 30:24 34:16,19,25	panicked 50:7	
month 34:18 37:2 43:2	news 46:1	offer 6:7,18 7:25 9:1 10:3 12:2,7 14:23 17:19 21:1 30:9 35:22 40:5 44:7	part 8:11 12:18 14:8 21:23 46:4	
months 36:14, 17,18,25 37:3,5 42:6,20,23,25 48:3 53:16 54:17 56:2 59:1,2	nonetheless 27:18	offered 7:23 11:11 24:22	panel's 6:13 8:2 50:3	
Montoya 41:10	nonlegal 53:19	offering 6:13 11:6	panels 36:21 57:11	
morning 5:9,14, 16 7:4 9:14 45:9, 13,16 48:16 55:18	normal 21:14	offers 30:7	partially 55:24	
mother 11:17 15:15 18:2,14 25:19	Northern 25:12 28:8	Office 30:8 35:25 40:19	parties 15:22 16:22	
motion 6:4 13:24 23:7 51:9	note 41:25 56:17	open 5:22	party 15:17 18:1	
motions 52:21	notes 13:16 21:17	opine 52:13	passed 33:20	
move 10:12 28:19 36:7	notice 13:16 15:8	opportunity 32:1 36:3 45:5	pathologist 52:12	
moved 19:3	notification 12:8	option 9:22 39:7		
moving 5:23 19:1,4 23:19 30:14 38:20	November 53:17	options 9:19 10:9 48:20		
multiple 34:19, 24	number 5:2 26:20 27:5 28:21 30:7 35:4 37:12 58:2	order 10:23 12:12,15 34:18 43:1 47:13 59:14		
	<hr/> O <hr/>	ordered 56:14		
	OBC21-0434 5:2	organized 43:20		
				Perez 11:13,17 12:6 13:11,17 14:13 15:2,9 20:3 23:21 25:10 26:11 27:3 31:21 32:3,9 37:23 45:21 52:1 Perez's 13:3,20, 22 14:22 15:18 18:2,14 19:15 20:5 49:6 52:18 perform 38:7 period 32:15 36:14,25 42:6 47:6 56:11

personal 35:22 47:3	potential 32:24 33:8 44:1 48:25	procedural 48:21	public 30:6 31:15 32:25 33:4,20 47:9 54:8 56:19	reason 46:4
personally 41:17 42:14	practice 25:11, 13,21,22,23 35:2, 9,14 36:16 37:7 40:18 41:15 48:8, 10 53:10,12,24 54:10 56:7	proceed 7:3 9:11 29:8 45:8 48:20	publish 9:4	reasonable 25:8
perspective 14:24 49:24	practices 45:14	proceeding 38:6 46:10,25 47:1,23 54:1 56:2	published 7:12	reasons 52:23
petition 49:22 53:15	practicing 35:3, 5	proceedings 35:20 59:18	publishing 7:9	recall 28:7
phone 15:16 26:10,13,21 32:11	practitioners 44:7	proceeds 21:19	pursuant 49:10	recalling 24:18
place 32:10 48:1 54:5 55:1	preadmission 7:8	process 40:1	push 6:9	receipt 15:24
plan 6:7,20,25 53:7,14,23 54:7	preliminary 49:13	profession 29:20 30:1,2,4,12 32:25 33:8 35:16	put 22:3,14 28:4, 24 32:19 43:12 57:19 58:9	receive 17:8 23:23 32:21
planning 8:5 46:15	prepared 6:22	profession's 31:14	putting 43:13	received 17:4 23:22 37:23 49:14
plans 53:6,11	present 59:3	professional 14:5 18:9 22:8 30:13,24 31:18	<hr/> Q <hr/>	recent 11:2 35:22 36:4
plea 5:19 7:2 8:7, 13 9:13 26:25 34:1 38:22 45:22 49:10,16,20 57:8 58:4 59:5,6	presentation 8:6 9:6,12 40:9 43:20 45:7 55:17 57:11	professionally 53:8	question 41:16 42:19 43:19,21 44:5,14,25 45:2,6 51:1,23 53:9 55:23	recently 23:15 37:24 44:20
pleading 20:23 23:8	presented 41:1, 2	professionals 33:1	questions 6:16 10:17 22:22 40:2, 10 43:14 48:12, 17 53:2 55:10,12, 17,19 56:25	recess 57:24
pleadings 7:9 21:24	presenting 44:23	proffer 10:17	quick 17:1 43:18 59:15	recitation 38:24
pled 28:12	pretty 50:10	promises 39:16	quickly 53:3	recommend 36:21,22 38:16, 21 43:7
plenty 31:24,25	prevent 44:15	proper 19:2	<hr/> R <hr/>	recommendatio n 9:16 27:13 36:12 38:16 42:3 48:3 59:13
point 26:3,4 32:5 34:9 46:16 50:23 51:25	previous 41:24 42:4 43:2 56:1,14	properly 16:6 22:1,14 28:2	raise 43:25	recommendatio ns 10:3 41:3 53:6 56:1 58:25
pointed 56:6	previously 8:9 40:23	property 19:3 22:4 24:9 27:5 29:19 32:17,23 34:23	raised 40:22 44:17 50:1	recommended 39:23 42:5
police 50:17	primary 11:11 46:17	propose 6:12	reach 7:5 25:18	recommending 9:23 18:6 26:25 27:1 34:21 36:13, 24 37:3,9 38:2,12 40:13 58:5
population 47:16	prior 10:25 34:16 36:1 40:17,24 46:25 54:1	proposed 6:20 9:13 23:18 57:7 59:11	reached 11:18, 23 22:24 24:16	record 6:3 20:2 21:13 42:1 43:13 57:25 58:9
position 25:7,16 44:12,18,19 53:20	prison 49:17	proposing 23:12 58:19	readmission 36:16 37:6	records 14:18 19:10,13 22:11 24:22 33:18
positive 54:8	probate 41:9	protect 30:5	ready 6:24 45:8 48:7	recuse 42:2
postage 33:17	probation 37:1 42:7,8,9,11 56:4	protection 30:10	real 17:1 48:23	refer 12:17 13:16 26:18
postconviction 11:19 13:19 48:18	probationary 56:10	provide 23:14 44:20 47:14,19 53:21	realm 20:19	referred 16:7
		provided 12:20	reapply 54:16	

referring 15:7 18:1	24:17	13	save 7:3	shortly 11:23 58:19 59:13
reflected 54:12	report 58:3	retaining 39:7	SBN001 7:12	shot 50:6 52:15
reflects 17:17	reported 50:18	retention 13:4	SBN14 19:20	show 26:16
refunded 37:17	represent 38:25 54:20	retroactive 43:6	schedule 26:12	showing 19:10
regard 6:10 10:19 12:7 15:1,6 17:22 18:3 24:24 31:13,19 32:7,23 33:22 40:6 53:11	representation 11:16 12:4 14:4 19:19 25:25	returned 46:14	scheduled 26:10	shown 37:24
register 31:23 32:4	represented 24:6 40:25 49:11	review 52:12	school 21:20 55:3	shows 20:8
registered 28:6	representing 9:17 31:10	reviewed 51:2	scope 16:11	sic 5:3 58:2
reinstated 54:2 56:18	reproducing 21:16	reviewing 50:24	SCR 28:11 29:21, 22 35:18 38:4,11	side 42:1
reinstatement 42:21 53:15	request 23:6	reviews 47:17	screen 33:25	sign 59:15
relate 40:11	require 36:15 37:6	Ricardo 11:13	screenshots 18:13,15	signature 15:22 39:20
related 14:7	required 56:6	Rickard 5:9,10 17:9 41:24 42:2, 13 43:17,18 44:5 45:1,16 46:25 53:2,3 54:23 55:9 57:1 58:10 59:17	scroll 29:1 39:19	signatures 16:21
relationship 15:14	requirements 56:21	Ricky 45:21,24 46:7,22 49:9,22 50:4 51:18	search 15:2	signed 15:21 56:14
relevance 8:2 10:12 12:15 13:9 14:2 15:5 18:19 22:17	reserve 44:10	Ricky's 52:12	seek 32:1 36:15 37:6	significant 14:21 19:17 41:14,21
relevant 10:24 25:20 41:15	resolve 38:1	role 30:5	seeking 16:14 23:5,6	signing 39:15
relief 11:20 12:2 13:11,20 14:10, 13:17 16:15 20:19 23:6 32:1	resolving 37:22 39:4	room 57:19	sense 49:6 52:4	simply 7:25 9:3 11:6 13:1 17:23 19:13,15,24 20:20 22:20 23:8 25:6 29:9 31:11 36:1,11 38:19,23 39:5,20 55:22
relocated 25:11 28:8,15	respond 28:2 55:22	roughly 27:20 28:15 41:7	sentenced 49:16	simultaneously 17:5
rely 19:16	respondent 5:12,16 7:16 8:18 9:17 38:23 45:9, 12 49:8 52:9 53:14 54:25	routine 35:15	separate 14:14 16:15 22:3 27:4, 11 44:14	single 13:21 23:4
remaining 37:16	responding 30:11	rule 18:8 21:14	series 7:23 23:10	sir 8:8 57:21
remarks 5:22 6:1	responses 12:13 24:17,19	rules 14:5 22:8 29:25 30:24 31:17	serve 42:20 48:5	skipped 26:24
Remember 21:8 37:15	responsibility 17:18 46:5,17 47:25	run 36:17,22 37:4 42:19 43:4	served 47:10	somebody's 49:2
rendered 36:19	responsive 24:20	running 59:2	service 14:2 38:7 47:15 59:10	sore 43:23
renting 55:1	restored 53:10	rural 47:15	services 12:19 16:11 20:13 30:6, 7 32:21 47:15,19	sort 13:9 19:3,20 20:5 21:20 22:22 23:16 24:9 29:9 30:19 49:6
repeat 33:17	result 31:4,17	Russ 5:3	serving 54:10	sought 13:11 14:10,14 39:9
repeated 30:11	retainer 11:24,25 14:12 15:7 16:6,	<hr/> S <hr/>	set 26:11 54:4	sounds 6:25
repeatedly		safekeeping 19:2 24:8 29:19 32:16,23 34:23	settlement 21:19	Southern 25:12,
		salient 28:21	share 27:16 35:6 36:3	
		sanctions 29:16 47:24	shared 24:9 26:5 56:2	
			shooting 50:4,11	

18 28:9,15	subsection		throat 43:23	twenty 13:5
speak 27:25	24:10	T	throw 15:3	type 48:24 49:1
44:24	subsequent		throwing 42:14	typically 33:6
specific 36:12	21:9,25	tail 23:24	time 6:13 7:4,25	
39:5	substantial	takes 56:20	8:10 9:1,3,10	U
specifically 28:7	35:1,9,13,21 36:4	taking 34:12	13:7 18:5 23:7	U.S. 12:18 15:1
55:25	37:25 41:13	44:11 45:14	24:1,14 27:20	ultimately 13:12
speculate 42:12	substantially	46:17 50:8	28:12 31:10,24,	15:21 34:8
spend 18:5 24:14	35:12	talking 14:12	25 32:1,15 33:3,	un-muting 48:15
spoke 8:13	substantive	29:24 40:23	16,17 40:1,7	unanimous
standard 34:8	24:19	Tammy 11:18	41:7,11,20 43:11	58:20
standards 29:6,	success 48:25	17:25 50:16	44:10 45:13,14,	undergone
16 33:23 34:2,3	sufficiently	tangential 47:18	15 46:16,18 47:3,	35:21
start 6:22 42:23	20:17,20	tells 34:5 51:3	6,11 48:4,13	underserved
starting 5:5,13	suggest 27:17	ten 35:10,12	49:24 50:7,11	47:16
starts 18:16	52:14	tender 37:21	52:22 53:18 55:4	understand 5:18
state 5:15 6:3,6,	sum 16:17 24:4	tendering 34:20	57:10,13 59:9	10:11 13:10
15 7:22 9:12,15,	27:22	term 37:11 38:3	timely 28:2	20:16
18 10:14 12:3,10,	summarize	49:17	times 28:5	understands
14,18 14:8,10,15,	29:10	terms 15:20	timing 13:3	37:10 39:1,2,4,6
23 16:15 19:22	summarizing	16:21 22:23 39:2	today 6:13 9:19,	Understood
20:21 21:3 23:14	6:14 25:6 26:19	testimony 6:14	23 10:10,21	42:18
24:10 29:8 30:5,	summary 6:18	text 23:10 26:20	35:21 38:6 39:23	unemployment
14 34:7 40:19	8:1 12:9 21:13,16	texting 15:16	48:4 53:5 59:10	47:7
49:17 52:10,24	25:3 28:21	texts 15:11 32:11	today's 5:4	updated 28:11
statement 55:21	sums 27:5	theories 11:20	told 46:1	
statements	supervisors	12:1 13:19 16:15	total 42:20	V
48:16	47:17	24:9	town 50:15	
states 35:8	support 9:12	theory 35:13,16	track 21:8,11	variety 48:20
statute 52:20	supporting 9:20	thereabouts	transcribing	Vegas 47:5 54:24
stay 13:24 51:10	10:11,19	53:18	38:8	55:7
54:15	suppose 22:7	thereof 12:14	transcript 50:24	versus 36:7
step 31:24 39:11	Supreme 9:24	thing 45:24 46:6	51:2	viabilities 51:19
57:18	11:3,5 28:25	49:23	transitioned	viable 50:25
stipulated 34:13	29:24 33:6 34:5,	things 11:8	25:13	violated 29:23
stipulating 36:5	17,21 35:11	33:14 45:14	treat 33:4	violation 18:9
stipulation	36:19 37:3 38:10,	46:20,23 51:3	trial 50:1	violations 34:3
28:20	15,21 43:1,8	54:18 55:6	true 44:8,14,16	volition 37:18
stop 16:25 29:3	47:13 58:5	thought 43:20	trust 19:2 21:22	voluminous
stretched 13:6	suspension	52:5,11	22:2,14 27:2,7	21:13 49:14
strong 41:18	11:5 34:3 36:8,	threw 15:3 27:8	33:5 42:10 43:22	voluntarily
submit 37:13	14,17,18 37:2	thrilled 33:12	56:10,13	37:20 39:16
	38:5 40:12,13		tuition 21:20	
	42:6 47:11 48:5		turn 18:24	

voluntary 49:25	written 28:3,4
volunteer 38:7	wrong 28:14
W	Y
walk 22:20	year 46:19 47:19 51:12 52:20
wanted 8:10 14:9,15 15:3 17:3,14 19:13 26:17 28:23 39:25 48:23 52:4, 25	years 35:4,10,12 37:1 42:7,8,11 47:4 49:18 53:7, 11 56:3
Watson 21:4	yesterday 39:22
week 7:13 23:15 27:17	yield 22:21 36:2 40:4,7
weekend 23:16 44:21	young 46:19 52:13 53:22
weigh 36:6	youngest 46:12
whatnot 15:11, 16 16:21	
wide 15:3	
wider 16:11	
wife 46:11,13	
window 27:19 28:12 41:7,11,20	
wise 6:12	
withdrawn 27:15	
words 29:6	
work 23:17 26:1, 3 37:25 46:14 47:6 48:18,19,21 49:3,5 54:13	
worked 23:24 47:4	
working 28:10	
works 46:15	
workup 24:2	
worst 46:6	
worth 23:25	
wrap 33:9	
wrapping 20:1	
writing 28:4	

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

DERRICK S. PENNEY, ESQ.

Nevada Bar No. 8606

File No.: OBC21-0386

FORMAL HEARING

May 18, 2022 at 9:00 a.m. via Zoom

INDEX OF DOCUMENTS

DOCUMENT	PAGE NOS.
Complaint, Designation of Hearing Panel, and Declaration of Mailing Filed January 18, 2022	SBN 001-018
Notice of Intent to Proceed on a Default Basis Filed February 15, 2022.....	SBN 019-020
Answer Filed March 8, 2022	SBN 021-025
Order Appointing Hearing Panel Chair Filed March 10, 2022	SBN 026-027
Notice of Telephonic Initial Case Conference Filed March 21, 2022	SBN 028-029
Scheduling Order Filed March 24, 2022	SBN 030-033
Order Appointing Formal Hearing Panel Filed March 30, 2022	SBN 034-035
Ad Hoc Order Filed May 2, 2022.....	SBN 036-037

PANEL

Russell E. Marsh, Esq., Panel Chair

Jarrold L. Rickard, Esq., Panel Member

Brittany Falconi, Lay Member

Bruce C. Hahn, Esq.
Assistant Bar Counsel

Derrick S. Penney, Esq.
Respondent

Tiffany Bradley
Hearing Paralegal



FILED

JAN 18 2022

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

Case No.: OBC21-0386

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, Esq.)
Nevada Bar No. 8606)
)
Respondent.)

COMPLAINT

TO: Derrick S. Penney, Esq.
50 W. Fifth St. Winnemucca, NV 89445
(SCR 79 Permanent Mailing address)

AND

Derrick S. Penney, Esq.
Derrick.Penney@humboldtcountynv.gov
(SCR 79 Current Email Address)

PLEASE TAKE NOTICE that pursuant to 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., Ste. 100, Las Vegas, Nevada, 89102, within twenty (20) days of service of this Complaint. Procedure regarding service is addressed in SCR 109.

Complainant, State Bar of Nevada ("State Bar"), by and through Assistant Bar Counsel Bruce C. Hahn, is informed and believes as follows:

///

1 1. Respondent Joseph Derrick Stephen Penney, Esq., (“Respondent”) is currently
2 an active member of the State Bar of Nevada and has been licensed to practice law in Nevada
3 since 2003.

4 2. At all times pertinent to this complaint Respondent had his principal place of
5 business for the practice of law located in Clark County and thereafter Humboldt County,
6 Nevada. At pertinent times prior to or during March 2021, the Respondent reported to the
7 State Bar pursuant to SCR 79 that his permanent mailing address was: 2800 W. Sahara Ave.,
8 Suite 7C, Las Vegas, NV 89102. Sometime during or after March 2021, Respondent reported
9 to the State Bar pursuant to SCR 79 that his permanent mailing address was: 50 W. Fifth
10 Street, Winnemucca, NV 89445.

11 3. On or about March 28, 2021, Respondent’s client Ricardo Perez (“Perez” or
12 “Grievant”) filed a grievance with the Nevada State Bar regarding Respondent.

13 4. On or about July 11, 2017, Perez retained the Respondent to pursue post-
14 conviction relief in State court from a November 25, 2014, felony conviction in Clark County
15 District Court. Perez was then and is currently an inmate with the Nevada Department of
16 Corrections. An initial “flat fee” of \$5,000 was paid by Perez via his mother Tammy Doran
17 (“Doran”) to Respondent.

18 5. On or about March 2018, Perez agreed to an amended retainer agreement
19 payment of a “flat fee” of \$20,000, less the \$5,000 previously paid. This \$15,000 residual sum
20 was paid out in full in monthly payments with the final payment made January 31, 2019. This
21 amended agreement contemplated pursuing relief in State and Federal court.

22 6. Perez and the Respondent agreed to seek a forensic pathologist expert opinion
23 to help advances theories of conviction relief. Perez or Doran paid the expert directly a \$5,000
24 fee.

25 ///

1 7. Beginning January 2019 through July 12, 2021, attorney-client communication
2 was substantially impaired. The Respondent ceased to respond to reasonable requests
3 initiated by Perez and/or Doran by text messages and/or phone messages to discuss case
4 developments and strategy to advance theories of post-conviction relief in State and/or
5 Federal court.

6 8. Respondent ceased to return Perez's multiple phone messages for several weeks
7 at a time from May 2020 to March 2021.

8 9. Respondent failed to appear at previously scheduled phone appointments to
9 include July 17, 2020, August 21, 2020, October 9, 2020, and October 23, 2020, without
10 advance notice.

11 10. Respondent refused to provide a rough draft of the expert report for many
12 months and refused to provide a final copy of the finished expert report to Perez upon request.

13 11. Respondent relocated his Las Vegas practice location to Northern Nevada
14 without notice to Perez, nor offered notice of his professional practice change to government
15 practice in October 2020.

16 12. On or about February 20, 2021, Perez wrote Respondent a letter sent by US mail
17 requesting that he advise him of what was accomplished for the \$20,000 paid in fees. Perez
18 received no reply from Respondent.

19 13. On or between the months of March and April 23, 2021, Perez wrote Respondent
20 a letter sent by US mail requesting that he contact him. Perez received no reply from
21 Respondent.

22 14. On or about April 12, 2021, the State Bar emailed a Letter of Investigation to the
23 Respondent's SCR 79 email address of Derrick.Penney@humboldtcountynv.gov. The Letter
24 sought Respondent's response to the Perez grievance and requested he provide a series of
25 documents to include the retainer agreement, receipts, billings, client correspondence and

1 court pleadings, by April 26, 2021.

2 15. On or about April 26, 2021, the Respondent sent the State Bar a letter by US mail
3 of about three paragraphs without attachments. Respondent stated he sought out experts,
4 obtained a partially favorable report but “didn’t get anywhere in Federal Court.” He stated
5 that State court was no longer a viable option as the statute had expired. Respondent sought
6 two weeks to obtain the Perez file from storage to be able to respond.

7 16. On or about May 6, 2021, the State Bar sent another Letter of Investigation to
8 the Respondent’s SCR 79 physical address by certified mail, seeking his response by May 20.

9 17. On or about May 27, 2021, the State Bar emailed the Respondent seeking the
10 supplemental information he stated he would provide within two weeks’ time of his April 26
11 letter. The State Bar’s May 27 letter requested that Respondent provide the needed
12 information by June 10.

13 18. On or about June 10, 2021, the Respondent sent a letter to the State Bar by US
14 mail stating he would provide the documentation by June 24, 2021. The Respondent did not
15 provide the State Bar the documentation he represented he would.

16 19. The State Bar initiated its own investigation into the court record involving
17 Respondent’s efforts in seeking post-conviction relief on Perez’s behalf.

18 20. The Federal court record revealed the Respondent filed a one-page appearance
19 pleading and a two-page pleading on March 2, 2018. The document was entitled “Motion for
20 Stay and Abeyance,” seeking a stay of the Federal Habeas action pending a return to State
21 Court to exhaust further relief claims. On February 6, 2019, the Federal court dismissed
22 Respondent’s motion finding an insufficient showing was made for a stay. Respondent made
23 no further filings in this case. On June 3, 2019, the court dismissed the case.

24 21. The State court record revealed no filings by the Respondent.

25 ///

1 22. The State Bar examined the Respondent's Trust Account ("IOLTA") and
2 Business Operating Account transactions from August 2018 through April 2021. The IOLTA
3 and Operating Account records reflect \$6,000 in deposits from Doran on Perez's behalf from
4 August 2018 to January 2019. Of this \$6,000 sum in fees, Respondent only placed \$1,000 of
5 these fees in his Trust Account in October 2018. Respondent placed the residual \$5,000 in
6 fees directly into his Business Operating Account.

7 23. On or about December 6, 2021, the Respondent provided Perez via Doran with
8 an apparent partial refund of \$5,000.

9 **COUNT ONE: RPC 1.3 (Diligence)**

10 24. RPC 1.3 states: "A lawyer shall act with reasonable diligence and promptness in
11 representing a client."

12 25. On or after March 2, 2018, through July 4, 2019, Respondent failed to act with
13 reasonable diligence in the Perez representation by not filing a sufficiently supported motion
14 in Federal court, and/or taking remedial action with that motion before the court, which
15 resulted in dismissal of Perez's case.

16 26. Based on the foregoing paragraphs, Respondent has violated RPC 1.3.

17 **COUNT TWO: RPC 1.4(a) (Communication)**

18 27. RPC 1.4(a) states in relevant part: "(a) A lawyer shall: (1) Promptly inform the
19 client of any decision or circumstance with respect to which the client's informed consent is
20 required by these Rules; (3) Keep the client reasonably informed about the status of the matter;
21 (4) Promptly comply with reasonable requests for information;"

22 28. Here, Respondent failed to properly communicate with Perez directly or
23 indirectly via Doran by:

- 24 i) Not informing Perez of his professional relocation to Northern Nevada, and/or not
25 informing him of his transition to full-time government employment,

1 circumstances to which the client would need to be informed to decide whether to
2 continue with representation, and/or,

3 ii) Not keeping Perez directly or indirectly via Doran reasonably informed about the
4 status of the post-conviction objective developments, to include not keeping
5 scheduled appointments including July 17, 2020, and/or August 20, 2020, and/or
6 October 9, 2020 and/or October 23, 2020, and/or,

7 iii) Not timely returning phone calls and/or text messages from Perez and/or Doran
8 from January 2019 through July 2021, and/or,

9 iv) Not providing Perez with a copy of the rough draft expert report after months of
10 requests and/or not providing a copy of the expert final report, and/or,

11 v) Not providing an accounting of the expenditure of \$20,000 in fees in response to
12 Perez's written request(s) to Respondent on or after February 20, 2021.

13 29. Based on the foregoing paragraphs, Respondent violated RPC 1.4.

14 **COUNT THREE: RPC 1.5(a) (Fees)**

15 30. RPC 1.5(a) states in relevant part: "A lawyer shall not make an agreement for,
16 charge or collect an unreasonable fee or an unreasonable amount for expenses."

17 31. Respondent charged or collected an unreasonable fee from Perez via Doran by
18 having him and/or her pay \$20,000 in fees when:

19 i) Insufficient and/or unreported work was performed for fees paid, and/or,

20 ii) Respondent did not timely return unearned fees for services.

21 32. Based on the foregoing paragraphs, Respondent violated RPC 1.5(a).

22 **COUNT FOUR: RPC 1.15(a), (c) (Safekeeping Property)**

23 33. RPC 1.15(a), (c) states in relevant part:

24 (a) A lawyer shall hold funds or other property of clients or third persons that is
25 in a lawyer's possession in connection with a representation separate from the
lawyer's own property. All funds received or held for the benefit of clients by a

1 lawyer or firm, including advances for costs and expenses, shall be deposited in
2 one or more identifiable bank accounts designated as a trust account...

3 (c) A lawyer shall deposit into a client trust account legal fees and expenses that
4 have been paid in advance, to be withdrawn by the lawyer only as fees are
5 earned or expenses incurred.

6 34. From August 2018 through January 2019, Respondent failed to deposit about
7 \$5,000 fees paid in installments into a client trust account and separate from his own property.

8 35. Based on the foregoing paragraphs, Respondent violated RPC 1.15.

9 **COUNT FIVE: RPC 8.1 (Bar Disciplinary Matters)**

10 36. RPC 8.1 states in relevant part: "...a lawyer in connection with...a disciplinary
11 matter, shall not: (b) "... knowingly fail to respond to a lawful demand for information from an
12 admissions or disciplinary authority; ..."

13 37. On or about April 12, 2021, the State Bar opened a disciplinary file and
14 investigation into Respondent's professional conduct based upon the Perez grievance. The
15 State Bar sought to communicate with Respondent in the ensuing months by letter and email,
16 making lawful demand(s) for information.

17 38. Respondent failed to:

18 i) Substantively respond to the State Bar's emailed letter of investigation and request
19 for information of April 12, 2021, and/or,

20 ii) Provide the State Bar with information "within two weeks' time" as represented by
21 Respondent in his letter to the State Bar of April 26, 2021, and/or,

22 iii) Respond to the State Bar's certified mail letter of investigation and request for
23 information of May 6, 2021, seeking Respondent's response by May 20, and/or,

24 iv) Substantively respond to the State Bar's emailed letter of investigation and request
25 for information of May 27, 2021, seeking Respondent's response by June 10, and/or,

v) Provide the State Bar with information by June 24, 2021, as represented by

Respondent in his June 10, 2021, letter to the State Bar.

39. Based on the foregoing paragraphs, Respondent violated RPC 8.1.

WHEREFORE, Complainant seeks for relief as follows:

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

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

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

Dated this 14th day of January 2022.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Bruce Hahn

By: _____

Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada, 89102



FILED

JAN 18 2022

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Case No.: OBC21-0386

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

**DESIGNATION OF FORMAL
HEARING PANEL MEMBERS**

TO: Derrick S. Penney, Esq.
50 W. Fifth St. Winnemucca, NV 89445
(SCR 79 Permanent Mailing address)

AND

Derrick S. Penney, Esq.
Derrick.Penney@humboldtcountynv.gov
(SCR 79 Current Email Address)

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

- 1 2. Dana Palmer Oswalt, Esq., Vice Chair
- 2 3. Christopher J. Lalli, Esq., Vice Chair
- 3 4. Sarah E. Atwood, Esq.
- 4 5. Neil Beller, Esq.
- 5 6. Annette L. Bradley, Esq.
- 6 7. John E. Bragonje, Esq.
- 7 8. Shemilly A. Briscoe, Esq.
- 8 9. Amanda Brookyser, Esq.
- 9 10. Robert J. Caldwell, Esq.
- 10 11. Jacqueline B. Carman, Esq.
- 11 12. Andrew A. Chiu, Esq.
- 12 13. James P. Chrisman, Esq.
- 13 14. Marc P. Cook, Esq.
- 14 15. Ira W. David, Esq.
- 15 16. Damon Dias, Esq.
- 16 17. Sandra K. DiGiacomo, Esq.
- 17 18. F. Thomas Edwards, Esq.
- 18 19. Matthew S. Fox, Esq.
- 19 20. Alan Freer, Esq.
- 20 21. Adam Garth, Esq.
- 21 22. Kelly Giordani, Esq.
- 22 23. Robert G. Giunta, Esq.
- 23 24. Angela Guingcangco, Esq.
- 24 25. Parish D. Heshmati, Esq.
- 25 26. Kenneth E. Hogan, Esq.

- 1 27. Jennifer K. Hostetler, Esq.
- 2 28. David Kaplan, Esq.
- 3 29. Franklin J. Katschke, Esq.
- 4 30. James T. Leavitt, Esq.
- 5 31. Michael B. Lee, Esq.
- 6 32. Jennifer R. Lloyd, Esq.
- 7 33. Donald Lowrey, Esq.
- 8 34. Dawn M. Lozano, Esq.
- 9 35. Roger Madsen, Esq.
- 10 36. Jason R. Maier, Esq.
- 11 37. Farhan Naqvi, Esq.
- 12 38. Michael J. Oh, Esq.
- 13 39. Gary A. Pulliam, Esq.
- 14 40. Paul "Luke" Puschnig, Esq.
- 15 41. Michael D. Rawlins, Esq.
- 16 42. Jericho L. Remitio, Esq.
- 17 43. Jarrod L. Rickard, Esq.
- 18 44. Miriam E. Rodriguez, Esq.
- 19 45. Vincent J. Romeo, Esq.
- 20 46. Daniel F. Royal, Esq.
- 21 47. Maria V. Saladino, Esq.
- 22 48. Africa A. Sanchez, Esq.
- 23 49. Jen J. Sarafina, Esq.
- 24 50. Jay A. Shafer, Esq.
- 25 51. Thomas R. Sheets, Esq.

- 1 52. Jeffrey G. Sloane, Esq.
- 2 53. James R. Sweetin, Esq.
- 3 54. Stephen L. Titzer Esq.
- 4 55. Jacob J. Villani, Esq.
- 5 56. Marni Watkins, Esq.
- 6 57. Dan R. Waite, Esq.
- 7 58. Joseph Went, Esq.
- 8 59. Reed J. Werner, Esq.
- 9 60. Natalie Ann Allred, Laymember
- 10 61. Afeni Banks, Laymember
- 11 62. Brian Catlett, Laymember
- 12 63. Alexander Falconi, Laymember
- 13 64. Brittany Falconi, Laymember
- 14 65. Joelyne Gold, Laymember
- 15 66. Elizabeth A. Hanson, Laymember
- 16 67. Jack S. Hegeduis, Laymember
- 17 68. Julia D. Hesmati, Laymember
- 18 69. William M. Holland, Laymember
- 19 70. Nicholas Kho, Laymember
- 20 71. Annette Kingsley, Laymember
- 21 72. Gale Kotlikova, Laymember
- 22 73. Todd Krome, Laymember
- 23 74. Benjamin S. Lurie, Laymember
- 24 75. Jo Kent McBeath, Laymember
- 25 76. Steve Moore, Laymember

- 1 77. Kellie C. Rubin, Laymember
2 78. Danny Lee Snyder, Jr., Laymember
3 79. Harvey Weatherford, Laymember
4

5 Dated this 14th day of January 2022.
6

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

9 *Bruce Hahn*

10 By: _____

11 Bruce C. Hahn, Assistant Bar Counsel
12 Nevada Bar No. 5011
13 3100 W. Charleston Blvd., Ste. 100
14 Las Vegas, Nevada, 89102
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FILED

JAN 18 2022

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Case No.: OBC21-0386

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

BRUCE D. TINGEY, ESQ.,
Nevada Bar No. 5151,

Respondent.

DECLARATION OF MAILING

Tiffany Bradley, 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, DISCIPLINARY RULES OF PROCEDURE – AMENDED NOVEMBER 3, 2021, ADKT 516 and ADKT 518** in the matter of the *State Bar of Nevada vs. Derrick Stephen Penney, Esq.*, Case No. OBC21-0386.
3. That pursuant to Supreme Court Rule 109, the Complaint, First Designation of Hearing Panel Members, and State Bar of Nevada's Peremptory Challenges were served on the following placing copies in an envelope which was then sealed and

1 postage fully prepaid for regular and certified mail, and deposited in the United
2 States mail at Las Vegas, Nevada to:

3 Derrick S. Penney, Esq.
4 50 W. Fifth Street
5 Winnemucca, NV 89445
6 **Certified Mail: 7021 1970 0000 0350 3897**

6 **And via electronic mail to:**

- 7 1. Respondent: Derrick.Penney@humboldtcountynv.gov

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

9 Dated this 18th day of January 2022.

11 By: _____



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

From: [Derrick Penney](#)
To: [Tiffany Bradley](#)
Subject: Read: State Bar of Nevada vs. Derrick S. Penney, Esq. (Complaint OBC21-0386/Perez)
Date: Monday, January 31, 2022 11:09:04 AM

Your message

To:
Subject: State Bar of Nevada vs. Derrick S. Penney, Esq. (Complaint OBC21-0386/Perez)
Sent: Monday, January 31, 2022 7:09:03 PM (UTC+00:00) Monrovia, Reykjavik
was read on Monday, January 31, 2022 7:08:58 PM (UTC+00:00) Monrovia, Reykjavik.

Track Another Package +

Tracking Number: 70211970000003503897

Remove X

Your item was delivered to the front desk, reception area, or mail room at 8:21 am on January 20, 2022 in WINNEMUCCA, NV 89445.

USPS Tracking Plus[®] Available ✓

✓ **Delivered, Front Desk/Reception/Mail Room**

January 20, 2022 at 8:21 am
WINNEMUCCA, NV 89445

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January 20, 2022, 8:21 am

Delivered, Front Desk/Reception/Mail Room
WINNEMUCCA, NV 89445

Your item was delivered to the front desk, reception area, or mail room at 8:21 am on January 20, 2022 in WINNEMUCCA, NV 89445.

January 20, 2022, 8:12 am

Arrived at Post Office
WINNEMUCCA, NV 89445

January 19, 2022, 8:38 pm
Departed USPS Regional Facility
RENO NV DISTRIBUTION CENTER

January 19, 2022, 6:35 pm
Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

January 19, 2022, 8:24 am
Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

January 18, 2022, 10:01 pm
Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

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FAQs



FILED

FEB 15 2022

STATE BAR OF NEVADA

BY: [Signature]
OFFICE OF BAR COUNSEL

Case No.: OBC21-0386

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

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

**NOTICE OF INTENT TO
PROCEED ON A DEFAULT BASIS**

PLEASE TAKE NOTICE THAT unless the State Bar receives a responsive pleading in the above-captioned matter by **March 7, 2022**, it will proceed on a default basis and ***the charges against you shall be deemed admitted.*** Supreme Court Rule 105 (2) states in relevant part:

A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service . . . In the event the attorney fails to plead, **the charges shall be deemed admitted**; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable to mistake, inadvertence, surprise, or excusable neglect. (Emphasis added.)

Another copy of the Complaint previously served upon you, accompanies this Notice.
Dated this 15th day of February 2022.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Bruce Hahn

By: _____
Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada, 89102

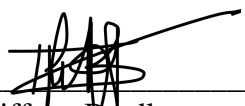
CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **NOTICE OF INTENT TO PROCEED ON A DEFAULT BASIS** was served via email to:

1. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
2. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 15th day of February 2022.

By: _____


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



FILED

MAR - 8 2022

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

Case No: OBC21-0386

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DERRICK STEPHEN PENNEY, Esq.
Nevada Bar No. 8606

Respondent.

ANSWER

DERRICK STEPHEN PENNEY, ("Respondent"), in answer to the Complaint on file herein, admits, denies, avers as follows:

1. In response to Paragraph 1, Respondent admits the allegations in Paragraph 1.
2. In response to Paragraph 2, Respondent admits the allegations in Paragraph 2.
3. In response to Paragraph 3, Respondent is without knowledge or information sufficient to form a belief as to the allegations in Paragraph 3 and, therefore, denies same.
4. In response to Paragraph 4, Respondent admits the allegations in Paragraph 4.
5. In response to Paragraph 5, Respondent admits that additional payments were paid in monthly installments of \$1,000.00 for fifteen ("15") months pursuant to an amended retainer agreement. Respondent denies the remaining allegations in Paragraph 5.
6. In Response to Paragraph 6, Respondent admits a forensic pathologist was retained to review the Perez file and paid \$900.00 directly by Ms. Doran. Respondent denies the remaining allegations in Paragraph 6.
7. In Response to Paragraph 7, Respondent denies the allegations in Paragraph 7.
8. In Response to Paragraph 8, Respondent denies the allegations in Paragraph 8.
9. In Response to Paragraph 9, Respondent denies the allegations in Paragraph 9.
10. In Response to Paragraph 10, Respondent denies the allegations in Paragraph 10.
11. In Response to Paragraph 11, Respondent denies the allegations in Paragraph 11.
12. In Response to Paragraph 12, Respondent is without knowledge or information

1 sufficient to form a belief as to the allegations in Paragraph 12 and, therefore, denies same.

2 13. In Response to Paragraph 13, Respondent is without knowledge or information
3 sufficient to form a belief as to the allegations in Paragraph 13 and, therefore, denies same.

4 14. In Response to Paragraph 14, Respondent admits the allegations in Paragraph 14.

5 15. In Response to Paragraph 15, Respondent admits the allegations in Paragraph 15.

6 16. In Response to Paragraph 16, Respondent is without knowledge or information
7 sufficient to form a belief as to the allegations in Paragraph 16 and, therefore, denies same.

8 17. In Response to Paragraph 17, Respondent admits the allegations in Paragraph 17.

9 18. In Response to Paragraph 18, Respondent admits sending a letter to the State Bar via
10 U.S. Mail on or about June 10, 2021. Respondent denies the remaining allegations in Paragraph 18.

11 19. In Response to Paragraph 19, Respondent is without knowledge or information
12 sufficient to form a belief as to the allegations in Paragraph 19 and, therefore, denies same.

13 20. In Response to Paragraph 20, Respondent admits the allegations in Paragraph 20.

14 21. In Response to Paragraph 21, Respondent is without knowledge or information
15 sufficient to form a belief as to the allegations in Paragraph 21 and, therefore, denies same.

16 22. In Response to Paragraph 22, Respondent denies the allegations in Paragraph 22.

17 23. In Response to Paragraph 23, Respondent admits the allegations in Paragraph 23.

18 24. In Response to Paragraph 24, Respondent admits the allegations in Paragraph 24.

19 25. In Response to Paragraph 25, Respondent denies the allegations in Paragraph 25.

20 26. In Response to Paragraph 26, Respondent denies the allegations in Paragraph 26.

21 27. In Response to Paragraph 27, Respondent admits the allegations in Paragraph 27.

22 28. In Response to Paragraph 28, Respondent denies the allegations in Paragraph 28.

23 29. In Response to Paragraph 29, Respondent denies the allegations in Paragraph 29.

24 30. In Response to Paragraph 30, Respondent admits the allegations in Paragraph 30.

25 31. In Response to Paragraph 31, Respondent denies the allegations in Paragraph 31.

26 32. In Response to Paragraph 32, Respondent denies the allegations in Paragraph 32.

27 33. In Response to Paragraph 33, Respondent admits the allegations in Paragraph 33.

1 34. In Response to Paragraph 34, Respondent denies the allegations in Paragraph 34.

2 35. In Response to Paragraph 35, Respondent denies the allegations in Paragraph 35.

3 36. In Response to Paragraph 36, Respondent admits the allegations in Paragraph 36.

4 37. In Response to Paragraph 37, Respondent is without knowledge or information
5 sufficient to form a belief as to the allegations in Paragraph 37 and, therefore, denies same.

6 38. In Response to Paragraph 38, Respondent denies the allegations in Paragraph 38.

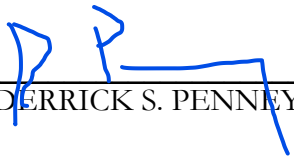
7 39. In Response to Paragraph 39, Respondent denies the allegations in Paragraph 39.

8 **AFFIRMATIVE DEFENSES**

9 **I.**

10 That Respondent has at all times complied with all applicable laws and Rules of Professional
11 Conduct.

12 DATED this 7th day of March, 2022.

13
14 By: 
15 DERRICK S. PENNEY, ESQ.
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CERTIFICATE OF SERVICE

On the 7th day of March, 2022, the undersigned filed the foregoing ANSWER electronically
to: sbnnotices@nvbar.org



DERRICK STEPHEN PENNEY

VERIFICATION

Under penalty of perjury, I, **DERRICK STEPHEN PENNEY**, being first duly sworn according to law, deposes and says: That the undersigned is the Respondent in the above entitled action; that Respondent has read the above and foregoing Answer, and knows the contents thereof; that the same is true of Respondent's own knowledge, except for any matters therein stated upon information and belief, and as to those matters therein stated, Respondent believes them to be true.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED: this 7^h day of March, 2022.



DERRICK STEPHEN PENNEY



FILED

MAR 10 2022

STATE BAR OF NEVADA
BY: *Lera*
OFFICE OF BAR COUNSEL

Case No.: OBC21-0386

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DERRICK S. PENNEY, ESQ.,

NV BAR NO. 8606

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. Russell Marsh, Esq.,

DATED this 9 day of March, 2022

SOUTHERN NEVADA DISCIPLINARY BOARD

By: *Dana P. Oswalt*
Dana P. Oswalt (Mar 9, 2022 11:28 PST)
Dana Oswalt, Esq.
Nevada Bar No. 12061
Vice-Chair, Southern Nevada Disciplinary Board

CERTIFICATE OF SERVICE

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

1. Russell E. Marsh, Esq. (Panel Chair): russ@wmlawlv.com
2. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
3. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 10th day of March 2022.

By: _____



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



FILED

MAR 21 2022

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

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

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

**NOTICE OF TELEPHONIC INITIAL
CASE CONFERENCE**

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **Wednesday, March 23, 2022, at 11 a.m.**

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

Dated this 21st day of March 2022.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Bruce Hahn


By: _____
Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada, 89102

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **NOTICE OF TELEPHONIC INITIAL CASE CONFERENCE** was served via email to:

1. Russell E. Marsh, Esq. (Panel Chair): russ@wmlawlv.com
2. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
3. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 21st day of March 2022.

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



FILED

MAR 24 2022

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Case No.: OBC21-0386

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

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
DERRICK STEPHEN PENNEY, ESQ.)
Nevada Bar No. 8606)
)
Respondent.)

SCHEDULING ORDER

Pursuant to Rule 17 of the Disciplinary Rules of Procedure ("DRP"), on Wednesday, March 23, 2022, at 11:00 a.m., Russell Marsh, Esq., the Formal Hearing Panel Chair, met telephonically with Bruce C. Hahn, Esq., Assistant Bar Counsel, on behalf of the State Bar of Nevada, and Respondent to conduct the Initial Case 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 SCR109(2), NRCPC 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 May 18, 2022**, and shall take place virtually through ZOOM video conference.

1 **4.** On or before **March 30, 2022, at 5:00 p.m.**, the State Bar of Nevada's initial
2 disclosures shall be served on all parties. The documents provided by the State Bar shall be
3 bates stamped with numerical designations. *See* DRP 17 (a). All documents need to be
4 submitted by 5:00 p.m. to be file stamped timely.

5 **5.** On or before **April 7, 2022, at 5:00 p.m.**, Respondent's initial disclosures
6 shall be served on all parties. The documents provided by the Respondent shall be bates
7 stamped with alphabetical exhibit designations. *See* DRP 17 (a). All documents need to be
8 submitted by 5:00 p.m. to be file stamped timely.

9 **6.** On or before **April 11, 2022, at 5:00 p.m.**, the parties shall file and serve any
10 Motions. *See* DRP 16. All documents need to be submitted by 5:00 p.m. to be file stamped
11 timely.

12 **7.** On or before **April 26, 2022, at 5:00 p.m.**, the parties shall serve a Final
13 Designation of witnesses expected to testify and exhibits expected to be presented at the
14 Formal Hearing in this matter, pursuant to SCR 105(2)(d), DRP 17(a) and DRP 21.

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

18 **8.** **On May 4, 2022, at 1:00 p.m.**, the parties shall meet telephonically with the
19 Panel Chair for the Pre-hearing Conference. Any pending issues, including Motions will be
20 addressed at the Pre-hearing Conference, the conference shall take place **virtually through**
21 **ZOOM video conference.**

22 **9.** Pursuant to DRP 23, at the Pre-hearing conference (i) the parties shall discuss all
23 matters needing attention prior to the hearing date, (ii) the Chair may rule on any motions or
24 disputes including motions to exclude evidence, witnesses, or other pretrial evidentiary matter,
25 and (iii) the parties shall discuss and determine stipulated exhibits proffered by either the State

1 Bar or Respondent as well as a stipulated statement of facts, if any.

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

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

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

8 Dated this ^{Mar 24, 2022} _____ day of March 2022.

9 SOUTHERN NEVADA DISCIPLINARY BOARD

10 *Russell E. Marsh*

11 Russell E. Marsh (Mar 24, 2022 12:34 PDT)
12 By: _____

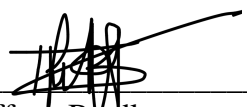
13 Russell Marsh, Esq.
14 Formal Hearing Panel Chair
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CERTIFICATE OF SERVICE

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

1. Russell E. Marsh, Esq. (Panel Chair): russ@wmlawlv.com
2. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
3. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 24th day of March 2022.

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



FILED

MAR 30 2022

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

Case Nos: OBC21-0434

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DERRICK S. PENNEY, ESQ.

NV BAR No. 8606

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 18th day of May, 2022 starting at 9:00 a.m. via Zoom Video Conferencing.

1. Russ Marsh, Esq., Chair;
2. Jarrod Rickard, Esq.
3. Anne Hanson, Laymember

DATED this 30 day of March, 2022

SOUTHERN NEVADA DISCIPLINARY BOARD

By: Dana P. Oswalt
Dana P. Oswalt (Mar 30, 2022 10:31 PDT)
Dana P. Oswalt, Esq.
Nevada Bar No. 12061
Vice-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. Russell E. Marsh, Esq. (Panel Chair): russ@wmlawlv.com
2. Jarrod L. Rickard, Esq. (Panel Member): jlr@skrlawyers.com
3. Anne Hanson (Laymember): 2555aspen@gmail.com
4. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
5. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 30th day of March 2022.

By: 

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



FILED

MAY - 2 2022

STATE BAR OF NEVADA
BY:
OFFICE OF BAR COUNSEL

Case No.: OBC21-0434

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DERRICK S. PENNEY, ESQ.

NV BAR No. 8606

Respondent.

AD HOC ORDER

IT IS HEREBY ORDERED that the following member of the Southern Nevada Disciplinary Board, ANNE HANSON has been released as panel member, and will be replaced by panel member BRITTANY FALCONI. The hearing will be convened on the 18th day of May, 2022 at 9:00 a.m. via Zoom Video Conferencing.

DATED this 29 day of April, 2022.

SOUTHERN NEVADA DISCIPLINARY BOARD

By: Dana P. Oswalt
Dana P. Oswalt, Esq.
Nevada Bar No. 12061
Vice-Chair, Southern Nevada Disciplinary Board

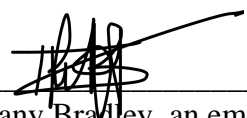
CERTIFICATE OF SERVICE

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

1. Russell E. Marsh, Esq. (Panel Chair): russ@wmlawlv.com
2. Jarrod L. Rickard, Esq. (Panel Member): jlr@skrlawyers.com
3. Brittany Falconi (Laymember): falconibrittany@gmail.com
4. Derrick S. Penney, Esq. (Respondent): derrick.penney@humboldtcountynv.gov
5. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 2nd day of May 2022.

By: _____



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

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as follows:

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

Dated this 13th day of May 2022

By: 
Tiffany Bradley, Hearing Paralegal

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
DERRICK S. PENNEY, BAR NO. 8606

No. 84201

FILED

APR 29 2022

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

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Derrick S. Penney be suspended from the practice of law for 36 months, stayed, with an actual suspension of 6 months for violations of RPC 1.3 (diligence), RPC 1.4(a) (communication), RPC 1.15(a), (d) (safekeeping property), RPC 3.2 (expediting litigation), RPC 8.1 (disciplinary matters), and RPC 8.4(c), (d) (misconduct). Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(b).

The State Bar has the burden of showing by clear and convincing evidence that Penney committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). We defer to the panel's factual findings that Penney violated the above-referenced rules as those findings are supported by substantial evidence and are not clearly erroneous. SCR 105(3)(b); *In re Discipline of Colin*, 135

Nev. 325, 330, 448 P.3d 556, 560 (2019). The record shows that Penney knowingly committed the violations charged above by failing to diligently litigate a probate case, communicate with a client and her family about the status of the case, or distribute the proceeds from the sale of decedent's house; by misappropriating about \$150,000 in client funds and converting those funds for personal use; and by failing to reasonably respond to the State Bar's requests for information. The client testified that she ultimately received the full amount of money from the sale of the house.

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3)(b). We must ensure that the discipline is sufficient to protect the public, the courts, and the legal profession. *See State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (explaining the purpose of attorney discipline). 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).

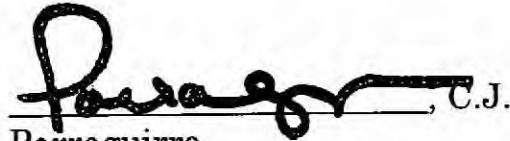
Here, Penney knowingly violated duties owed to his client (diligence, communication, safekeeping property, and expediting litigation) and the profession (bar disciplinary matters and misconduct). His misconduct harmed or potentially harmed his client by causing the unreasonable delay of her case and by misappropriating client funds, which delayed the distribution of funds to other beneficiaries. The baseline

sanction for Penney's misconduct, before considering aggravating and mitigating circumstances, is disbarment. See *Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.11 (Am. Bar Ass'n 2017) ("Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client."). The panel found, and the record supports, four aggravating circumstances (dishonest or selfish motive, multiple offenses, substantial experience in the practice of law, and illegal conduct), and two mitigating circumstances (absence of a prior disciplinary record and substantial recent personal life changes). Considering all four factors, we agree with the panel's finding that the misconduct here does not warrant disbarment, especially in light of Penney's repayment of the client funds.

Accordingly, we hereby suspend attorney Derrick S. Penney from the practice of law for 36 months, with all but the first 6 months stayed, from the date of this order. Further, Penney is placed on probation during the stayed portion of the suspension subject to the following conditions: (1) he obtains and fully cooperates with a legal practice mentor approved by the State Bar and provides quarterly reports to the State Bar, (2) he will have no contact with client trust accounts, and (3) he completes 9 additional CLE hours in client trust account management. Penney shall also pay the costs of the disciplinary proceedings, including \$2,500 under

SCR 120, within 30 days from the date of this order if he has not already done so.¹ The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.²


Parraguirre, C.J.


Cadish, J.


Gibbons, Sr.J.

cc: Chair, Southern Nevada Disciplinary Board
Pitaro & Fumo, Chtd.
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court

¹The panel also recommended that Penney be required to pay \$3,100 to the Client Security Fund of the State Bar, which is the fee paid to Penney by the client. The record, however, reflects that the panel did not find this fee excessive given the work done by Penney. And the record does not show that the client suffered a monetary injury or had any claims paid by the Client Security Fund. Accordingly, this monetary sanction is more akin to a punitive fine, which is contrary to the purpose of attorney discipline. See *In re Discipline of Reade*, 133 Nev. 711, 717, 405 P.3d 105, 109 (2017) (holding that a monetary fine exceeds the scope of sanctions that may be imposed with a suspension). Therefore, we do not adopt this recommendation.

²The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.

RECEIVED BY

APR 23 2021

STATE BAR OF NEVADA

Louise Watson. NUBAR,

Thank you for your time regarding this investigation. I will gladly gather all the information that I currently have in my cell. Unfortunately the phone calls that we attempted to reach Mr. Penney are not documented through the prison, but I have personally wrote dates & times, along with what happen in those times. Also my mother Tammi Lynn Doran (702-465-4008) was basically my only way that I could reach out to Mr. Penney w/ her texts or phonecalls when Mr. Penney would not respond or come through on planned times & dates to call. Her text history would be a big benefit to this investigation. Please contact her for some knowledge of the situation as she is a witness.

I first retained Mr. Penney in August 2017, the contract is in my mothers possession as I sent it to her for safe keeping. This retainer was for post-conviction matter, im 100% sure this is what was on the paper. We did talk quite a bit as to what it entails, which was obtaining new evidence hopefully through belief that there was new evidence to obtain. And file that new evidence. I had to pay a \$5,000.00 total to this pathologist Dr. Stephen Godfrey to have him conduct his own report and findings. I recieved a "rough draft" of the physicians Affidavit after many many months of struggle contacting Mr. Penney, and when I did in times he would claim it was done but once I would say that I would like to have it sent to me he would fail to do that. ROA Page 194 like this. It would fail to arrive in the two week time he

promised and it would take 2 more weeks just to get a text back after many attempted phone calls on my side which originally always included the agreed time & date to call that he gave me. Yet I did eventually receive what I believe is a rough draft of this report. He claimed that it is ready to go, complete, a long time ago and has since gave me this two week thing of promising to send me mail of what it is complete - the Dr. report and Mr. Penney putting together a motion for New Evidence. This consists of not sending mail or any evidence of this motion within 2 weeks which is strange because he says it's been done over a year ago, and not answering any of my phone calls even on his appointed times that he gave me. Throughout the entire situation we been patient until it was just too ridiculous for a professional to be accepted that way. The first retainer was \$5,000.00 in Aug. 2017, the Dr. Stephen Godfrey was paid by me separate as it was agreed on the contract, a separate \$5,000.00. So that's \$10,000.00 from me so far.

Another retainer was required from Mr. Penney to take on the Habeas Corpus that I had already had reach the Federal Court. He wanted an additional \$15,000.00 attorney's fee required to complete the task for this, and he was paid over some time. This was in February 2018. He did file two things to my knowledge. (1) Designation of Retained Counsel and Appearance Prosepe (2) A Motion of Stay and Abeyance. Still to this day when I ask what's going on with the Federal stuff I get nothing. I have no idea if I even

have an open Habeas in the Federal Court. I believe my motion was denied for stay & abeyance. Mr. Penney has not completely informed me my standing in this area in which he was paid \$15,000.00 to do.

All together Mr. Penney has been most definitely ducking and dodging my phone calls barely responds to my mother and has made this unbelievably difficult. I truly believe he has not done what was agreed upon as there is no evidence of his work in the last few years. He most definitely can call this prison and set up communication with me despite this covid problem. He can send me legal mail and has had so many "two week" periods to show actual evidence that he has completed the New Evidence motion. Its been only proof to me that he has not done anything and is trying to ignore his client while coming up on \$20,000.00.

Here is a list of my attempts to correspond that I have. My recorded history was from 2020 in a notebook. My mother would have history going back way further.

5.8.2020: I spoke with him and he said again that he would send me a finished motion that would be ready to put into court in 2 weeks. And we will talk about it when I receive it in 2 weeks. He also said it would be 60 days until the courts would do in person hearings.

* Not an answer after those two weeks & no mail by 5.22.2020 which was led by me trying to contact him in any way as my mother finally got a text back saying for ROA Page 196 the 10th of July 2020.

- 7-10-2020 No answer. Followed by as many calls I could make and lots of texts by my mother to make contact. There was nothing for a while - then he texts back mom's says in another week so the 17th
- 7-17-2020 No answer. No contact until 8-7-2020
- 8-7-2020 A text from Mr. Penney with family issues being the problem. We understand and try to be considerate of his personal issues. He gives a date to call the 21st of August.
- 8-21-2020 No answer. Each time he gives me a date to call he does so along with a time. I find a way every time to get that call out in the time frame given... Nothing. Mom is constantly reaching via text.
- 9-10-2020 Mr. Penney text mom and gave a date Sept. 25
- 9-25-2020 He answered. After being apologetic he promised to file the motion of new evid. in a week or so and send me copies of his work. Said to call Oct. 9
- 10-9-2020 No answer, no mail, no filed motion. I called 5 times. About a week later Mr Penney finally text back to mom with another date. Oct. 23rd.
- 10-23-2020 No answer. Mom text and he gave a new time to call after 2:30 pm. I did call after 2:30 pm. No answer. Nothing for months of trying calls texts.. I even sent letters to a address on his card. The office didn't exist!
- 2-9-2021 Finally Penney text mom just an address saying about where he is what's going on. We actually had to

do research to see if he was still in practice. He texted
a address in Winnemucca, NV, 89445 - 50 west 5th st.

I wrote that address twice since then. He did claim
to have recieved those letters via text to mom. I wrote
that he could absolutely communicate with me in many ways
that are easy. That what has done, not just this last
year we recorded, but in over 3 years was unacceptable
~~and~~ and I wanted to actually complete the task he was
given & paid \$20,000.00 to do. If he could respond &
give me something I would appreciate it. If he would not
respond I said I would do something about it.

Its been months since then with No response.

Calls are not answered, there are no texts back, no
date given to call. No response to the letters.

My mother Tammi L. Doran has more details and
the actual contracts or copies of the retainer agreements.
Our dealing with Mr. Penney in this way goes back over
3 years! Is it possible to get this \$ back? and I want
the report (finished) if it is of that Dr. Stephen Crookrey
made, because I paid for it?

As for the payment methods my mother
that can be reached by phone anytime has all the
details. Thank you for your time!

RICARDO PEREZ #1131155

H.D.S.P.

P.O. BOX 650

Indian Springs, NV 89400

Ricardo Perez #131155
H.O.S.P. SBN Exhibit 3 - Page 006
P.O. Box 650
Indian Springs, NV 89070

LAS VEGAS NV 890
22 APR 2021 PM 5 L

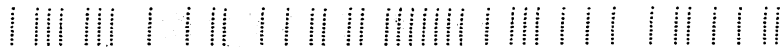


State Bar of Nevada
3100 W. Charleston Blvd. Suite 100
Las Vegas, NV 89102

ROA Page 199

89102-199225





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JUN 15 2021
STATE BAR OF NEVADA

10 June 2021

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

RE: Grievance File No. OBC21-0386/Ricardo Perez

Dear Ms. Watson:

Please allow this letter to serve as a response to your letter of May 27, 2021, requesting supplemental documentation to my response of April 26, 2021. I will be retrieving Mr. Perez's file from storage this weekend and will be providing the supplemental documentation on or before June 24, 2021.

Should you have any further questions, please feel free to contact me at (702) 497-7545.

Sincerely,


Derrick S. Penney

RECEIVED BY
JUN 17 2021
OFFICE OF BAR COUNSEL

Derrick Penney
Humboldt County Alt Public Defender
50 W. Fifth St.
Winnemucca, NV 89445

LAS VEGAS NV 890

11 JUN 2021 PM 5 L



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

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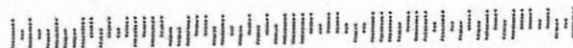
JUN 17 2021

OFFICE OF BAR COUNSEL

SBN Exhibit 4 - Page 002

ROA Page 202

89102-199225



**United States District Court
District of Nevada (Las Vegas)
CIVIL DOCKET FOR CASE #: 2:17-cv-01393-JCM-VCF**

Perez v. Neven et al
Assigned to: Judge James C. Mahan
Referred to: Magistrate Judge Cam Ferenbach
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 05/15/2017
Date Terminated: 06/03/2019
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Ricardo Perez
1131155
High Desert State Prison
PO Box 650
Indian Springs, NV 89070-0650

represented by **Derrick S Penney**
Penney Law Firm
2800 West Sahara Ave., Ste. 7C
Las Vegas, NV 89102
702-497-7545
Email: penneylawfirm@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natasha M. Gebrael
Office of the Nevada Attorney General
555 E. Washington Ave., Suite 3900
Las Vegas
Las Vegas, nv 89101
United Sta
702-486-0978
Fax: 702-486-2377
Email: ngebrael@ag.nv.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Warden Neven

represented by **Natasha M. Gebrael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam P. Laxalt-AG
Nevada Attorney General
100 North Carson Street
Carson City, NV 89701
775-684-1100
Fax: 775-684-1108
Email: usdcfilings@ag.nv.gov
TERMINATED: 12/12/2017

Dennis C. Wilson

Nevada Attorney General's Office
 555 E. Washington Ave
 Suite 3900
 Las Vegas, NV 89101-
 702-486-3086
 Fax: 702-486-2377
 Email: DWilson@ag.nv.gov
 TERMINATED: 12/12/2017

Respondent**Attorney General of the State of Nevada**

represented by **Natasha M. Gebrael**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Adam P. Laxalt-AG

(See above for address)
 TERMINATED: 12/12/2017

Dennis C. Wilson

(See above for address)
 TERMINATED: 12/12/2017

Date Filed	#	Docket Text
05/15/2017		Case assigned to Judge James C. Mahan and Magistrate Judge Cam Ferenbach. (RT) (Entered: 05/16/2017)
05/15/2017	<u>1</u>	RECEIPT of Initiating Documents by Court on behalf of Petitioner. No Application to Proceed IFP or Filing Fee received. (Attachments: # <u>1</u> Petition, # <u>2</u> Financial Certificate) (ADR) (Entered: 05/16/2017)
05/16/2017	<u>2</u>	NOTICE from USDC advising case against Nevens, et al., has been received and assigned case number 2:17-cv-01393-JCM-VCF . (ADR) (Entered: 05/16/2017)
05/25/2017	<u>3</u>	APPLICATION for Leave to Proceed in forma pauperis by Petitioner Ricardo Perez. (ADR) (Entered: 05/26/2017)
05/25/2017	<u>4</u>	MOTION for Appointment of Counsel by Petitioner Ricardo Perez. (ADR) (Entered: 05/26/2017)
06/01/2017	<u>5</u>	ORDER. IT IS ORDERED that <u>3</u> the application to proceed in forma pauperis is DENIED. Petitioner shall have thirty (30) days from the date that this order is entered to have the filing fee of five dollars (\$5.00) sent to the clerk of the court. IT IS FURTHER ORDERED that the clerk of the court shall send petitioner two copies of this order. Signed by Judge James C. Mahan on 6/1/17. (Copies have been distributed pursuant to the NEF - ADR) (Entered: 06/01/2017)
06/07/2017	<u>6</u>	RECEIPT of Payment: \$ 5.00, receipt number NVLAS050696. (ADR) (Entered: 06/08/2017)
07/31/2017	<u>7</u>	ORDER. IT IS ORDERED that the clerk shall FILE the petition for writ of habeas corpus <u>1</u> -1 and ELECTRONICALLY SERVE the petition and a copy of this order on the respondents. IT IS FURTHER ORDERED that the clerk of the court shall add Adam Paul

SBN Exhibit 5 - Page 002

ROA Page 204

		Laxalt, Attorney General of the State of Nevada, as counsel for respondents. IT IS FURTHER ORDERED that respondents shall have 60 days from the date of entry of this order to appear in this action, and to answer or otherwise respond to the petition. Signed by Judge James C. Mahan on 7/31/17. (Copies have been distributed pursuant to the NEF - ADR) (Entered: 07/31/2017)
07/31/2017	8	PETITION for Writ of Habeas Corpus (Filing fee \$ 5, 6 Receipt), filed by Ricardo Perez. (ADR) (Entered: 07/31/2017)
08/07/2017	9	NOTICE of Appearance by attorney Dennis C. Wilson on behalf of Respondents Attorney General of the State of Nevada, Neven. (Wilson, Dennis) (Entered: 08/07/2017)
09/29/2017	10	MOTION to Dismiss re 8 Petition for Writ of Habeas Corpus by Respondents Attorney General of the State of Nevada, Neven. Responses due by 10/13/2017. (Wilson, Dennis) (Entered: 09/29/2017)
09/29/2017	11	EXHIBIT(s) to 10 Motion to Dismiss ; filed by Respondents Attorney General of the State of Nevada, Neven. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7)(Wilson, Dennis) (Entered: 09/29/2017)
09/29/2017	12	EXHIBIT(s) to 10 Motion to Dismiss ; filed by Respondents Attorney General of the State of Nevada, Neven. (Attachments: # 1 Exhibit 8, # 2 Exhibit 9, # 3 Exhibit 10, # 4 Exhibit 11, # 5 Exhibit 12, # 6 Exhibit 13, # 7 Exhibit 14, # 8 Exhibit 15, # 9 Exhibit 16, # 10 Exhibit 17)(Wilson, Dennis) (Entered: 09/29/2017)
09/29/2017	13	EXHIBIT(s) to 10 Motion to Dismiss ; filed by Respondents Attorney General of the State of Nevada, Neven. (Attachments: # 1 Exhibit 18, # 2 Exhibit 19, # 3 Exhibit 20, # 4 Exhibit 21, # 5 Exhibit 22, # 6 Exhibit 23, # 7 Exhibit 24, # 8 Exhibit 25)(Wilson, Dennis) (Entered: 09/29/2017)
12/12/2017	14	NOTICE of Change of Deputy Attorney General on behalf of Respondents Attorney General of the State of Nevada, Neven. Deputy Attorney General Adam P. Laxalt and Dennis C. Wilson terminated. (Gebrael, Natasha) (Entered: 12/12/2017)
01/31/2018	15	ORDER. IT IS ORDERED that 10 respondents' motion to dismiss is GRANTED in part and DENIED in part. IT IS FURTHER ORDERED that 4 petitioner's motion for appointment of counsel is DENIED. See Order for further deadlines. Signed by Judge James C. Mahan on 1/31/2018. (Copies have been distributed pursuant to the NEF - ADR) (Entered: 01/31/2018)
03/02/2018	16	NOTICE of Appearance by attorney Derrick S Penney on behalf of Petitioner Ricardo Perez. (Penney, Derrick) (Entered: 03/02/2018)
03/02/2018	17	MOTION to Stay Case by Petitioner Ricardo Perez. (Penney, Derrick) (Entered: 03/02/2018)
03/08/2018	18	RESPONSE to 17 Motion to Stay Case by Respondent Attorney General of the State of Nevada, Petitioner Ricardo Perez. Replies due by 3/15/2018. (Gebrael, Natasha) (Entered: 03/08/2018)
02/06/2019	19	ORDER. IT IS ORDERED that 17 petitioner's motion for stay and abeyance is DENIED. IT IS FURTHER ORDERED that petitioner shall have 30 days from the date this order is entered within which to file a Notice of Abandonment of Unexhausted Claims, indicating that Grounds 3 through 7 are to be deleted from his petition (ECF No. 8). Signed by Judge James C. Mahan on 2/6/2019. (Copies have been distributed pursuant to the NEF - ADR) (Entered: 02/06/2019)
06/03/2019	20	ORDER. IT IS ORDERED that 8 the petition for writ of habeas corpus is dismissed without prejudice to the total exhaustion rule.

		of Rose v. Lundy, 455 U.S. 509, 522 (1982). The Clerk shall enter judgment accordingly. IT IS FURTHER ORDERED that a certificate of appealability shall not issue as reasonable jurists would not find the court's decision to be debatable or wrong. Signed by Judge James C. Mahan on 6/3/2019. (Copies have been distributed pursuant to the NEF - ADR) (Entered: 06/03/2019)
06/03/2019	21	CLERK'S JUDGMENT. Signed by Clerk of Court Debra K. Kempf on 6/3/2019. (Copies have been distributed pursuant to the NEF - ADR) (Entered: 06/03/2019)

PACER Service Center			
Transaction Receipt			
05/07/2021 08:18:24			
PACER Login:	SBN0BC00:2630606:0	Client Code:	Penney LW
Description:	Docket Report	Search Criteria:	2:17-cv-01393-JCM-VCF
Billable Pages:	3	Cost:	0.30

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICARDO PEREZ,

Case No.: 2:17-cv-01393-JCM-VCF

Petitioner,

v.

DWIGHT NEVEN, *et al.*,

**DESIGNATION OF RETAINED COUNSEL
AND APPEARANCE PRAECIPE**

Respondents.

The undersigned petitioner hereby appoints DERRICK S. PENNEY, ESQ., to appear generally for him as his attorney and counselor at law throughout the proceedings in this case unless this appointment be sooner revoked.

DATED: 2-23-18


RICARDO PEREZ

APPEARANCE PRAECIPE

I hereby accept the foregoing appointment and request the Court to enter my appearance as attorney for petitioner, in response to the foregoing designation.

I personally will appear at all proceedings in this case. I understand that no other attorney appear in my place unless prior permission is granted by the Court, and then ONLY when consent of petitioner has been obtained and filed with the Clerk.

I further state that I realize it is my responsibility to keep petitioner advised as to all proceedings in this case and to inform him when to appear in Court, and also to notify the Clerk of any change in my address or telephone number.

Dated: ~~February~~ 2nd, 2018

March

PENNEY LAW FIRM

/s/ Derrick S. Penney
DERRICK S. PENNEY, ESQ.
Nevada Bar No. 8606
2800 West Sahara Ave., Ste 7C
Las Vegas, NV 89102
Attorney for Petitioner

DERRICK S. PENNEY, ESQ.
Nevada Bar No. 8606
PENNEY LAW FIRM
2800 West Sahara Ave., #7C
Las Vegas, NV 89102
(702) 497-7545 Telephone
penneylawfirm@gmail.com
Attorney for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICARDO PEREZ,

Petitioner,

vs.

DWIGHT NEVEN, *et al.*,

Respondents.

CASE NO. 2:17-cv-01393-JCM-VCF

MOTION FOR STAY AND
ABEYANCE

Petitioner, RICARDO PEREZ, a Nevada prisoner, by and through his attorney of record, DERRICK S. PENNEY, ESQ., hereby moves this court for stay and abeyance and respectfully requests that this Court hold his exhausted claims in abeyance while Petitioner returns to state court to exhaust his unexhausted claims.

On May 15, 2017, Petitioner initiated this habeas corpus proceeding under 28 U.S.C. s. 2254 without the assistance of counsel.

On September 17, 2017, Respondents filed a motion to dismiss Petitioner's habeas petition. Petitioner did not file a response to this motion.

On January 31, 2018, this Court issued its Order on the motion, directing Petitioner with respect to his unexhausted claims within thirty (30) days to either: (1) inform this court in a sworn declaration that he wishes to formally and forever abandon the unexhausted grounds for relief in his federal habeas petition and proceed on the exhausted ground; OR (2) inform this court in a sworn declaration that he wishes to dismiss this petition without prejudice in order to return to state court to exhaust his

1 unexhausted claims; OR (3) file a motion for a stay and abeyance, asking this court to
2 hold his exhausted claims in abeyance while he returns to state court to exhaust his
3 unexhausted claims.

4 Pursuant to this Court's January 31, 2018, Order, Petitioner wishes to file a
5 motion for a stay and abeyance, asking this Court to hold his exhausted claims in
6 abeyance while he returns to state court to exhaust his unexhausted claims.

7 Petitioner believes that an Order staying proceedings on this petition pending
8 resolution in state court of his unexhausted claims fits within the United States Supreme
9 Court's teachings in *Rhines v. Weber*, 544 U.S. 269, 125 S.Ct. 1528 (2005).

10 WHEREFORE, Petitioner requests that this Court enter its Order staying and
11 abating these proceedings on his petition until thirty (30) days after the state court fully
12 and finally adjudicates Petitioner's unexhausted claims.

13 DATED this 2nd day of March, 2018.

14
15 /s/ Derrick S. Penney

16 DERRICK S. PENNEY, ESQ.

17 Nevada Bar No. 8606

18 PENNEY LAW FIRM

19 2800 West Sahara Ave., #7C

20 Las Vegas, NV 89102

21 Attorney for Petitioner
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of March, 2018, I emailed a copy of the foregoing MOTION FOR STAY AND ABEYANCE to the following counsel of record:

NATASHA M. GEBRAEL, ESQ.
Nevada Bar No. 14367
OFFICE OF THE NEVADA ATTORNEY GENERAL
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
Telephone: (702) 486-0978
Email: ngebrael@ag.nv.gov

/s/ Derrick S. Penney, Esq.
An Employee of PENNEY LAW FIRM

Transcript of Hearing Held on August 14, 2012

11/09/2012 **Petition**
Petition for Permission for Incarcerated Person to Marry

01/08/2013 **Request** (9:00 AM) (Judicial Officer Vega, Valorie J.)
State's Request to Continue Trial - Agreed
[Parties Present](#)
[Minutes](#)
Result: Granted

02/14/2013 **CANCELED Calendar Call** (9:30 AM) (Judicial Officer Vega, Valorie J.)
Vacated - per Judge

02/19/2013 **CANCELED Jury Trial** (1:00 PM) (Judicial Officer Vega, Valorie J.)
Vacated - per Judge

04/02/2013 **Notice of Witnesses**
Notice of Witnesses [NRS 174.234(1)(a)]

04/02/2013 **Notice of Expert Witnesses**
Notice of Expert Witnesses [NRS 174.234(2)]

04/15/2013 **Motion to Continue Trial**

04/16/2013 **Supplemental**
Supplemental Points and Authorities

04/30/2013 **Motion to Continue Trial** (9:00 AM) (Judicial Officer Vega, Valorie J.)
[Parties Present](#)
[Minutes](#)
Result: Granted

05/02/2013 **CANCELED Calendar Call** (9:30 AM) (Judicial Officer Vega, Valorie J.)
Vacated - per Judge

05/06/2013 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Vega, Valorie J.)
Vacated - per Judge

08/23/2013 **Notice of Witnesses**
Supplemental Notice of Witnesses [NRS 174.234(1)(a)]

08/23/2013 **Notice of Expert Witnesses**
Supplemental Notice of Expert Witnesses [NRS 174.234(2)]

09/10/2013 **Request** (9:00 AM) (Judicial Officer Vega, Valorie J.)
DA Setting Slip - State's Request to Reset Trial Date
[Parties Present](#)
[Minutes](#)
Result: Granted

09/19/2013 **CANCELED Calendar Call** (9:30 AM) (Judicial Officer Vega, Valorie J.)
Vacated

09/23/2013 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Vega, Valorie J.)
Vacated

11/13/2013 **Notice of Witnesses**
Second Supplemental Notice of Witnesses [NRS 174.234(1)(a)]

11/13/2013 **Notice of Expert Witnesses**
Second Supplemental Notice of Expert Witnesses [NRS 174.234(2)]

11/21/2013 **Status Check: Reset Trial Date** (9:00 AM) (Judicial Officer Vega, Valorie J.)
[Parties Present](#)
[Minutes](#)
Result: Matter Heard

11/21/2013 **Notice of Expert Witnesses**
Notice of Expert Witnesses [NRS 174.234(2)]

11/26/2013 **CANCELED Calendar Call** (9:30 AM) (Judicial Officer Vega, Valorie J.)
Vacated - per Judge

12/02/2013 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Vega, Valorie J.)
Vacated - per Judge

08/08/2014 **Notice of Expert Witnesses**
Third Supplemental Notice of Expert Witnesses [NRS 174.234(2)]

08/08/2014 **Notice of Witnesses**
Third Supplemental Notice of Witnesses [NRS 174.234(1)(a)]

08/11/2014 **Notice of Expert Witnesses**
Notice of Expert Witnesses [NRS 174.234(2)]

08/12/2014 **Notice of Hearing**
Notice of Hearing Motion and Motion to Strike Expert Witness and/or Limit Expert Testimony

08/18/2014 **Motion in Limine**
Defendant Ricardo Perez's Motions In Limine

08/18/2014 **Proposed Voir Dire Questions**
Defendant Ricardo Perez Proposed Voir Dire

08/20/2014 **Notice of Witnesses**
Notice of Witnesses [NRS 174.234(1)(a)(1)]

08/21/2014 **Opposition to Motion**
Opposition to Motion to Strike Expert Witness and/or Limit Expert Testimony

08/25/2014 **Opposition to Motion**
State's Opposition to Defendant's Motions in Limine

08/26/2014 **Motion to Strike** (9:00 AM) (Judicial Officer Vega, Valorie J.)
08/26/2014, 08/28/2014
State's Notice of Hearing Motion and Motion to Strike Expert Witness and/or Limit expert Testimony
[Parties Present](#)
[Minutes](#)
Result: Matter Continued

08/28/2014 **Calendar Call** (9:30 AM) (Judicial Officer Vega, Valorie J.)

Result: Plea Entered
08/28/2014 **Motion in Limine** (9:00 AM) (Judicial Officer Vega, Valorie J.)
Defendant Ricardo Perez's Motions In Limine
Result: Moot
08/28/2014 **Amended Information**
08/28/2014 **All Pending Motions** (9:30 AM) (Judicial Officer Vega, Valorie J.)
[Parties Present](#)
[Minutes](#)
Result: Matter Heard
08/28/2014 **Guilty Plea Agreement**
09/02/2014 **CANCELED Jury Trial** (1:00 PM) (Judicial Officer Vega, Valorie J.)
Vacated - per Judge
11/04/2014 **PSI - Victim Impact Statements**
11/20/2014 **Memorandum**
Sentencing Memorandum Pursuant to NRS 176.015
11/21/2014 **Brief**
Brief in Support of Statutory Sentencing Factors
11/25/2014 **Sentencing** (9:00 AM) (Judicial Officer Vega, Valorie J.)
[Parties Present](#)
[Minutes](#)
Result: Defendant Sentenced
11/25/2014 **PSI**
Pre-Sentence Investigation Report (Unfiled) Confidential
12/02/2014 **Media Request and Order**
Media Request and Order Allowing Camera Access to Court Proceedings
12/03/2014 **Judgment of Conviction**
Judgment of Conviction (Plea of Guilty)
01/05/2015 **Case Reassigned to Department 4**
District Court Case Reassignment 2015
07/02/2015 **Motion for Withdrawal**
Motion to Withdraw Counsel
07/02/2015 **Motion**
Motion for Production of Documents, Papers, Pleadings and Tangible Property of Document
07/02/2015 **Notice of Motion**
07/02/2015 **Notice of Motion**
07/23/2015 **Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer Earley, Kerry)
Deft's Motion to Withdraw Counsel
Result: Motion Granted
07/23/2015 **Motion** (9:00 AM) (Judicial Officer Earley, Kerry)
Deft's Pro Se Motion for Production of Documents, Papers, Pleadings and Tangible Property of Document
Result: Motion Granted
07/23/2015 **All Pending Motions** (9:00 AM) (Judicial Officer Earley, Kerry)
[Parties Present](#)
[Minutes](#)
Result: Matter Heard
09/29/2015 **Certificate**
Financial Certificate (Sealed)
09/29/2015 **Application to Proceed in Forma Pauperis**
Application to Proceed Informa Pauperis (Sealed)
09/29/2015 **Petition for Writ of Habeas Corpus**
Petition for Writ of Habeas Corpus (Post Conviction)
09/29/2015 **Motion for Appointment of Attorney**
Motion to Appoint Counsel
09/29/2015 **Notice of Motion**
10/23/2015 **Order for Petition for Writ of Habeas Corpus**
12/08/2015 **Motion**
Motion to Supplement Writ of Habeas Corpus Filed on Sep. 29 2015
12/08/2015 **Notice of Motion**
12/08/2015 **Order**
Order for Transcript
12/23/2015 **Notice of Hearing**
01/12/2016 **Recorders Transcript of Hearing**
Transcript of Hearing Held on November 25, 2014
01/14/2016 **Response**
State's Response to Defendant's Post-Conviction Petition for Writ of Habeas Corpus
01/19/2016 **CANCELED Motion** (11:00 AM) (Judicial Officer Earley, Kerry)
Vacated - On in Error
Deft's Pro Per Motion to Supplement Writ of Habeas Corpus Filed on Sep. 29 2015
01/19/2016 Reset by Court to 01/19/2016
02/18/2016 **Reply**
Petitioner's Reply to the States Response to Petitioner's Writ of Habeas Corpus
02/23/2016 **Petition for Writ of Habeas Corpus** (11:00 AM) (Judicial Officer Barker, David)
01/19/2016 Reset by Court to 02/23/2016
Result: Denied
02/23/2016 **Motion for Appointment of Attorney** (11:00 AM) (Judicial Officer Barker, David)
set by department
01/19/2016 Reset by Court to 02/23/2016
Result: Motion Denied
02/23/2016 **All Pending Motions** (11:00 AM) (Judicial Officer Barker, David)

	Parties Present
	Minutes
	Result: Matter Heard
03/03/2016	Notice of Appeal (Criminal) <i>Notice of Appeal</i>
03/08/2016	Case Appeal Statement
03/23/2016	Findings of Fact, Conclusions of Law and Order
03/29/2016	Notice of Entry <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
07/18/2016	Motion <i>Motion to Hold Brent Bryson Esq. Attorney of Record in Contempt for Failing to Forward a Copy of the Case File</i>
07/18/2016	Notice of Motion <i>Notice of Motion</i>
08/09/2016	CANCELED Motion (9:00 AM) (Judicial Officer Earley, Kerry) <i>Vacated - On in Error</i> <i>Defendant's Motion to Hold Brent Bryson Esq. Attorney of Record in Contempt for Failing to Forward a Copy of the Case File</i>
10/05/2016	Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings</i>
04/18/2017	Motion <i>Motion for Court Order for Production of Attorney/Client File and Materials</i>
04/27/2017	NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
05/04/2017	Motion (9:00 AM) (Judicial Officer Earley, Kerry) <i>Defendant's Motion for Court Order for Production of Attorney/Client File and Materials</i>
	Parties Present
	Minutes
	Result: Granted
05/24/2017	Order <i>Order Granting Defendant's Motion for Court ORDER for Production of Attorney/Client File and Materials</i>
09/29/2017	Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re:DEF S Motion in Limine; States Notice of Hearing and Motion to Strike Expert Witness and/or Limit Expert Testimony Thursday, August 28, 2014</i>
07/02/2018	Case Reassigned to Department 30 <i>Reassigned From Judge Earley - Dept 4</i>

FINANCIAL INFORMATION

	Defendant Perez, Ricardo	
	Total Financial Assessment	178.00
	Total Payments and Credits	0.00
	Balance Due as of 07/01/2021	178.00
12/11/2014	Transaction Assessment	178.00

Civil/Criminal Case Records Search Results

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Record Count: 23

Search By: Party **Party Search Mode:** Name **Last Name:** Perez **First Name:** Ricardo **All All** **Sort By:** Filed Date

Case Number	Citation Number	Style/Defendant Info	Filed/Location	Type/Status	Charge(s)
89A275350		Marine Midland Auto vs Ricardo Perez	06/21/1989 Department 9999	Other Civil Filing Closed	
92A310831		Alice Harris vs Ricardo Perez, Maria Perez	08/21/1992 Department 15	Negligence - Auto Closed	
97A370164		Horizon Homes vs Naoki Fujita, Naomi Fujita, et al	02/21/1997 Department Unassigned	Title to Property Closed	
97A375574		Imperial Plumbing Inc vs Dafina Ltd Partnership, Daphne Tahami-Childress, et al	07/07/1997 Department Unassigned	Civil Conversion Case Type Closed	
98A394676		Elvira Chaidez, Lindolfo Chaidez vs Ricardo Perez	10/13/1998 Department 9999	Negligence - Auto Closed	
04A490560		Randal Runnells vs Jose Perez, Jose Ocha, et al	08/17/2004 Department 13	Breach of Contract Closed	
06C221613		Perez, Ricardo	04/24/2006 Department 6	Felony/Gross Misdemeanor Closed	INDECENT OR OBSCENE EXPOSURE
06C222435		In the Matter of the Petition Of Ricardo E Perez	05/18/2006 Department 7	Criminal Drug Court Petition Closed	
06A528542		Ricardo Perez, Rocio Pena vs Noel Leyva	09/21/2006 Department 20	Negligence - Auto Closed	
06C228030		Perez, Ricardo	11/17/2006 Department 17	Felony/Gross Misdemeanor Closed	UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE NOT FOR PURPOSE OF SALE.
07C233188		Perez, Ricardo R	05/10/2007 Department 30	Felony/Gross Misdemeanor Closed	ATTEMPT. GRAND LARCENY. GRAND LARCENY: PENALTIES
07A545157		Ricardo Perez vs Desert Realty	07/25/2007 Department 19	Appeal from Lower Court Closed	
07A554352		Dulce Garcia, Plaintiff(s) vs. Heller Development Company, Defendant(s)	12/31/2007 Department 19	Construction Defect Closed	
08A555228		In the Matter of Petition for Compromise of Minors Claim By Ricardo Perez	01/14/2008 Department 16	Compromise of Minor's Claim Closed	
A-10-622493-C		Ruth Brown, Plaintiff(s) vs. Ricardo Perez, Defendant(s)	08/05/2010 Department 1	Negligence - Auto Closed	
A-11-653710-C		Ricardo Perez, Plaintiff(s) vs. Nicholas Rios, Defendant(s)	12/22/2011 Department 27	Negligence - Auto Closed	
C-12-283650-1		Perez, Ricardo	08/23/2012 Department 30	Felony/Gross Misdemeanor Closed	MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON MURDER WITH A DEADLY WEAPON
A-16-736966-C		Nevada Employment Security Division, Plaintiff(s) vs. Ricardo Perez, Defendant(s)	05/19/2016 Department 8	Other Civil Matters Closed	
C-16-316080-2		Perez, Ricardo Frias	06/29/2016 Department 23	Felony/Gross Misdemeanor Closed	TRAFFICKING IN CONTROLLED SUBSTANCE

TRAFFICKING IN
CONTROLLED SUBSTANCE

A-16-739341-C	Ricardo Perez, Plaintiff(s) vs. Christian Torres- Gutierrez, Defendant(s)	06/30/2016 Department 11	Negligence - Auto Closed
A-18-785208-C	Ricardo Perez, Plaintiff(s) vs. Axel Jimenez, Defendant(s)	11/29/2018 Department 14	Negligence - Auto Dismissed
A-20-811623-C	S & C Claims Services, Inc., Plaintiff(s) vs. Ricardo Perez, Defendant(s)	03/02/2020 Department 30	Negligence - Auto Open
A-20-823391-C	Key Insurance Company, Plaintiff(s) vs. Ricardo Perez, Defendant(s)	10/21/2020 Department 26	Other Civil Matters Open

Select A Case

Ricardo Perez is a petitioner in 2 cases.

[2:16-cv-01908-GMN-VCF](#) Perez v. Nevens et al filed 08/11/16 closed 12/13/16

[2:17-cv-01393-JCM-VCF](#) Perez v. Neven et al filed 05/15/17 closed 06/03/19

PACER Service Center			
Transaction Receipt			
08/24/2021 16:48:55			
PACER Login:	SBN0BC00:2630606:0	Client Code:	Penny LW
Description:	Search	Search Criteria:	Last Name: Perez First Name: Ricardo
Billable Pages:	1	Cost:	0.10

07/08/2017

Penney Law Firm

Attorneys at Law
2800 W. SAHARA AVE., Ste. 70
LAS VEGAS, NV 89102
Tel: (702) 497-7545
criminalattorneylv@outlook.com

Derrick S. Penney, Esq.+
+Licensed in Florida and Nevada

8 July 2017

Ricardo Perez, #1131155
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070-0650

RE: Retainer

Dear Ricky:

Please find enclosed two copies of my retainer agreement for your review. I am looking forward to assisting you with your case. Please sign and return one copy of the retainer to my office.

The primary focus of our inquiry will be the medical evidence. We will hire a forensic pathologist to review whatever is necessary to prepare an expert report. Ideally, the report will include an opinion as to the cause, mechanism and manner of the victim's death. What follows are just hypothetical examples to explain what we mean by "cause," "mechanism" and "manner" of death:

The cause of death is the injury that produces the physiological disruption inside the body resulting in death (gunshot wound to the head). Hopefully, a distinction can be made between the first gunshot wound and the second gunshot wound namely that the first gunshot wound was the cause of death.

The mechanism of death is the physical derangement that results in the death (Exsanguination - extreme blood loss).

The manner of death will be accidental (if the first gunshot wound is the cause of death) or homicide (if the second gunshot wound is the cause of death) or a combination of both (if a determination cannot be made as to which gunshot wound is the cause of death).

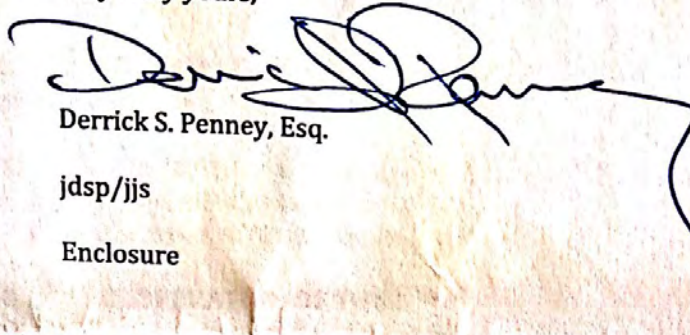
If the report reveals new information about the cause and manner of the victim's death, then we have two claims to bring before the appellate court to see if we can get your conviction vacated and your case remanded back to district court. The first claim is based upon the newly-discovered information in that you wouldn't have pleaded guilty to second degree murder if you'd known about this new information suggesting the death truly was accidental. The second argument is based upon an ineffective assistance of counsel claim namely that your prior attorney should have had a forensic pathologist author such a report before he advised you to plead guilty instead of going to trial (especially after hearing the coroner's testimony about the manner and cause of death at your preliminary hearing). The involuntary confession claim hasn't been abandoned and will be included as well.

CONFIDENTIAL, PRIVILEGED ATTORNEY/CLIENT
COMMUNICATION

07/08/2017

I look forward to hearing your thoughts. Thank you.

Very truly yours,



Derrick S. Penney, Esq.

jdsp/jjs

Enclosure

PENNEY LAW FIRM - ATTORNEY EMPLOYMENT CONTRACT

I. PURPOSE & SCOPE OF REPRESENTATION: RICARDO PEREZ, (the "Client"), hereby employs and retains Penney Law Firm (the "Firm"), to represent the Client as legal counsel to pursue post-conviction relief from the action entitled *State of Nevada v Ricardo Perez*, C-12-283650-1.

II. ATTORNEY'S FEE: In consideration of the services to be rendered by the Firm, the Client agrees to pay the Firm an initial flat fee of \$5,000.00.

III. EXPENSES: In consideration of the services to be rendered by the Firm, the Client hereby agrees to reimburse the Firm, for all actual expenses incurred by the Firm as a result of its representation of the Client, including, but not limited to, court costs, expert witness fees, and any other reasonable expense.

V. COOPERATION OF THE CLIENT: The Client hereby agrees to keep the Firm advised of the Clients' whereabouts at all times. The Client further hereby agrees to provide the Firm, in writing, any new contact information upon changing such.

VI. OTHER PROFESSIONALS: The Client authorizes the Firm to employ or associate other professionals, including other attorneys, such as local counsel as the Firm deems appropriate. Any additional attorneys employed by the Firm shall be paid from the Firm's existing Attorney's Fee.

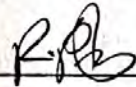
VII. CONTRACT APPLICATION/VENUE: This Agreement shall be interpreted, construed and enforced, and its construction and performance shall be governed by, the laws of the State of Nevada, without giving effect to the conflict of laws rules or choice of law rules thereof. The parties consent to the exclusive personal jurisdiction and venue of the 8th Judicial District Court in Clark County, Nevada for all disputes arising out of the terms of and the transactions and relationships contemplated by this Agreement.

VIII. AMENDED TO COMPLY WITH APPLICABLE LAW: Should any provision of this Agreement violate any applicable governing law or rule, the offending provision shall automatically be considered amended so as to comply with any such laws & rules.

READ CAREFULLY: THIS IS YOUR CONTRACT. IT PROTECTS BOTH YOU AND YOUR ATTORNEYS AND WILL PREVENT MISUNDERSTANDINGS IN THE FUTURE. EACH AND EVERY PROVISION OF THIS CONTRACT IS IMPORTANT. IF YOU DO NOT UNDERSTAND ANY TERM OR PROVISION OF THIS CONTRACT, PLEASE CONTACT THE FIRM AND REQUEST AN EXPLANATION OF ANY PROVISION BEFORE YOU SIGN.

SIGNED AGREED and APPROVED on this 11 day of July 2017.

Client's printed name: **RICARDO PEREZ**

Client's signature: 

Client's address: 4.P.S.P

P.O. BOX 650

Client's date of birth: 08/16/92

Indian Springs, NV 89070

Penney Law Firm

Attorneys at Law

2800 West Sahara Ave., Suite 7C

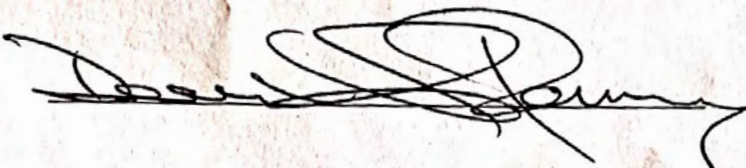
Las Vegas, Nevada 89102

Tel: (702) 830-7927 Fax: (702) 778-5007

penneylawfirm@gmail.com

RECEIPT

We received a \$5,000.00 cashier's check on the 28th day of June, 2017,
from Tammi Mercereau in payment for Ricardo Perez's legal services.

A handwritten signature in black ink, appearing to read "Ricardo Perez", with a long, sweeping underline that extends to the right.

PRIVILEGED ATTORNEY-CLIENT COMMUNICATION
PENNEY LAW FIRM
2800 W. SAHARA AVE., #7C
LAS VEGAS, NV 89102

LAS VEGAS NV 890

10 JUL 2017 PM 4 L



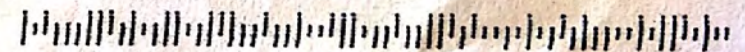
9E14.
RECEIVED

JUL 11 2017

**MAILROOM
HIGH DESERT STATE PRISON**

Ricardo Perez, #1131155
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070-0650

89070-0650



Penney Law Firm

Attorneys at Law

2800 W. Sahara Ave., #7C

Las Vegas, NV 89102

Tel: (702) 497-7545

penneylawfirm@gmail.com

Derrick S. Penney, Esq. +
+Licensed in Florida and Nevada

1 March 2018

Ricardo Perez #1131155
High Desert State Prison
POB 650
Indian Springs, NV 89070

RE: *Ricardo Perez v. Dwight Neven, et al. 2:17-cv-01393-JCM-VCF*

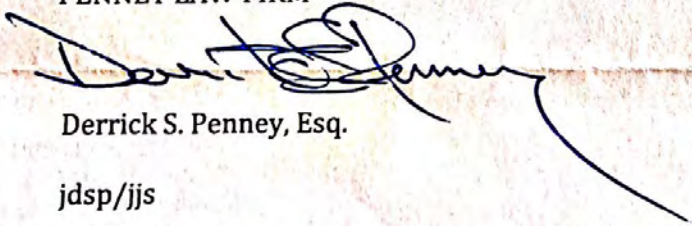
Dear Mr. Perez:

Please review, sign and return the attached amended retainer (there's an additional copy for you to keep). By the time you receive this correspondence, we will have filed our Designation of Retained Counsel and Motion for Stay and Abeyance with the federal court. The State will have the opportunity to respond to our motion but I don't anticipate it being denied as it is one of the options outlined in Judge Mahan's January 31, 2018, Order.

We recently heard back from Dr. Henry Lee's office. Unfortunately, Dr. Lee is not taking any new cases, however, they are going to provide us a list of scientists who may be able to help us with your case review so I will keep you posted. We are still waiting to hear back from three other forensic pathologists and I am in the process of scheduling a conference call with Dr. Stephen Godfrey, a forensic pathologist in Missouri. If you have any questions, please feel free to give me a call when you can. Thank you.

Very truly yours,

PENNEY LAW FIRM



Derrick S. Penney, Esq.

jdsp/jjs

Enclosure

PENNEY LAW FIRM - AMENDED ATTORNEY EMPLOYMENT CONTRACT

I. PURPOSE & SCOPE OF REPRESENTATION: RICARDO PEREZ (the "Client"), hereby employs and retains Penney Law Firm (the "Firm"), to represent the Client as legal counsel to pursue post-conviction relief from the action entitled *State of Nevada vs. Ricardo Perez*, including in the action entitled *Ricardo Perez v. Dwight Neven et. al.*, 2:17-cv-01393-JCM-VCF and future action in the Nevada appellate courts.

II. ATTORNEY'S FEE: In consideration of the services to be rendered by the Firm, the Client agrees to pay the Firm a flat fee of \$20,000.00 (\$5,000.00 of which has already been paid).

III. EXPENSES: In consideration of the services to be rendered by the Firm, the Client hereby agrees to reimburse the Firm, for all actual expenses incurred by the Firm as a result of its representation of the Client, including, but not limited to, court costs, expert witness fees, and any other reasonable expense.

IV. COOPERATION OF THE CLIENT: The Client hereby agrees to keep the Firm advised of the Clients' whereabouts at all times. The Client further hereby agrees to provide the Firm, in writing, any new address, email address and/or telephone number immediately upon changing such.

V. OTHER PROFESSIONALS: The Client authorizes the Firm to employ or associate other professionals, including other attorneys, such as local counsel as the Firm deems appropriate. Any additional attorneys employed by the Firm shall be paid from the Firm's existing Attorney's Fee.

VI. CONTRACT APPLICATION/VENUE: This Agreement shall be interpreted, construed and enforced, and its construction and performance shall be governed by, the laws of the State of Nevada, without giving effect to the conflict of laws rules or choice of law rules thereof. The parties consent to the exclusive personal jurisdiction and venue of the 8th Judicial District Court in Clark County, Nevada for all disputes arising out of the terms of and the transactions and relationships contemplated by this Agreement.

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READ CAREFULLY: THIS IS YOUR CONTRACT. IT PROTECTS BOTH YOU AND YOUR ATTORNEYS AND WILL PREVENT MISUNDERSTANDINGS IN THE FUTURE. EACH AND EVERY PROVISION OF THIS CONTRACT IS IMPORTANT. IF YOU DO NOT UNDERSTAND ANY TERM OR PROVISION OF THIS CONTRACT, PLEASE CONTACT THE FIRM AND REQUEST AN EXPLANATION OF ANY PROVISION BEFORE YOU SIGN.

SIGNED AGREED and APPROVED on this ____ day of March, 2018.

Client's printed name: RICARDO PEREZ

Client's signature: _____

Client's address: HDSP, POB 650
Indian Springs, NV 89070

Client's DOB: _____

Client's SSN: _____

Client's email: _____

Client's phone: _____

PENNEY LAW FIRM
2800 W. SAHARA AVE., #7C
LAS VEGAS, NV 89102
(702) 497-7545
penneylawfirm@gmail.com

By 

I got it. What do I do after last months payment because you said you got it but didn't send me a picture of a receipt with my remaining balance like normal.. Sometime after work I will drop this in the door of your office. I will let you know when I've done it and send you my picture with my envelope as normal

RECEIPT		DATE	08.08.18	No.	085218
RECEIVED FROM		Tammi Dotan			
		\$1,000.00		DOLLARS	
FOR RENT		One thousand			
OR		Attorney's Fees for Rudo Levy			
ACCOUNT		CASH		FROM	TO
PAYMENT	1,000.00	CHECK		BY	Daniela Deme
BAL. DUE	5,000.00	MONEY ORDER			
		CREDIT CARD			

From: [Tammi Doran](#)
To: [Louise Watson](#)
Subject: 10 of 80
Date: Friday, August 27, 2021 1:47:53 PM
Attachments: [IMG_1987.PNG](#)
[IMG_1988.PNG](#)
[IMG_1989.PNG](#)
[IMG_1990.PNG](#)
[IMG_1991.PNG](#)
[IMG_1992.PNG](#)
[IMG_1993.PNG](#)
[IMG_1994.PNG](#)
[IMG_1995.PNG](#)
[IMG_1996.PNG](#)

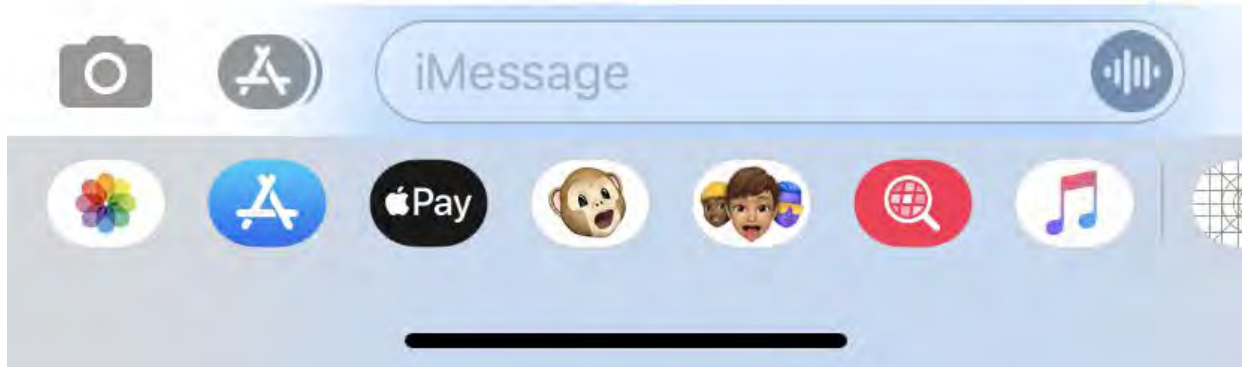


Sorry to hear you lost ur phone.
That's fine. I'm not going to charge
any late fees.

Thanks
I hope you feel better soon
Maybe I'll try to go for afternoon
visit

Jul 6, 2018, 5:48 PM

Hi how are you feeling



2:12



Derrick >

I'm trying to get money to you
I'm going to drop in door at office

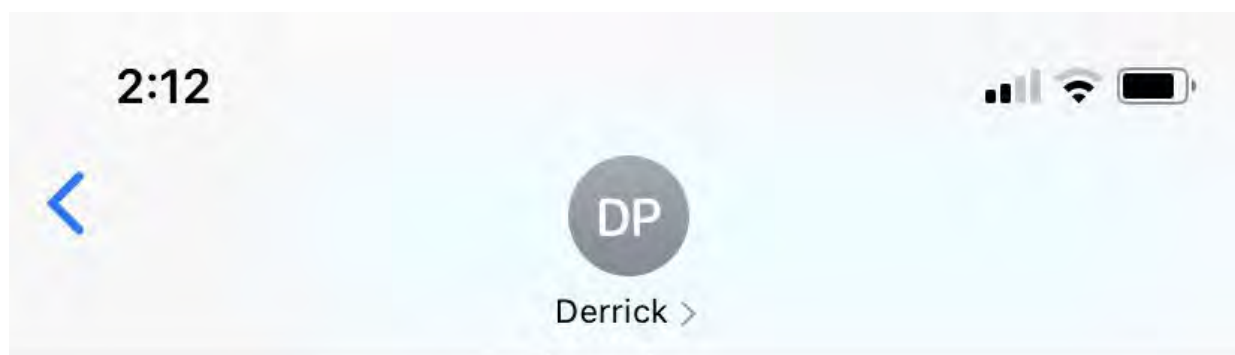
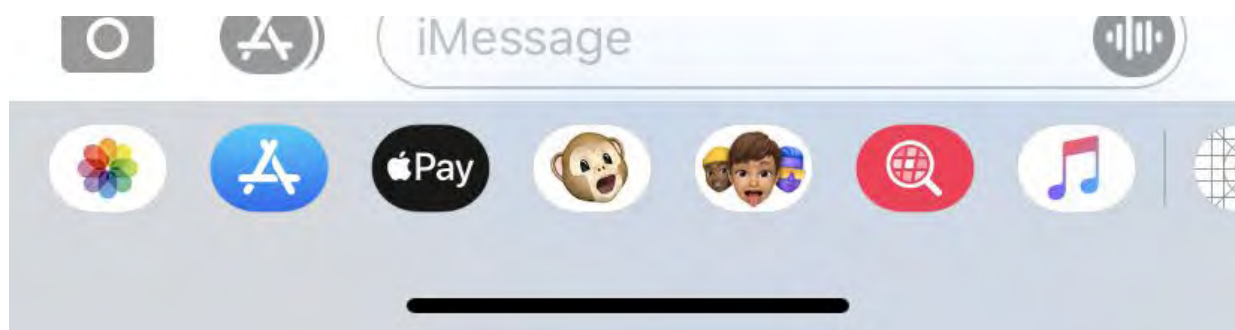
I put into 1 check
I'm about to the office in 10 minutes
It will be there kk



Thank you!! Stay cool!!

Jul 7, 2018, 9:48 AM

Let me know that you got it please

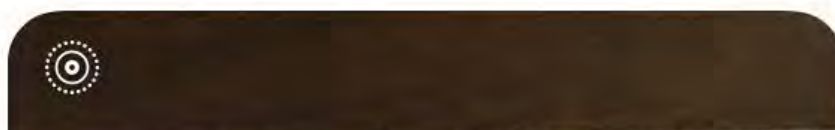


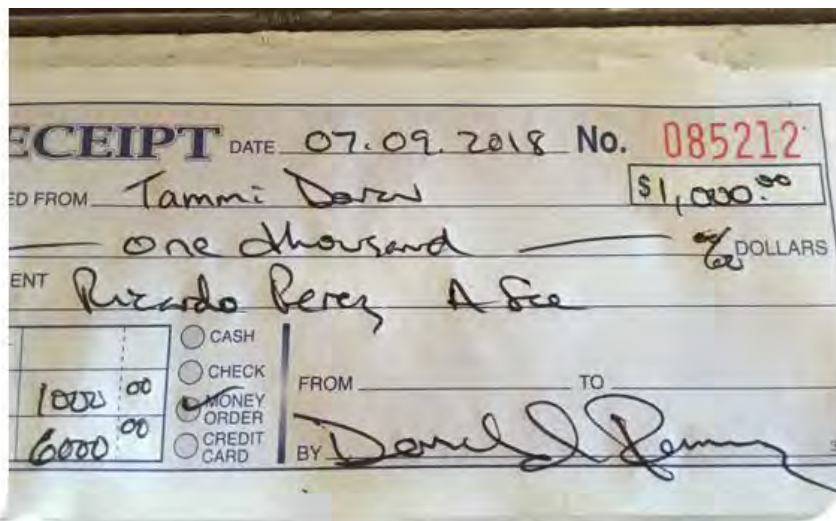
Your going tomorrow I told him

Jul 9, 2018, 9:55 AM

Sir?
You going out there today

GM Tammi. I received the money order. Thank you. I have to schedule the visit with Ricky in advance by calling ahead which will be this week. Once the day is confirmed, I will let you know so you can let Ricky know. Thank you.

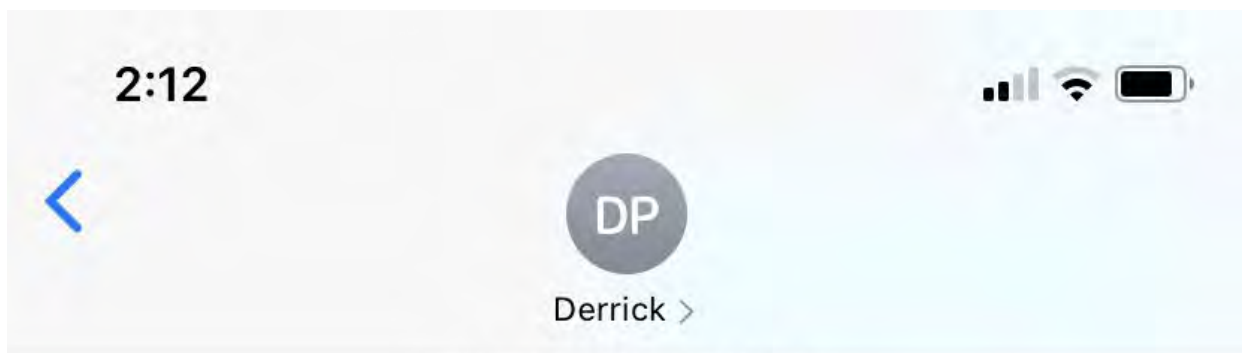
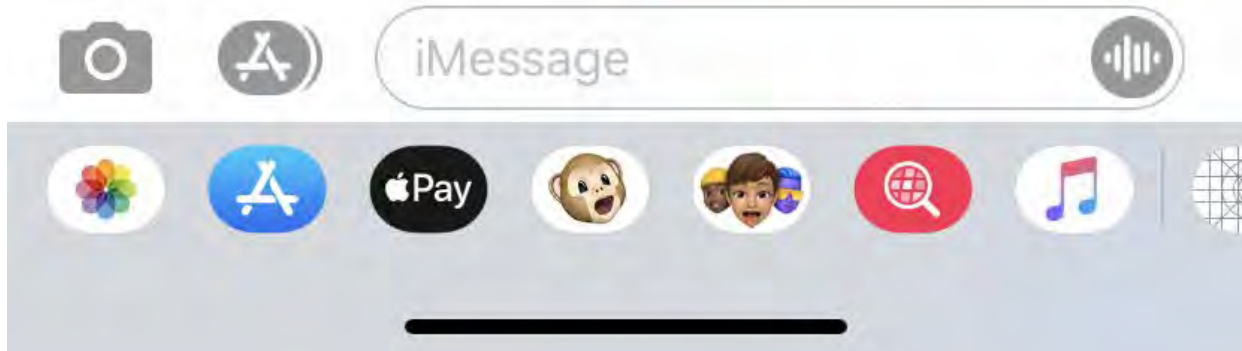




Copy

Jul 12, 2018, 10:58 AM

Any scheduled plans



Jul 12, 2018, 12:52 PM

Monday am

ROA Page 230

Kk

Can Gramps and I go with

??

Would that even be considerable

Up to y'all

Seriously
Is it something we could do to sit
with
If not it's okay 🙌
We just show up for 8am visit

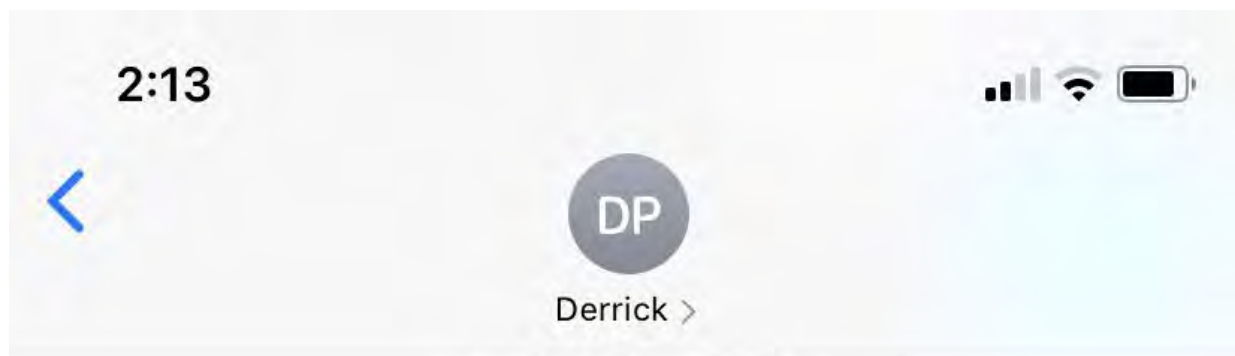
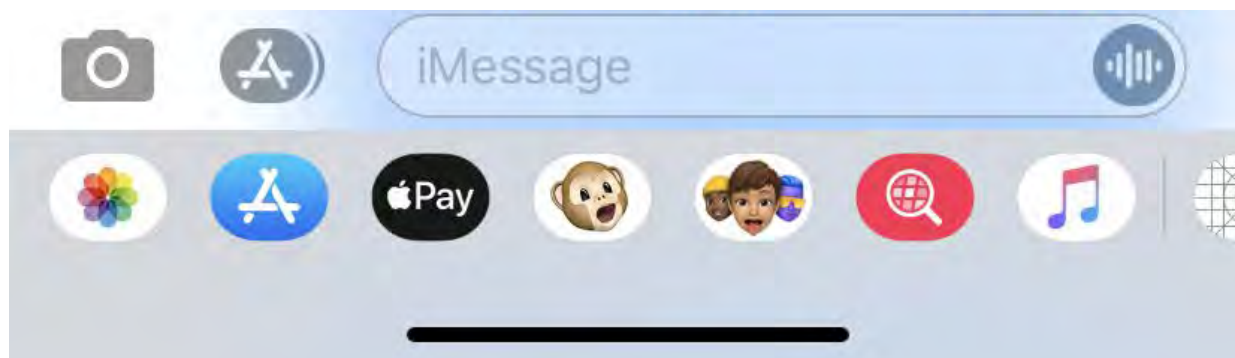
No more appointments for us for a
while now

I don't see why we couldn't all sit at
one of the tables and talk

Okay

Jul 12, 2018, 4:56 PM

Do you sit with him in a room



Jul 12, 2018, 4:56 PM

Do you sit with him in a room normally or with the general public seating area

In a room

Hmm 🤔 would we sit in there with you?

And Ricky

Either way
See you Monday!! Thanks

Jul 16, 2018, 12:17 PM

What happened

Sorry, wasn't able to get up there today. I've been calling HDSP to reschedule, they rarely answer the phone and you can't leave a message so it just takes awhile to get through

I'm not sure what happened
But he was looking forward as well
as I too see you for all the
questions. He had even brought a
paper questions and all eager to
learn what you have learned about



paper questions and all eager to
learn what you have learned about

the case. I told him you were a man of your word you would be there, that you would not have said you would be there so you would.

Surely you understand the frustration, I wish you would have let me know so I could have let him know rather than keep him filled with anticipation .

Please let me know when you will be able to get up there.

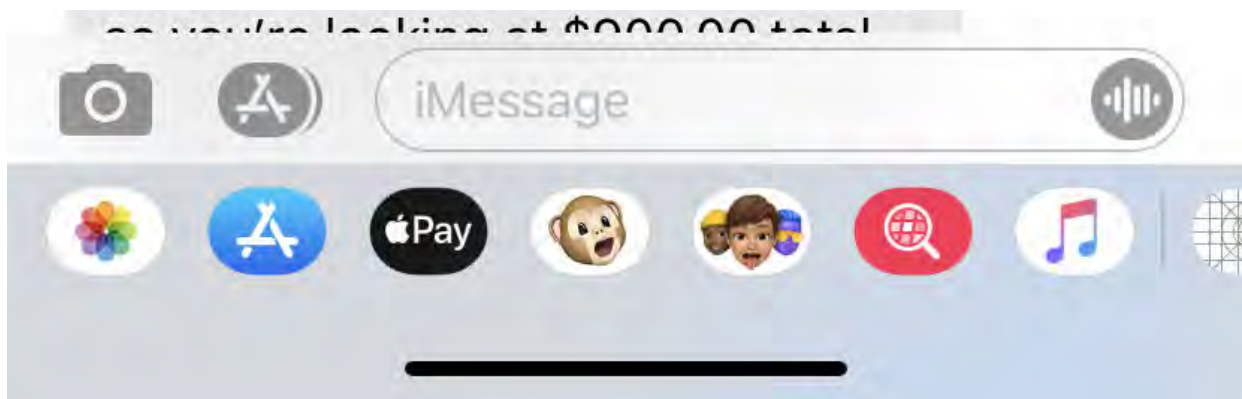
Thanks Sir.

Hope all is well.

You're 100% correct, Tammi. I will let u know as soon as i have another confirmed time asap. Thank you.

Jul 18, 2018, 2:23 PM

Was finally able to talk to a pathologist about Ricky's case today. He will charge \$450.00 per hour to look at the autopsy report and preliminary hearing transcript and generate a written report for us as to his findings. He estimates it will take him 2 hours to do the work

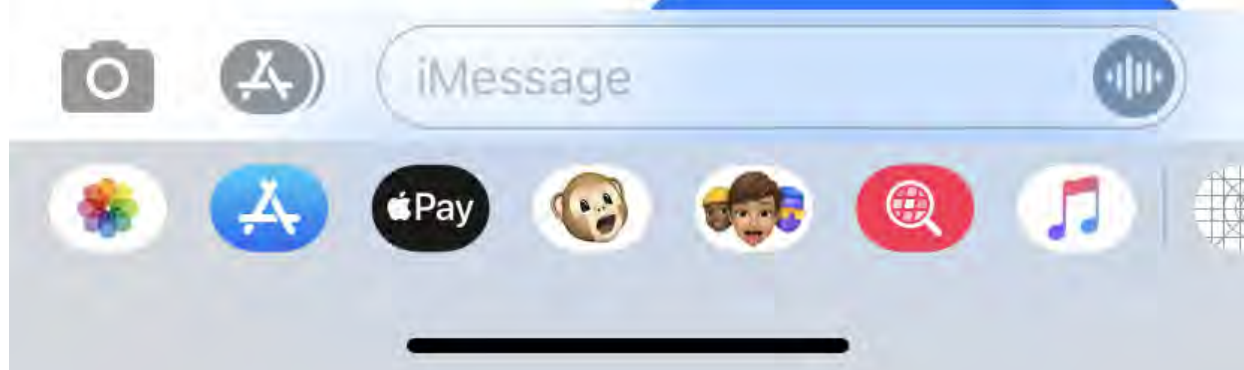


Or the guy you were looking to pick up

Well I would have loved to have Henry Lee (think OJ case) look at Ricky's case but Dr. Lee is basically retired now soooo...otherwise, I didn't really have a preference...i just want to generate a report which will tell once and for all that the first shot was fatal...

Tell us i meant to say

We need that



2:13



Derrick >

When will he do this

And do I pay him directly or do I add 1k to you and you 💰 him

Should be pretty quick turnaround, now that i have ur authorization, I'll be emailing him everything this afternoon and I'll ask him how soon we can expect to receive his report

Copy

He'll send me the invoice

Then what happens

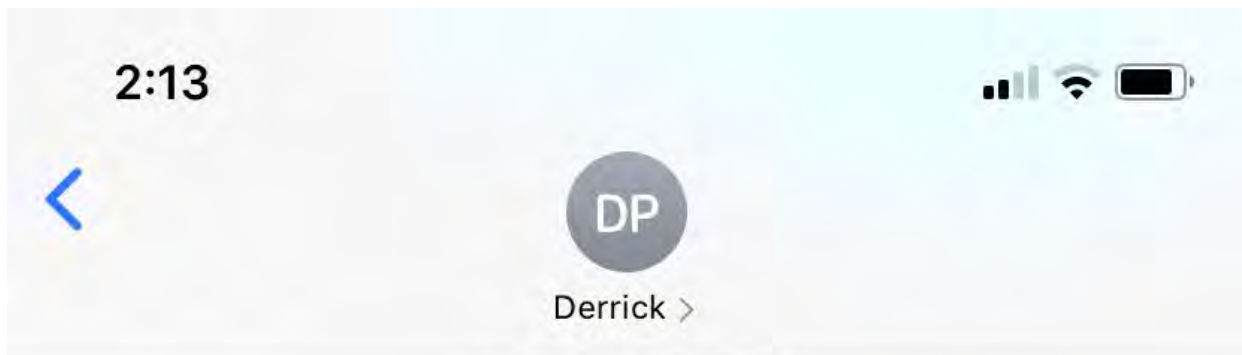
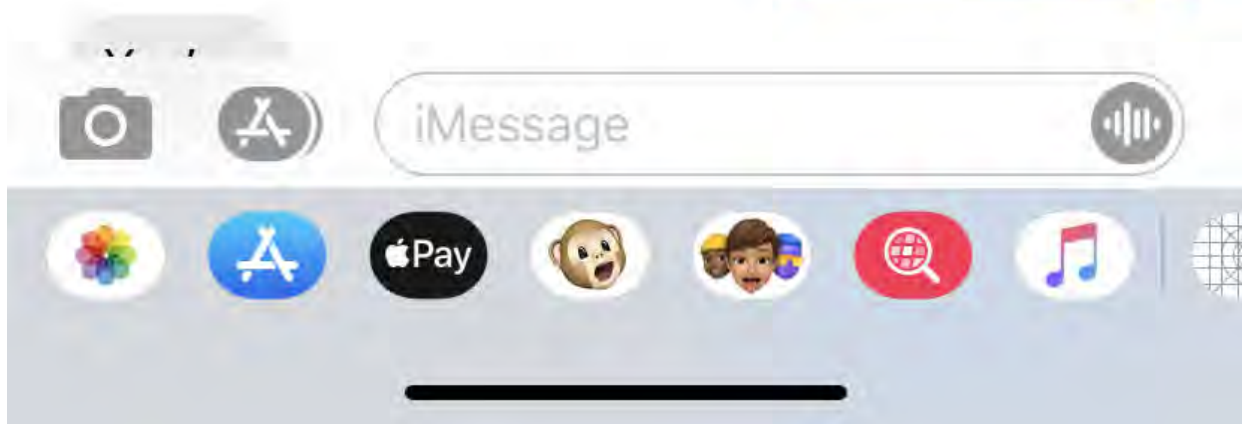
Then we file more paperwork with the court trying to get Ricky back in court to hopefully refuse his sentence

Assuming the report is favorable

Okay 🙌

We are still on hold in Supreme Court

Waiting for this



Jul 31, 2018, 1:42 PM

What's the word

Jul 31, 2018, 5:20 PM

Waiting on the report

Copy thanks

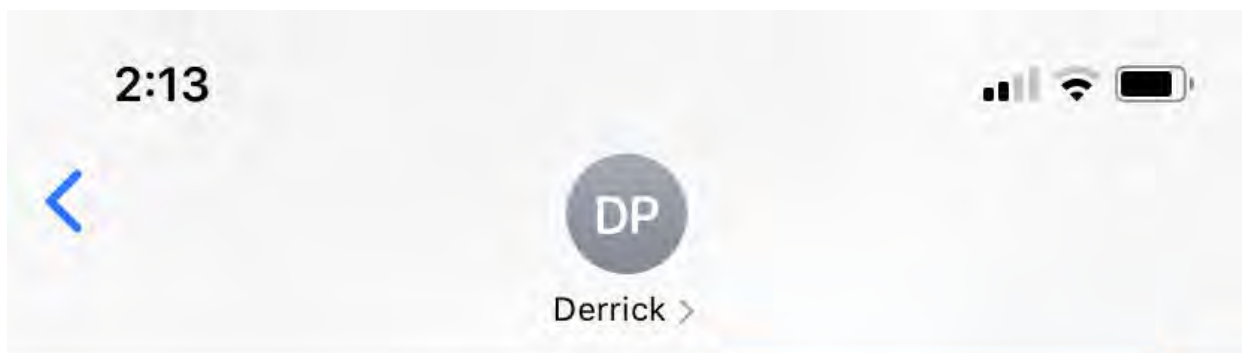
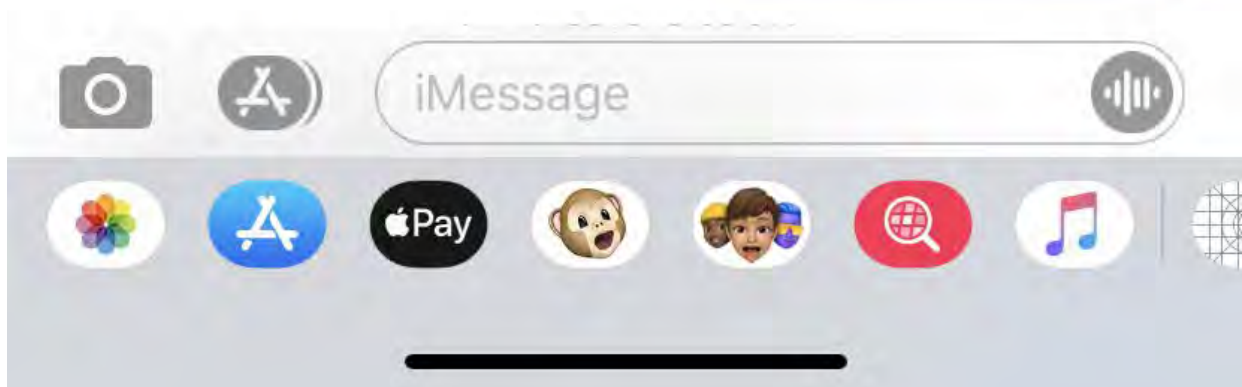
Aug 1, 2018, 12:15 PM

I have a question
I have a friend who's mom died and
she left the house to him
But one of of her cc card is
supposed out a lien on the house

My husband is buying the house
You have any idea who he may
contact to help him clear the lien if
one at all

If u want to give me the property
address, I'll take a look. I'd be very
surprised if a credit card issuer
somehow put a lien on the property.
That type of debt is usually
unsecured...

2708 sandalwood



2708 sandalwood

Aug 1, 2018, 3:29 PM

I didn't see any liens recorded against that property. Ask the cc co. for a copy of the lien...

Copy

Aug 3, 2018, 4:29 PM

Holy
I need to bring your check

No worries Ms. T. You can drop it off next week when it is convenient for you. Also, the pathologist who is going to review Ricky's case wants to be paid before generating the report (\$900.00). You can pay him directly or go thru my office, whichever works better for you.

Has he read it

Is he ready

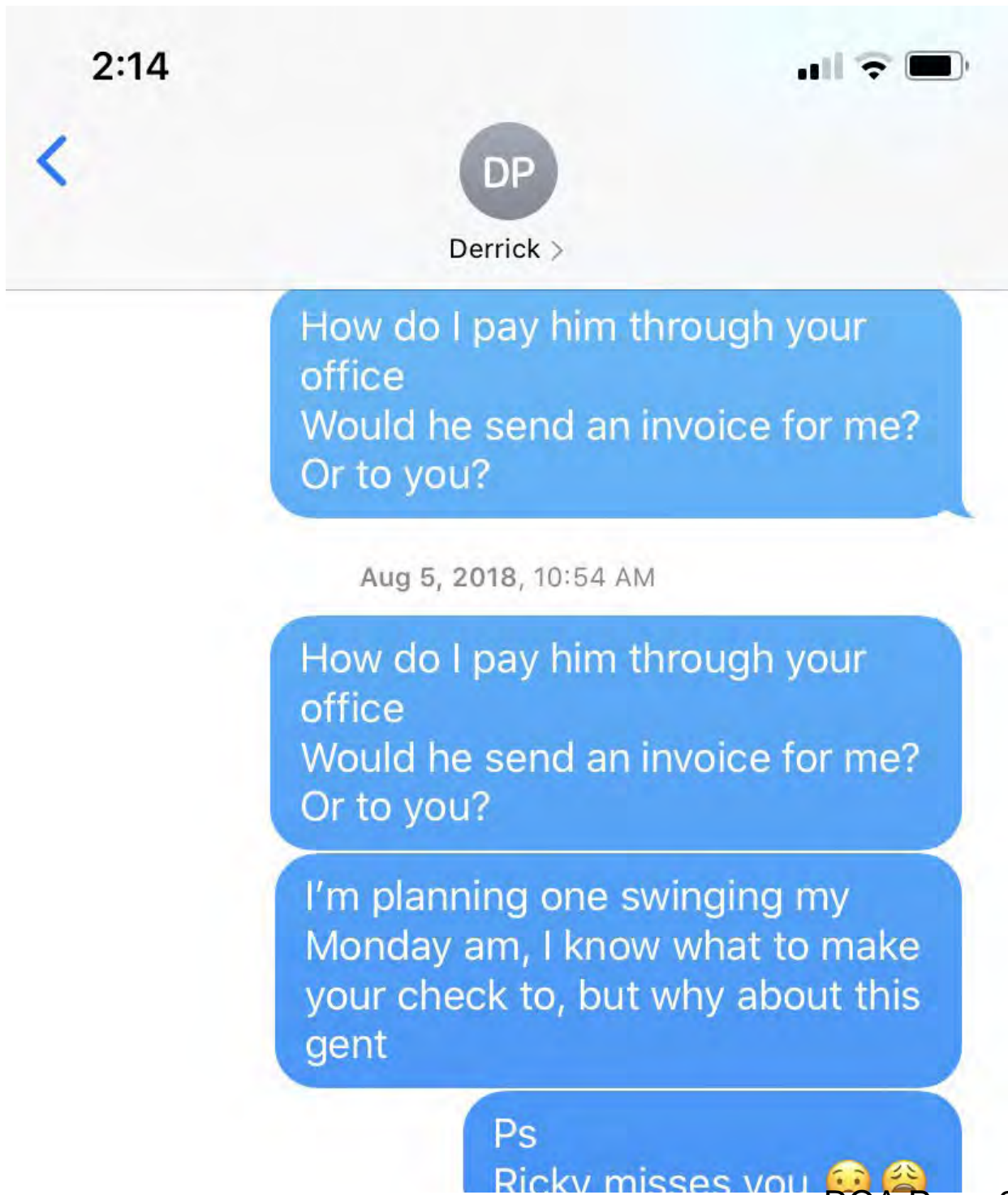
Aug 3, 2018, 5:54 PM

Not sure how far along he is



Sent from my iPhone

From: [Tammi Doran](#)
To: [Louise Watson](#)
Subject: 11-20 of 80
Date: Friday, August 27, 2021 1:50:14 PM
Attachments: [IMG_1997.PNG](#)
[IMG_1998.PNG](#)
[IMG_1999.PNG](#)
[IMG_2001.PNG](#)
[IMG_2002.PNG](#)
[IMG_2003.PNG](#)
[IMG_2004.PNG](#)
[IMG_2005.PNG](#)
[IMG_2006.PNG](#)
[IMG_2007.PNG](#)

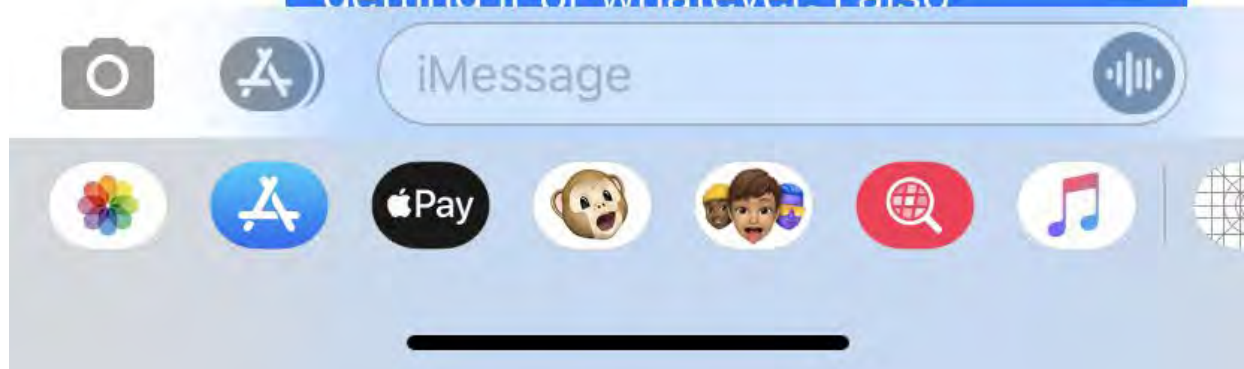


Ricky misses you 🥰🥰

You can just pay him directly, I'll forward his contact info to you via email. Yes, I know, I miss Ricky too: (I need to get up there and see him soon:)

Aug 6, 2018, 5:00 PM

I am in process of grabbing my little Chuckie and pushing it through your door. I'll let you know when it's done if you will send me a picture of you getting it or whatever. I also



2:14



Derrick >

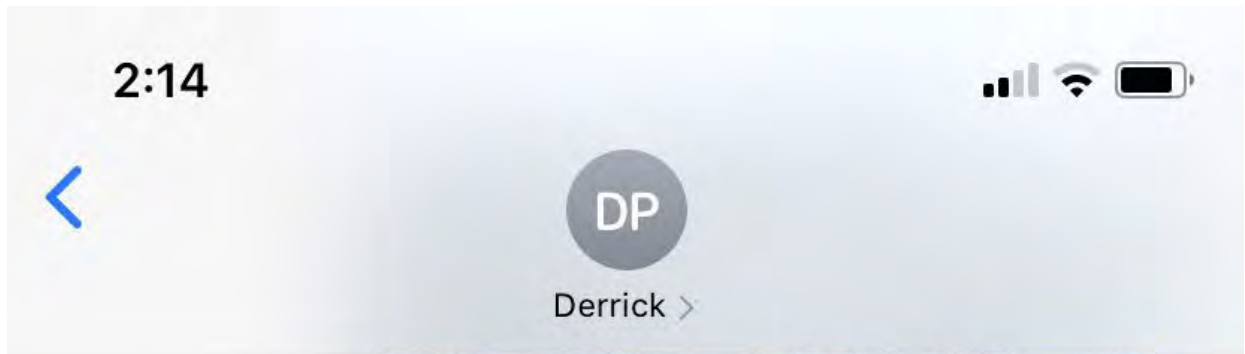
I am in process of grabbing my little Chuckie and pushing it through your door. I'll let you know when it's done

door. I'll let you know when it's done
if you will send me a picture of you
getting it or whatever. I also
contacted him the pathology place
to get the address to send the other
check so I will be doing that today
as well

Laughing out loud. I said check. It's
spelled Chuckie. I can't

Haha!! Thank you!

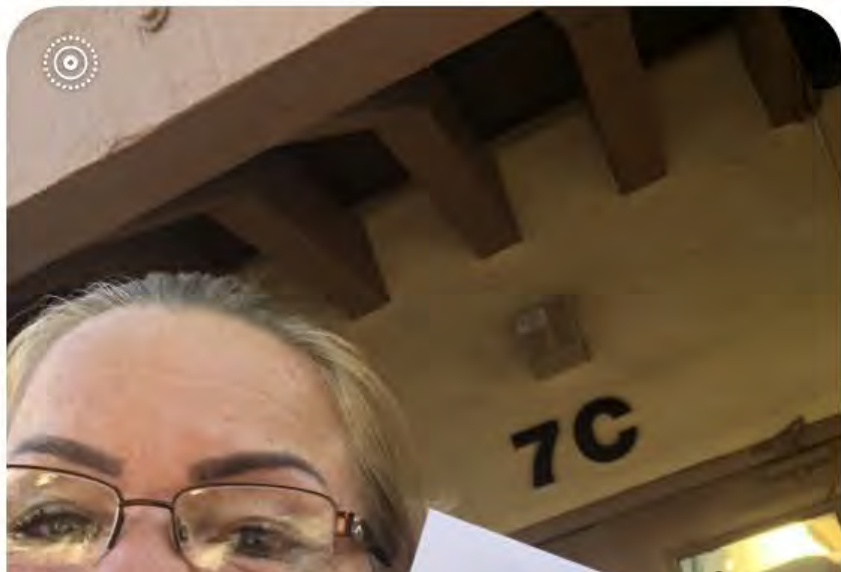


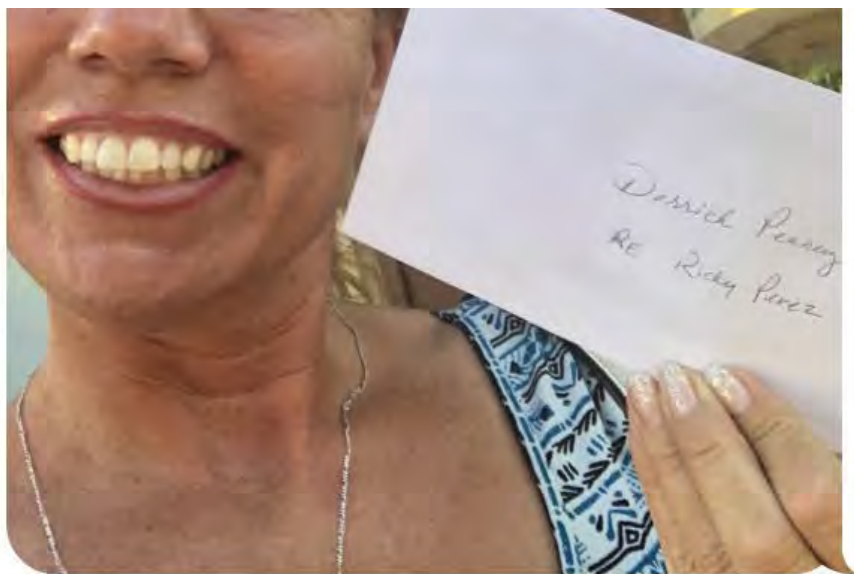


On my way
I'm sending the pathologist today

And dropping yours off in a few

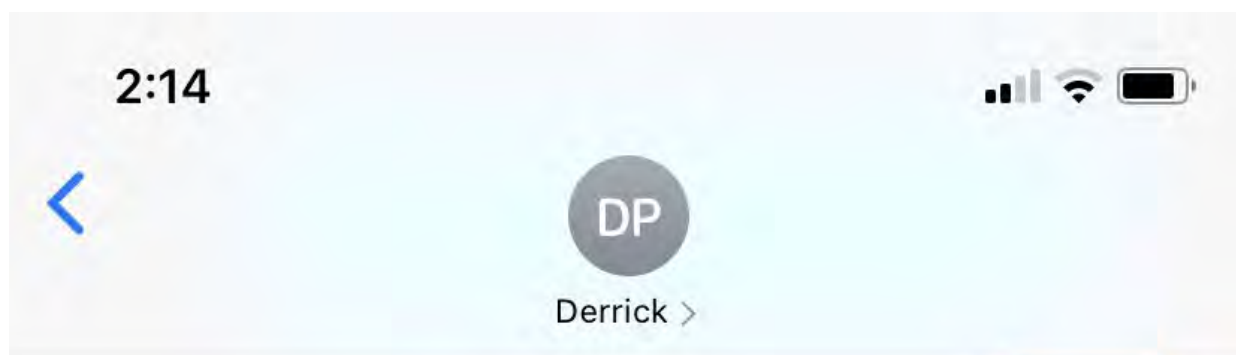
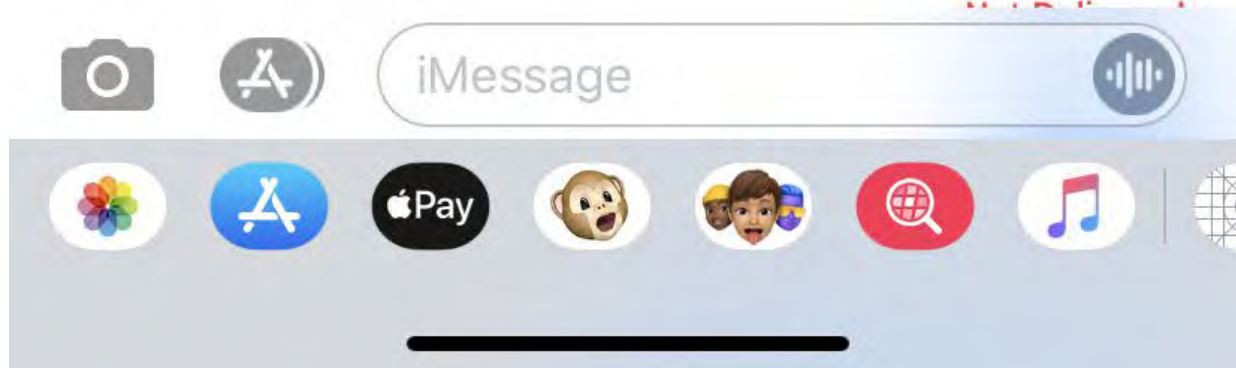
I'm here at office dropping off ur
check





Aug 7, 2018, 12:02 PM

Put the pathologist check in mail
certified



Aug 11, 2018, 8:29 AM

Did you get the check

Aug 13, 2018, 11:45 AM

Yes, thank you.

Aug 21, 2018, 12:13 PM

Hi there
How are we doing

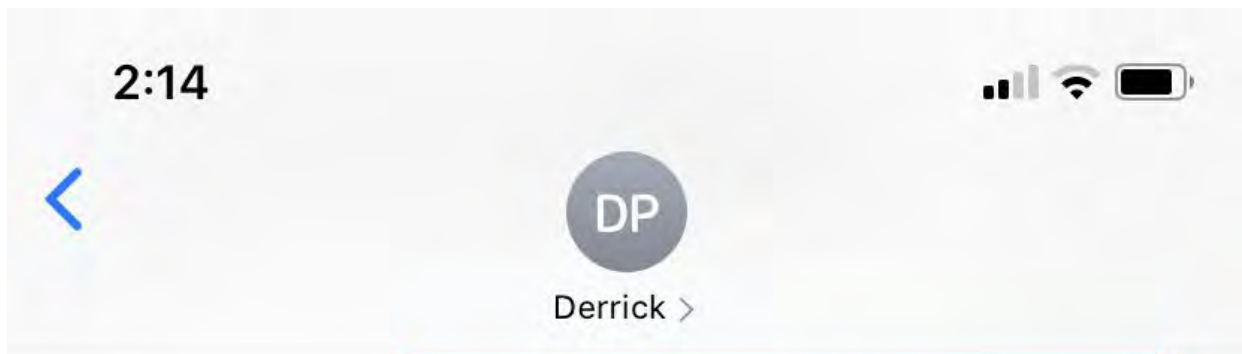
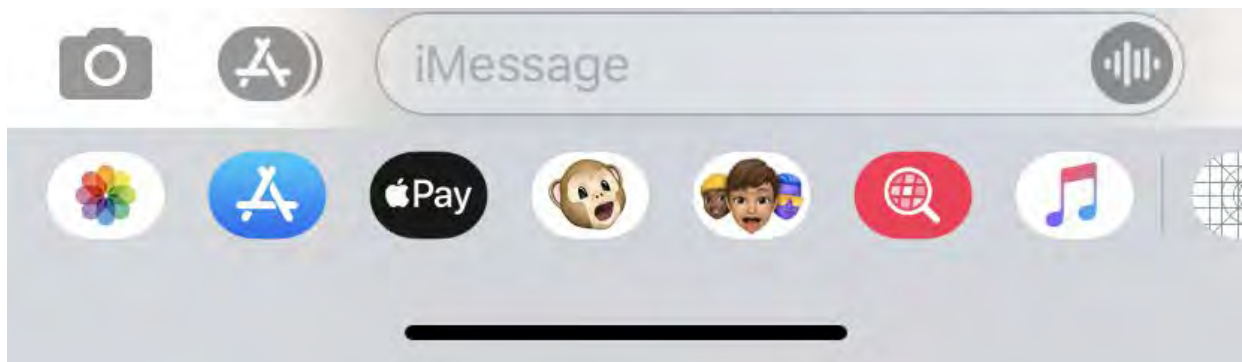
Hey Tammi. Were you able to send the payment to the pathologist? He hasn't received it as of today. Thank you.

I sent it the same day I dropped your off

Cashiers check

To the address he said to
Re: Ricardo Perez

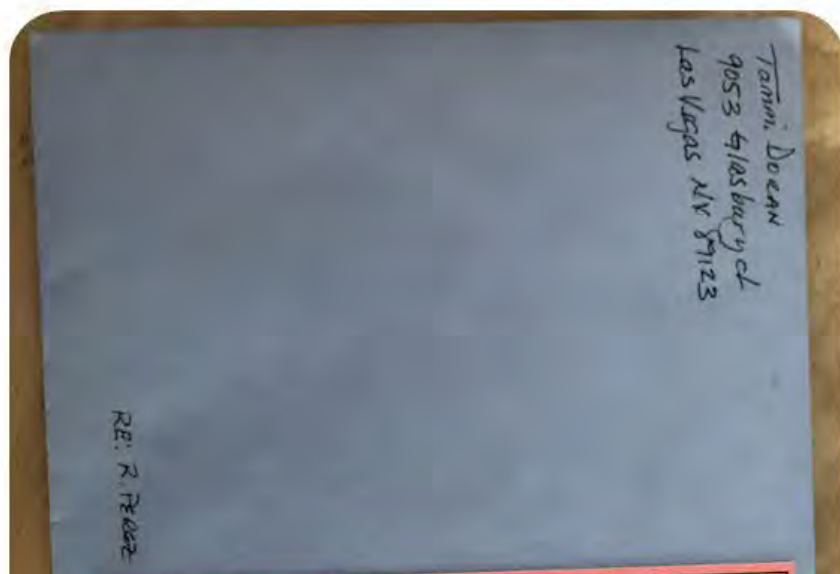


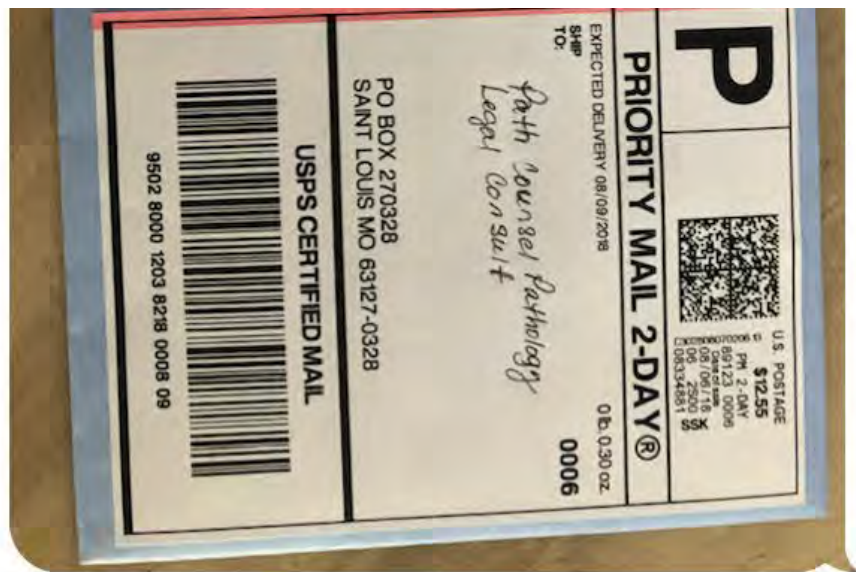


I sent it the same day I dropped
your off

Cashiers check

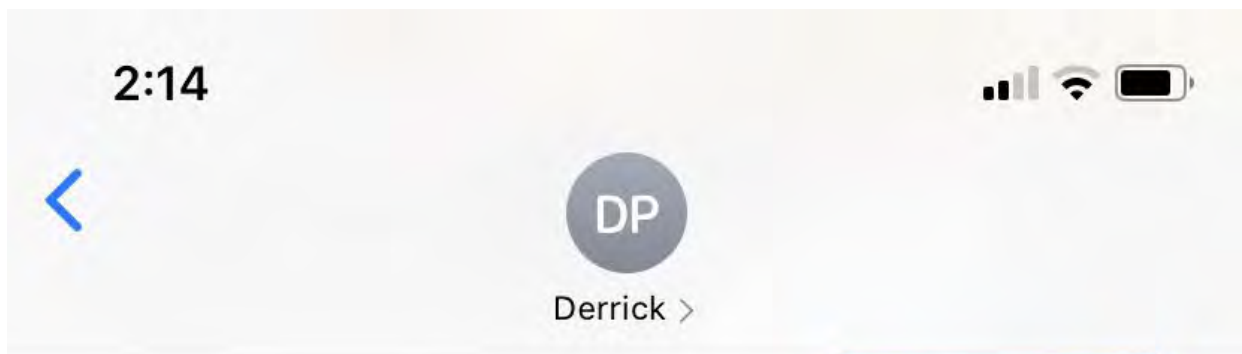
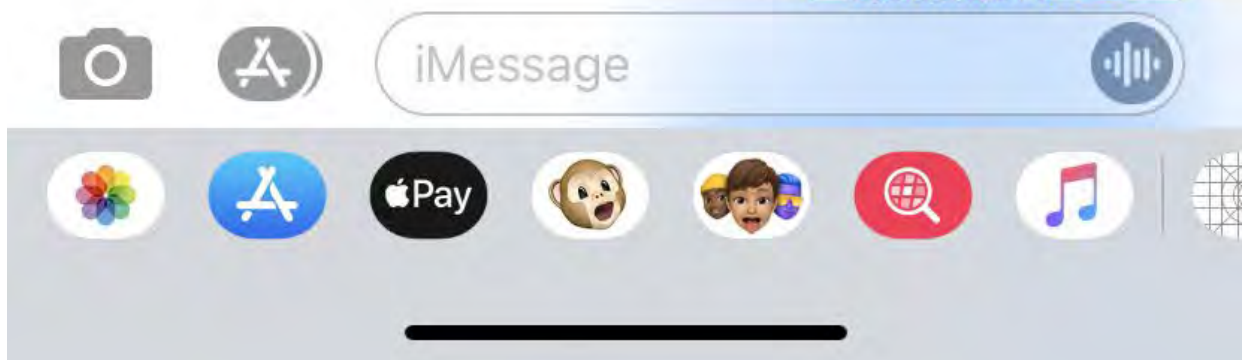
To the address he said to
Re: Ricardo Perez





Good Lord. He should've received it by now. Ok, I'll follow up with him and let u know. Thank you.

Seriously 🤔



Seriously 🤔

I think I'm sick now

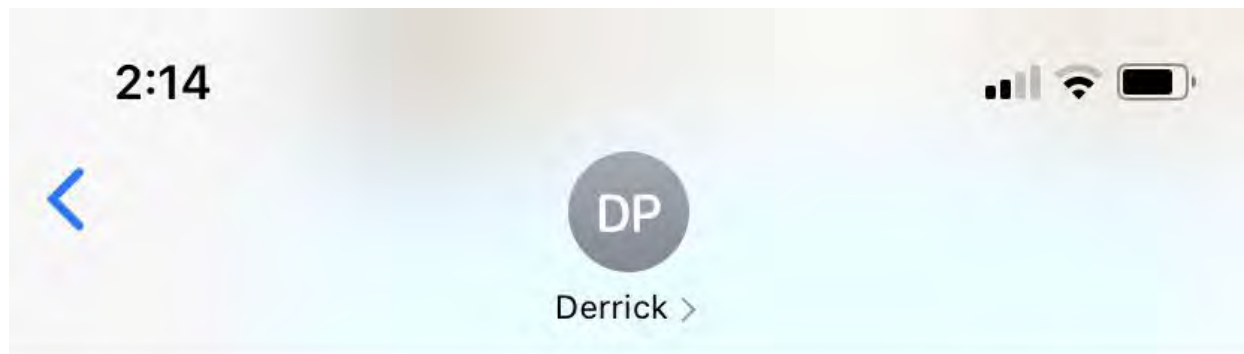
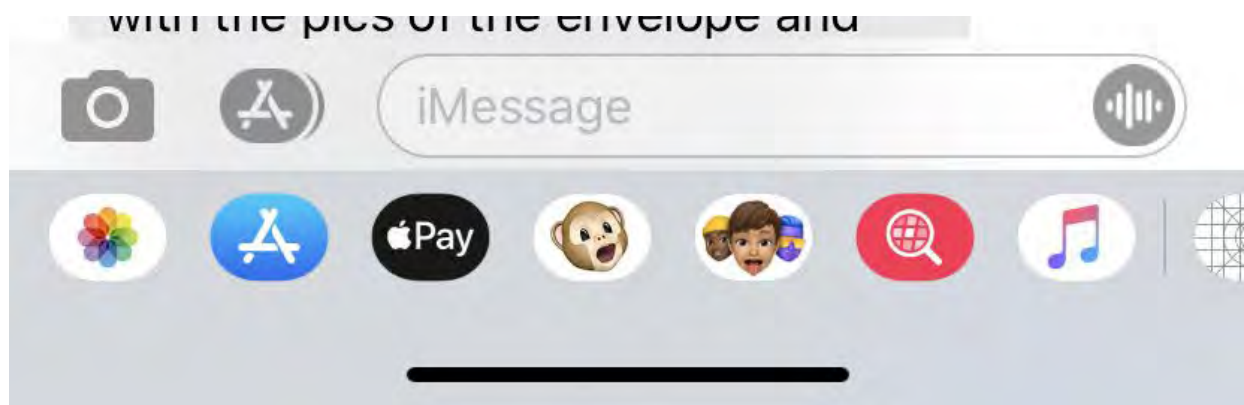
\$900.00 right?

Yes



Should I go to my bank and see if it cashed

Maybe. I just sent him another email with the pics of the envelope and



Maybe. I just sent him another email with the pics of the envelope and check so let's wait for an hour or two to see if he responds. Thank you.

Aug 21, 2018, 2:08 PM

Any news

Not yet. Please check with your bank as soon as you have time. Thank you.

Kk

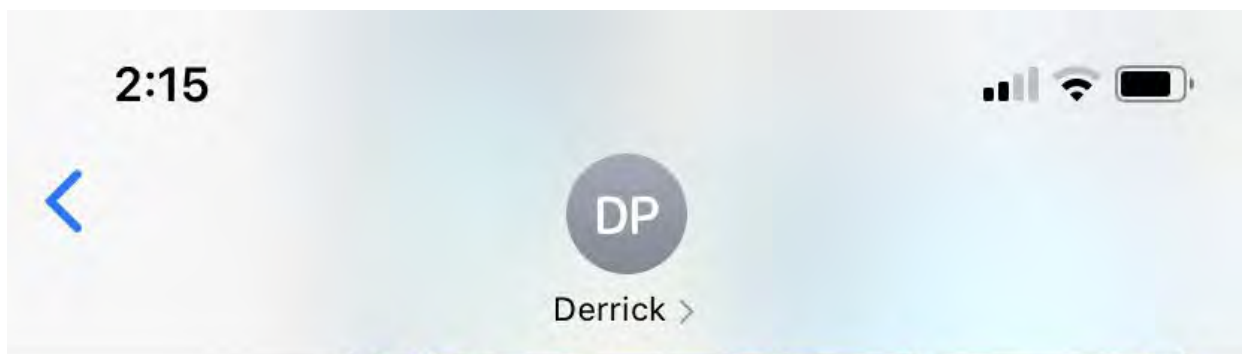
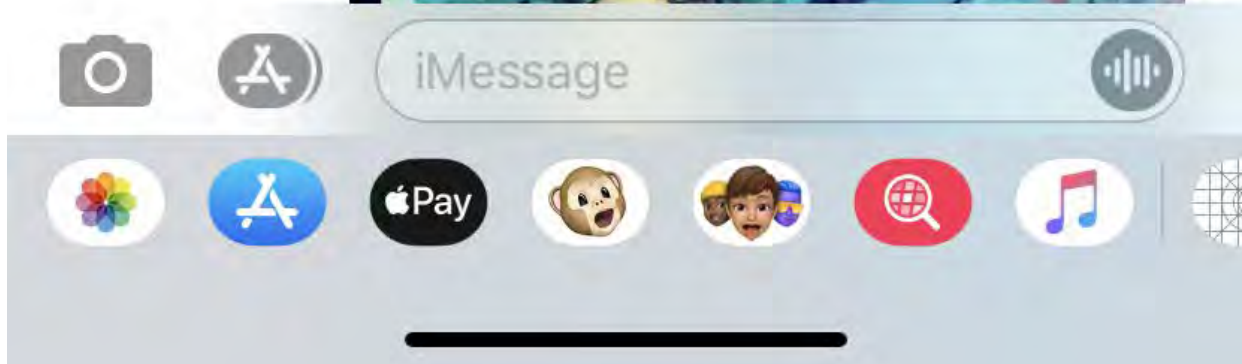
Aug 21, 2018, 5:51 PM

It has not cashed

It's not traveled since 13th

I sent you tracking

Aug 27, 2018, 7:04 PM





My Mijo!!

Awwwzzzz. Who is the lil one?

His Neice serenity
Karissa's daughter

Aug 28, 2018, 10:36 AM

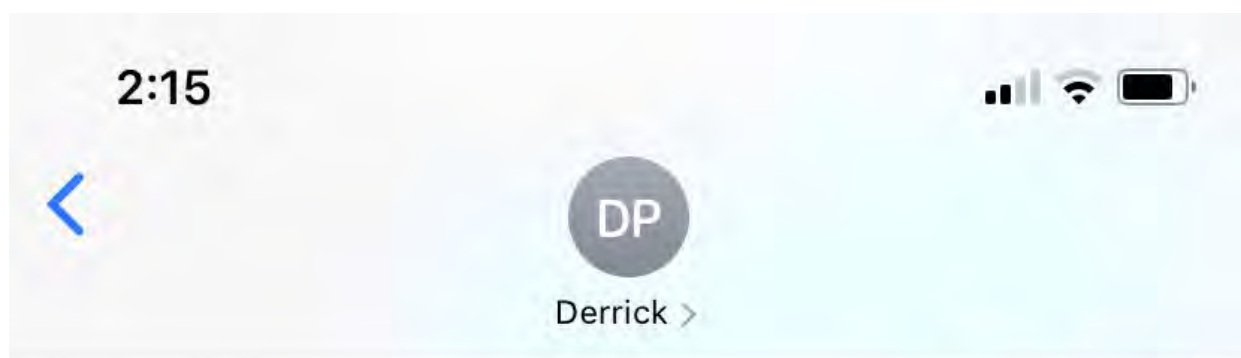
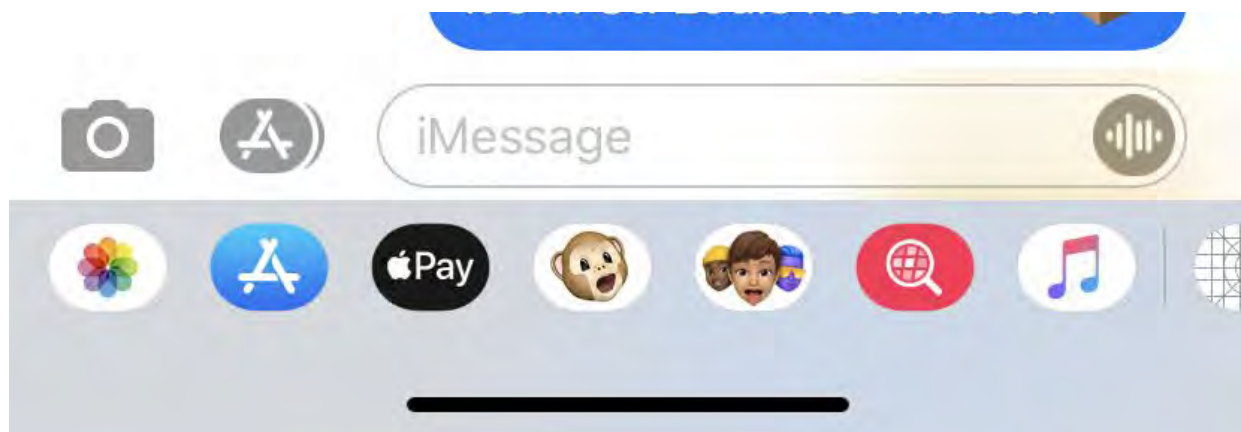
USPS 9502800012038218000809,
Arrived at USPS Destination Facility
08/28/2018 10:20am SAINT LOUIS
MO DISTRIBUTION CENTER Reply
STOP to cancel

Look what made it 3 weeks later to
st Louis 🤔

Are you flipping kidding me?! That's
ridiculous!! I'll let Dr. Godfrey know.
Thank you.

It's my luck lol

It's in St. Louis not his box 📦



Great picture of Ricky!!

Ok gotcha

Aug 29, 2018, 1:37 PM

Said it was delivered

Kool, I'll let the doc know. Thank you.

Just talked to Dr. Godfrey. He

received your cashier's check so he is going to start working on Ricky's file. I'll keep you posted:)

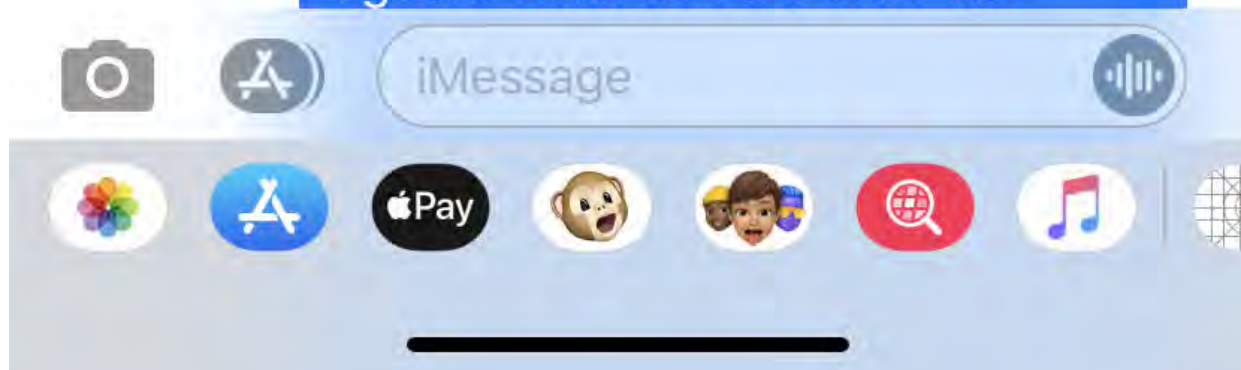
Yay!!

Amen!!

Sep 5, 2018, 9:36 AM

I'm grabbing the cashiers check for payment

I got it. What do I OU after last



2:15



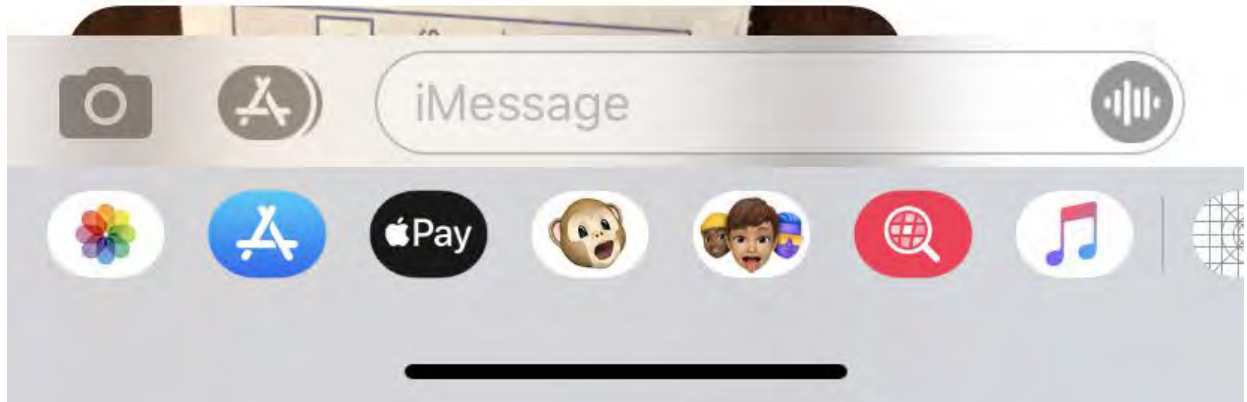
Derrick >

I got it. What do I OU after last

I got it. What do I do after last months payment because you said you got it but didn't send me a picture of a receipt with my remaining balance like normal.. Sometime after work I will drop this in the door of your office. I will let you know when I've done it and send you my picture with my envelope as normal

RECEIPT		DATE	08.08.18	No.	085218
RECEIVED FROM		Tammi Dotan			
		\$1,000.00		DOLLARS	
FOR RENT		One thousand			
OR		Attorney's Fees for Rudo Levy			
ACCOUNT		CASH		FROM	TO
PAYMENT	1,000.00	CHECK		BY	Daniela Denu
BAL. DUE	5,000.00	MONEY ORDER			
		CREDIT CARD			

Text Message

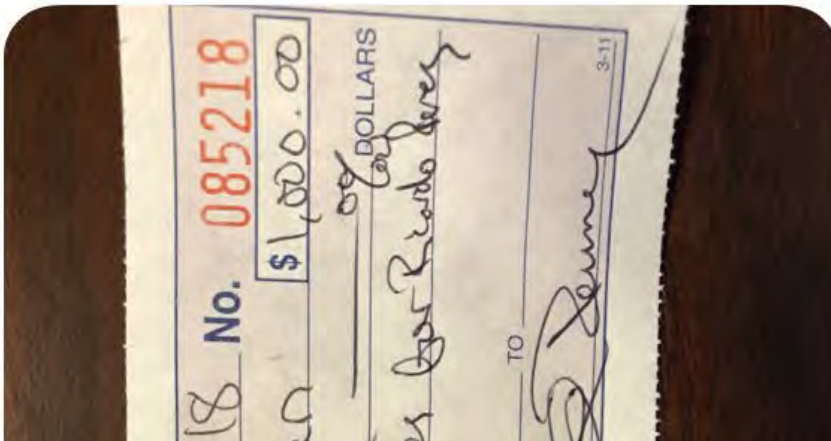


Sent from my iPhone

From: [Tammi Doran](#)
To: [Louise Watson](#)
Subject: 21-30 of 80
Date: Friday, August 27, 2021 1:50:48 PM
Attachments: [IMG_2007.PNG](#)
[IMG_2009.PNG](#)
[IMG_2008.PNG](#)
[IMG_2010.PNG](#)
[IMG_2011.PNG](#)
[IMG_2012.PNG](#)
[IMG_2013.PNG](#)
[IMG_2014.PNG](#)
[IMG_2015.PNG](#)
[IMG_2016.PNG](#)

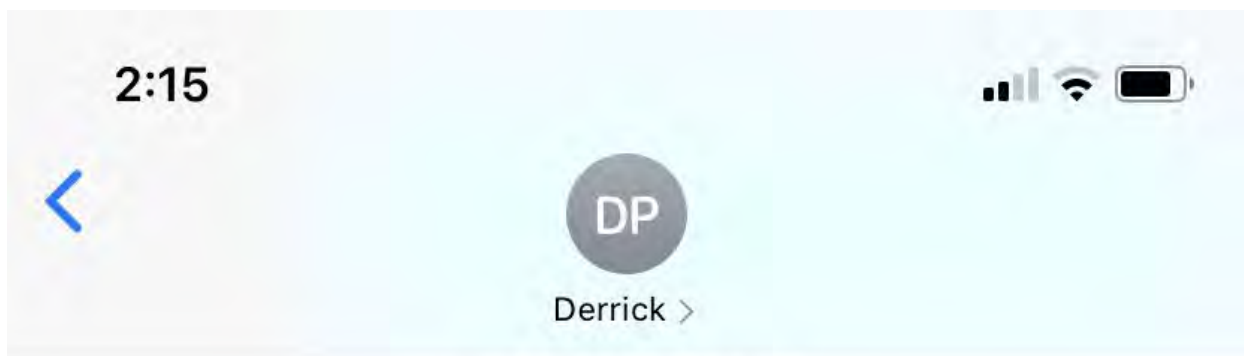
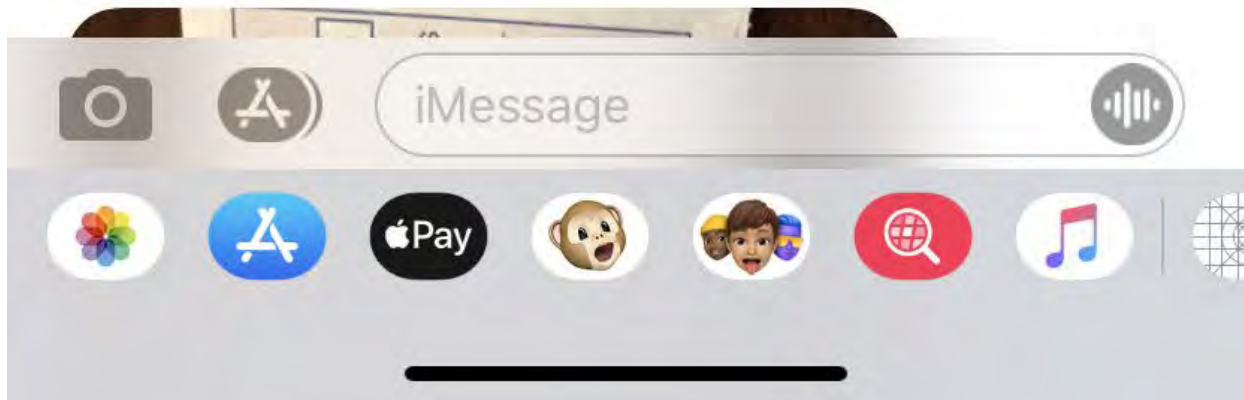


I got it. What do I OU after last months payment because you said you got it but didn't send me a picture of a receipt with my remaining balance like normal.. Sometime after work I will drop this in the door of your office. I will let you know when I've done it and send you my picture with my envelope as normal

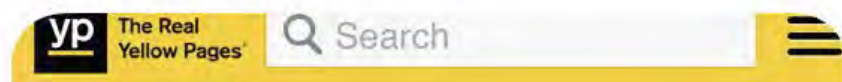


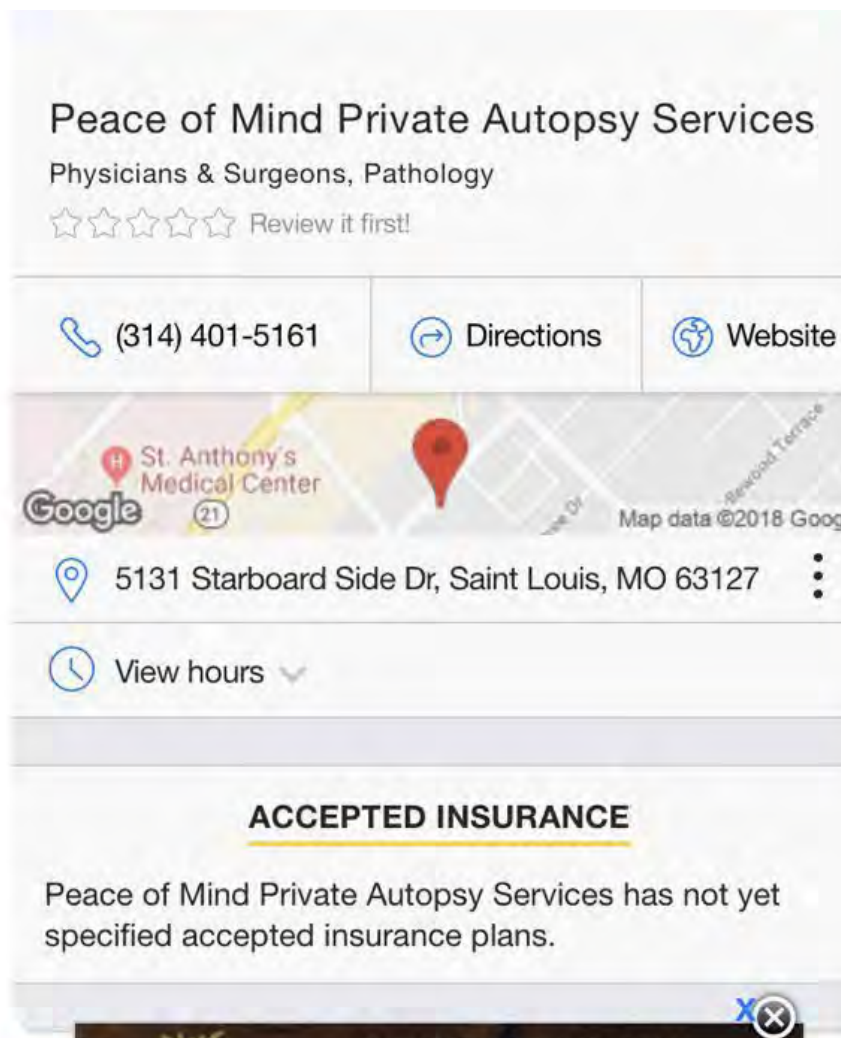


Text Message



Sep 14, 2018, 1:48 PM

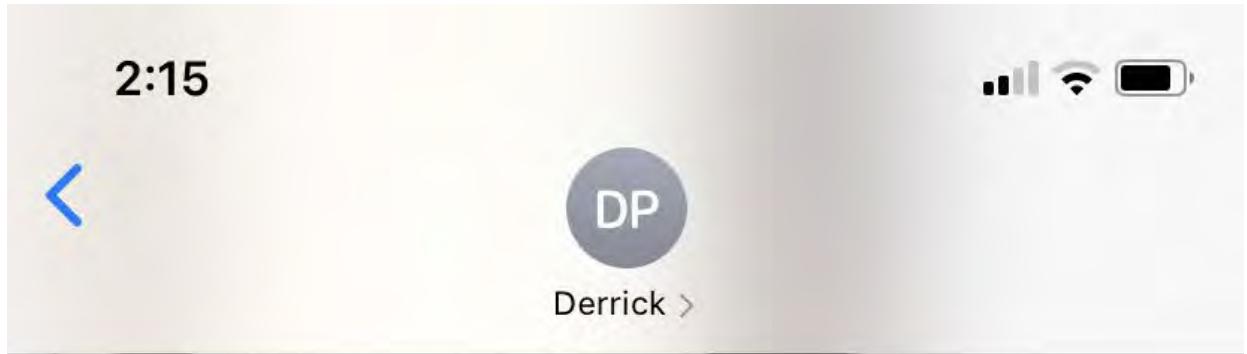




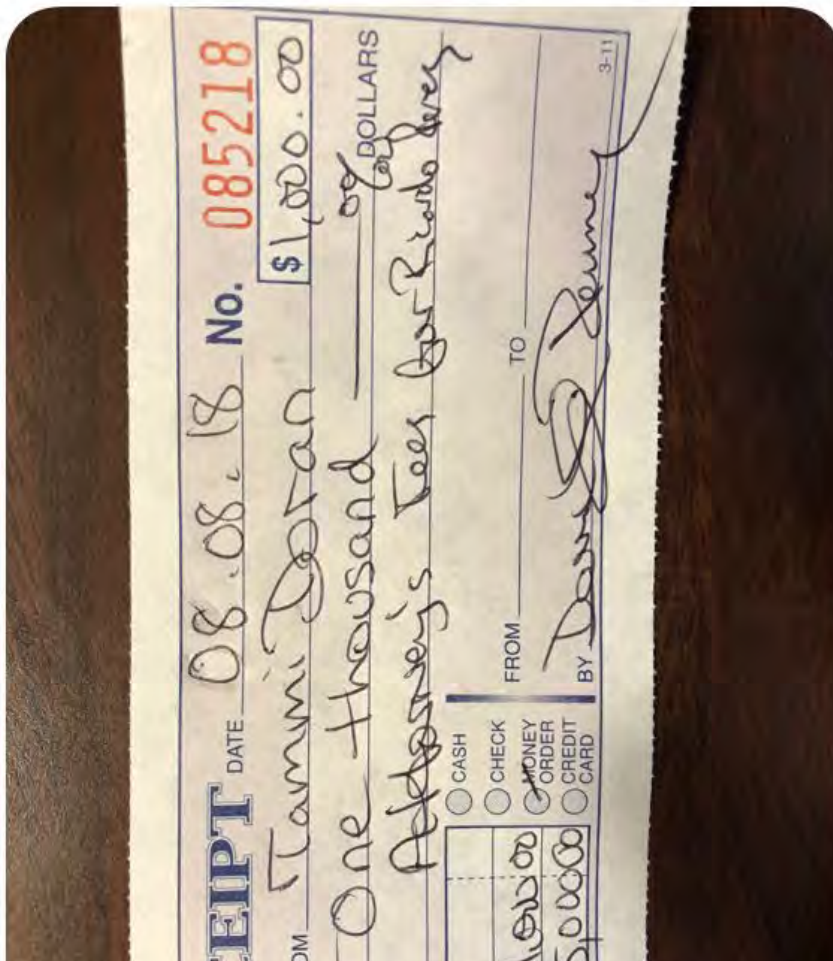
Pretty sure I found it
But confirm if I can send it directly
there
I'd hate that to be an issue later that
I sent it.
I'm gonna take a nap
I work tonight. Thanks

Sep 15, 2018, 11:16 AM

Did you find out if I can send it to
their actual address



Text Message





iMessage

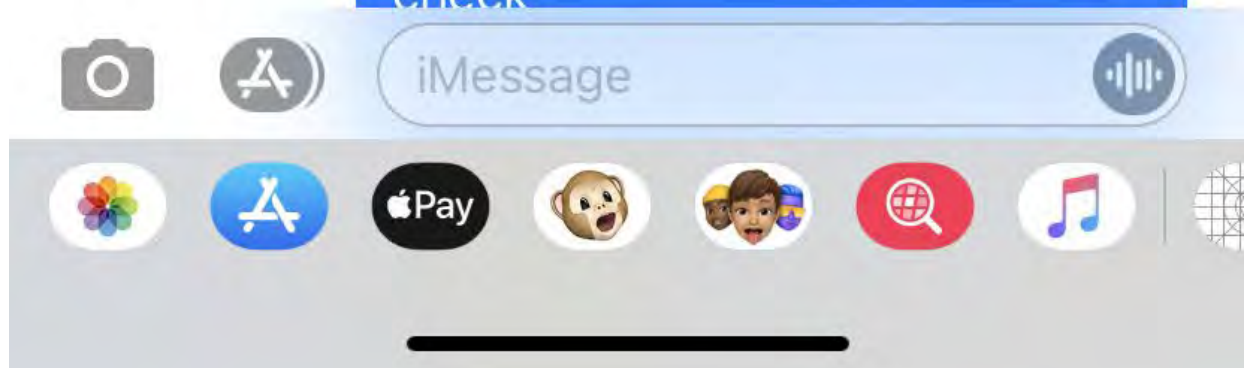
Yay

Sep 6, 2018, 10:36 AM

I'm on my way to your office

Sep 14, 2018, 12:47 PM

So, post office has to deliver this check



2:15



Derrick >

Sep 15, 2018, 11:16 AM

Did you find out if I can send it to

their actual address

Sent him an email yesterday,
haven't heard back yet

Sep 17, 2018, 9:19 AM

Stephen E. Godfrey, M.D.
WCP Laboratories, Inc.
2326 Millpark Dr.
Maryland Heights, MO 63043

Sep 17, 2018, 11:20 AM

It will be mailed today!!

kk

Text Message

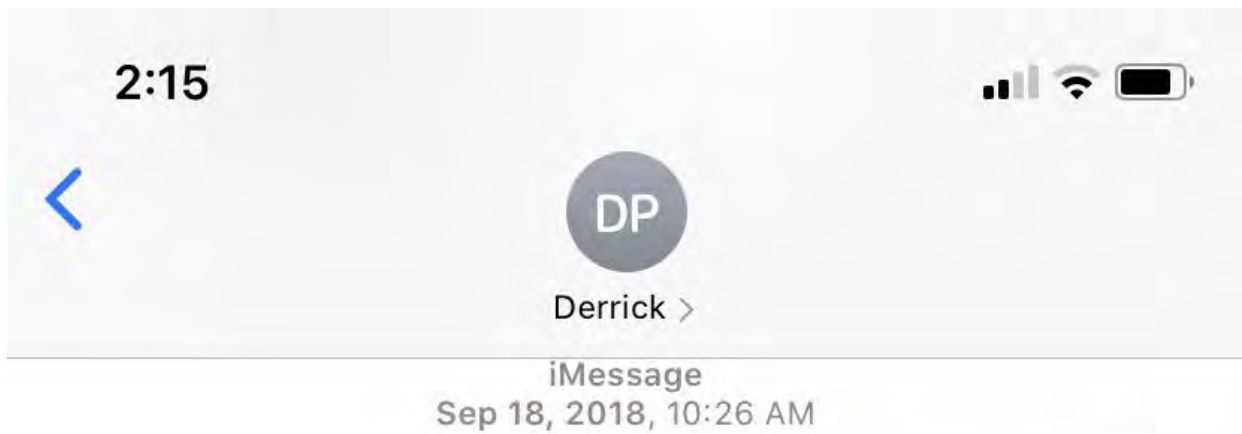
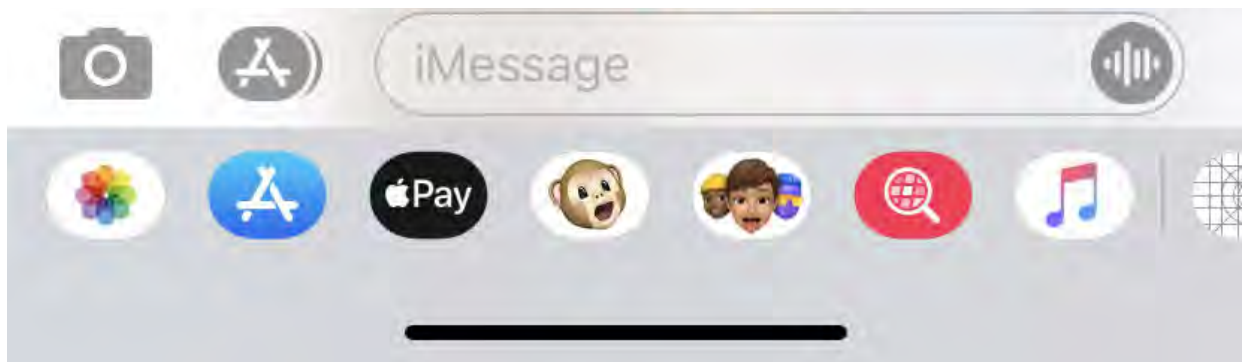
Stephen E. Godfrey, M.D.
WCP Laboratories, Inc.
2326 Millpark Dr.
Maryland Heights, MO 63043

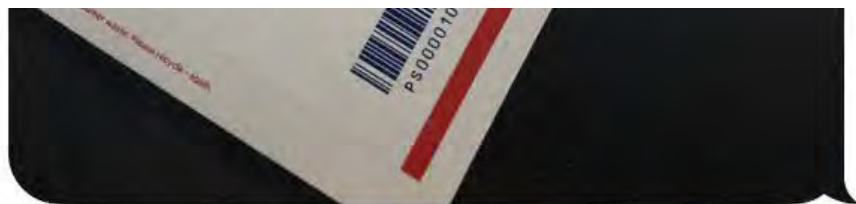
kk

iMessage

Sep 18, 2018, 10:26 AM







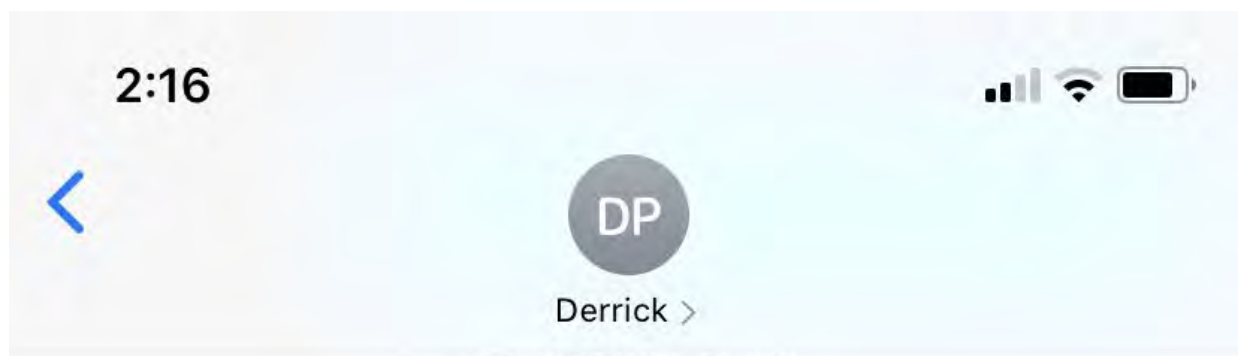
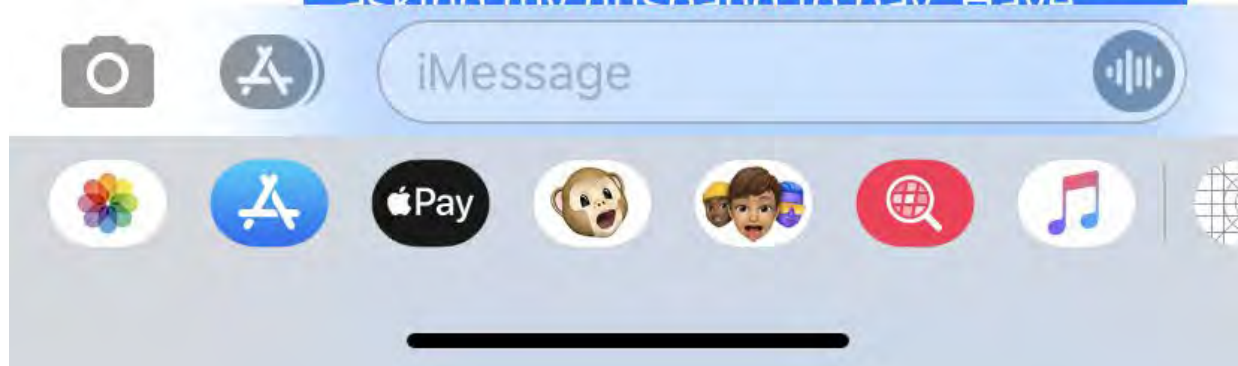
Should be there by 20th

Sep 21, 2018, 1:32 PM

The payment should be there at pathologist

Oct 4, 2018, 7:57 AM

Good morning. I'm trying to sell my car. So I can get you paid without asking my husband to pay. Have



Good morning. I'm trying to sell my

car. So I can get you paid without asking my husband to pay. Have you heard anything from the pathologist

Oct 4, 2018, 3:03 PM

Good morning. I'm trying to sell my car. So I can get you paid without asking my husband to pay. Have you heard anything from the pathologist

Yes, he's finalizing his report as we speak.

Yay!!!

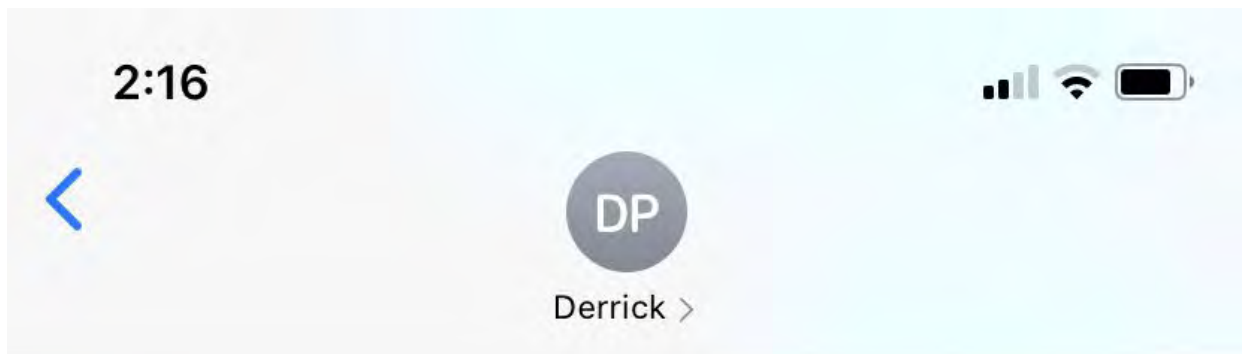
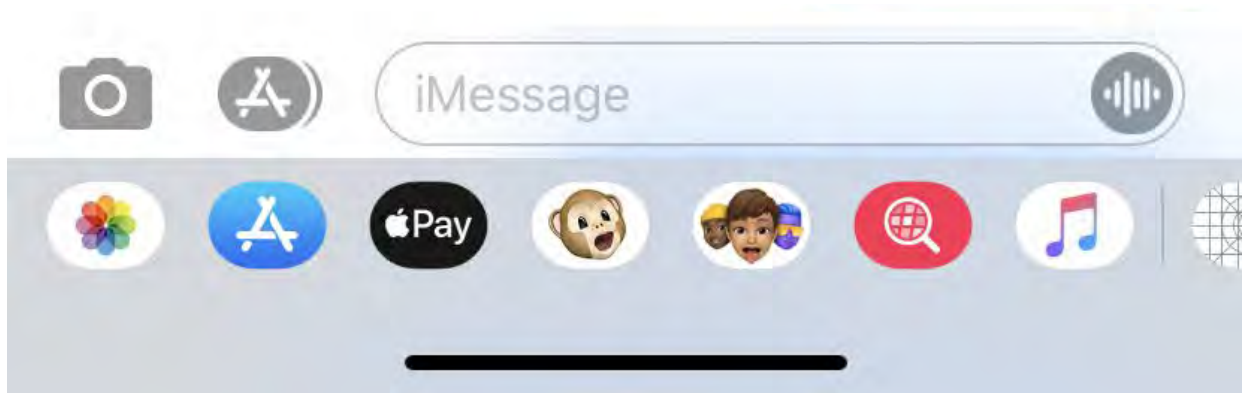
Thanks

My business license came in the mail today

I'm so excited about the new business

Oct 6, 2018, 9:13 AM

Car sold!! Yay



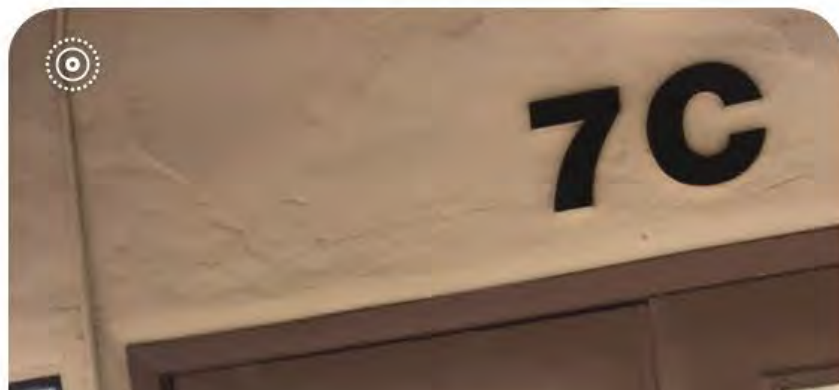
Oct 6, 2018, 3:49 PM

I had the check cut today

Oct 7, 2018, 7:22 AM

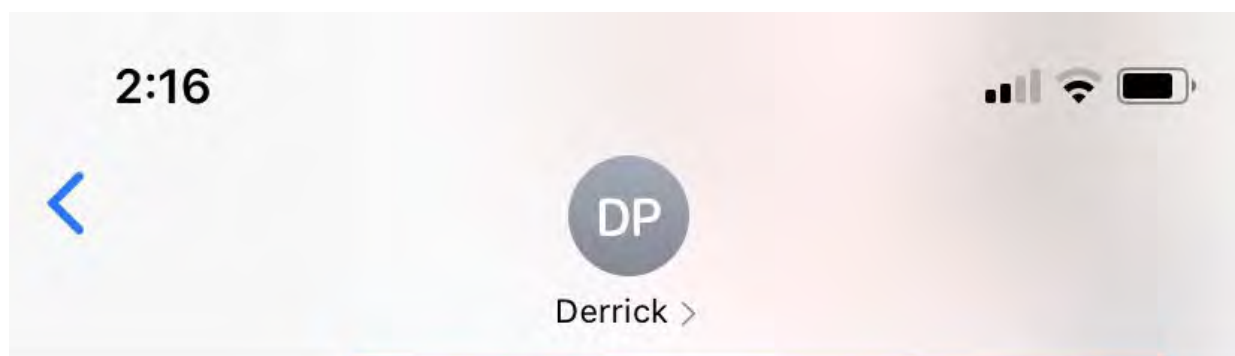
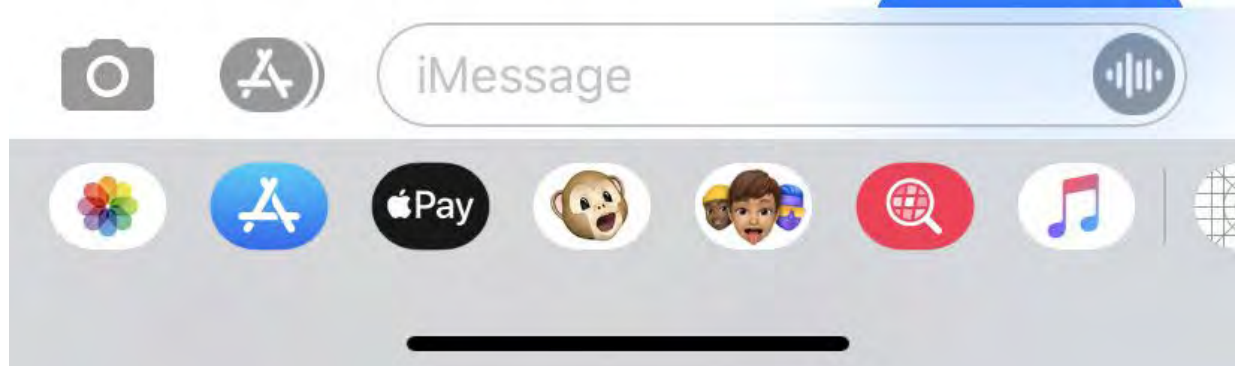
I'm putting in the office door today
God bless.

Oct 7, 2018, 11:51 AM





Just put payment in your mail slot



Just put payment in your mail slot

RECEIPT

DATE 10.08.2018 No. 085222

RECEIVED FROM Tami Lynn Brown \$1,000.00

FOR RENT One thousand 00/100 DOLLARS

FOR Rick's Attorney Fees

ACCOUNT

PAYMENT 1,000 00

BAL. DUE 3,000 00

☐ CASH

☐ CHECK

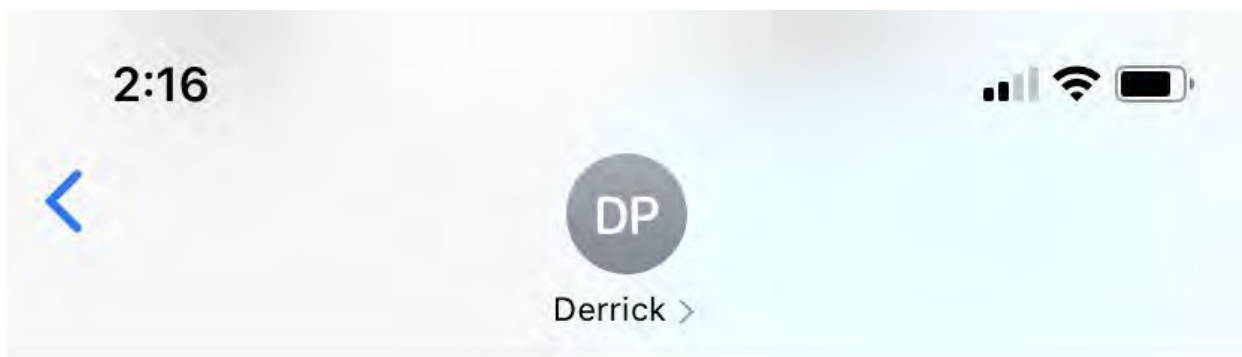
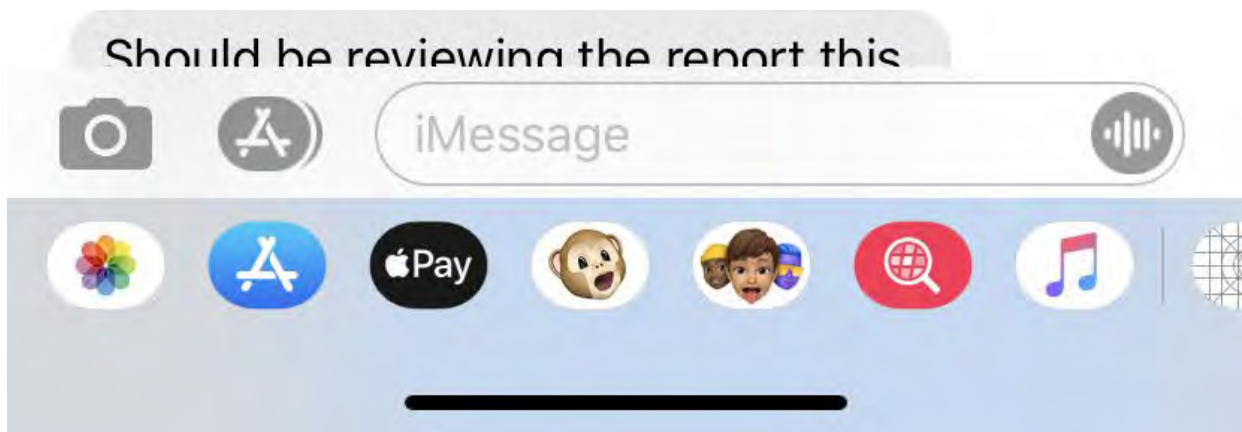
☒ MONEY ORDER

☐ CREDIT CARD

FROM TO

BY Tami Lynn Brown 3/11

Perfect
Thank you
Any new information



Oct 8, 2018, 3:42 PM

Should be reviewing the report this week

Cool beans
I hope you are well, and the family

Thank you

Oct 15, 2018, 9:22 AM

Any word?

Oct 17, 2018, 10:06 AM

Sorry for the delayed response. Doc sent over a draft report. I still need to read and review it then we can talk about it.

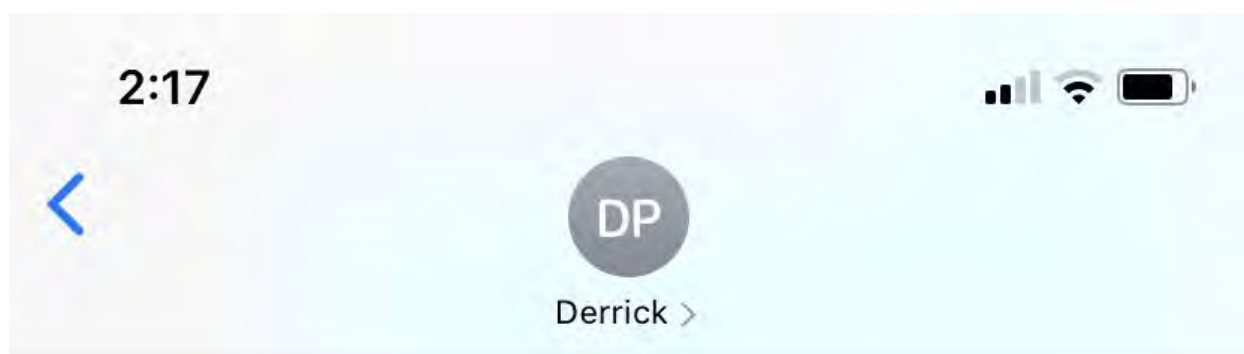
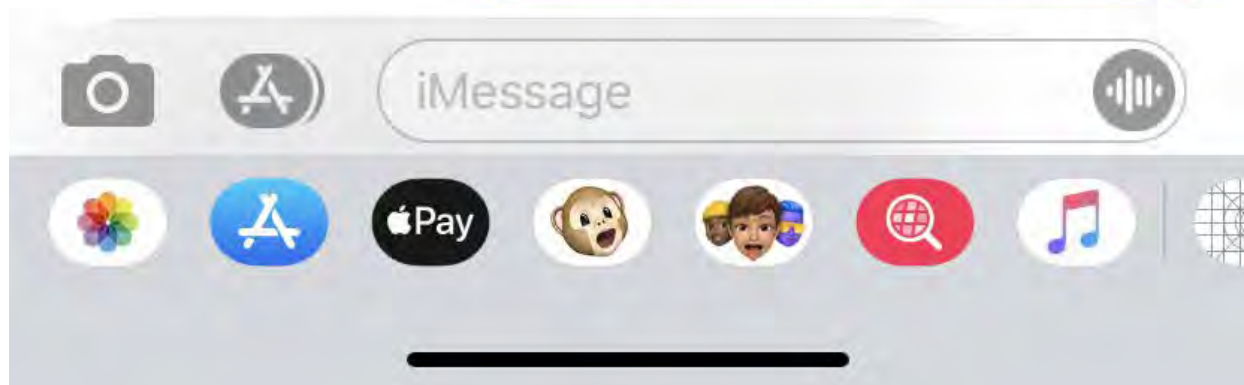
Okay 🙌 thanks

I'm glad your okay. How's the family

Good. Thank you for asking

Oct 23, 2018, 10:49 AM

Hi there
Have you read into anything



Nov 6, 2018, 8:46 PM

My husband wants to write a
personal check
Is that gonna be okay

He has more than enough to cover

I normally don't accept personal
checks but if that's the way you
want to do it this time, that's fine.
Thank you

Thanks 🙏 so much

Nov 8, 2018, 8:41 AM

Will you be at office today

Yes'm, now until 2:00 pm...

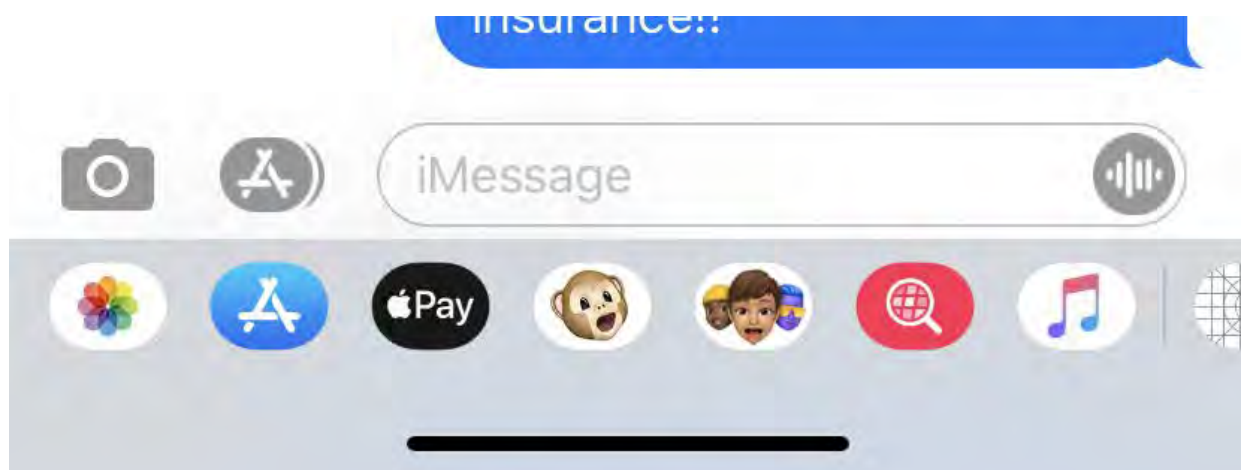
Kk

I'll head that way in 10

Kk

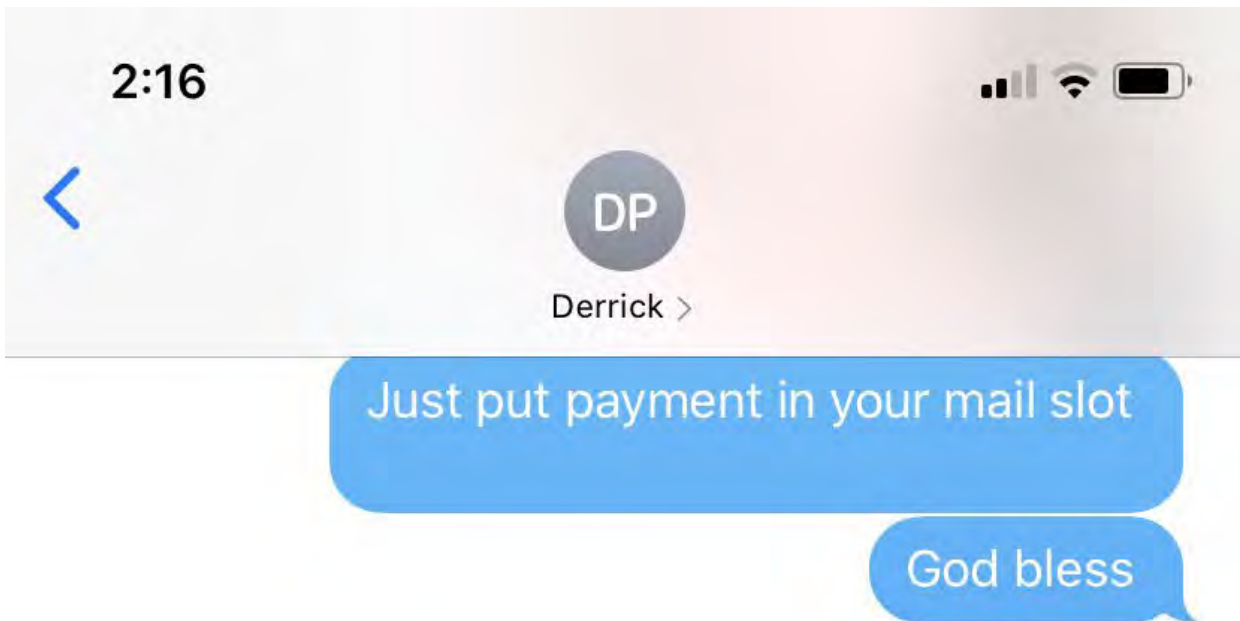
Nov 19, 2018, 2:27 PM

Passed my state exam for life
insurance



Sent from my iPhone

From: [Tammi Doran](#)
To: [Louise Watson](#)
Subject: 31-40 of 80
Date: Friday, August 27, 2021 1:53:30 PM
Attachments: [IMG_2014.PNG](#)
[IMG_2015.PNG](#)
[IMG_2016.PNG](#)
[IMG_2017.PNG](#)
[IMG_2018.PNG](#)
[IMG_2019.PNG](#)
[IMG_2020.PNG](#)
[IMG_2021.PNG](#)
[IMG_2022.PNG](#)
[IMG_2023.PNG](#)



Oct 8, 2018, 2:25 PM

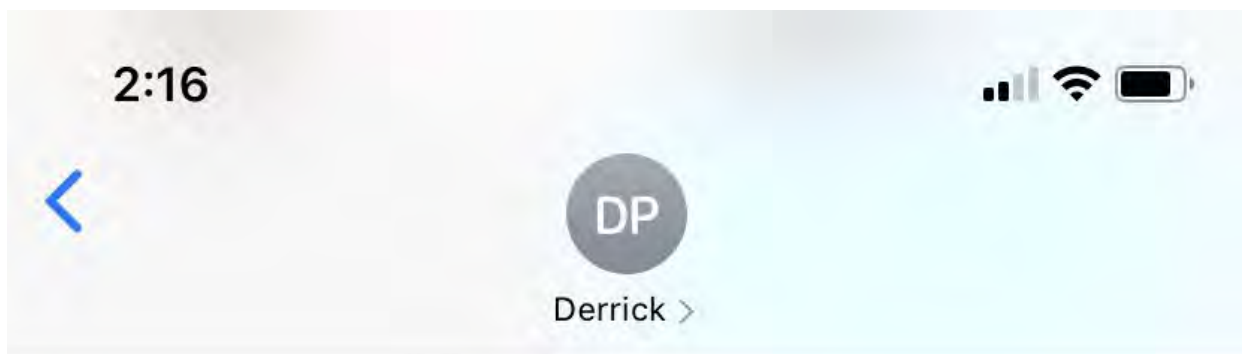
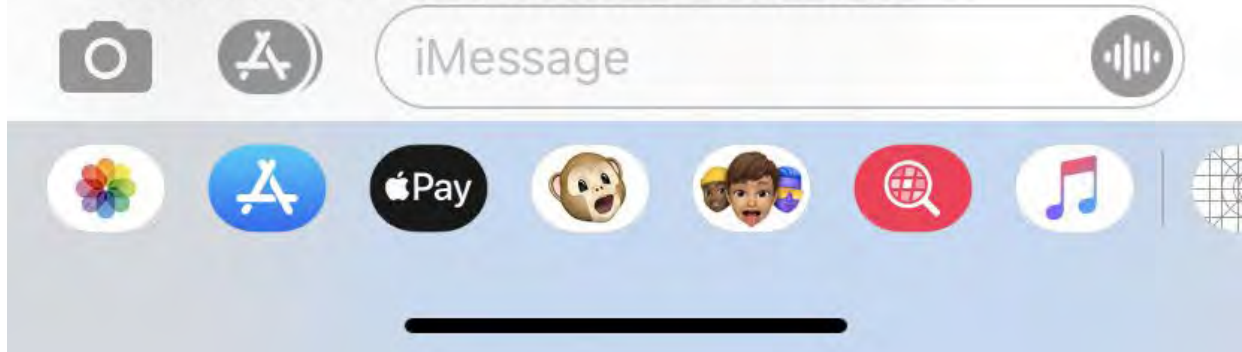




Perfect
Thank you
Any new information

Oct 8, 2018, 3:42 PM

Should be reviewing the report this



Oct 8, 2018, 3:42 PM

Should be reviewing the report this

week

Cool beans
I hope you are well, and the family

Thank you

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Oct 17, 2018, 10:06 AM

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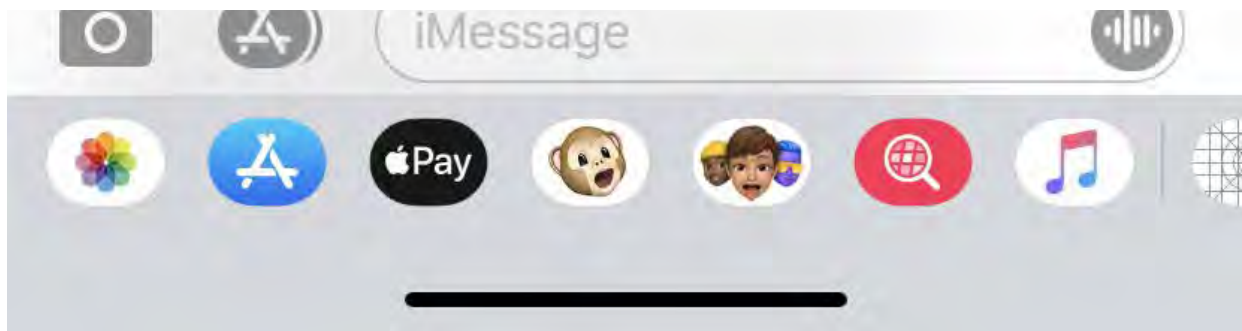
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Good. Thank you for asking

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Nov 6, 2018, 8:46 PM

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Thank you

Thanks 🙏 so much

Nov 8, 2018, 8:41 AM

Will you be at office today

Will you be at office today

Yes'm, now until 2:00 pm...

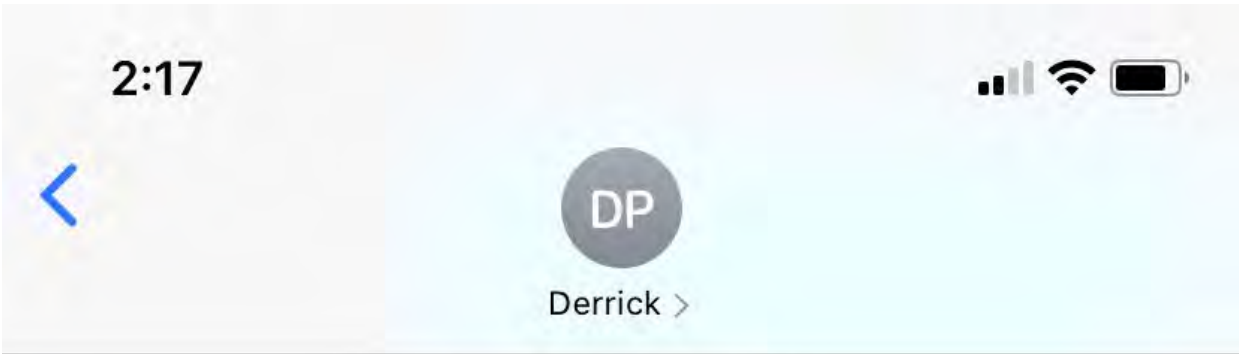
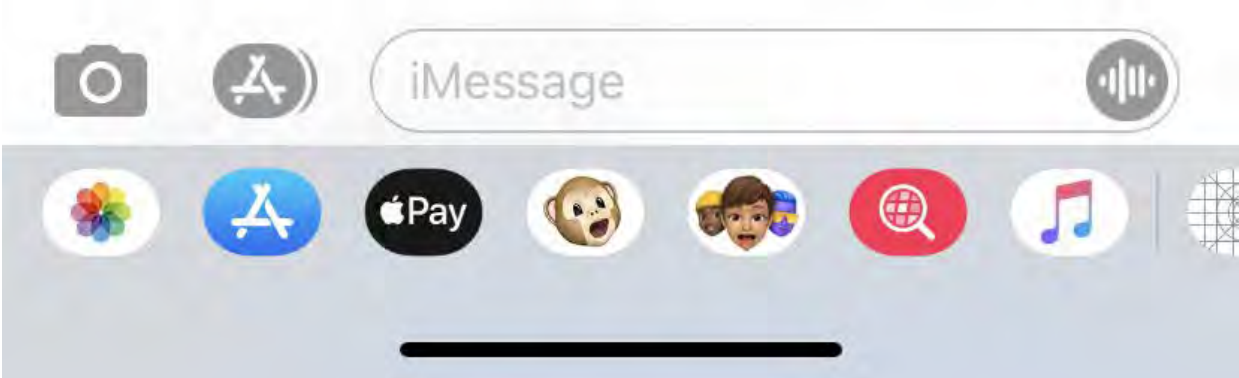
Kk

I'll head that way in 10

Kk

Nov 19, 2018, 2:27 PM

Passed my state exam for life insurance!!



Nov 19, 2018, 4:11 PM

I knew you could do it!!

I know you could do it..

Nov 28, 2018, 6:23 PM

Hi there. Hope the Thanksgiving break was great for you and the fam!!
Anything new with the Pathologist?

Hope the same for you. Path was on vacay so I'm going to catch up with him directly:)

Perfect
Thanks and ours was beautiful

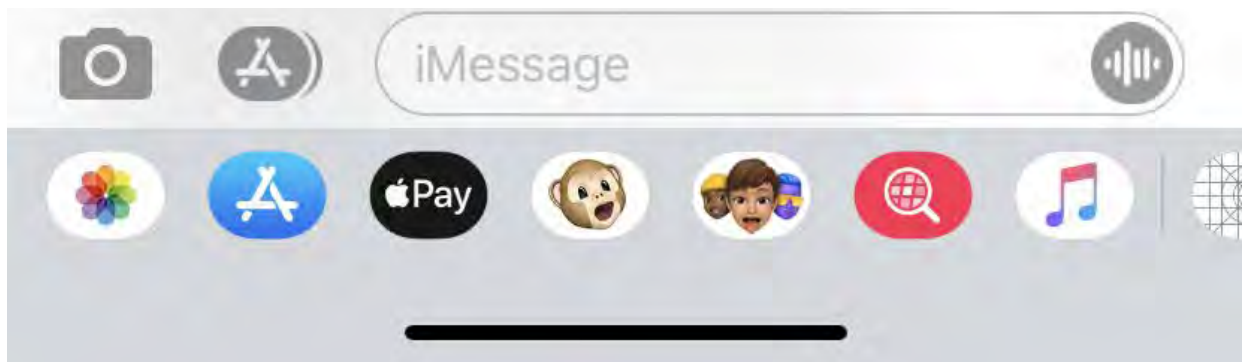
Dec 3, 2018, 9:39 AM

When do you think 🤔 Dr will be back from vacay

He is supposed to be back this week so I'll be talking to him this week:)

I was talking to Ricky he says hi

They just went back into their cells
He is back to Monday visits



That's good. Please tell him I said hey as well.

Dec 7, 2018, 10:30 AM

Did I just see you walk by my office?
I'm here

Lol no

Ok it was your doppelgänger then
haha

Dec 7, 2018, 1:28 PM

How late are you in the office till

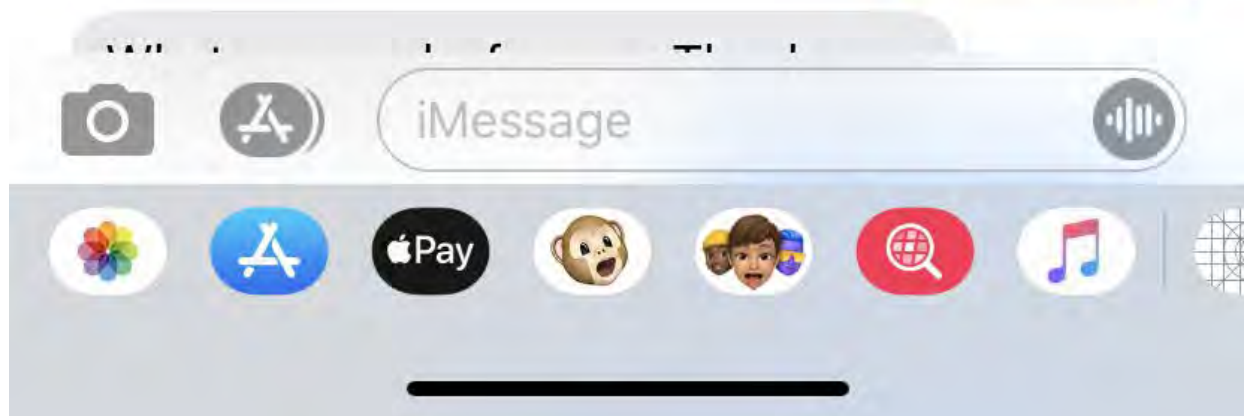
today

I'll be leaving within an hour

That will be to tight
To get to you and back to daughter
at 230p
Hmm

If I swing by tomorrow I'll give you a
heads up

God bless



2:17



Derrick >

Whatever works for you. Thank you.

I appreciate you Sir

Dec 14, 2018, 12:29 PM

Hi there
I haven't forgotten about you

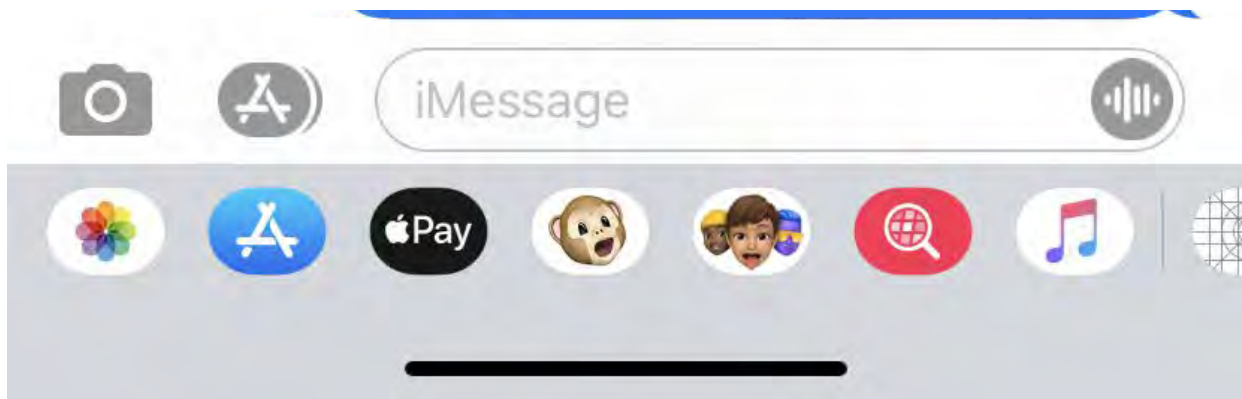
Just so you know
I have 500\$
My husband is helping me with the
rest but I need to get what I have to
you
I had a little side job in Arizona this
past Sunday -Tuesday

Anytime next week is fine, Tammi.
Thank you.

The struggle is real
You have any referrals that may
need life insurance
I have my license and am eager to
offer great investment products

Dec 19, 2018, 4:27 PM

He kids have half day
I'm bring check(s) tomorrow after
pick up



Dec 19, 2018, 9:08 PM

kk, thank you. I'll be in family court tomorrow morning, then have my twins Christmas pageant in the afternoon so i may not be around until late afternoon

Okay. Thank you

Dec 21, 2018, 7:06 AM

Morning
I hope I'm not waking you
When will you be at your office today

Dec 21, 2018, 8:14 AM

Morning

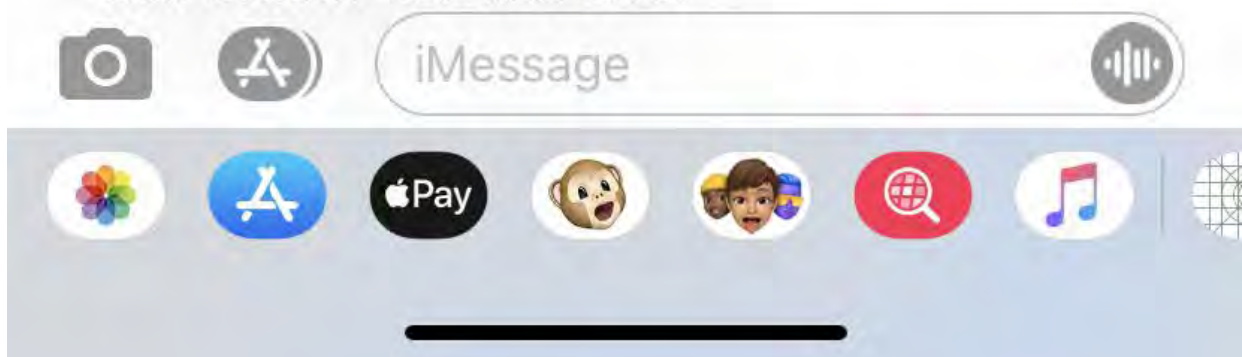
Morning here til 11:00 am

Perfect in route

I had to cancel first cashiers check
Lost it so yesterday I got it replaced
So I have all 1000\$
Thank heavens no loss

See you in about 30+-

that's good see you soon



2:17



Derrick >

See you in about 30+-

that's good, see you soon

Jan 22, 2019, 1:28 PM

Hi there

I've been waiting for my husband to give me green light on last 1000\$ He's recovering from holidays financially

My baby proofing is still in the "waiting for calls, prospecting stages" and I am an awful sales man...

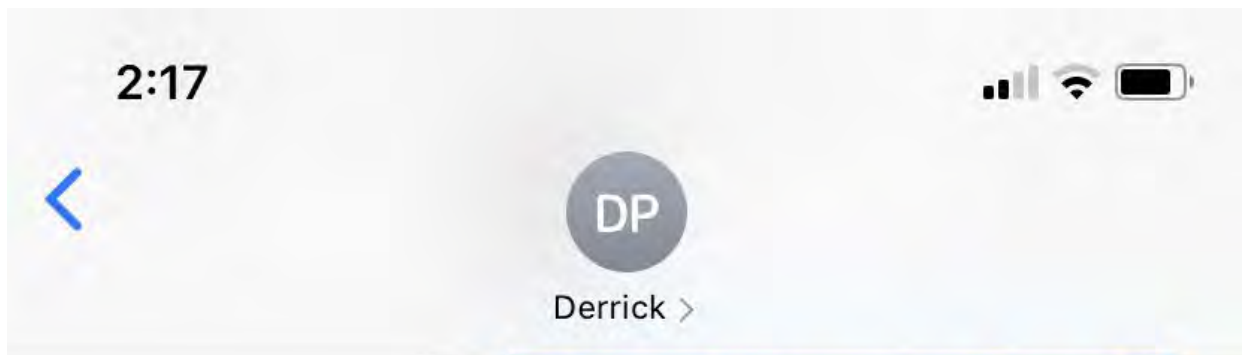
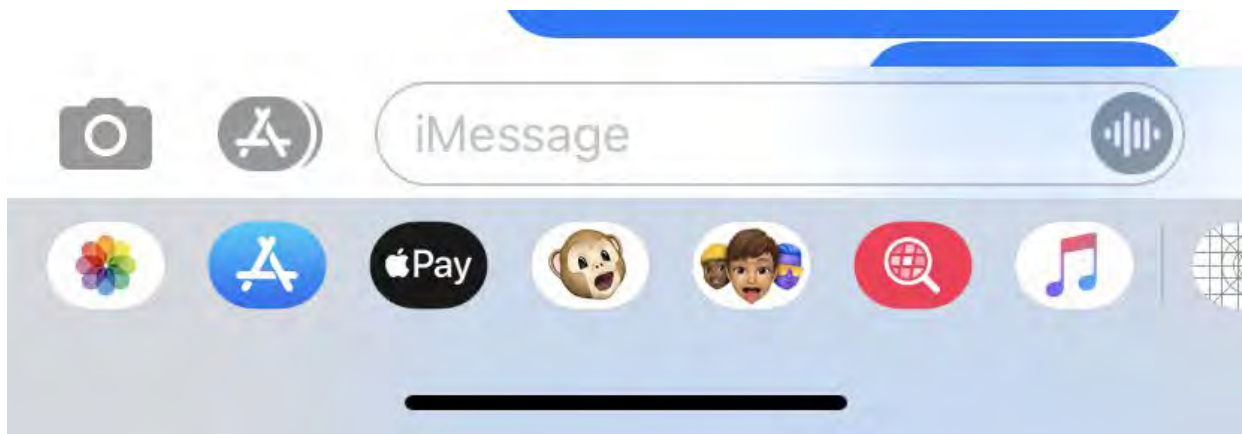
I'm so sorry I haven't reached out sooner but I'm thinking by next Thursday

Had that pathologist ever gotten back to you

Hey Ms. Tammy. No but I hadn't followed up as I intended to so I'll make sure I do it this week. Thank you



How's the new year been?



How's the new year been?

Thank you

Jan 25, 2019, 3:03 PM

Hi there anything back from that path guy

I'll be there Thursday to give you last payment

Jan 26, 2019, 9:26 AM

I had a week from hell so I wasn't able to talk to the path. I'll be calling

him on Monday

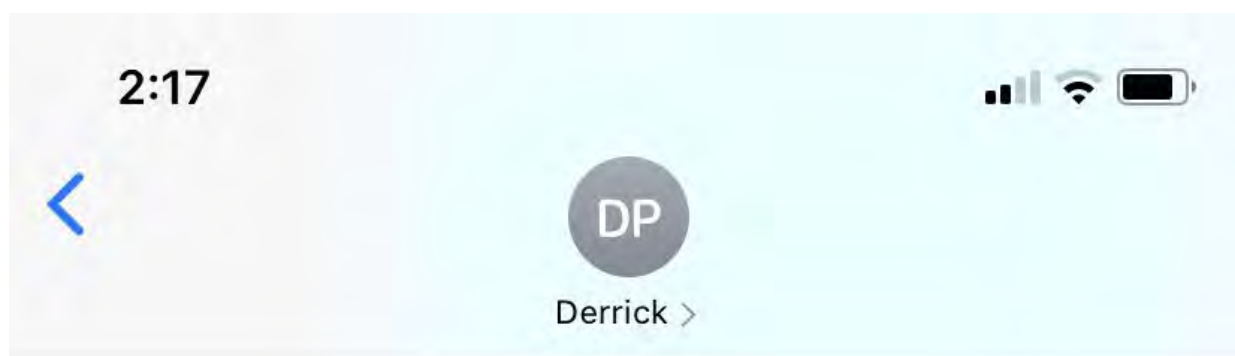
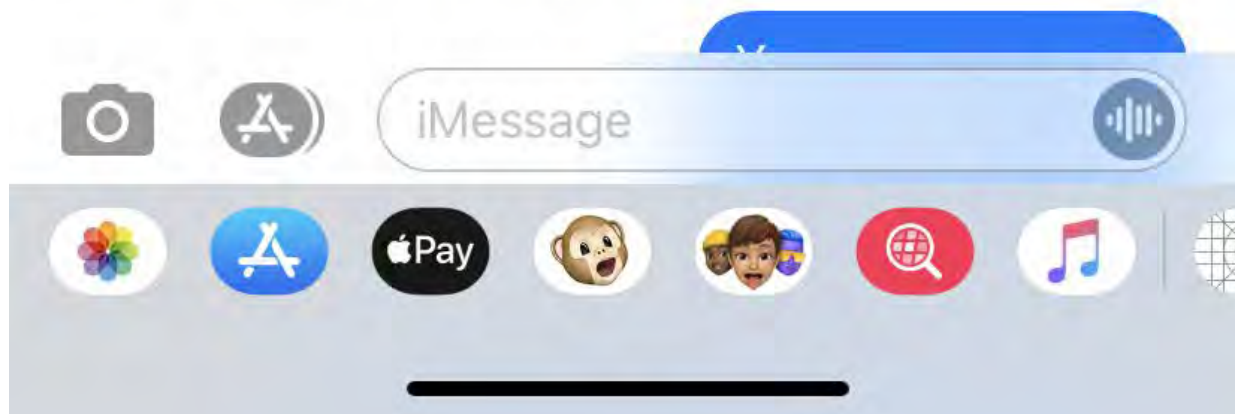
I can relate completely
I'll reach out Tuesday

Jan 30, 2019, 1:04 PM

Hi there
Anything from pathologist?
What time will you be in office
tomorrow

Jan 30, 2019, 2:22 PM

8am-2pm, working on it...



Jan 30, 2019, 2:22 PM

8am-2pm, working on it...

Yay
Thanks 🙏
See you tomorrow

Jan 31, 2019, 12:31 PM

Hi Derrick. I am on the 15 coming to your office. I should be there in about 10 minutes max.

Feb 1, 2019, 9:51 AM

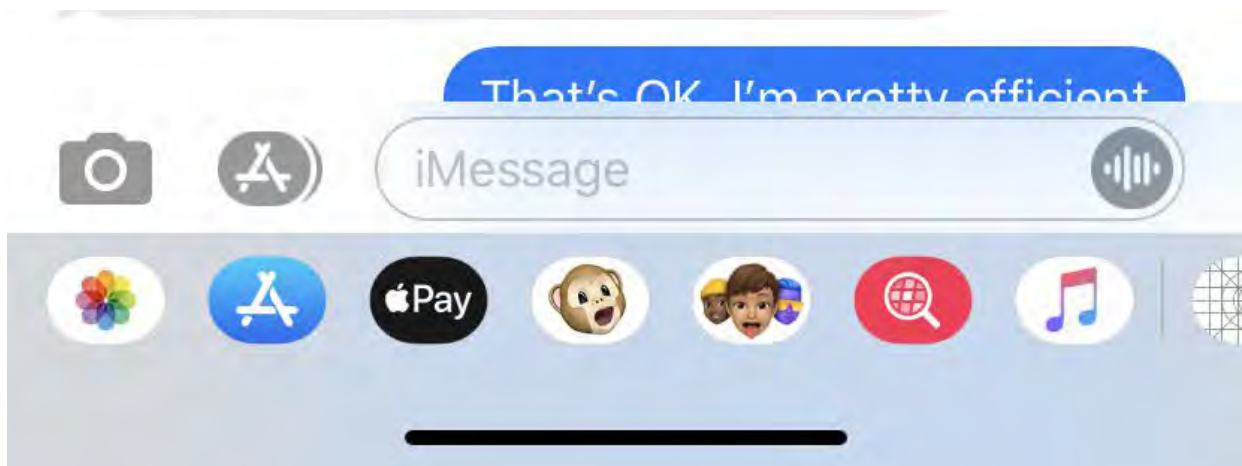
You in office

Yes but just until 11:15 am:)

Oh. I guess it's gonna have to be the fastest clean in history. I am in route should be there in about 15 minutes. Which will give me about half an hour to bang out the house.

Dust. Bathroom. Swiffer. And mop.

Sorry, my twins only have a half-day today...



Sent from my iPhone

From: [Tammi Doran](#)
To: [Louise Watson](#)
Subject: 41-50 of 80
Date: Friday, August 27, 2021 1:54:21 PM
Attachments: [IMG_2024.PNG](#)
[IMG_2025.PNG](#)
[IMG_2026.PNG](#)
[IMG_2027.PNG](#)
[IMG_2028.PNG](#)
[IMG_2029.PNG](#)
[IMG_2030.PNG](#)
[IMG_2031.PNG](#)
[IMG_2032.PNG](#)
[IMG_2033.PNG](#)
[IMG_2034.PNG](#)



Sorry, my twins only have a half-day today...

That's OK. I'm pretty efficient

Feb 1, 2019, 2:17 PM

Thanks for allowing me to repay the tardiness by cleaning a bit.

They are painting now



Feb 22, 2019, 2:25 PM

Have you spoke to Ricky

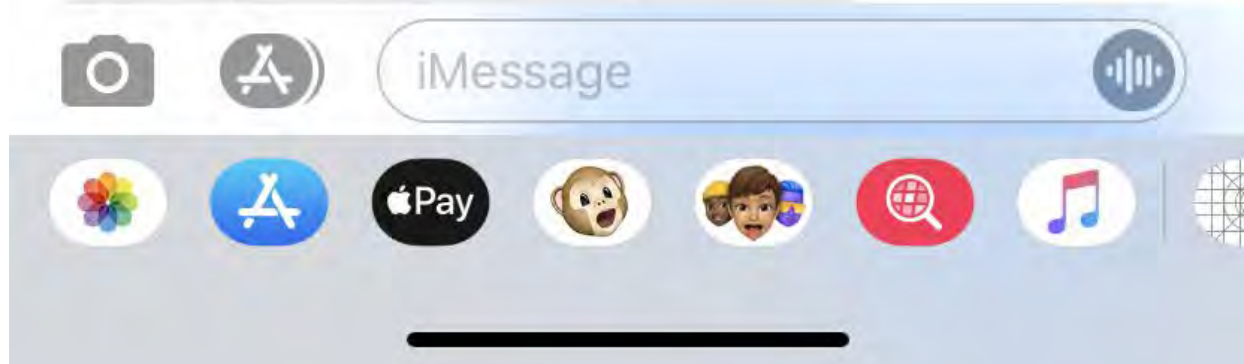
Yes on Tuesday I believe it was

Feb 25, 2019, 1:09 PM

Do you have any time in the office
on Wednesday that you would be
available

Sir?

Available between 8:00 am and
2:00 pm on Wednesday



2:18



Derrick >

Available between 8:00 am and
2:00 pm on Wednesday

Okay

Can you pencil me in at 10

Thanks 🙏

Yes'm

Feb 27, 2019, 9:23 AM

See you soon I'm grabbing coffee with Grampa and my husband around the corner

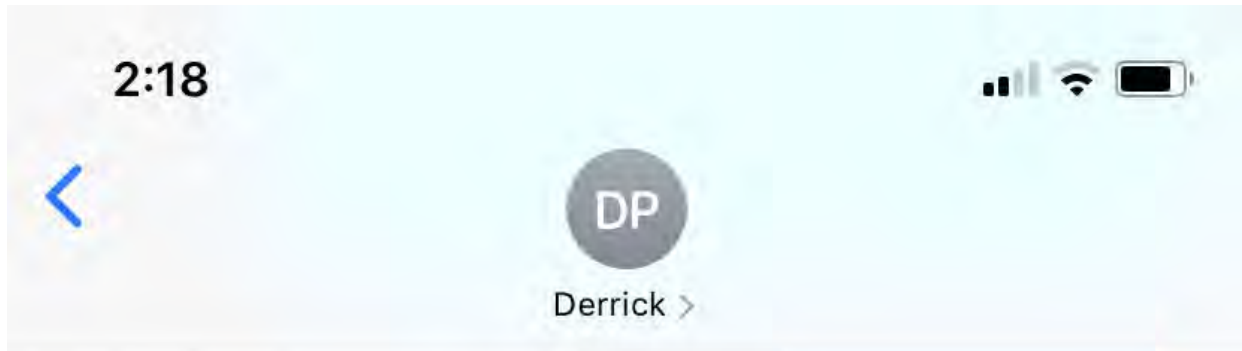
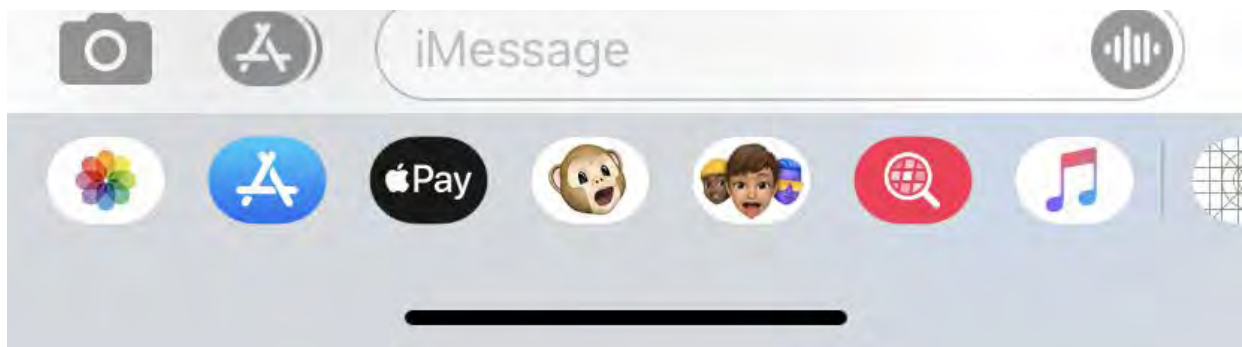
Mar 27, 2019, 10:34 AM

Hi Derrick, Tammi here
Have you sent Ricky that information we talked about yet? He was trying to get ahold of you because he has not received it yet. Let me know what's up. And what's up with that other stuff

Mar 27, 2019, 3:56 PM

I hope all is well

Hey Tammi. I thought we'd sent it out but i guess we didn't so it'll go



I hope all is well

Hey Tammi. I thought we'd sent it out but i guess we didn't so it'll go out by Friday. Still working on the "other stuff."

Thank you

Apr 3, 2019, 7:45 PM

Did you send out his information

Apr 4, 2019, 9:12 AM

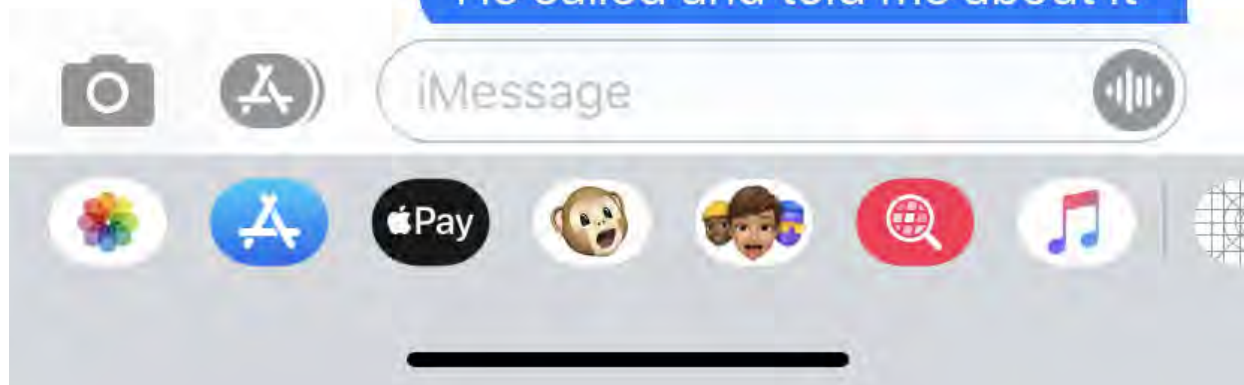
Hey Tammi. Not yet. Been having computer issues at the office where

I can't access my scanned documents (including Ricky's paperwork) so I'm going to access it another way so i can send it out tomorrow. Thank you.

Okay 🙌 thank you
Hope all is well with you and the family.

And u as well. Btw, i just talked to Ricky and updated him:)

He called and told me about it



2:18



Derrick >

He called and told me about it

kk

Apr 8, 2019, 8:02 AM

GM Tammi. Mailed the paperwork to Ricky on Saturday

Thank you mucho

GM
Stand for great mom
Lol

Apr 8, 2019, 9:27 AM

Lawd have mercy!! Haha!!

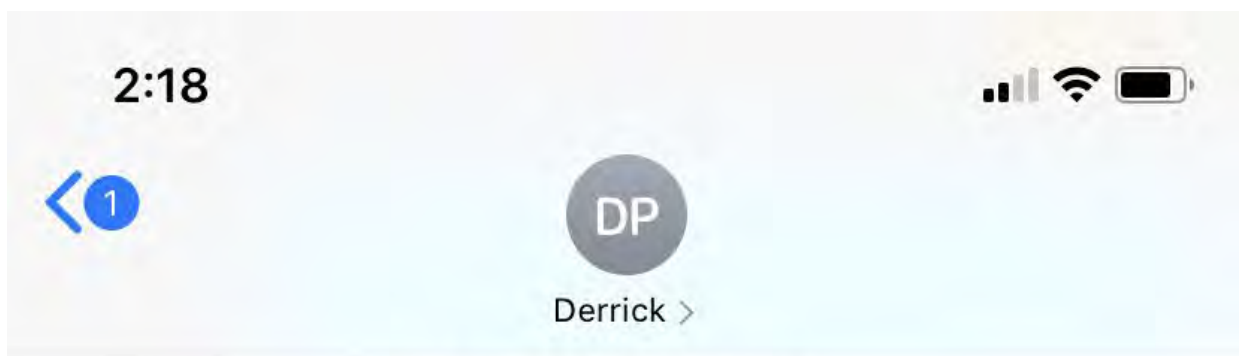
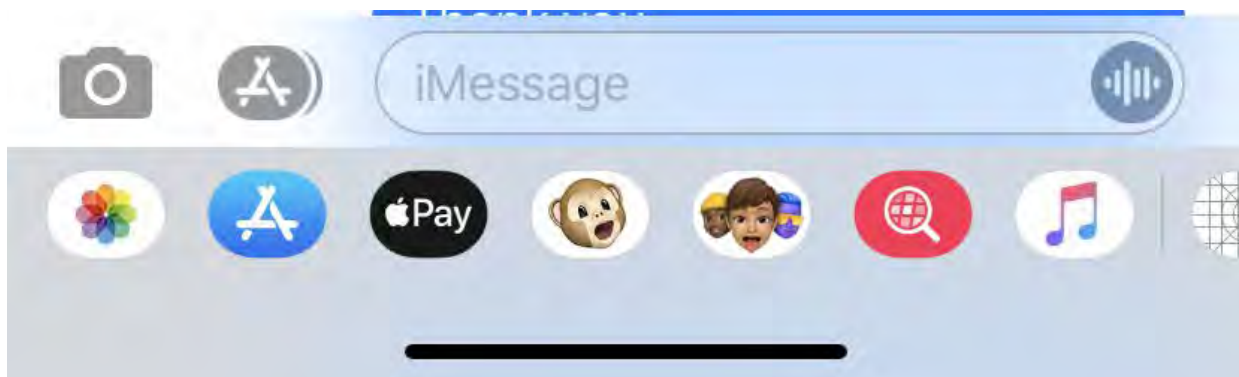


Apr 21, 2019, 10:37 AM

Happy Easter 🐰 to you and the fam

Apr 21, 2019, 12:23 PM

And a very Happy Easter to u and yours as well, Ms. Tammi!



Apr 21, 2019, 12:23 PM

And a very Happy Easter to u and yours as well, Ms. Tammi!

Thank you church 🏰 service was amazing

Apr 22, 2019, 11:06 AM

My son will try to call you today or tomorrow.
Try to answer his call.
Thanks mucho!

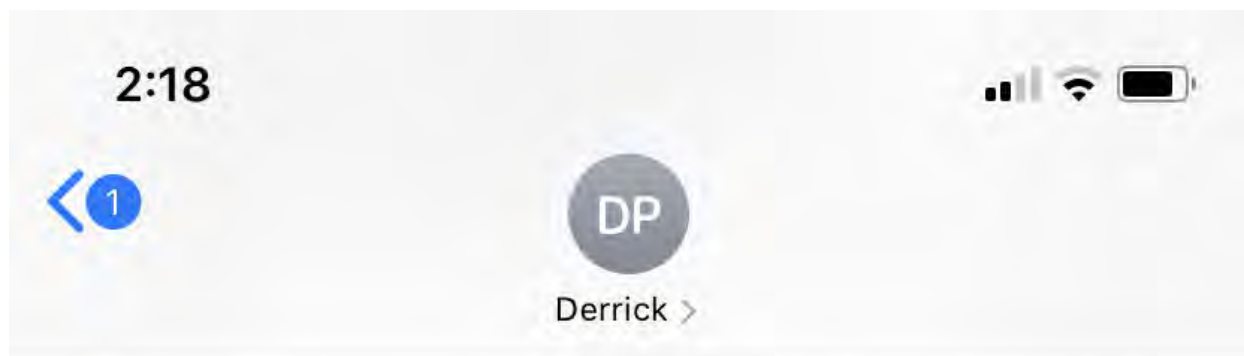
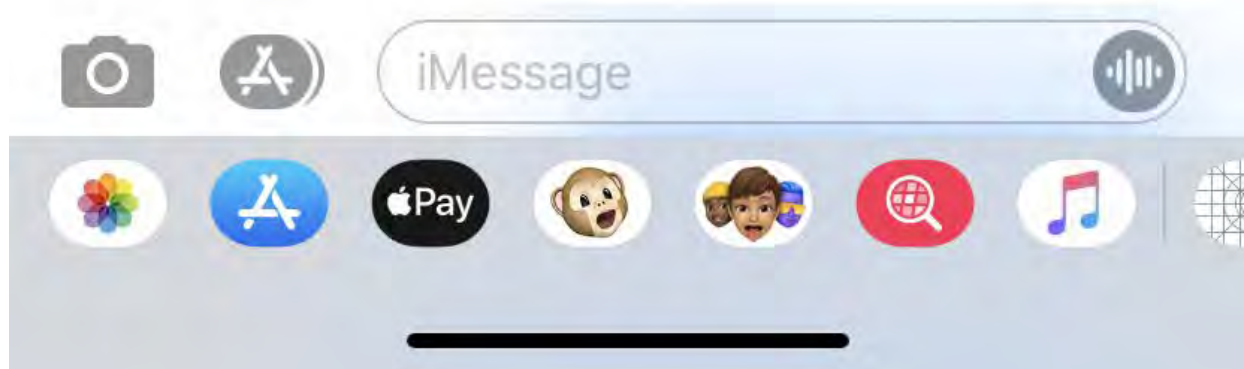
May 1, 2019, 9:09 AM

Good morning Derrick, I am

Good morning Derrick. I am wondering where we are with all the stuff for court. I know that Ricky has been trying to get a hold of you and is not getting an answer. Can you just kind of brief me on what's happening.

May 2, 2019, 8:27 PM

Hey Tammi. My office suffered major water damage in March which hasn't been fixed yet so unfortunately it's going to be awhile longer...



May 3, 2019, 7:08 AM

I'm very sad to hear that

May 3, 2019, 10:41 AM

Is there any reason why you don't speak to Ricky  when he calls

I saw that he just called. I'm at my twins walk a thon right now and am not able to talk. It's very rare that I'm able to take a call as I'm usually in court, meetings or with clients, etc.

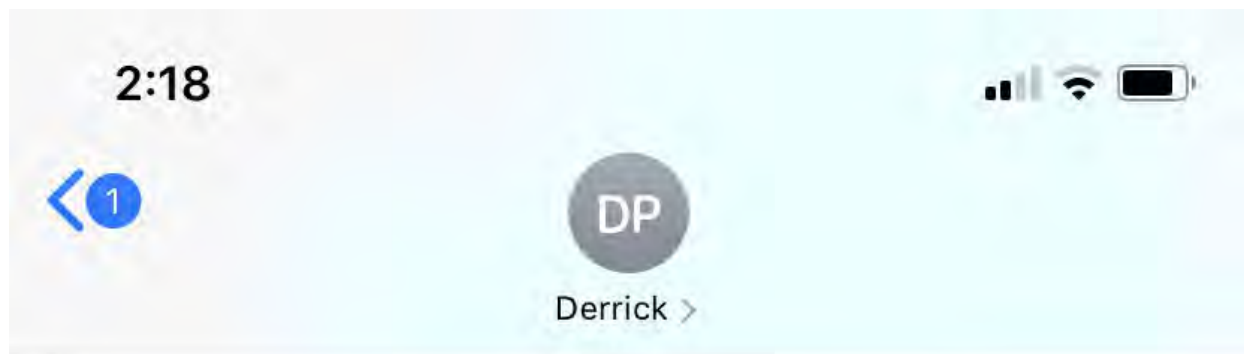
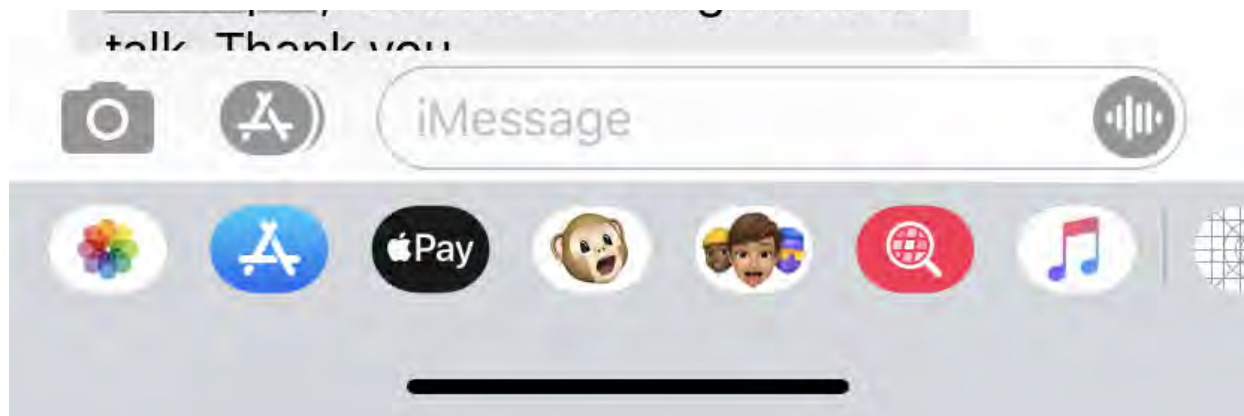
If I knew what time he was going to call, i could set aside that time

Can he call between 1 & 3

And what day was best

Let me know so I can have him call when the time is good for you

Yes'm, next week i pick up my twins every afternoon at 2:30pm so as long as Ricky calls between 1:00pm - 2:00pm, we'll have enough time to



Yes'm, next week i pick up my twins every afternoon at 2:30pm so as long as Ricky calls between 1:00pm - 2:00pm, we'll have enough time to talk. Thank you.

May 6, 2019, 11:39 AM

Hey Tammi. I just realized I have a teleconference with an RJ reporter scheduled for 1:00 pm today so I won't be available if Ricky calls today. Otherwise, I'll be generally available the rest of the week between 1:00 and 2:00 pm. Thank you.

Copy

Jun 7, 2019, 8:15 PM

Hi
Ricky's phone service changed
We are trying to have him be able to
call you.

Jun 8, 2019, 12:06 PM

How are things coming along

Jun 8, 2019, 1:30 PM

Cloudy, office still having work done



2:18



Derrick >

Jun 8, 2019, 12:06 PM

How are things coming along

Jun 8, 2019, 1:30 PM

Slowly, office still having work done then i had to get an emergency root canal yesterday after having a toothache from hell...should be back on track next week...do u know anyone in Summerlin?

Do I know anyone in Summerlin

No

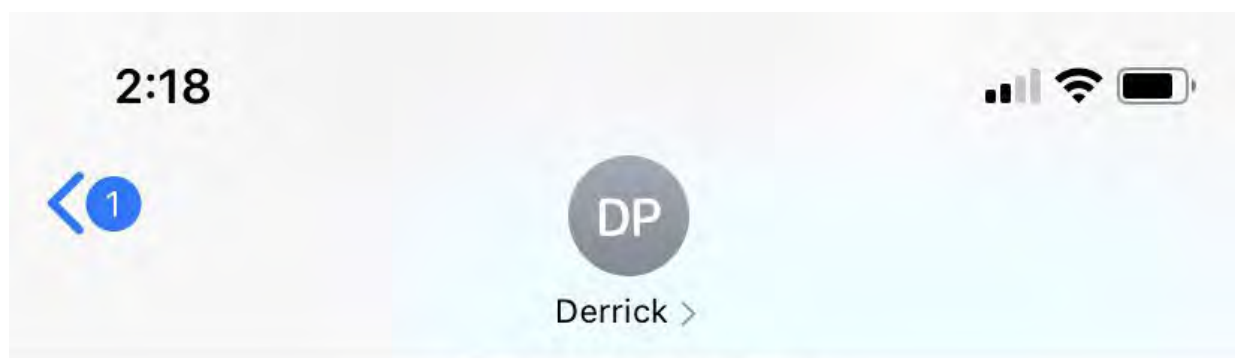
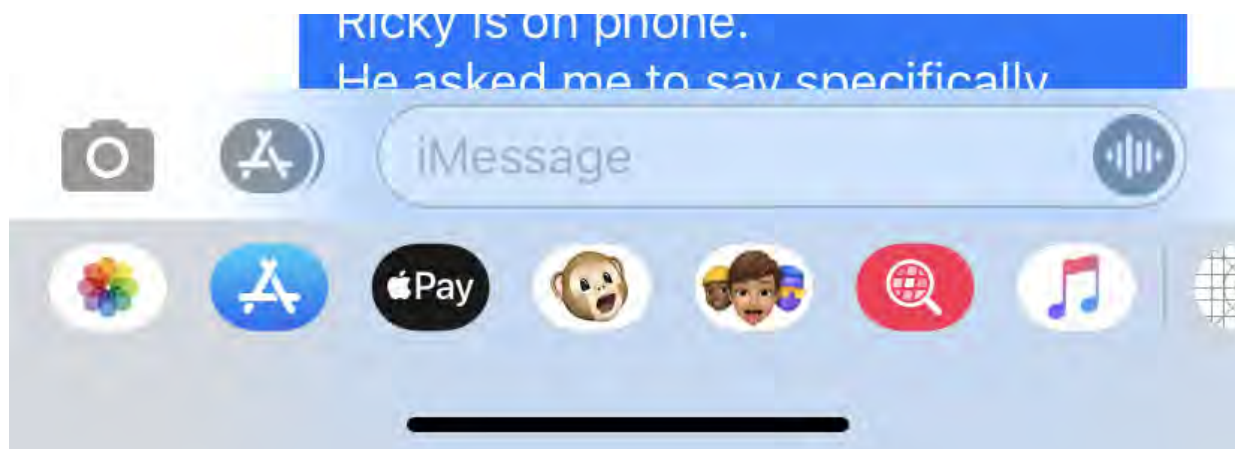
Anyone who does root canals?

I had my root canal done already...I'm running for LV City Council Ward 2, election is on June 11th (Tuesday) so i wanted to see if u knew any Summerlin peeps who could consider voting for me:)

I go a lot of work in Summerlin

Jun 9, 2019, 10:27 AM

Picture is on phone



Jun 9, 2019, 10:27 AM

Ricky is on phone.
He asked me to say specifically...
You said you would be ready with
something for Beginning part of
June. Where exactly are we at now.

And
Getting council Ward 2, would
getting that be influential in Ricky's
case?

Jun 11, 2019, 1:53 PM

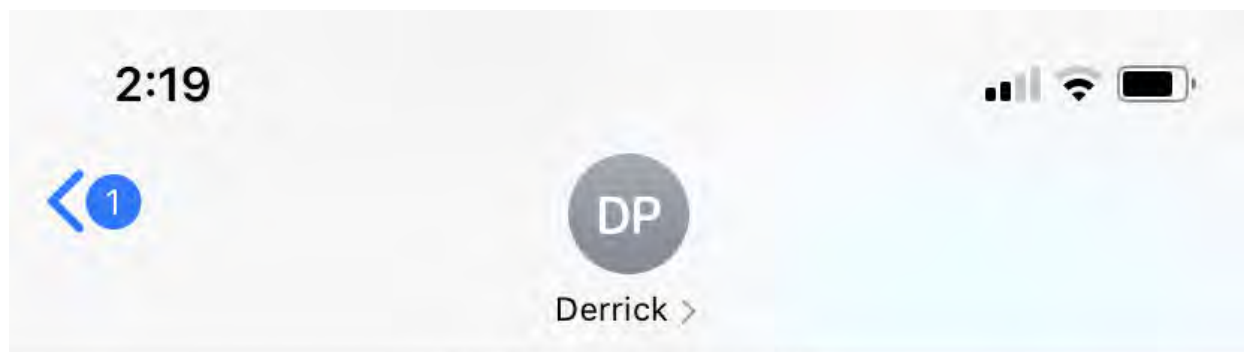
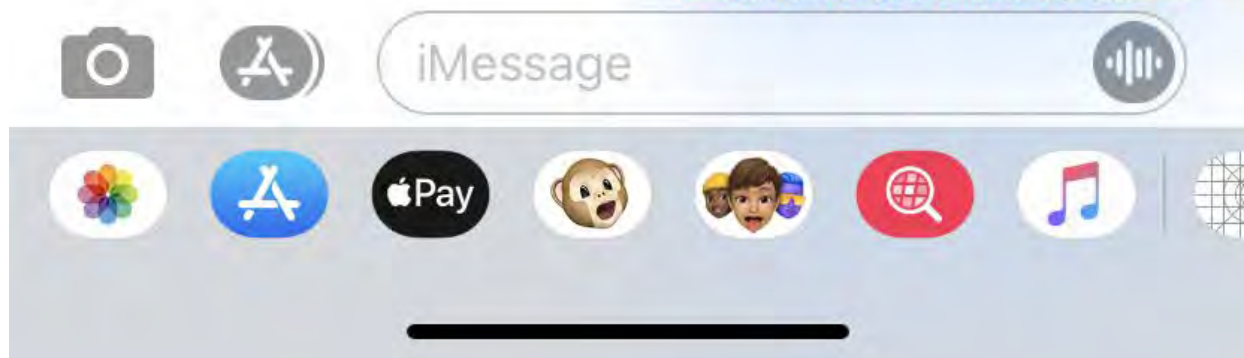
I hope you are awarded the seat in Ward 2

Appreciate it Tammi. We'll know later tonight:) I've been putting Ricky's motion together over the last few weeks, will have a draft ready by next Friday

Thank you 🙏

Jun 11, 2019, 8:04 PM

When you find out



Jun 11, 2019, 8:04 PM

When you find out

Jun 16, 2019, 12:35 PM

Happy Fathers Day

Jun 25, 2019, 1:09 PM

Any news

Jun 25, 2019, 4:13 PM

Yesterday, the United States Supreme Court held that a federal weapons enhancement penalty was unconstitutional so I'm busy researching whether it'll help Ricky's case. I'll keep u posted:)

The name of the case is U.S. v. Davis.

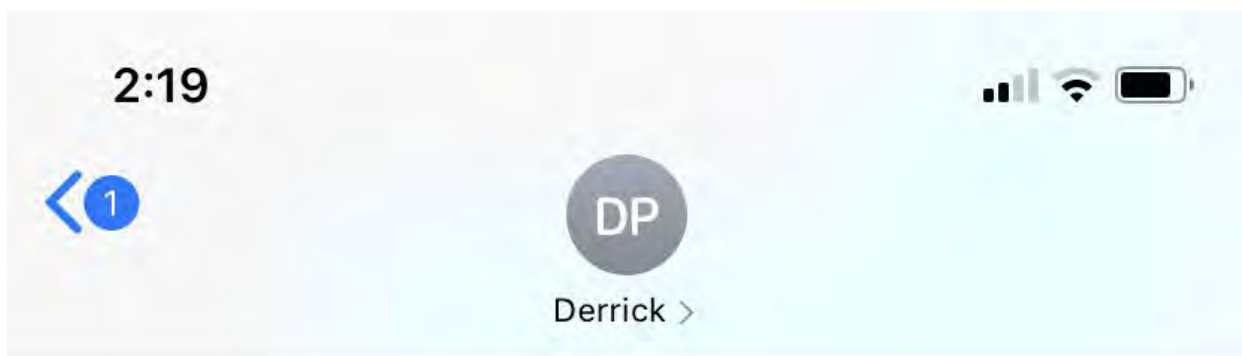
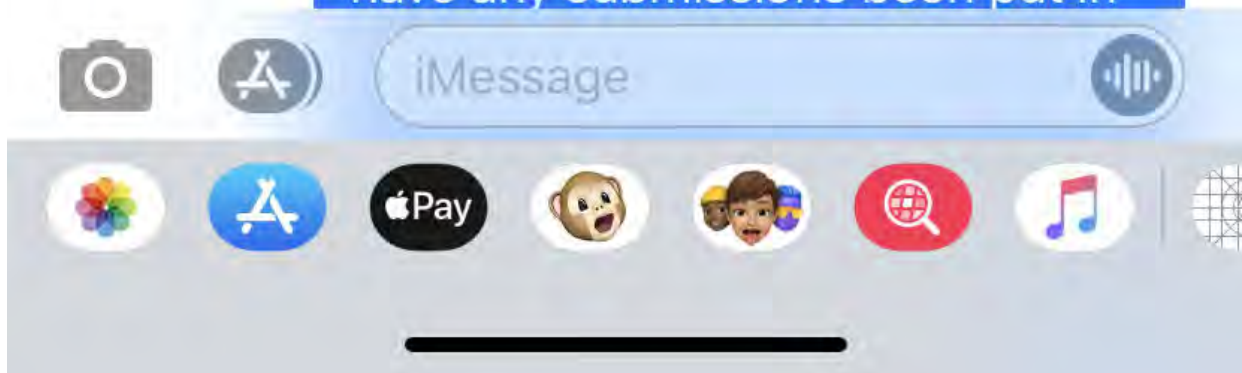
Seriously!!

I want to get hopes up but I'll wait

Jun 26, 2019, 3:51 PM

That's good news, I told him about

it. He said it would be cool.
have any submissions been put in



Jun 26, 2019, 3:51 PM

That's good news, I told him about
it. He said it would be cool.
have any submissions been put in
that you and Ricky spoke of?

Jun 27, 2019, 6:28 PM

Sir?

I knew the Supreme Court was
issuing its decision this month so i
was waiting for that to see if i could

incorporate it into our motion.
Should be ready to file by the week
of July 8th. Thank you.

Oh
Okay, I'll let Mijo know.

Thank you 🙏

Jul 2, 2019, 1:51 PM



Sent from my iPhone

From: [Tammi Doran](#)
To: [Louise Watson](#)
Subject: 51-60 of 80
Date: Friday, August 27, 2021 1:55:36 PM
Attachments: [IMG_2036.PNG](#)
[IMG_2037.PNG](#)
[IMG_2038.PNG](#)
[IMG_2039.PNG](#)
[IMG_2040.PNG](#)
[IMG_2041.PNG](#)
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[IMG_2043.PNG](#)
[IMG_2044.PNG](#)
[IMG_2045.PNG](#)



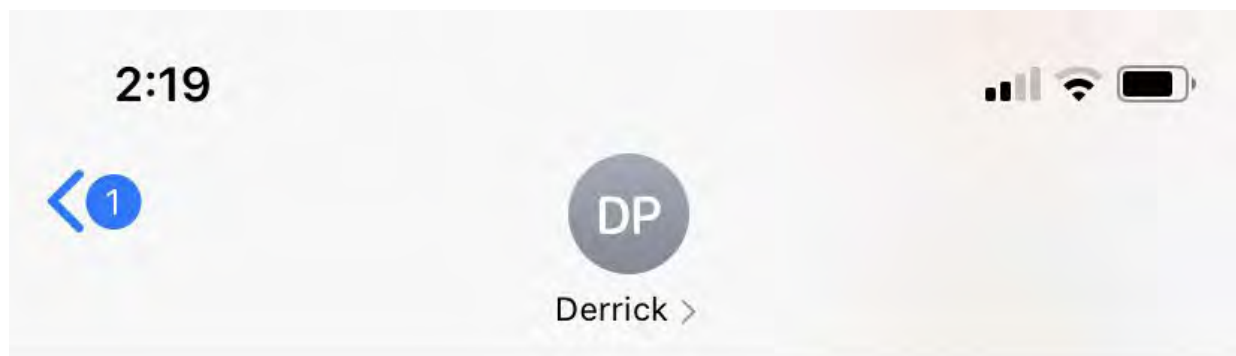
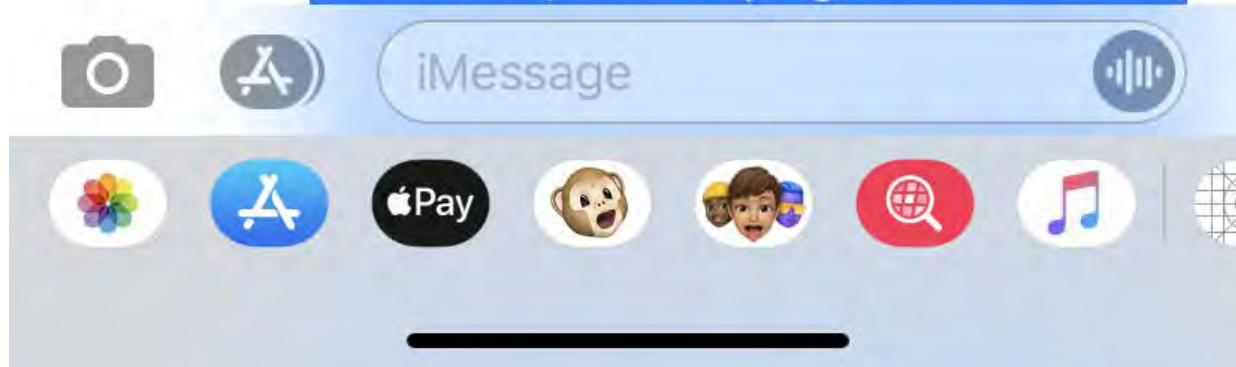


Many Thanks!



Aug 2, 2019, 8:10 PM

Hello there
Can you give me any news
Ricky saws you'd have something
written up a Friday ago and has



Aug 2, 2019, 8:10 PM

Hello there

Hello there

Can you give me any news
Ricky saws you'd have something
written up a Friday ago and has
been trying to reach you to see if it
was completed or not.

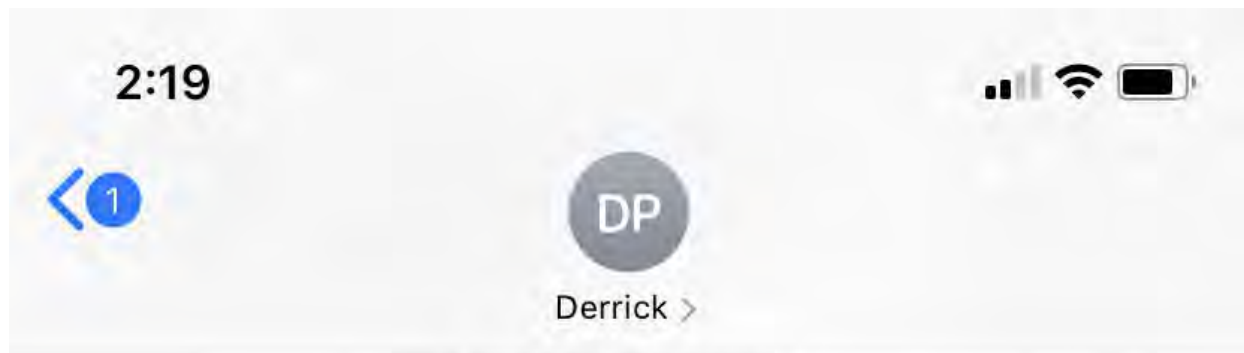
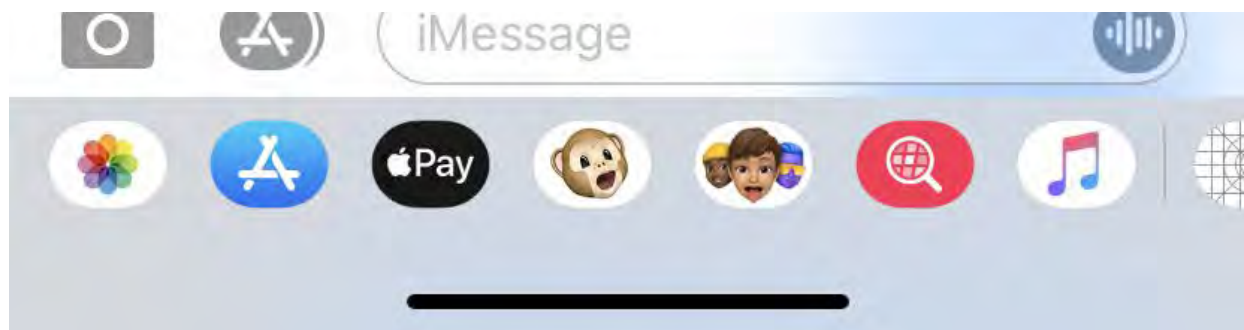
Aug 6, 2019, 6:09 AM

Sir, I hope you are well.
You must be busy or something.
When is a good time for Ricky to call
since it appears you don't seem to
give me information to pass on to
the boy. He has tried to call several
times and he isn't getting through.
So I thought if anything else, a time
to call for me to relay to him would
be request you could answer for
me.
Thanks
Sorry to bother you again

Aug 6, 2019, 2:42 PM

Hello Ms. T. Will be back in town
tomorrow. Ricky can call between
1-2 pm. Thank you.

Aug 6, 2019, 3:53 PM



Aug 6, 2019, 3:53 PM

Got it
Thanks 🙏

Aug 10, 2019, 12:41 PM

He has tried to contact you, are you okay?

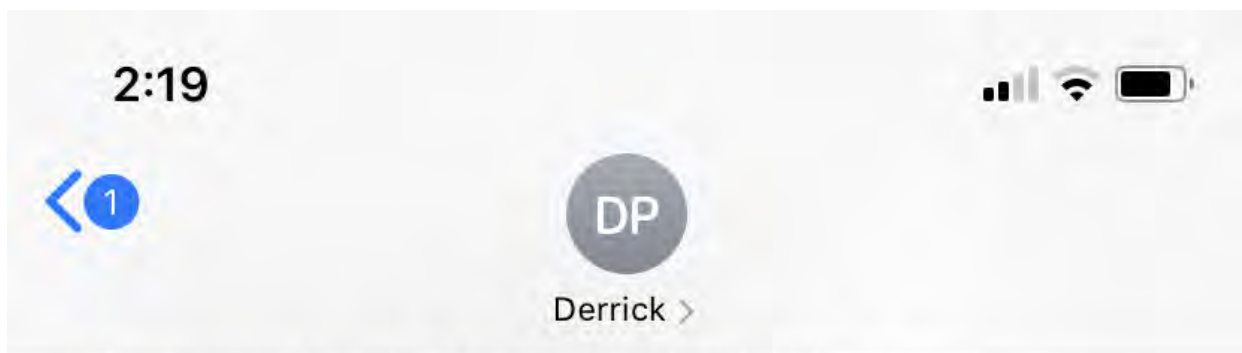
Aug 12, 2019, 8:52 AM

Hey Ms. T. I'm okay, thank you for asking. As I indicated last week, I set aside time for Ricky's calls between 1 and 2 pm on Wed, Thurs, and Fri. Unfortunately, we weren't able to connect during those times. I will do the same this week

I will do the same this week
between 1-2 pm Wed, Thurs and Fri.
I'm still working on Ricky's motion
and researching that recent U.S.
Supreme Court case we discussed.
When complete, I will forward
copies to Ricky. Thank you.

Text Message
Aug 12, 2019, 11:07 AM

Hey Ms. T. I'm okay, thank you for
asking. As I indicated last week, I
set aside time for Ricky's calls
between 1 and 2 pm on Wed, Thurs,
and Fri. Unfortunately, we weren't



between 1 and 2 pm on Wed, Thurs,
and Fri. Unfortunately, we weren't
able to connect during those times.

able to connect during those times.
I will do the same this week
between 1-2 pm Wed, Thurs and Fri.
I'm still working on Ricky's motion
and researching that recent U.S.
Supreme Court case we discussed.
When complete, I will forward
copies to Ricky. Thank you.

iMessage

Thank you 🙏 we know things take
time. I'll let him know to call those
days only between 1-2.
I know your busy and surely with
school starting up and all, I wish you
and your family only the best.
Ricky is doing well , 27 this month
well in 4 days actually.
I just left visiting him.

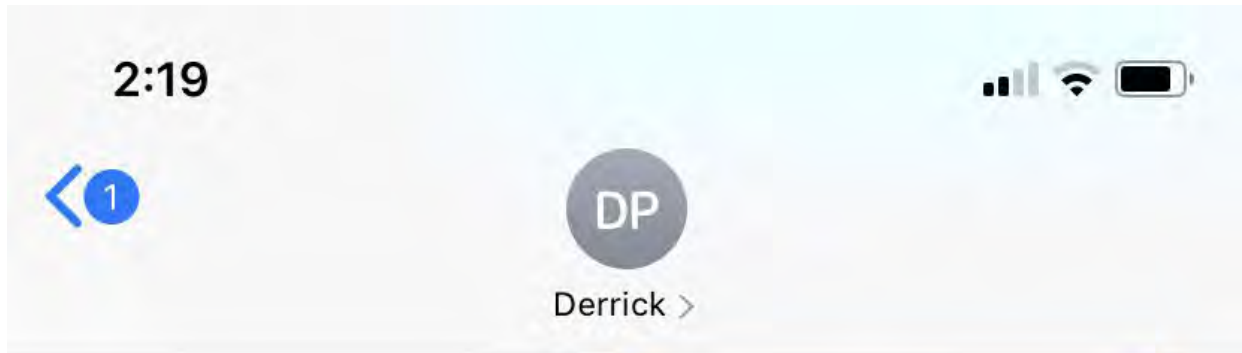
Aug 15, 2019, 12:43 PM

Ricky will call you today 1-2

Aug 15, 2019, 4:59 PM

I had a nice long chat with Ricky

👍 thank you so much



👍 thank you so much

Sep 10, 2019, 1:57 PM

Hi there
Has my son been able to talk to
you?

I told him Wednesday Thursday
Friday's

Sep 11, 2019, 2:27 PM

Hey Ms. T. Next Wednesday
afternoon works. Thank you.

Wed, Oct 2, 3:14 PM

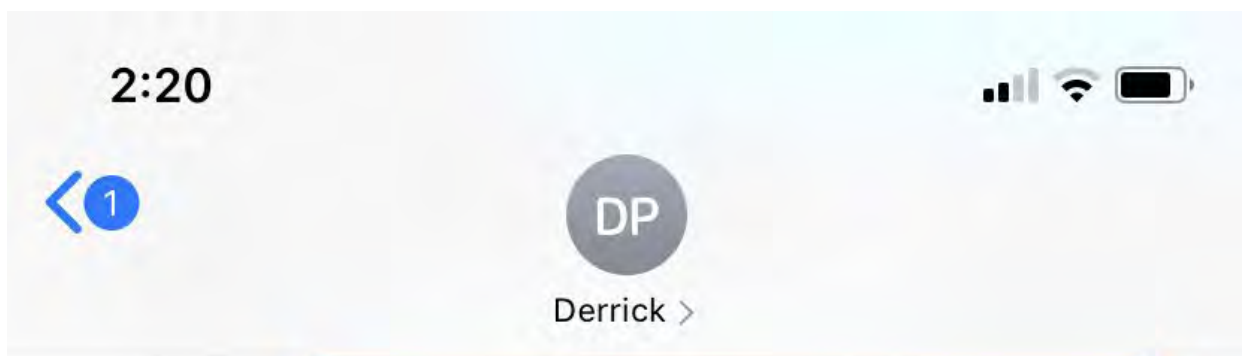
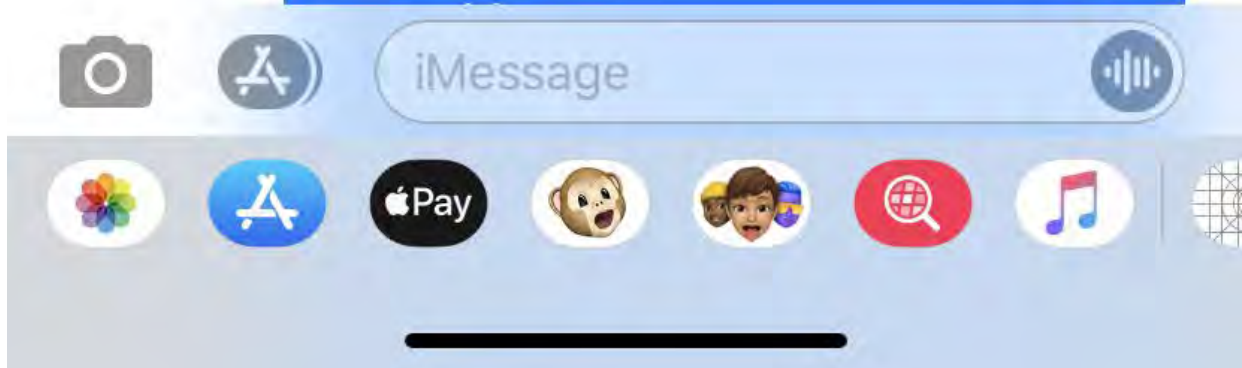
Hi there
Did you get my message

Thu, Oct 3, 6:01 PM

Hi there
Did you get my message

Yes i did. Thank you. Is there a
specific time next week you were
looking at?

Oh!!
I was beginning to worry about just



Oh!!
I was beginning to worry about just

I was beginning to worry about just everything.
Can I have Mijo call you? We have both been trying to touch base. Starting to think you were done with us.
Next week Wednesday? Or you tell me when he can call

Yes'm between 1-2 pm next Wednesday is good. Thank you.

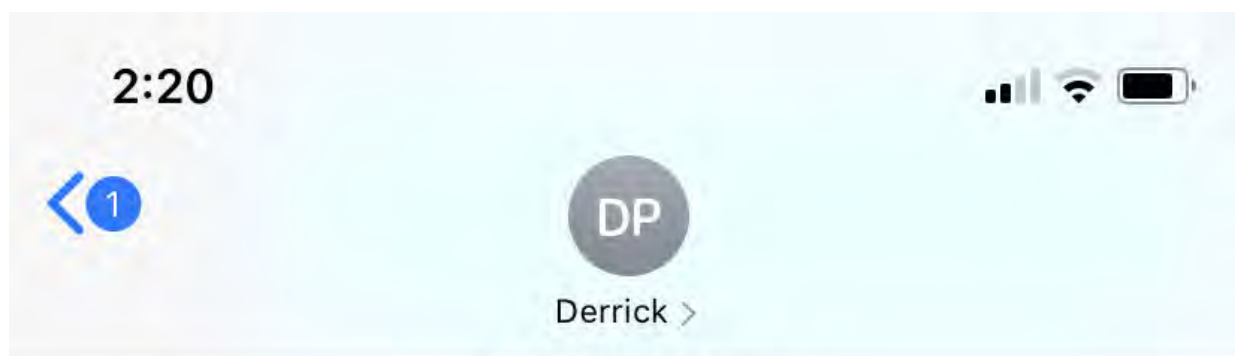
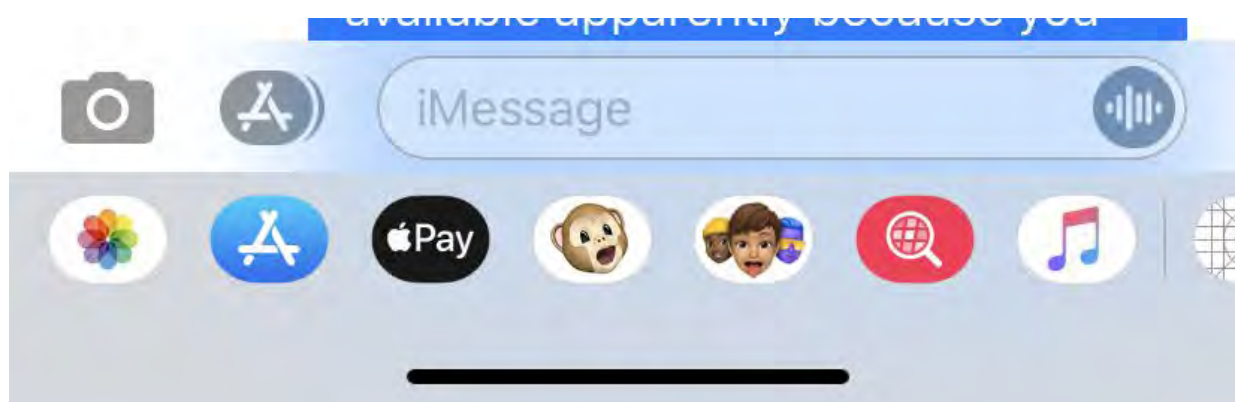
I will let him know that we text and that Wednesday is a good to call day between 1-2
Why is it that you are so hard to get a hold of? Has anything happened with the case stuff at all since our last actual conversation?

Wed, Oct 9, 10:47 AM

Just talked to Ricky
He will be calling you today between 1 and 2

Fri, Oct 11, 4:53 PM

So Ricky called you on Wednesday as you instructed. You were not available apparently because you



Fri, Oct 11, 4:53 PM

So Ricky called you on Wednesday as you instructed. You were not available apparently because you didn't answer for the three times that he called. When should I have him try to call you again that you would be available?

Fri, Oct 11, 8:20 PM

Hey Tammi. I know Ricky probably cannot control when he calls out but he didn't call me between 1-2pm on Wednesday which is the time I specifically set aside to wait for him. He called me for 4 days

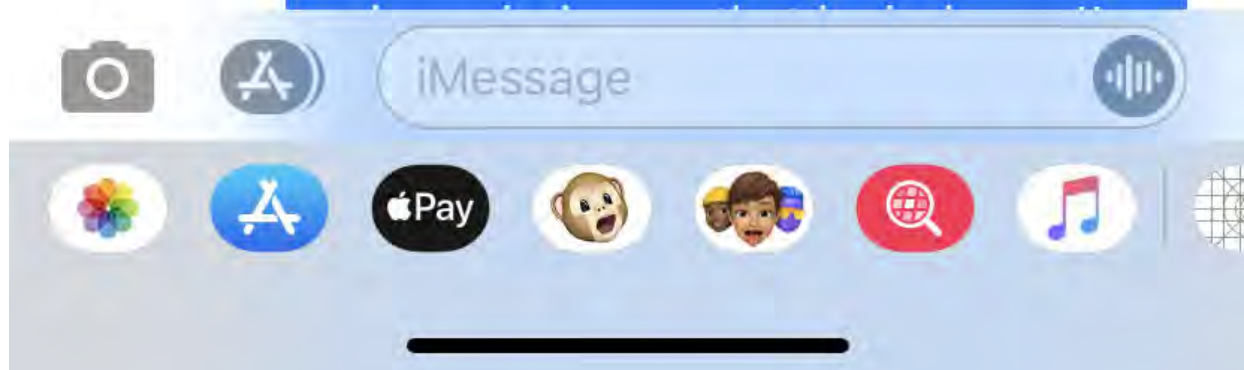
for his call (he called before 1pm and close to 3pm). Unfortunately, I wasn't available at those times. I'll set aside 2 hours next Friday between noon and 2pm for Ricky's call. Thank you and have a nice weekend.

Perfect

You too, hope family is well. God bless

Tue, Oct 22, 9:32 AM

I'm sure Ricky didn't call due to the



2:20



Derrick >

Tue, Oct 22, 9:32 AM

I'm sure Ricky didn't call due to the prisons being on that lock down. I'm sorry about that.

He was able to call yesterday but not sure when he will be able to call next.

When they are freed up a bit and He can call I'll ask for a new time kk
Hope all is well

Tue, Oct 22, 2:22 PM

Hello there

Tue, Oct 22, 6:46 PM

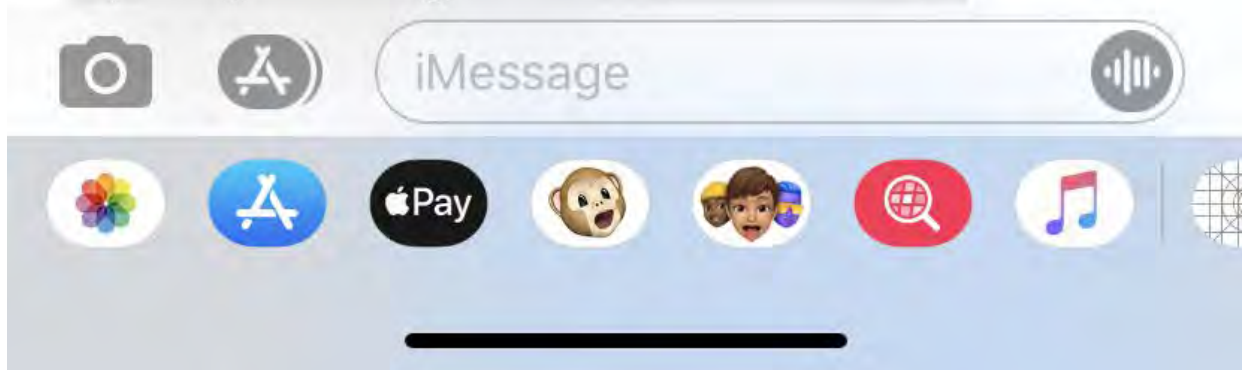
Hey, no worries. I figured it was something like that. My next availability for a call is 10.30 (next Wed) between 1:00-2:00 pm. Thank you.

So I talk to him today and he has class on Wednesdays between one and three. Do you have something available or maybe Thursday?

Wed, Oct 23, 7:56 AM

Ok, understood. I can do next Friday

(11.01) morning between 10:00 am -



2:20



Derrick >

Wed, Oct 23, 7:56 AM

Ok, understood. I can do next Friday
(11.01) morning between 10:00 am -
11:30 am if that works.

I will share that with him.
When he confirms I will let you
know.
Thank you mucho

Thu, Oct 24, 8:57 AM

Confirmed

Thu, Oct 24, 2:16 PM

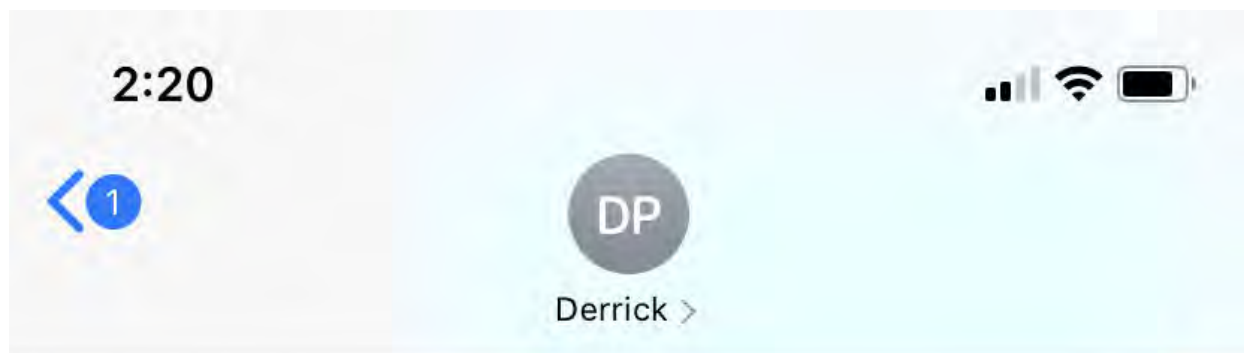
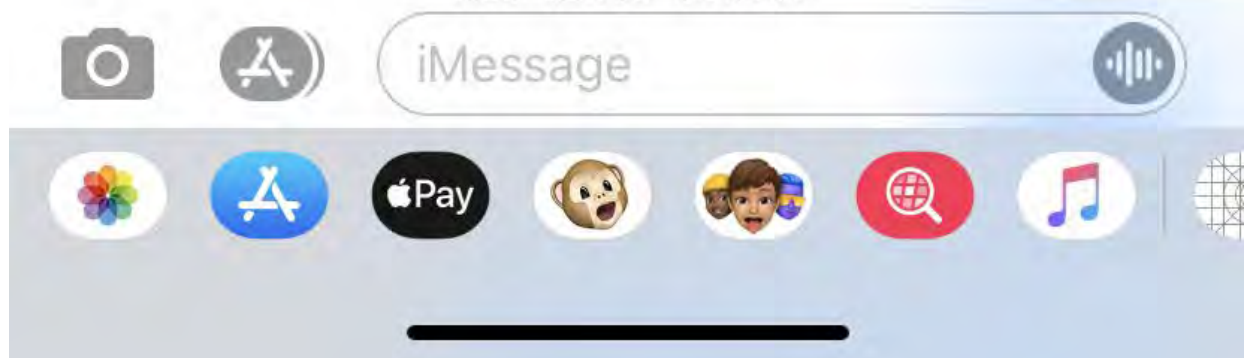
Were you ever able to get that Man
the doctor to finish the paperwork
properly the report about the
autopsy? Ever correct his
numbering process or anything on
that for you. For us?

Fri, Nov 15, 10:11 AM

Hi there
Talking to Ricky
He said he is trying to call ya

He says he only has till 11

Mon, Nov 18, 2:50 PM



He says he only has till 11

Mon, Nov 18, 2:59 PM

Hello
There

On the phone with Ricky now
Were you busy Friday?

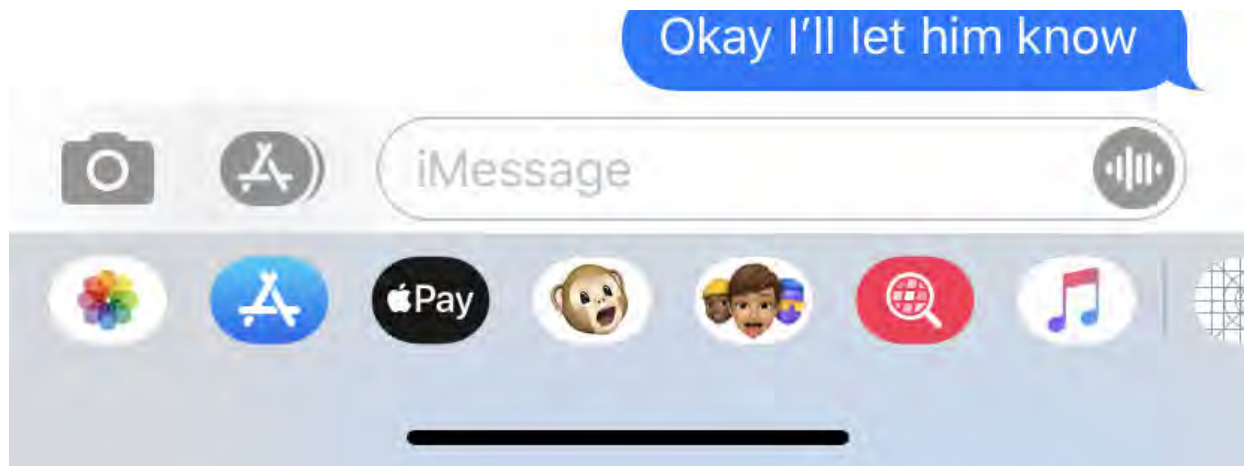
Mon, Nov 18, 4:22 PM

Yes'm. I'm busy every single day.
Plz tell Ricky that I'm still working on
his motion for sentence
modification and will get it to him
within the next week (before
Thanksgiving).
I have availability on Dec 4th
between 9:00am - noon for a
teleconference to discuss. Thank
you.

Teleconference.. him to call you

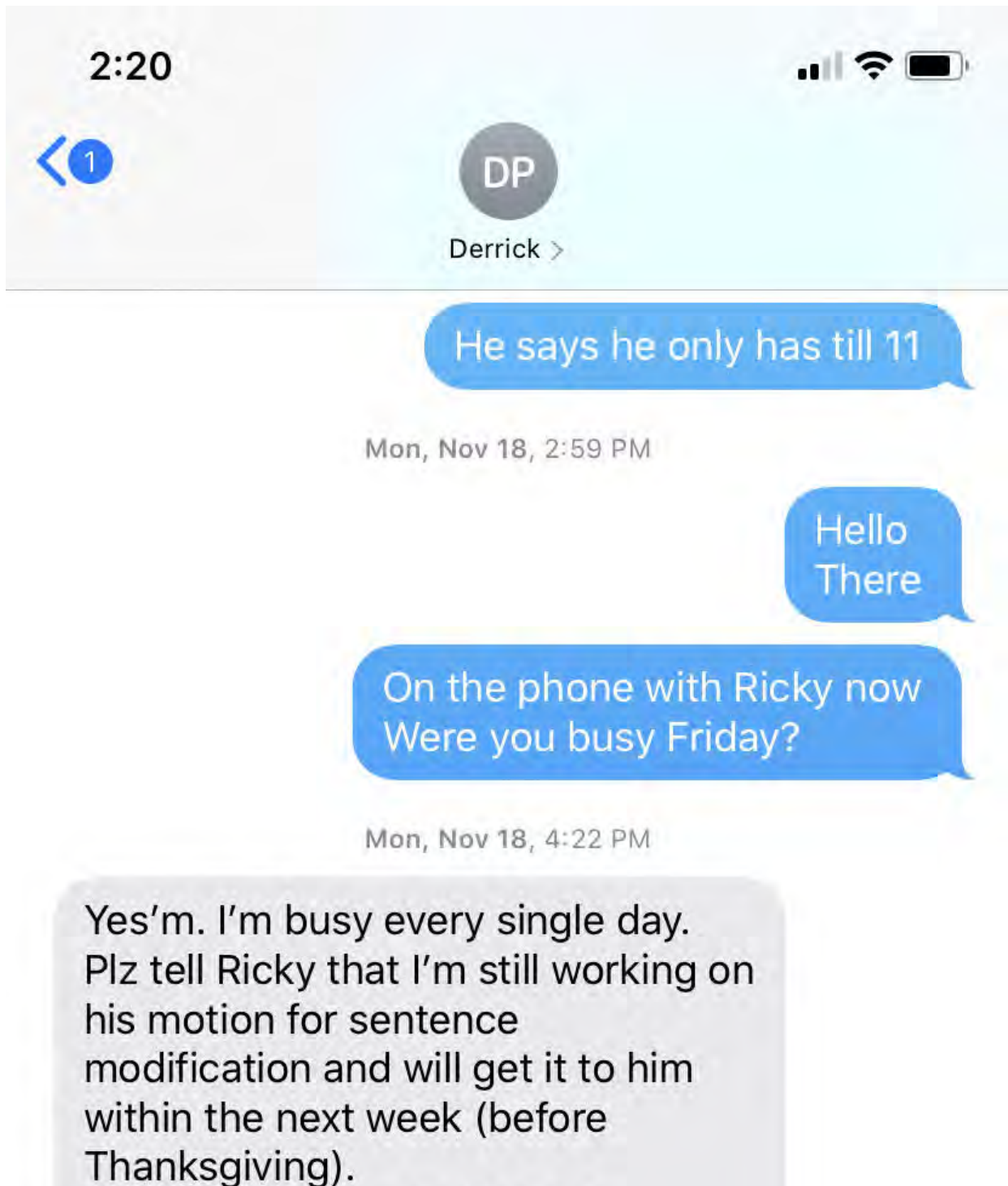
Yes'm

That's a big word



Sent from my iPhone

From: [Tammi Doran](#)
To: [Louise Watson](#)
Subject: 61-70 of 80
Date: Friday, August 27, 2021 1:56:57 PM
Attachments: [IMG_2045.PNG](#)
[IMG_2046.PNG](#)
[IMG_2047.PNG](#)
[IMG_2048.PNG](#)
[IMG_2049.PNG](#)
[IMG_2050.PNG](#)
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[IMG_2052.PNG](#)
[IMG_2053.PNG](#)
[IMG_2054.PNG](#)



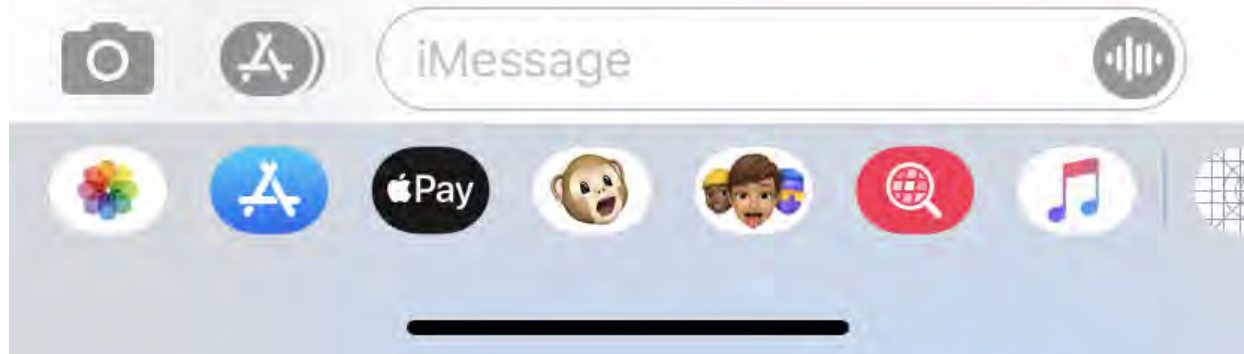
I have availability on Dec 4th
between 9:00am - noon for a
teleconference to discuss. Thank
you.

Teleconference.. him to call you

Yes'm

That's a big word

Okay I'll let him know



2:20



Derrick >

Thank you!

Wed, Nov 20, 10:49 AM

Just spoke with Ricky
He is looking forward to the
sentence modification motion
documents to arrive and he gives
his thanks and if you could let me
know to let him know when it has
been mailed. He also knows to call
on the 4th of December
Have a great day!

Ok will do. God Bless and Happy
Thanksgiving!

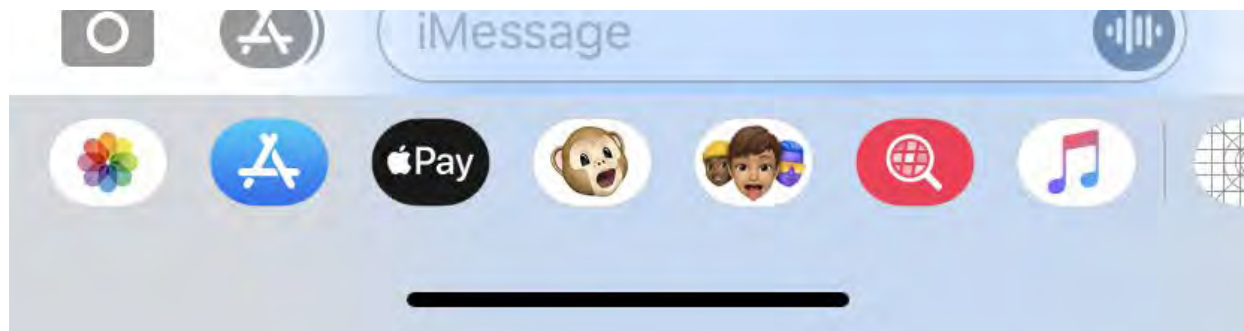
Mon, Dec 2, 1:40 PM

Hi there
Did you get that mail sent out last
week?

Thu, Dec 5, 12:35 PM

Hi there again.
Ricky has not received any legal
mail and is supposed to call you
tomorrow. What is the update, he
will call you as planned

Oh my bad that call should have



Fri, Dec 6, 2:12 PM

Hello Sir, hope all is well.

Mon, Dec 9, 5:04 PM

Hello, haven't heard anything one way or the other. All okay?

Thu, Dec 12, 10:46 AM

Hey Tammi. Sorry for the delay in responding. A lot going on in this crazy thing we call life. Plz ask Ricky to give me a call between 10am and 4pm on Dec 23rd. Thank you.

He never received anything, was it

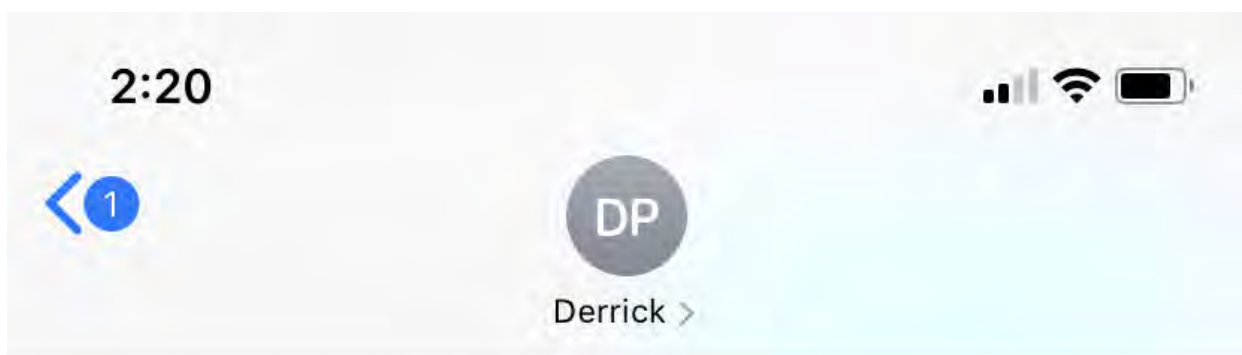
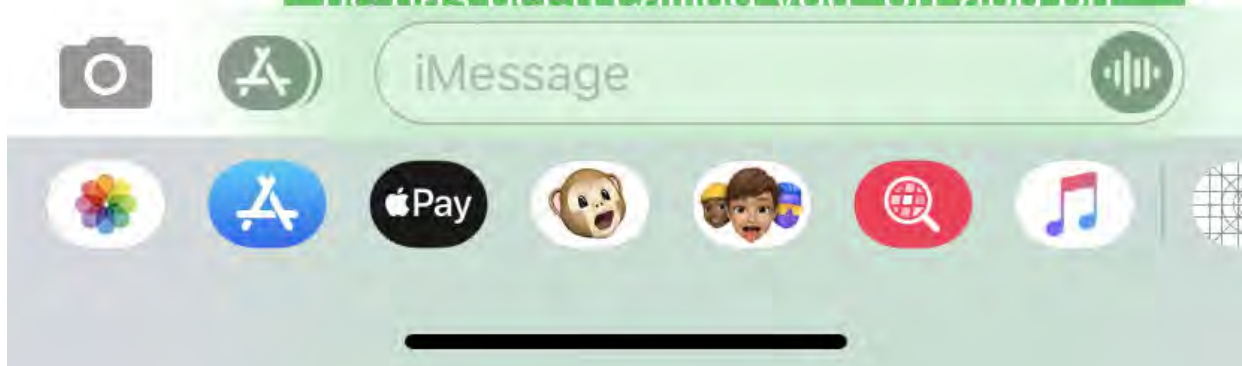
sent
He's hoping no one is holding his
mail

Not yet, I'm going to send him
something before he calls on the
23rd...

Thanks
I just let him know

Mon, Dec 23, 3:35 PM

Hi sir, I have Ricky in the phone and
he has been calling you off and on



Mon, Dec 23, 3:35 PM

Hi sir, I have Ricky in the phone and he has been calling you, off and on today through the day. There is only an hour left for him to call, you stated between 10-4p
I'll be in the phone next few minutes
He will call again soon, give me the word and I'll have him call you

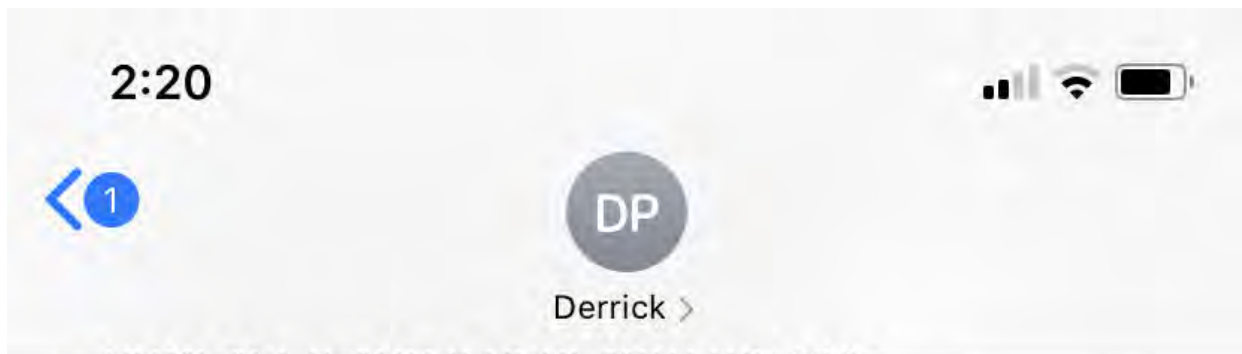
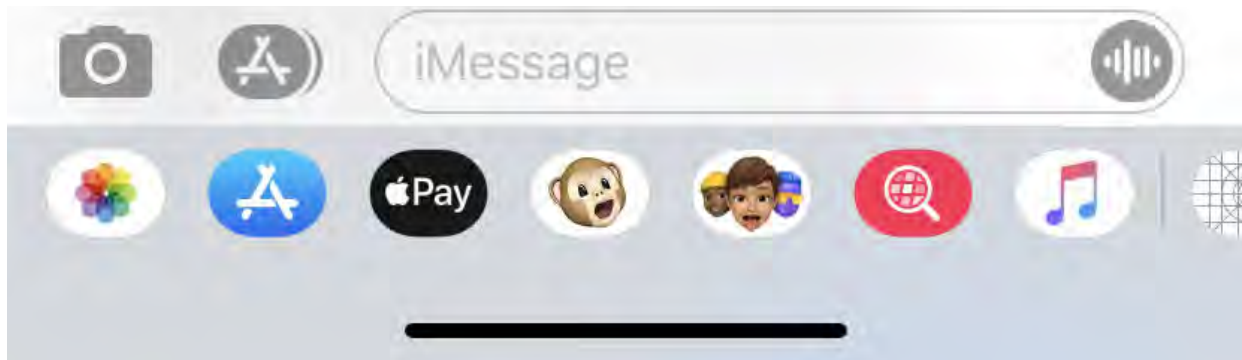
Sent as Text Message

[↻ Reply](#)

Sorry Tammi and Ricky. I was overly optimistic thinking I could get the motion done before Christmas however if you'll bear with me one more time and give me a call next Friday (Jan 3rd betw 10am-4pm) we will have something to talk about. Merry Christmas and Happy 2020!

Text Message

Sorry Tammi and Ricky. I was overly optimistic thinking I could get the motion done before Christmas however if you'll bear with me one more time and give me a call next Friday (Jan 3rd betw 10am-4pm) we will have something to talk



however if you n deal with me one more time and give me a call next Friday (Jan 3rd betw 10am-4pm) we will have something to talk about. Merry Christmas and Happy 2020!

iMessage
Mon, Dec 23, 5:36 PM

I'll let Ricky know

Fri, Jan 3, 9:26 AM

Between 10 and 4 still right

Hi There
Ricky will be calling today

Fri, Jan 3, 11:06 AM

Hey Tammi. I meant to say next Friday (Jan 10th) between 10am-4pm as my kids will be finishing their Xmas break and going back to school on Monday the 6th

Oh my

Fri, Jan 3, 1:27 PM

Could you answer the phone and tell him that quickly if he calls, he



2:21



Derrick >

Fri, Jan 3, 1:27 PM

Could you answer the phone and tell him that quickly if he calls, he will call you all day until 4pm That way he doesn't think negatively, I would appreciate it so much if you can.

Fri, Jan 3, 3:48 PM

Never mind
He called me

Fri, Jan 10, 10:55 AM

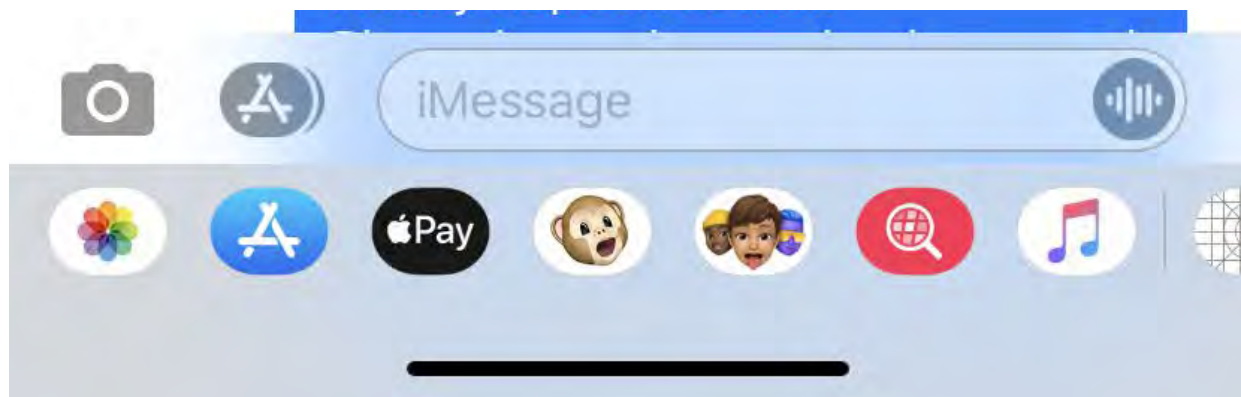
Hi there. Just got off the phone with Ricky and he has begun trying to contact you.

Fri, Jan 10, 7:38 PM

As you probably already have seen if you've seen your phone, Ricky called you repeatedly when he could today.
What happened to today's set time for him to call?

Tue, Jan 14, 3:27 PM

Hi there Sir,
I really hope all is well.



Wed, Jan 15, 10:34 AM

Hi there Sir,
I really hope all is well.
Please let me know what happened
on Friday, and why your not
responding at all
I can't help but hope you are okay.

Sat, Jan 18, 2:03 PM

Hello.....

Thu, Jan 23, 5:12 PM

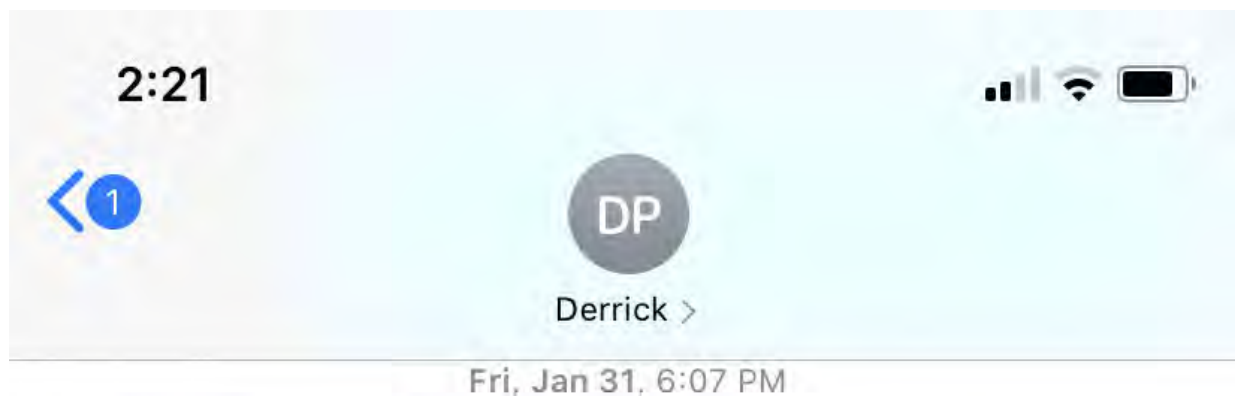
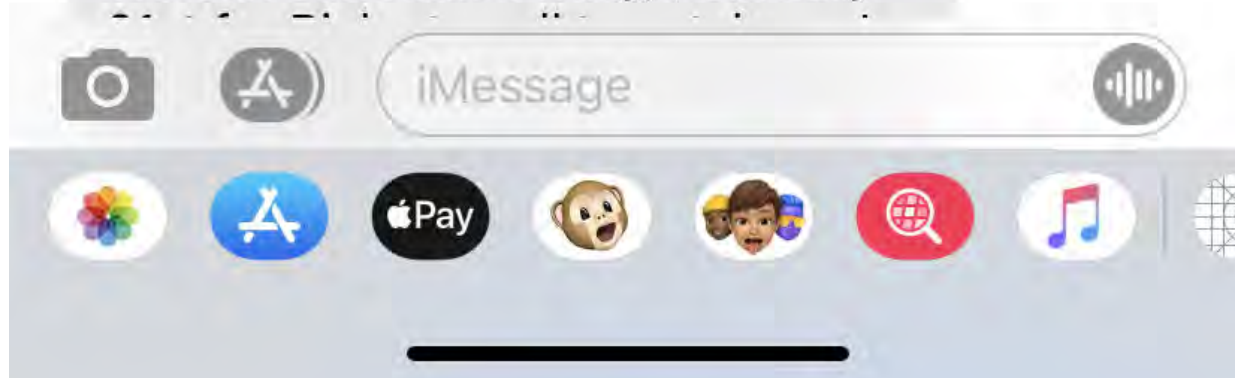
Hi again, not sure what's happening.
Could you please respond?

Fri, Jan 31, 9:11 AM

So, now your not responding and mail is being sent back??

Fri, Jan 31, 6:07 PM

Hey Tammi. Sorry its been awhile but this month has been the sick month from hell and its going to be awhile before everything is back to normal and a couple more weeks before Ricky's paperwork is ready. We can schedule Friday, February



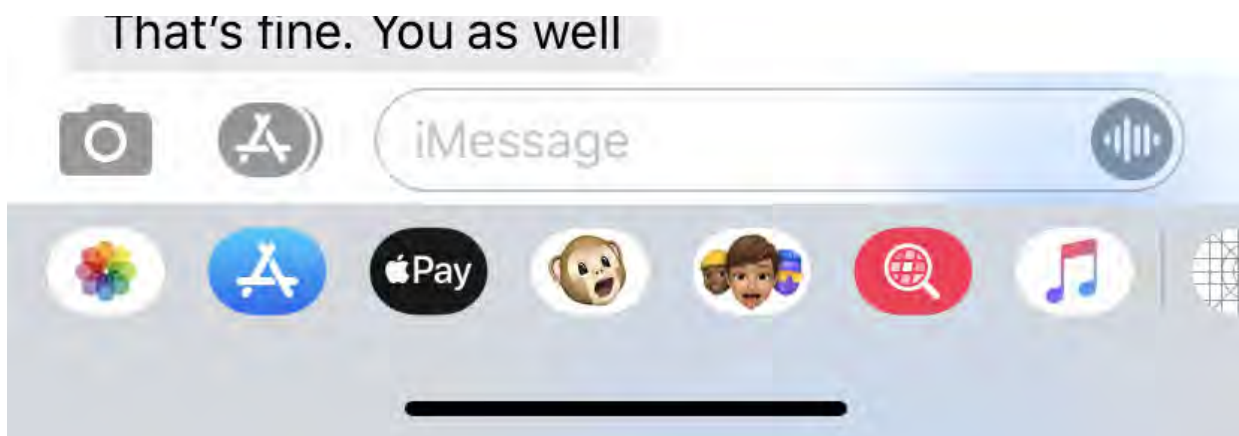
Hey Tammi. Sorry its been awhile but this month has been the sick month from hell and its going to be awhile before everything is back to normal and a couple more weeks before Ricky's paperwork is ready. We can schedule Friday, February 21st for Ricky to call to catch up. I have no idea why mail is being sent back. Take care.

Tue, Feb 18, 3:44 PM

Hi Sir
21st is fast approaching
He will be calling you didn't give specific hours

Tue, Feb 18, 5:33 PM

I told him between 10a & 4pm
Because you were but specific.
If you cannot keep your word on the date please be up front. He's been waiting just to have a conversation for months now. Thanks and have a blessed day



That's fine. You as well

Thanks

Fri, Feb 21, 2:22 PM

He has been calling. !

Not Delivered

What's up?

In the am 4-5 times
Since noon 7-8 times
I'm on the phone with him
He is looking forward to speaking

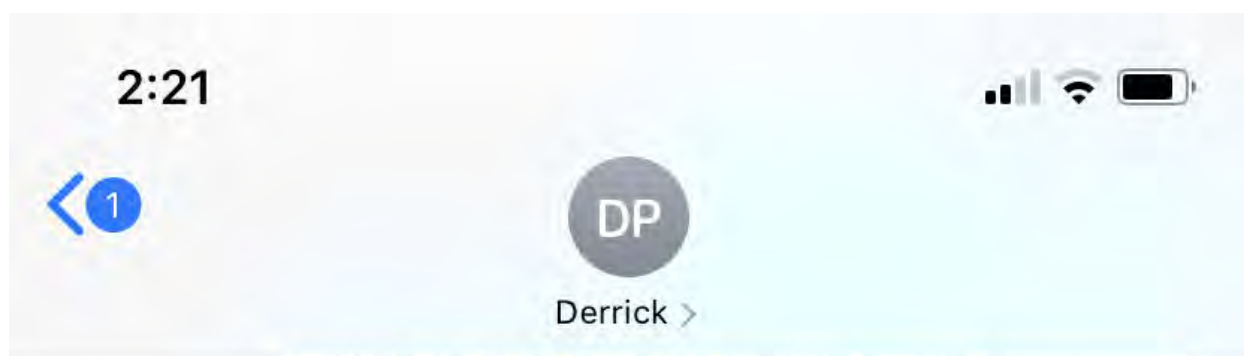
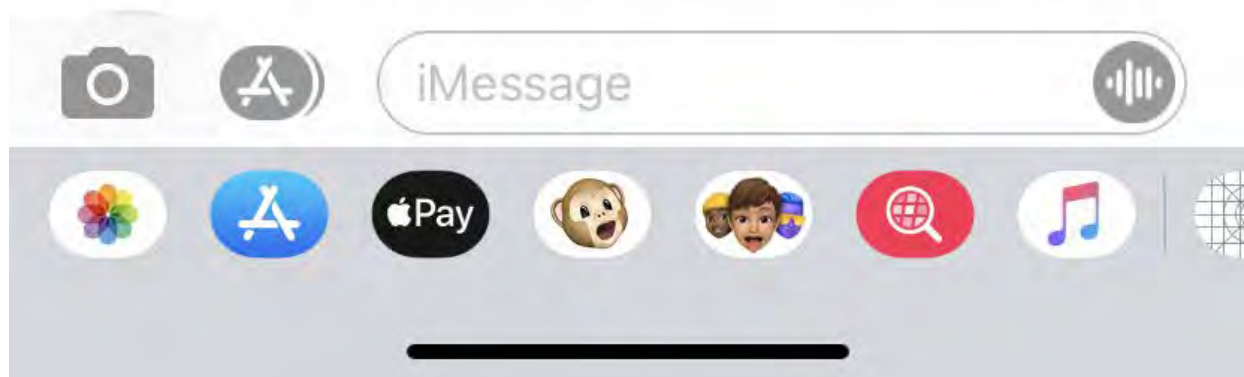
with you and again, your not keeping your time?
Please just answer a call for the young man.

I haven't been getting his calls Tammi so I'm not sure what's going on...

Mijo Mijo



This is the phone number he's calling from maybe you can check it to see if it's blocked



calling from maybe you can check it

calling from maybe you can check it
to see if it's blocked

kk

I'm inside my daughter's classroom
right now but it looks like it was
blocked by a spam blocker which is
something new on my phone
(probably what happened before)
Can Ricky call at 3:15? Thank you

Yes I will have him call you at 3:15

He hasn't called me back to let him
know..... so it may be after that

Fri, Feb 21, 4:01 PM

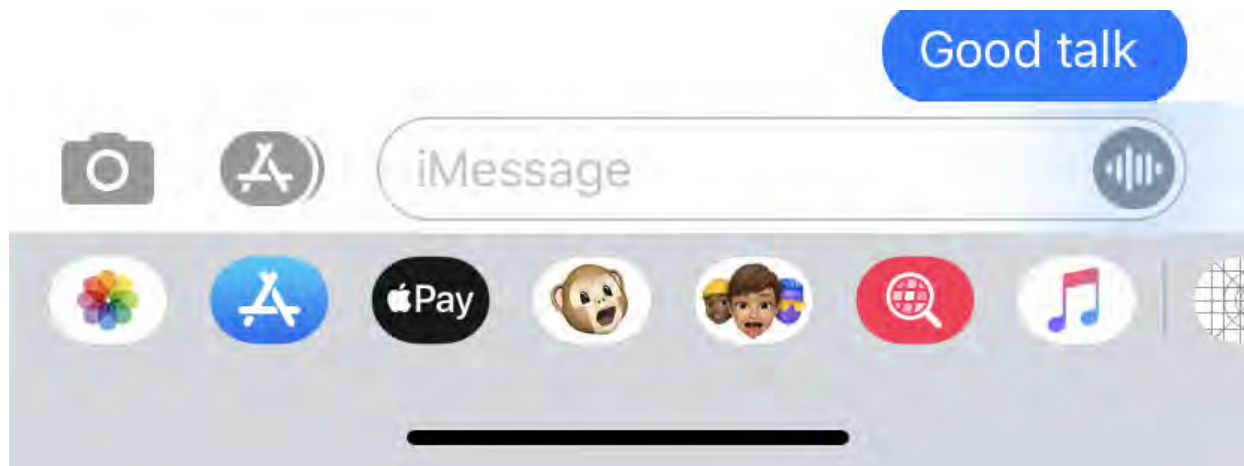
Just talked to your boy:)

Thank heavens!!

Yes'm, PTL for sure

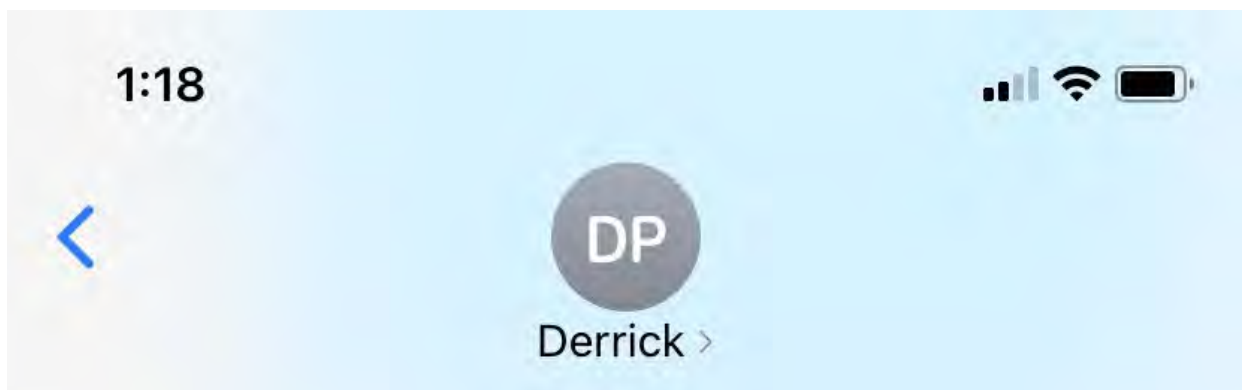
What's that mean

Praise the Lord



Sent from my iPhone

From: [Tammi Doran](#)
To: [Louise Watson](#)
Subject: More text Re: Ricardo Perez - Derrick Penney
Date: Friday, August 27, 2021 1:23:21 PM
Attachments: [IMG_5856.PNG](#)
[IMG_5857.PNG](#)
[IMG_5858.PNG](#)
[IMG_5859.PNG](#)
[IMG_5860.PNG](#)
[IMG_5861.PNG](#)
[IMG_5862.PNG](#)
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[IMG_5866.PNG](#)
[IMG_5867.PNG](#)
[IMG_5868.PNG](#)
[IMG_5869.PNG](#)
[IMG_5870.PNG](#)
[IMG_5871.PNG](#)
[IMG_5872.PNG](#)
[IMG_5873.PNG](#)
[IMG_5874.PNG](#)
[IMG_5875.PNG](#)



Wed, Sep 2, 1:42 PM

Hello? Are you okay

Fri, Sep 4, 11:11 AM

Hello Sir.

Sat, Sep 5, 6:56 AM

Good morning Sir.

Sun, Sep 6, 1:42 PM

Morning Sir,
I am speaking to Ricky
Any news? Dates for a call?

Mon, Sep 7, 8:08 AM

Hello sir, I hope all is well

Tue, Sep 8, 2:02 PM

Hello. Sept 25th between
1-2pm is available. Sorry for
the miscommunication last



iMessage



1:18



Derrick >

Hello. Sept 25th between 1-2pm is available. Sorry for the miscommunication last time. When you told me Ricky would be calling after 2pm that day, I set that time aside but it appears that Ricky was only able to call earlier.

You are alive!!!

Thu, Sep 10, 2:40 PM

Ricky has been made aware to call you on the 25th or September between 1pm and 2pm

Awesome thank you

Fri, Oct 9, 1:40 PM

Ricky has been calling you
Between 1-2

Between 1 & 2
You avail to talk to him

As you scheduled



iMessage



1:18



Derrick >

As you scheduled

I'm on phone with him now

Sun, Oct 11, 12:29 PM

Hello Sir,
Just reaching out.
Can you give another day and
time for Ricky to call you.

Thu, Oct 15, 3:43 PM

Thu, Oct 15, 2:42 PM



Yes'm, next day, 10.23
between 1-2 pm. Sorry, I didn't
realize I had parent/teacher
conferences all afternoon last
Friday:(

Thu, Oct 15, 5:41 PM

Please set alarm
I'll let my son know

Fri, Oct 16, 8:51 AM



iMessage



1:18



DP

Fri, Oct 16, 8:51 AM



SvjfhjdNd!;'cngjgmngngngmfk
gjfkfjrjfJFjrHFNRNDMFKVJ

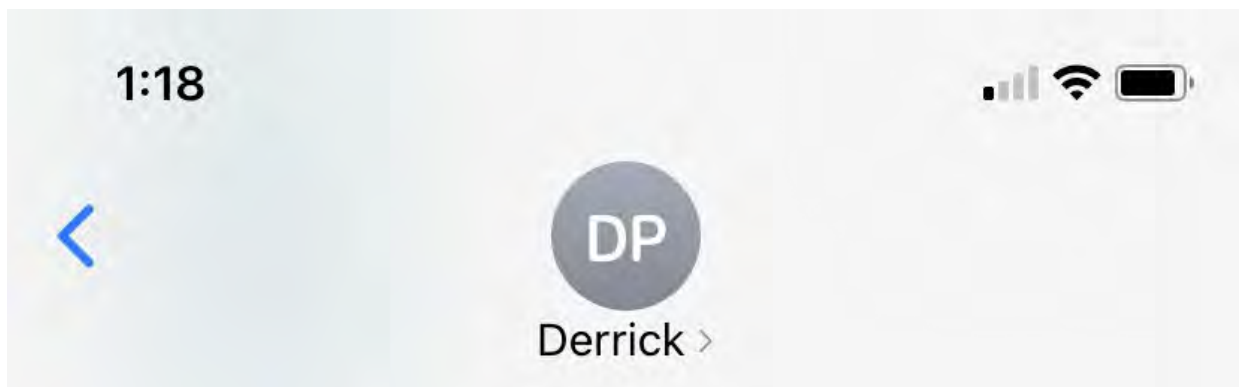
Does a child have your phone



Tap to Download

62455636585__4...

2.2 MB



Sorry about that, she has a tablet that is the culprit

Fri, Oct 16, 11:23 AM

It's was cute

Fri, Oct 23, 1:39 PM

Rickys been trying to call you

Ricky's been trying to call you
today
again... your not answering

Hey. Can Ricky call after 2:30
pm?

He can request a call for his
lawyer
So if he calls me back I'll ask
him to do so.

He will call then

He's calling j

You



iMessage



1:18



DP

Derrick >

You

Hello?
He's called again

He's out for a lawyer call and
they think he's bluffing cause
your not answering

He's gonna try again

Sat, Oct 24, 9:02 AM

He called last time at 3:12
Can you talk now

He's on phone with me and
would like that call to you

Thu, Oct 29, 9:27 AM

On the phone with Ricky

Can you give me a time and date for him to call since you didn't take his call last time



iMessage



1:18



Derrick >

Can you give me a time and date for him to call since you didn't take his call last time

Read 10/29/20

Fri, Oct 30, 2:19 PM

Can you give me a time and date for him to call since you didn't take his call last time

That is for Ricky Perez

Tue, Nov 3, 9:46 AM

Hello again

Can you give me a time and date for him to call since you didn't take his call last time

Thu, Nov 5, 7:06 AM

Derrick,
What is going on?

Sat, Nov 7, 1:22 PM



iMessage



1:18



Derrick >

Derrick,
What is going on?

Sat, Nov 7, 1:22 PM

Derrick, Sir,
I hope all is well. I can see you must be overwhelmingly busy to but take my text or reply to it in regards to setting a time for Ricky to contact you. I am always so baffled as to why you cannot answer your calls from him more often then none.
When your time permits if it is not asking to much, please arrange the call time he can make.
I am looking in line as per Rickys request if anything has been filed according to what

you've told him would be.

Looking, I see nothing new
since 1-19-17....



iMessage



1:19



Derrick >

you've told him would be.

Looking, I see nothing new
since 1-19-17....
I will inform Ricky that nothing
has changed, been entered or
pending that I can see.
That is unless you know
something that we don't and
it's just not being

It's just not being
communicated.

You've told him for a year,
actually for more than a year
that you were sending him
documents you were going to
file to the courts. We have
kept all of the notes from
conversation and dates when
this was to happen again and
again.

Please come through, I know
your a good Lawyer, and an
Honest man if your word. At
least I want to believe that you
are.

Have a blessed Day, hope to
hear something soon



iMessage



1:19



Tue, Nov 17, 7:20 AM

Sir?

Wed, Nov 25, 6:53 AM

Good morning,
I wish you and your family well
during the holiday season.
God Bless you all

Thu, Nov 26, 8:38 AM



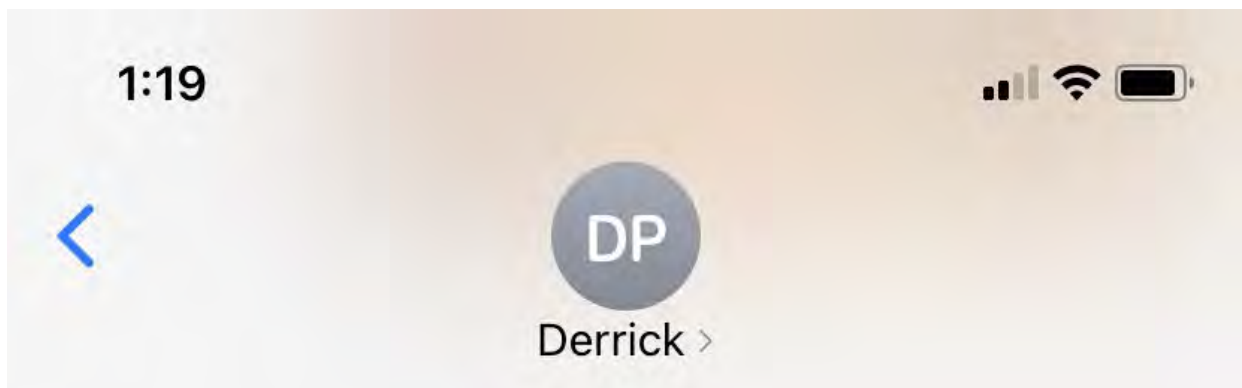


Tue, Dec 8, 10:08 AM

Hi there



iMessage



Hi there

I'm trying to figure out what is happening

Tue, Dec 8, 4:41 PM

Sir?

Wed, Dec 9, 10:03 AM

Sir?

Thu, Dec 10, 4:50 PM

Sir?

Fri, Dec 11, 4:09 PM

Sir?

Sat, Dec 12, 9:42 AM

Sir?

Sun, Dec 13, 10:20 AM



iMessage



1:19





DP

Derrick >

Sun, Dec 13, 10:39 AM

Sir?

Mon, Dec 14, 6:08 PM

Sir

Tue, Dec 15, 7:58 PM

sir?

Should I consider speaking to
someone regarding your lack
of communication with your
client?
20k later?
I'm at a Loss
I'm sure there is
representation that would
want to look at your hesitation
in speaking with your client.

in speaking with your client,
let alone the lack of even
commitment or
communication

I'm sorry, I've been a patient



iMessage



1:19



Derrick >

I'm sorry, I've been a patient
person, and I know that you
don't have to speak with me at
all, however to ignore me all
together when I'm being the
liaison is deliberate.
I'm am saddened that you
cannot even respectfully reply.

Ricky has Covid now, he has no answer to any questions nor has he receives mail regarding his case as your said time and time again. If you cannot deliver just give back money paid to you for services not rendered.....

Wed, Dec 16, 10:46 AM

That awful news about Ricky. If you are able, please ask him to give me a call after 5:00 pm on Friday. Thank you.

I will, thank you for responding



iMessage



1:19





Derrick >

I will, thank you for responding

I'll let you know if I speak to him before then to let him know

Sat, Dec 19, 7:38 AM

Good morning
Ricky was unable to get outta to call
He is on phone with me now has a Jew minutes

Can he call

He's locked down again.

Wed, Dec 23, 5:22 PM

Hello

Fri, Dec 25, 7:56 AM



iMessage



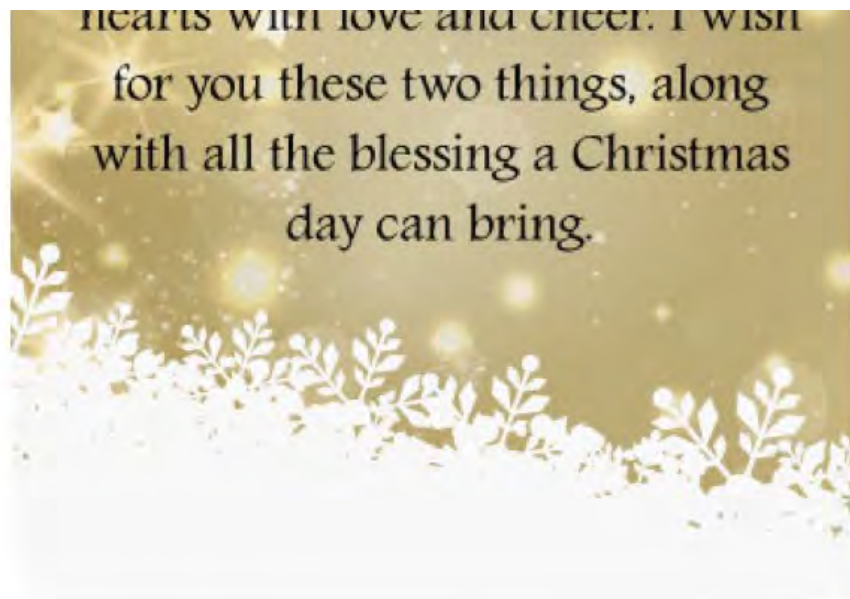
1:19



Derrick >

Fri, Dec 25, 7:56 AM





Thu, Jan 7, 12:32 PM

Sir ?

Thu, Jan 7, 6:23 PM

Sir?

Sun, Jan 10, 5:46 PM



iMessage



1:20



ROA Page 361



Derrick >

Sir?

Fri, Jan 15, 2:46 PM

Sir?

Sat, Jan 16, 8:51 AM

Sir?

Tue, Jan 19, 2:51 PM

Sir?

Thu, Jan 21, 1:44 PM

Sir?

Tue, Jan 26, 11:05 AM



Sir?

Why can you not respond?

I need your address of
business

Your client is trying to reach



iMessage



1:20



Derrick >

Your client is trying to reach
you

Wed, Jan 27, 10:53 AM

Sir, I need your business
address

Fri, Jan 29, 5:50 PM

Sir?

Sun, Jan 31, 10:58 AM

Sir?

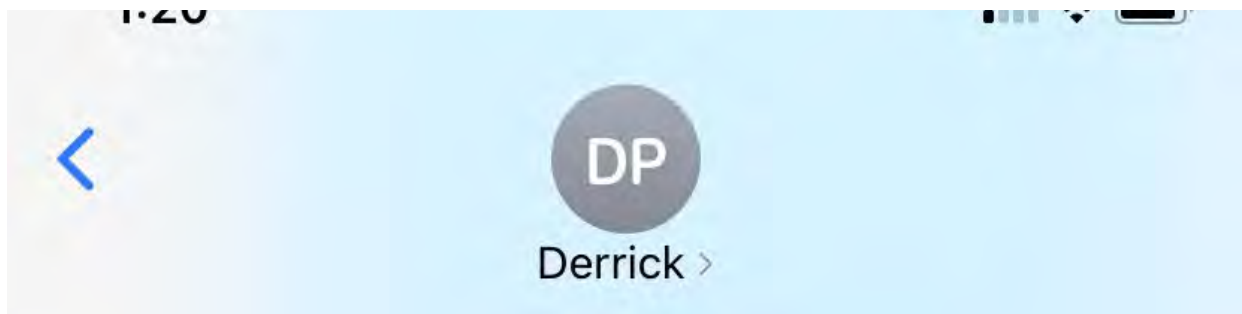
Tue, Feb 2, 3:10 PM

Hi,
This is Tammi
I continue to reach you
I'm asking for a mailing
address. Ricky would like to
contact you another way since
taking his call or my text is not
working
Let me know



iMessage





working
Let me know

Sir?

50 W. 5th St.
Winnemucca, NV 89445

Your not in Las Vegas?

Thank you

Fri, Feb 12, 3:08 PM

Hi,
I hope all is well.
Do you anticipate helping
Ricky anymore?

Thu, Feb 18, 12:41 PM

Have you received Ricky's

Have you received Ricky's letter?

Thu, Feb 18, 4:29 PM

Not yet

Wed, Mar 24, 6:52 PM



iMessage



1:20



Derrick >

Wed, Mar 24, 6:52 PM

I hope all is well, that everyone is healthy.

Sun, Apr 18, 7:12 AM

Good morning,
I hope all is well.
Has anything changed?
Anything new happening? Are
you able to take a call from
Ricky? It's been months.
God Bless

Sat, May 8, 8:10 AM

Derrick,
What has happened to you?

Mon, May 31, 8:13 AM

Good morning,
It's Tammi, Ricky's mom
The last time you responded
was in February 18 to my text



iMessage



1:20



Derrick >

Good morning,
It's Tammi, Ricky's mom
The last time you responded
was in February 18 to my text

Sun, Jun 20, 1:05 PM

Happy Fathers Day

Tue, Jul 6, 4:28 PM

Hello Derrick,
It's Tammi, Ricky's mom.
Have you any information for
us re: the case?

Mon, Jul 12, 4:36 AM

Sir, I can't sleep wondering
what's going on?

Saturday 9:24 AM

Good Morning Sir,
I am at a loss? What happed
to you?

Delivered



iMessage



Sent from my iPhone

Date: 2018-09-06	Bank: NSB	Sequence #: [REDACTED] 47942
Account:	Serial:	Amount: \$1,000.00
TranCode:	Routing # (RT): [REDACTED]	C/D: D
Dep Seq #: 0 [REDACTED] 7941	Item Type: TRAN	BOFD: 122400779 PID: 532

PRINTED ON LINEMARK PAPER - HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY FEATURES SEE BACK.

0006508 11-24
Office AU # 121281
Remitter: TAMM L DORAN
Operator: J.D. 642796 u324880

CASHIER'S CHECK

0650819122

September 05, 2018

PAY TO THE ORDER OF ***DERRICK PENNEY LAW FIRM***

One thousand dollars and no cents

\$1,000.00

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
445 E WINDMILL LN
LAS VEGAS, NV 89123
FOR INQUIRIES CALL (480) 894-3122

VOID IF OVER US \$ 1,000.00

Richard Levy
CONTROLLER

[REDACTED] 51195412

0168035226

Tamm L Doran

PRINTED ON LINEMARK PAPER - HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY FEATURES SEE BACK.

62541

$$- \frac{1}{2} \left(\frac{\partial^2 \phi}{\partial x^2} + \frac{\partial^2 \phi}{\partial y^2} \right) = - \frac{1}{2} \nabla^2 \phi$$

Date: 2018-11-26	Bank: NSB	Sequence #: 5368
Account: 162	Serial: 005056	Amount: \$1,000.00
TranCode:	Routing # (RT):	C/D: D
Dep Seq #: 3025367	Item Type: TRAN	BOFD: 122400779 PID: 312

THE FACE OF THIS CHECK IS PRINTED BLUE - THE BACK CONTAINS A SIMULATED WATERMARK



PO Box 36490 • Las Vegas, NV 89133-6490
(702) 228-2228 • www.cccu.org

OFFICIAL CHECK

CHECK NO.
5056

8411/2228

DATE
11/07/2018
AMOUNT
*****1,000.00

Pay One Thousand and 00/100 Dollars*****

Pay to the
Order of Derrick Penney Law Firm

Memo

Matt Kershaw
AUTHORIZED REPRESENTATIVE



16 21

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

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16 21

Date: 2019-01-04	Bank: NSB	Sequence #: 48722
Account: 162	Serial: 007872	Amount: \$500.00
TranCode:	Routing # (RT):	C/D: D
Dep Seq #: 48719	Item Type: TRAN	BOFD: 122400779 PID: 568

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OFFICIAL CHECK

CHECK NO.
7872

94-8411/32

DATE
12-20-2018
AMOUNT
*****500.00

Pay Five Hundred and 00/100 Dollars*****

Pay to the Order of **Derrick Penny Law Firm**

Memo **Re: Ricardo Perez**

Matt Kershaw
AUTHORIZED REPRESENTATIVE



16 211

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Date: 2019-01-04	Bank: NSB	Sequence #: 48721
Account: 162	Serial: 007732	Amount: \$500.00
TranCode:	Routing # (RT):	C/D: D
Dep Seq #: 48719	Item Type: TRAN	BOFD: 122400779 PID: 568

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OFFICIAL CHECK

CHECK NO.
7732

94-8411/32

DATE
12-18-2018
AMOUNT
*****500.00

Pay Five Hundred and 00/100 Dollars*****

Pay to the Order of **Derrick Penney Law Firm**

Memo **Ricardo Perez 1/2**

Matt Kershaw
AUTHORIZED REPRESENTATIVE



16 20

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Date: 2019-02-14	Bank: NSB	Sequence #: 07176
Account: 162	Serial: 010457	Amount: \$1,000.00
TranCode:	Routing # (RT):	C/D: D
Dep Seq #: 07175	Item Type: TRAN	BOFD: 122400779 PID: 277

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(702) 228-2278 • www.ccculv.org

OFFICIAL CHECK

CHECK NO.
10457

84-8411/32

DATE
01-31-2019
AMOUNT
*****1,000.00

Pay One Thousand and 00/100 Dollars*****

Pay to the Order of **Derrick Penney Law Firm**

Matt Kershaw
AUTHORIZED REPRESENTATIVE

Memo **Final Pmt: R Perez**



16 21

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DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

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[Signature]

0006463	11-24	CASHIER'S CHECK	SERIAL #: 0646306884
Office AU #	1210(8)		ACCOUNT#: 4861-511954
Remitter:	TAMMI L DORAN		July 06, 2018
Purchaser:	TAMMI L DORAN		
Purchaser Account:	5562181460		
Operator I.D.:	u625272		
Funding Source:	Electronic Items(s), Paper Items(s)		
PAY TO THE ORDER OF	***PENNEY LAW FIRM***		**\$1,000.00**
One thousand dollars and no cents			
Payee Address:			VOID IF OVER US \$ 1,000.00
Memo:			NON-NEGOTIABLE
WELLS FARGO BANK, N.A. 3433 S MARYLAND PKWY LAS VEGAS, NV 89169 FOR INQUIRIES CALL (480) 394-3122		NOTICE TO PURCHASER-IF THIS INSTRUMENT IS LOST, STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION AND REISSUANCE. AS A CONDITION TO CANCELLATION AND REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.	
Purchaser Copy			
B004	M4203 80022282		

0006508	11-24	CASHIER'S CHECK	SERIAL #: 0650818629
Office AU #	1210(8)		ACCOUNT#: 4861-511954
Remitter:	TAMMI L DORAN		May 31, 2018
Purchaser:	TAMMI L DORAN		
Purchaser Account:	5562181460		
Operator I.D.:	u642796		
Funding Source:	Electronic Items(s), Paper Items(s)		
PAY TO THE ORDER OF	***DERICK PENNEY LAW FIRM*** ***RE: RICARDO PEREZ***		**\$1,000.00**
One thousand dollars and no cents			
Payee Address:			VOID IF OVER US \$ 1,000.00
Memo:			NON-NEGOTIABLE
WELLS FARGO BANK, N.A. 445 E WINDMILL LN LAS VEGAS, NV 89123 FOR INQUIRIES CALL (480) 394-3122		NOTICE TO PURCHASER-IF THIS INSTRUMENT IS LOST, STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION AND REISSUANCE. AS A CONDITION TO CANCELLATION AND REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.	
Purchaser Copy			
FB004	M4203 80078636		

Date: 2018-09-06	Bank: NSB	Sequence #: [REDACTED] 47942
Account:	Serial:	Amount: \$1,000.00
TranCode:	Routing # (RT): 1 [REDACTED]	C/D: D
Dep Seq #: [REDACTED] 7941	Item Type: TRAN	BOFD: 122400779 PID: 532

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0006508 11-24
Office AU # 121281
Remitter: TAMM L DORAN
Operator: J.D. 642796 u324880

CASHIER'S CHECK

0650819122

September 05, 2018

PAY TO THE ORDER OF ***DERRICK PENNEY LAW FIRM***

One thousand dollars and no cents

\$1,000.00

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
445 E WINDMILL LN
LAS VEGAS, NV 89123
FOR INQUIRIES CALL (480) 894-3122

VOID IF OVER US \$ 1,000.00

Richard Levy
CONTROLLER

[REDACTED] 51895412

0168035226

Tamm L Doran

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Richard Leroy
CONTROLLER

॥ ५५५ ॥

0168034332

CHECKS		DOLLARS	CENTS
LIST EACH SEPARATELY OR ATTACH LIST			
Teller 309 Dep	10/23/88		
Account Number			
TO			
Deposit Amt			
081 04			
#153,865.44			
7072 11:00			
SUB TOT			

INCLUDE THIS TOTAL IN TOTAL DEPOSIT
ON FRONT SIDE OF DEPOSIT SLIP.



Date: 2018-11-26	Bank: NSB	Sequence #: 025368
Account: 162	Serial: 005056	Amount: \$1,000.00
TranCode:	Routing # (RT):	C/D: D
Dep Seq #: 5367	Item Type: TRAN	BOFD: 122400779 PID: 312

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OFFICIAL CHECK

CHECK NO.
5056

8411/2228

DATE
11/07/2018
AMOUNT
*****1,000.00

Pay One Thousand and 00/100 Dollars*****

Pay to the
Order of Derrick Penney Law Firm

Memo

Matt Kershaw
AUTHORIZED REPRESENTATIVE



16 21

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16 21

Date: 2019-01-04	Bank: NSB	Sequence #: 048722
Account: 162	Serial: 007872	Amount: \$500.00
TranCode:	Routing # (RT):	C/D: D
Dep Seq #: 48719	Item Type: TRAN	BOFD: 122400779 PID: 568

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OFFICIAL CHECK

CHECK NO.
7872

94-8411/32

DATE
12-20-2018
AMOUNT
*****500.00

Pay Five Hundred and 00/100 Dollars*****

Pay to the Order of **Derrick Penny Law Firm**

Memo **Re: Ricardo Perez**

Matt Kershaw
AUTHORIZED REPRESENTATIVE



16 211

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Date: 2019-01-04	Bank: NSB	Sequence #: 8721
Account: 162	Serial: 007732	Amount: \$500.00
TranCode:	Routing # (RT):	C/D: D
Dep Seq #: 719	Item Type: TRAN	BOFD: 122400779 PID: 568

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OFFICIAL CHECK

CHECK NO.
7732

94-8411/32

DATE
12-18-2018
AMOUNT
*****500.00

Pay Five Hundred and 00/100 Dollars*****

Pay to the Order of **Derrick Penney Law Firm**

Memo **Ricardo Perez 1/2**

Matt Kershaw
AUTHORIZED REPRESENTATIVE



16 20

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Date: 2019-02-14	Bank: NSB	Sequence #: 07176
Account: 162	Serial: 010457	Amount: \$1,000.00
TranCode:	Routing # (RT):	C/D: D
Dep Seq #: 7175	Item Type: TRAN	BOFD: 122400779 PID: 277

THE FACE OF THIS CHECK IS PRINTED BLUE - THE BACK CONTAINS A SIMULATED WATERMARK



PO Box 36490 • Las Vegas, NV 89133-6490
(702) 228-2278 • www.ccculv.org

OFFICIAL CHECK

CHECK NO.
10457

84-8411/32

DATE
01-31-2019
AMOUNT
*****1,000.00

Pay One Thousand and 00/100 Dollars*****

Pay to the Order of **Derrick Penney Law Firm**

Memo **Final Pmt:R Perez**

Matt Kershaw
AUTHORIZED REPRESENTATIVE



16 21

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Derrick Penney,

2.20.2021

This is RICARDO PEREZ here at High Desert State Prison. I've become aware that you've moved out of town from the address I was given. I've tried & tried to maintain some type of straight forward communication with you for a long time about what we are supposed to be doing for my post-conviction court proceedings / motions. Nothing at all seems to have been done even after promises & tons of words on your side of you finishing things a week in time, two weeks in time. I would LOVE if you actually did your part - finished my motion & do what you said you were doing. But as it is, I know your smart & there are ways to get ahold of me in multiple ways. You clearly do not want to communicate or help me with my situation as it would be so easy to do so if you actually wanted to. I don't know the full extent of what life has thrown your way lately... or the last few years, but it has been a long wait with patience on my side. Despite you putting me off & lying to me & not answering calls that we're appointed. I have no clue what you did to earn the \$20,000 my family & I gave you but I want to see real paperwork showing your efforts in my favor. I know you sent some emails years ago to pathologists, found a guy & we paid him to do a report that we only seen a rough draft of. There was a motion years ago in Fed. court as well that did not fair well, and I have no clue where everything is with that. I fear that you've failed me all the way around because there is nothing you've showed me yet that shows otherwise. Please contact me through mail or through phone call

to the prison or email through Access Corrections. But it's as easy as a phone call & us talking truth. Simple. I want to move forward in progress immediately or I want to receive what is mine & move on with somebody that will actually do what they say they will do & assist me & feed me the truth.

I appreciate your time. Respectfully, your client,

If I do not hear from you in planning on doing what I can to figure out a way to move on & get things done.

RICARDO PEREZ #1131155

H. D. S. P.

P.O. BOX 650

Indian Springs, NV 89070

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
7/31/18			\$2,985.35	Beginning Balance		
8/1/18		\$1,429.57	\$4,414.92	Deposit	Square, Inc.	
8/3/18		\$106.00	\$4,520.92	Deposit	Square, Inc.	
8/3/18	\$1,523.49		\$2,997.43	#1317	888 Real Estate Investment LLP	Aug Rent 2800-7C
8/6/18		\$9,000.00	\$11,997.43	Tfr fm IOLTA	Square, Inc.	
8/6/18	\$1,500.00		\$10,497.43	Tfr to #3840		
8/6/18	\$69.33		\$10,428.10	Debit	City of Las Vegas	
8/6/18	\$2,577.88		\$7,850.22	Debit	Nationstar	
8/6/18	\$275.90		\$7,574.32	Debit	Ambetter Health Insurance	
8/6/18	\$328.60		\$7,245.72	Debit	NV Energy	
8/7/18	\$48.22		\$7,197.50	Debit	Republic Services	
8/7/18	\$83.30		\$7,114.20	Debit	NV Exchange	
8/9/18	\$1,328.00		\$5,786.20	#1315	OLLV	B & J Penney Tuition
8/13/18		\$5,666.66	\$11,452.86	Tfr fm IOLTA		
8/13/18	\$500.00		\$10,952.86	Tfr to #3840		
8/13/18	\$1,661.03		\$9,291.83	Debit	TD Autofinance	
8/14/18		\$1,000.00	\$10,291.83	Deposit	Tammi Doran	
8/21/18	\$12.50		\$10,279.33	Fee	Monthly Service Charge	
8/21/18	\$2,000.00		\$8,279.33	Tfr to #3840		
8/21/18	\$177.30		\$8,102.03	Debit	Geico	
8/27/18	\$1,000.00		\$7,102.03	Tfr to #3840		
8/29/18	\$1,000.00		\$6,102.03	Tfr to #3840		
8/29/18	\$50.57		\$6,051.46	Debit	Centurylink	
9/5/18	\$459.48		\$5,591.98	Debit	NV Energy	
9/6/18		\$1,000.00	\$6,591.98	Deposit	Tammi Doran	
9/10/18		\$49,612.60	\$56,204.58	Tfr fm IOLTA		
9/10/18	\$1,661.03		\$54,543.55	Debit	TD Autofinance	
9/10/18	\$2,577.88		\$51,965.67	Debit	Nationstar	
9/10/18	\$275.90		\$51,689.77	Debit	Ambetter Health Insurance	
9/11/18	\$1,000.00		\$50,689.77	Tfr to #3840		
9/11/18	\$83.30		\$50,606.47	Debit	NV Exchange	
9/13/18	\$42,057.20		\$8,549.27	#1319	Valley View Surgical	Satisfaction of April Haynes lien
9/20/18	\$1,028.00		\$7,521.27	#1320	OLLV	B & J Penney Tuition
9/21/18	\$12.50		\$7,508.77	Fee	Monthly Service Charge	
9/21/18	\$177.30		\$7,331.47	Debit	Geico	
9/21/18	\$1,523.49		\$5,807.98	#1324	888 Real Estate Investment LLP	2800-7C Sept 18 rent
9/24/18	\$1,500.00		\$4,307.98	Tfr to #3840		

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
9/25/18	\$167.03		\$4,140.95	Debit	NV Energy	
9/26/18		\$682.63	\$4,823.58	Deposit	Square, Inc.	
9/27/18	\$168.63		\$4,654.95	Debit	Verizon Wireless	
10/1/18		\$300.00	\$4,954.95	Deposit	Michael & Shonnie Devinney	Living Will
10/1/18	\$50.64		\$4,904.31	Debit	Centurylink	
10/3/18	\$2,000.00		\$2,904.31	Tfr to #3840		
10/4/18	\$320.70		\$2,583.61	Debit	NV Energy	
10/5/18	\$1,523.49		\$1,060.12	#1323	888 Real Estate Investment LLP	2800-7C Oct Rent
10/10/18		\$9,669.99	\$10,730.11	Tfr fm IOLTA		
10/10/18		\$101.17	\$10,831.28	Deposit	Square, Inc.	
10/11/18	\$83.30		\$10,747.98	Debit	NV Exchange	
10/12/18	\$2,577.88		\$8,170.10	Debit	Nationstar	
10/12/18	\$275.90		\$7,894.20	Debit	Ambetter Health Insurance	
10/15/18	\$1,661.03		\$6,233.17	Debit	TD Autofinance	
10/18/18	\$280.00		\$5,953.17	Debit	City of Las Vegas	
10/18/18	\$1,028.00		\$4,925.17	#1326	OLLV	B & J Penney Tuition
10/19/18		\$9,433.69	\$14,358.86	Tfr fm IOLTA		
10/19/18	\$1,000.00		\$13,358.86	Tfr to #3840		
10/19/18	\$9,433.69		\$3,925.17	#1327	Douglas Guzman	Settlement Proceeds
10/22/18	\$177.27		\$3,747.90	Debit	Geico	
10/25/18		\$30,685.92	\$34,433.82	Tfr fm IOLTA		
10/25/18	\$1,500.00		\$32,933.82	Tfr to #3840		
10/29/18		\$3,950.00	\$36,883.82	Tfr fm IOLTA		
10/29/18	\$25,000.00		\$11,883.82	#1330	April Haynes	Settlement Proceeds
10/30/18	\$50.98		\$11,832.84	Debit	Centurylink	
10/31/18	\$3,915.03		\$7,917.81	#1333	Preferred Capital Funding	MacBrair Settlement Loan Payoff
11/2/18	\$229.79		\$7,688.02	Debit	NV Energy	
11/5/18	\$203.35		\$7,484.67	Debit	Verizon Wireless	
11/6/18	\$1,523.49		\$5,961.18	#1329	888 Real Estate Investment LLP	2800-7C Nov Rent
11/7/18	\$1.00		\$5,960.18	Debit	CLV Parking	
11/8/18		\$8,999.80	\$14,959.98	Tfr fm IOLTA		
11/9/18	\$2,574.45		\$12,385.53	Debit	Nationstar	
11/9/18	\$83.30		\$12,302.23	Debit	NV Exchange	
11/13/18	\$275.90		\$12,026.33	Debit	Ambetter Health Insurance	
11/15/18	\$1,661.03		\$10,365.30	Debit	TD Autofinance	
11/19/18	\$1,000.00		\$9,365.30	Tfr to #3840		
11/21/18		\$3,500.00	\$12,865.30	Tfr fm IOLTA		

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
11/21/18	\$12.50		\$12,852.80	Fee	Monthly Service Charge	
11/21/18	\$3,500.00		\$9,352.80	#1339	Carissa MacBrair	Advance Settlement
11/23/18	\$180.07		\$9,172.73	Debit	Geico	
11/23/18	\$1,028.00		\$8,144.73	#1336	OLLV	B & J Penney Tuition
11/26/18		\$1,000.00	\$9,144.73	Deposit		(no remitter name on cashier's check)
11/30/18		\$4,500.00	\$13,644.73	Tfr fm IOLTA		
11/30/18	\$1,000.00		\$12,644.73	Tfr to #3840		
11/30/18	\$3,500.00		\$9,144.73	#1328	Carissa MacBrair	Advance Settlement
12/3/18		\$2,500.00	\$11,644.73	Deposit	Thomas Fisher	
12/3/18	\$50.97		\$11,593.76	Debit	Centurylink	
12/3/18	\$203.49		\$11,390.27	Debit	Verizon Wireless	
12/5/18	\$1,570.73		\$9,819.54	#1331	888 Real Estate Investment LLP	2800-7C Dec Rent
12/5/18	\$100.00		\$9,719.54	#1332	Moore Family Dentistry	
12/6/18	\$154.21		\$9,565.33	Debit	NV Energy	
12/7/18	\$1,661.03		\$7,904.30	Debit	TD Autofinance	
12/7/18	\$89.82		\$7,814.48	Debit	Republic Services	
12/7/18	\$145.00		\$7,669.48	Debit	Legal Process	
12/11/18	\$2,574.45		\$5,095.03	Debit	Nationstar	
12/13/18	\$83.30		\$5,011.73	Debit	NV Exchange	
12/13/18	\$275.90		\$4,735.83	Debit	Ambetter Health Insurance	
12/14/18		\$8,999.80	\$13,735.63	Tfr fm IOLTA		
12/14/18	\$2,500.00		\$11,235.63	Tfr to #3840		
12/21/18	\$180.07		\$11,055.56	Debit	Geico	
12/24/18	\$1,500.00		\$9,555.56	Tfr to #3840		
12/28/18	\$2,000.00		\$7,555.56	Tfr to #3840		
12/31/18	\$50.97		\$7,504.59	Debit	Centurylink	
12/31/18	\$1,028.00		\$6,476.59	#1334	OLLV	B & J Penney Tuition
1/4/19		\$122.70	\$6,599.29	Deposit	Stephen & Nora Penney	
1/4/19		\$1,000.00	\$7,599.29	Deposit	Ricardo Perez	
1/4/19	\$203.49		\$7,395.80	Debit	Verizon Wireless	
1/4/19	\$1,570.73		\$5,825.07	#1206	888 Real Estate Investment LLP	Jan Rent 2800-7C
1/7/19	\$165.40		\$5,659.67	Debit	NV Energy	
1/8/19		\$400.00	\$6,059.67	Deposit	Venmo Cashout	
1/10/19		\$9,517.12	\$15,576.79	Tfr fm IOLTA		
1/11/19	\$90.42		\$15,486.37	Debit	Kohls	
1/11/19	\$1,661.03		\$13,825.34	Debit	TD Autofinance	
1/14/19	\$2,574.45		\$11,250.89	Debit	Nationstar	

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
1/15/19	\$142.07		\$11,108.82	Debit	NV Energy	
1/22/19	\$180.07		\$10,928.75	Debit	Geico	
1/24/19	\$1,028.00		\$9,900.75	#1337	OLLV	B & J Penney Tuition
1/25/19	\$3,376.76		\$6,523.99	#1340	Enrico Fazzini, D.O.	April Haynes Satisfaction Lien
1/29/19	\$51.00		\$6,472.99	Debit	Centurylink	
1/30/19	\$3,732.00		\$2,740.99	#1338	Randall Chiropractic	April Haynes Satisfaction Lien
1/31/19	\$20.00		\$2,720.99	#1207	OLLV	B & J Penney
2/5/19		\$8,974.35	\$11,695.34	Tfr fm IOLTA		
2/5/19	\$175.25		\$11,520.09	Debit	NV Energy	
2/5/19	\$1,570.73		\$9,949.36	#1342	888 Real Estate Investment LLP	Feb 19 Rent 2800-7C
2/7/19	\$1,661.03		\$8,288.33	Debit	TD Autofinance	
2/7/19	\$3.50		\$8,284.83	Debit	NV Efile	
2/7/19	\$3.50		\$8,281.33	Debit	NV Efile	
2/7/19	\$303.00		\$7,978.33	#1341	OLLV	
2/8/19	\$714.62		\$7,263.71	Debit	Equian, LLC	
2/8/19	\$2,971.30		\$4,292.41	Debit	Equian, LLC	
2/11/19		\$7,000.00	\$11,292.41	Tfr fm IOLTA		
2/11/19	\$750.00		\$10,542.41	Tfr to #3840		
2/11/19	\$3.50		\$10,538.91	Debit	NV Efile	
2/11/19	\$407.02		\$10,131.89	Debit	Verizon Wireless	
2/12/19		\$9,999.00	\$20,130.89	Deposit	OT Service Company	
2/13/19	\$9,000.00		\$11,130.89	#1210	Subaru of LV	
2/14/19		\$1,000.00	\$12,130.89	Deposit	Ricardo Perez	
2/15/19	\$2,574.45		\$9,556.44	Debit	Nationstar	
2/19/19	\$2,283.89		\$7,272.55	#1352	Jamal Berry	PI Settlement
2/21/19		\$506.47	\$7,779.02	Deposit	Square, Inc.	
2/21/19	\$12.50		\$7,766.52	Fee	Monthly Service Charge	
2/21/19	\$180.07		\$7,586.45	Debit	Geico	
2/21/19	\$1,028.00		\$6,558.45	#1209	OLLV	B & J Penney Tuition
2/22/19	\$1,500.00		\$5,058.45	Tfr to #3840		
2/27/19	\$3.50		\$5,054.95	Debit	NV Efile	
2/27/19	\$227.33		\$4,827.62	#1353	Jerry Dresser	Pool Motor
2/28/19		\$9,915.03	\$14,742.65	Tfr fm IOLTA		
2/28/19	\$1,000.00		\$13,742.65	Tfr to #3840		
3/4/19	\$51.00		\$13,691.65	Debit	Centurylink	
3/4/19	\$6,248.79		\$7,442.86	#1362	Carissa MacBrair	PI Settlement
3/7/19	\$139.67		\$7,303.19	Debit	NV Energy	

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
3/7/19	\$400.00		\$6,903.19	#1359	OLLV	J Penney Registration Fee
3/7/19	\$400.00		\$6,503.19	#1360	OLLV	B Penney Registration Fee
3/11/19	\$1,661.03		\$4,842.16	Debit	TD Autofinance	
3/11/19	\$2,574.45		\$2,267.71	Debit	Nationstar	
3/12/19	\$41.50		\$2,226.21	Debit	DMV	
3/12/19	\$3.50		\$2,222.71	Debit	NV Efile	
3/12/19	\$3.50		\$2,219.21	Debit	NV Efile	
3/12/19	\$3.50		\$2,215.71	Debit	NV Efile	
3/13/19	\$2,117.78		\$97.93	#1357	Jeremy Habibian	PI Settlement
3/15/19		\$4,333.33	\$4,431.26	Tfr fm IOLTA		
3/15/19	\$439.50		\$3,991.76	Debit	DMV	
3/19/19		\$25.18	\$4,016.94	Deposit	Square, Inc.	
3/21/19	\$12.50		\$4,004.44	Fee	Monthly Service Charge	
3/21/19	\$293.50		\$3,710.94	Debit	Geico	
3/21/19	\$1,028.00		\$2,682.94	#1354	OLLV	B & J Penney Tuition
3/25/19	\$500.00		\$2,182.94	Tfr to #3840		
3/28/19	\$60.00		\$2,122.94	#1358	OLLV	Shark Reef Trip
4/1/19	\$50.98		\$2,071.96	Debit	Centurylink	
4/4/19	\$135.32		\$1,936.64	Debit	NV Energy	
4/4/19	\$109.87		\$1,826.77	Debit	NV Energy	
4/9/19		\$3,035.38	\$4,862.15	Tfr fm IOLTA		
4/10/01		\$1,000.00	\$5,862.15	Deposit	Venmo Cashout	
4/10/19	\$2,574.45		\$3,287.70	Debit	Nationstar	
4/10/19	\$198.53		\$3,089.17	Debit	Verizon Wireless	
4/18/19	\$1,661.03		\$1,428.14	Debit	TD Autofinance	
4/22/19	\$12.50		\$1,415.64	Fee	Monthly Service Charge	
4/22/19	\$217.81		\$1,197.83	Debit	Geico	
4/24/19	\$570.00		\$627.83	#1366	Lees Heating & Cooling	A/C Service
4/25/19		\$800.00	\$1,427.83	Deposit	Venmo Cashout	
4/25/19	\$1,028.00		\$399.83	#1361	OLLV	B & J Penney Tuition
4/30/19	\$3.50		\$396.33	Debit	NV Efile	
4/30/19	\$50.80		\$345.53	Debit	Centurylink	
4/30/19	\$12.50		\$333.03	Fee	Maintenance	
5/2/19		\$500.00	\$833.03	Tfr fm IOLTA		
5/2/19	\$24.00		\$809.03	#1365	OLLV	2019 Walk-a-Thon
5/6/19	\$144.63		\$664.40	Debit	NV Energy	
5/6/19	\$203.55		\$460.85	Debit	Verizon Wireless	

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
5/8/19		\$5,608.48	\$6,069.33	Tfr fm IOLTA		
5/9/19	\$150.00		\$5,919.33	#1208	OLLV	2019 Walk-a-Thon
5/9/19	\$25.00		\$5,894.33	#1364	OLLV	hot lunches
5/13/19	\$2,574.45		\$3,319.88	Debit	Nationstar	
5/15/19		\$7,500.00	\$10,819.88	Tfr fm IOLTA		
5/15/19	\$1,160.00		\$9,659.88	Debit	DMV	
5/16/19	\$1,661.03		\$7,998.85	Debit	TD Autofinance	
5/16/19	\$1,028.00		\$6,970.85	#1211	OLLV	B & J Penney Tuition
5/17/19	\$1,000.00		\$5,970.85	Tfr to #3840		
5/21/19	\$217.47		\$5,753.38	Debit	Geico	
5/31/19	\$203.47		\$5,549.91	Debit	Verizon Wireless	
5/31/19	\$12.50		\$5,537.41	Fee	Maintenance	
6/3/19	\$1,000.00		\$4,537.41	Tfr to #3840		
6/6/19	\$177.20		\$4,360.21	Debit	NV Energy	
6/10/19		\$5,000.00	\$9,360.21	Tfr fm IOLTA		
6/10/19	\$500.00		\$8,860.21	Tfr to #3840		
6/11/19	\$2,574.45		\$6,285.76	Debit	Nationstar	
6/12/19	\$1,661.03		\$4,624.73	Debit	TD Autofinance	
6/14/19	\$126.85		\$4,497.88	Debit	Republic Services	
6/17/19		\$125.49	\$4,623.37	Deposit	Square, Inc.	
6/17/19	\$2,500.00		\$2,123.37	Tfr to #3840		
6/17/19	\$241.59		\$1,881.78	Debit	City of Las Vegas	
6/20/19	\$3.50		\$1,878.28	Debit	NV Efile	
6/21/19	\$500.00		\$1,378.28	Tfr to #3840		
6/21/19	\$217.47		\$1,160.81	Debit	Geico	
6/26/19	\$1,000.00		\$160.81	Tfr to #3840		
6/27/19		\$7,500.00	\$7,660.81	Tfr fm IOLTA		
6/27/19	\$1,500.00		\$6,160.81	Tfr to #3840		
6/28/19	\$12.50		\$6,148.31	Fee	Maintenance	
7/1/19	\$109.60		\$6,038.71	Debit	Centurylink	
7/1/19	\$216.17		\$5,822.54	Debit	Verizon Wireless	
7/3/19	\$3.50		\$5,819.04	Debit	NV Efile	
7/5/19	\$800.00		\$5,019.04	Tfr to #3840		
7/8/19	\$3.50		\$5,015.54	Debit	NV Efile	
7/8/19	\$197.44		\$4,818.10	Debit	NV Energy	
7/9/19	\$2,574.45		\$2,243.65	Debit	Nationstar	
7/12/19	\$3.62		\$2,240.03	Debit	Kohls	

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
7/12/19	\$1,661.03		\$579.00	Debit	TD Autofinance	
7/17/19		\$5,000.00	\$5,579.00	Tfr fm IOLTA		
7/17/19	\$500.00		\$5,079.00	Tfr to #3840		
7/17/19	\$2,512.00		\$2,567.00	#1714	The Home Depot	
7/22/19	\$9.95		\$2,557.05	Fee	Monthly Service Charge	
7/22/19	\$217.47		\$2,339.58	Debit	Geico	
7/29/19	\$1,100.00		\$1,239.58	Tfr to #3840		
7/31/19	\$207.47		\$1,032.11	Debit	Verizon Wireless	
7/31/19	\$12.50		\$1,019.61	Fee	Maintenance	
8/1/19	\$200.16		\$819.45	Debit	Service Pmt Plan	
8/5/19		\$7,500.00	\$8,319.45	Tfr fm IOLTA		
8/6/16	\$1,000.00		\$7,319.45	Tfr to #3840		
8/6/19	\$199.00		\$7,120.45	Debit	Asurion Insurance	
8/6/19	\$366.28		\$6,754.17	Debit	NV Energy	
8/12/19	\$2,574.45		\$4,179.72	Debit	Nationstar	
8/13/19	\$500.00		\$3,679.72	Tfr to #3840		
8/14/19	\$1,661.03		\$2,018.69	Debit	TD Autofinance	
8/15/19	\$1,025.00		\$993.69	#1367	OLLV	B & J Penney Tuition
8/16/19	\$215.00		\$778.69	Debit	Summerlin South	
8/21/19	\$9.95		\$768.74	Fee	Monthly Service Charge	
8/21/19	\$217.47		\$551.27	Debit	Geico	
8/21/19	\$50.00		\$501.27	Debit	Venmo	
8/28/19		\$7,500.00	\$8,001.27	Tfr fm IOLTA		
8/28/19	\$400.00		\$7,601.27	Tfr to #3840		
8/29/19	\$255.12		\$7,346.15	Debit	EnerBank	
8/29/19	\$85.00		\$7,261.15	#1368	Chris Dressel	
8/30/19	\$12.50		\$7,248.65	Fee	Maintenance	
9/3/19	\$200.16		\$7,048.49	Debit	Service Pmt Plan	
9/3/19	\$111.45		\$6,937.04	Debit	Centurylink	
9/4/19	\$1,000.00		\$5,937.04	Tfr to #3840		
9/6/19	\$395.92		\$5,541.12	Debit	NV Energy	
9/6/19	\$416.98		\$5,124.14	Debit	Verizon Wireless	
9/9/19	\$1,661.03		\$3,463.11	Debit	TD Autofinance	
9/13/19	\$2,574.45		\$888.66	Debit	Nationstar	
9/19/19	\$255.12		\$633.54	Debit	EnerBank	
9/19/19	\$5.00		\$628.54	Fee	Overdraft	
9/19/19	\$695.50		(\$66.96)	#1369	OLLV	B & J Penney Tuition

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
9/20/19		\$100.00	\$33.04	Tfr fm #3840		
9/20/19	\$35.00		(\$1.96)	Fee	Insufficient Funds	
9/23/19	\$9.95		(\$11.91)	Fee	Monthly Service Charge	
9/23/19	\$217.47		(\$229.38)	Debit	Geico	
9/23/19	\$15.00		(\$244.38)	Fee	Overdraft	
9/24/19		\$5,000.00	\$4,755.62	Tfr fm IOLTA		
9/24/19	\$250.00		\$4,505.62	Tfr to #3840		
9/24/19	\$35.00		\$4,470.62	Fee	Insufficient Funds	
9/30/19	\$500.00		\$3,970.62	Tfr to #3840		
9/30/19	\$12.50		\$3,958.12	Fee	Maintenance	
10/1/19	\$200.16		\$3,757.96	Debit	Service Pmt Plan	
10/1/19	\$51.87		\$3,706.09	Debit	Centurylink	
10/7/19	\$750.00		\$2,956.09	Tfr to #3840		
10/7/19	\$378.68		\$2,577.41	Debit	NV Energy	
10/15/19		\$3,000.00	\$5,577.41	Tfr fm IOLTA		
10/15/19	\$1,661.03		\$3,916.38	Debit	TD Autofinance	
10/15/19	\$2,574.45		\$1,341.93	Debit	Nationstar	
10/21/19		\$500.00	\$1,841.93	Deposit	Venmo Cashout	
10/21/19	\$9.95		\$1,831.98	Fee	Monthly Service Charge	
10/21/19	\$500.00		\$1,331.98	Tfr to #3840		
10/21/19	\$217.44		\$1,114.54	Debit	Geico	
10/21/19	\$255.12		\$859.42	Debit	EnerBank	
10/22/19	\$200.00		\$659.42	Tfr to #3840		
10/23/19		\$200.00	\$859.42	Tfr fm #3840		
10/24/19	\$695.50		\$163.92	#1212	OLLV	B & J Penney Tuition
10/31/19	\$12.50		\$151.42	Fee	Maintenance	
11/1/19		\$9,000.00	\$9,151.42	Tfr fm IOLTA		
11/1/19	\$1,500.00		\$7,651.42	Tfr to #3840		
11/1/19	\$200.16		\$7,451.26	Debit	Service Pmt Plan	
11/4/19	\$151.30		\$7,299.96	Debit	City of Las Vegas	
11/4/19	\$3.75		\$7,296.21	Debit	NV Efile	
11/4/19	\$51.98		\$7,244.23	Debit	Centurylink	
11/4/19	\$194.53		\$7,049.70	Debit	NV Energy	
11/4/19	\$270.00		\$6,779.70	Debit	NV Efile	
11/4/19	\$443.22		\$6,336.48	Debit	Verizon Wireless	
11/12/19	\$1,661.03		\$4,675.45	Debit	TD Autofinance	
11/12/19	\$2,458.71		\$2,216.74	Debit	Nationstar	

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
11/13/19		\$10.00	\$2,226.74	Fee	Refund	
11/19/19	\$255.12		\$1,971.62	Debit	EnerBank	
11/21/19	\$9.95		\$1,961.67	Fee	Monthly Service Charge	
11/21/19	\$217.39		\$1,744.28	Debit	Geico	
11/29/19	\$12.50		\$1,731.78	Fee	Maintenance	
11/29/19	\$695.50		\$1,036.28	#1216	OLLV	B & J Penney Tuition
12/2/19		\$8,000.00	\$9,036.28	Tfr fm IOLTA		
12/2/19	\$2,000.00		\$7,036.28	Tfr to #3840		
12/2/19	\$200.16		\$6,836.12	Debit	Service Pmt Plan	
12/2/19	\$51.98		\$6,784.14	Debit	Centurylink	
12/4/19		\$500.00	\$7,284.14	Debit	Venmo Cashout	
12/5/19	\$190.43		\$7,093.71	Debit	NV Energy	
12/10/19	\$1,661.03		\$5,432.68	Debit	TD Autofinance	
12/10/19	\$2,458.71		\$2,973.97	Debit	Nationstar	
12/12/19		\$3,175.00	\$6,148.97	Tfr fm IOLTA		
12/16/19	\$1,000.00		\$5,148.97	Tfr to #3840		
12/16/19	\$2,116.67		\$3,032.30	#1373	Dudley Chiropractic	Satisfaction of Jeremy Habibian Lien
12/18/19	\$1,000.00		\$2,032.30	Tfr to #3840		
12/19/19	\$255.12		\$1,777.18	Debit	EnerBank	
12/19/19	\$695.50		\$1,081.68	#1371	OLLV	B & J Penney Tuition
12/23/19	\$9.95		\$1,071.73	Fee		
12/23/19	\$217.39		\$854.34	Debit	Geico	
12/30/19		\$7,500.00	\$8,354.34	Tfr fm IOLTA		
12/30/19	\$750.00		\$7,604.34	Tfr to #3840		
12/31/19	\$1,000.00		\$6,604.34	Tfr to #3840		
12/31/19	\$12.50		\$6,591.84	Fee	Maintenance	
1/2/20	\$200.16		\$6,391.68	Debit	Service Pmt Plan	
1/2/20	\$413.24		\$5,978.44	Debit	Verizon Wireless	
1/6/20	\$156.15		\$5,822.29	Debit	NV Energy	
1/7/20	\$2,458.71		\$3,363.58	Debit	Nationstar	
1/7/20	\$130.83		\$3,232.75	Debit	Republic Services	
1/8/20	\$1,661.03		\$1,571.72	Debit	TD Autofinance	
1/13/20	\$60.00		\$1,511.72	Debit	Centurylink	
1/21/20	\$9.95		\$1,501.77	Fee	Monthly Service Charge	
1/21/20	\$217.39		\$1,284.38	Debit	Geico	
1/21/20	\$255.12		\$1,029.26	Debit	EnerBank	
1/22/20		\$9,616.00	\$10,645.26	Tfr fm IOLTA		

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
1/22/20	\$750.00		\$9,895.26	Tfr to #3840		
1/23/20		\$150.00	\$10,045.26	Deposit	Venmo Cashout	
1/23/20		\$500.00	\$10,545.26	Deposit	Venmo Cashout	
1/30/20	\$1,500.00		\$9,045.26	Tfr to #3840		
1/30/20	\$695.50		\$8,349.76	#1215	OLLV	B & J Penney Tuition
1/30/20	\$467.00		\$7,882.76	#1243	OLLV	Church Donation
1/31/20	\$12.50		\$7,870.26	Fee	Maintenance	
2/3/20	\$200.16		\$7,670.10	Debit	Service Pmt Plan	
2/6/20	\$178.06		\$7,492.04	Debit	NV Energy	
2/10/20	\$1,661.03		\$5,831.01	Debit	TD Autofinance	
2/10/20	\$2,458.71		\$3,372.30	Debit	Nationstar	
2/13/20		\$7,500.00	\$10,872.30	Tfr fm IOLTA		
2/13/20	\$500.00		\$10,372.30	Tfr to #3840		
2/19/20	\$1,000.00		\$9,372.30	Tfr to #3840		
2/19/20	\$255.12		\$9,117.18	Debit	EnerBank	
2/21/20	\$9.95		\$9,107.23	Fee	Monthly Service Charge	
2/21/20	\$203.85		\$8,903.38	Debit	Verizon Wireless	
2/21/20	\$695.50		\$8,207.88	#1217	OLLV	B & J Penney Tuition
2/24/20	\$217.39		\$7,990.49	Debit	Geico	
2/27/20	\$1,000.00		\$6,990.49	Tfr to #3840		
2/27/20	\$490.00		\$6,500.49	Tfr to #3840		
3/2/20		\$1,500.00	\$8,000.49	Tfr fm IOLTA		
3/2/20	\$200.16		\$7,800.33	Debit	Service Pmt Plan	
3/2/20	\$1,661.03		\$6,139.30	Debit	TD Autofinance	
3/2/20	\$2,458.71		\$3,680.59	Debit	Nationstar	
3/2/20	\$110.60		\$3,569.99	Debit	Centurylink	
3/4/20	\$1,500.00		\$2,069.99	Tfr to #3840		
3/6/20	\$121.76		\$1,948.23	Debit	NV Energy	
3/6/20	\$1,200.00		\$748.23	#1220	OLLV	Registration
3/12/20		\$2,500.00	\$3,248.23	Tfr fm IOLTA		
3/12/20	\$500.00		\$2,748.23	Tfr to #3840		
3/16/20	\$381.00		\$2,367.23	Debit	DMV	
3/19/20	\$1,000.00		\$1,367.23	Tfr to #3840		
3/19/20	\$255.12		\$1,112.11	Debit	EnerBank	
3/19/20	\$4.00		\$1,108.11	#1218	OLLV	Before care
3/19/20	\$695.50		\$412.61	#1221	OLLV	B & J Penney Tuition
3/20/20		\$500.00	\$912.61	Tfr fm #3840		

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
3/23/20	\$9.95		\$902.66	Fee	Monthly Service Charge	
3/23/20	\$217.39		\$685.27	Debit	Geico	
3/31/20	\$12.50		\$672.77	Debit	Maintenance	
4/1/20		\$2,350.00	\$3,022.77	Deposit	Venmo Cashout	
4/1/20	\$200.16		\$2,822.61	Debit	Service Pmt Plan	
4/1/20	\$203.85		\$2,618.76	Debit	Verizon Wireless	
4/3/20	\$265.52		\$2,353.24	#1374	Jerry Dresser	Pool
4/7/20	\$112.48		\$2,240.76	Debit	NV Energy	
4/9/20		\$800.00	\$3,040.76	Tfr fm #3840		
4/13/20		\$1,661.03	\$4,701.79	Tfr fm #3840		
4/13/20	\$2,458.71		\$2,243.08	Debit	Nationstar	
4/17/20		\$500.00	\$2,743.08	Deposit	Venmo Cashout	
4/20/20	\$1,661.03		\$1,082.05	Debit	TD Autofinance	
4/20/20	\$55.00		\$1,027.05	Debit	Centurylink	
4/21/20	\$9.95		\$1,017.10	Fee	Monthly Service Charge	
4/21/20	\$217.35		\$799.75	Debit	Geico	
4/21/20	\$255.12		\$544.63	Debit	EnerBank	
4/22/20		\$9,257.45	\$9,802.08	Tfr fm IOLTA		
4/30/20	\$12.50		\$9,789.58	Debit	Maintenance Fee	
5/1/20	\$200.16		\$9,589.42	Debit	Service Pmt Plan	
5/6/20	\$93.26		\$9,496.16	Debit	NV Energy	
5/11/20	\$208.87		\$9,287.29	Debit	Verizon Wireless	
5/13/20	\$2,458.71		\$6,828.58	Debit	Nationstar	
5/14/20	\$153.55		\$6,675.03	Debit	City of Las Vegas	
5/14/20	\$1,661.03		\$5,014.00	Debit	TD Autofinance	
5/14/20	\$50.60		\$4,963.40	Debit	Republic Services	
5/19/20	\$255.12		\$4,708.28	Debit	EnerBank	
5/21/20	\$9.95		\$4,698.33	Fee	Monthly Service Charge	
5/21/20	\$22.64		\$4,675.69	Debit	Geico	
5/26/20	\$1,391.50		\$3,284.19	#1382	OLLV	B & J Penney Tuition
6/1/20	\$200.16		\$3,084.03	Debit	Service Pmt Plan	
6/2/20	\$114.39		\$2,969.64	Debit	Centurylink	
6/2/20	\$156.51		\$2,813.13	Debit	Verizon Wireless	
6/5/20	\$168.28		\$2,644.85	Debit	NV Energy	
6/8/20		\$2,000.00	\$4,644.85	Tfr fm #3840		
6/10/20		\$2,000.00	\$6,644.85	Tfr fm IOLTA		
6/12/20	\$2,458.71		\$4,186.14	Debit	Nationstar	

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
6/15/20		\$3,000.00	\$7,186.14	Tfr fm IOLTA		
6/15/20	\$1,661.03		\$5,525.11	Debit	TD Autofinance	
6/18/20	\$178.77		\$5,346.34	Debit	Verizon Wireless	
6/19/20	\$255.12		\$5,091.22	Debit	EnerBank	
6/22/20	\$9.95		\$5,081.27	Debit	Monthly Service Charge	
6/22/20	\$217.39		\$4,863.88	Debit	Geico	
7/1/20	\$200.16		\$4,663.72	Debit	Service Pmt Plan	
7/1/20	\$51.21		\$4,612.51	Debit	Republic Services	
7/6/20		\$3,343.07	\$7,955.58	Tfr fm IOLTA		
7/7/20	\$1,661.03		\$6,294.55	Debit	TD Autofinance	
7/7/20	\$2,458.71		\$3,835.84	Debit	Nationstar	
7/8/20		\$3,235.25	\$7,071.09	Tfr fm IOLTA		
7/8/20	\$213.01		\$6,858.08	Debit	NV Energy	
7/9/20	\$2,235.25		\$4,622.83	#1233	Trent Griffith	Settlement Proceeds
7/13/20		\$162.00	\$4,784.83	Deposit	Venmo Cashout	
7/14/20	\$3.75		\$4,781.08	Debit	NV Efile	
7/14/20	\$154.00		\$4,627.08	Debit	NV Efile	
7/15/20	\$6.00		\$4,621.08	#1229	Children's Urgent Care	
7/15/20	\$500.00		\$4,121.08	#1230	EnerBank	Additional Payment Toward Principle
7/20/20	\$173.75		\$3,947.33	Debit	Verizon Wireless	
7/21/20	\$9.95		\$3,937.38	Fee	Monthly Service Charge	
7/21/20	\$217.39		\$3,719.99	Debit	Geico	
7/21/20	\$255.12		\$3,464.87	Debit	EnerBank	
7/23/20	\$136.00		\$3,328.87	#1226	OLLV	Penney
7/23/20	\$45.52		\$3,283.35	#1227	Roseman Medical Group	
7/29/20		\$5,568.58	\$8,851.93	Tfr fm IOLTA		
8/3/20	\$111.25		\$8,740.68	Debit	Centurylink	
8/5/20		\$500.00	\$9,240.68	Deposit	Venmo Cashout	
8/5/20	\$1,661.03		\$7,579.65	Debit	TD Autofinance	
8/6/20	\$313.46		\$7,266.19	Debit	NV Energy	
8/10/20	\$2,458.71		\$4,807.48	Debit	Nationstar	
8/13/20	\$174.47		\$4,633.01	Debit	Verizon Wireless	
8/19/20	\$255.12		\$4,377.89	Debit	EnerBank	
8/21/20	\$9.95		\$4,367.94	Fee	Monthly Service Charge	
8/21/20	\$217.39		\$4,150.55	Debit	Geico	
8/21/20	\$3.50		\$4,147.05	Debit	NV Efile	
8/27/20	\$52.21		\$4,094.84	Debit	Centurylink	

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
8/31/20		\$800.00	\$4,894.84	Deposit	Venmo Cashout	
9/4/20	\$330.34		\$4,564.50	Debit	NV Energy	
9/4/20	\$35.00		\$4,529.50	#1387	OLLV	hot lunches
9/8/20	\$1,661.03		\$2,868.47	Debit	TD Autofinance	
9/18/20	\$25.00		\$2,843.47	#1232	OLLV	hot lunches
9/21/20	\$9.95		\$2,833.52	Fee	Monthly Service Charge	
9/21/20	\$255.12		\$2,578.40	Debit	EnerBank	
9/22/20		\$6,558.00	\$9,136.40	Tfr fm IOLTA		
9/22/20	\$217.39		\$8,919.01	Debit	Geico	
9/24/20	\$1,405.50		\$7,513.51	#1385	OLLV	B & J Penney Tuition
9/25/20	\$4,596.97		\$2,916.54	Wire Out	WFG National Title Insurance	
9/25/20	\$30.00		\$2,886.54	Fee	Wire Transaction	
9/28/20		\$1,001.00	\$3,887.54	Deposit	Venmo Cashout	
9/29/20	\$52.21		\$3,835.33	Debit	Centurylink	
10/5/20		\$3,933.76	\$7,769.09	Tfr fm IOLTA		
10/6/20	\$336.99		\$7,432.10	Debit	NV Energy	
10/8/20	\$1,661.03		\$5,771.07	Debit	TD Autofinance	
10/21/20	\$9.95		\$5,761.12	Fee	Monthly Service Charge	
10/22/20	\$217.35		\$5,543.77	Debit	Geico	
10/22/20	\$1,557.50		\$3,986.27	#1388	OLLV	B & J Penney Tuition
10/29/20	\$55.66		\$3,930.61	Debit	Republic Services	
10/30/20	\$142.84		\$3,787.77	Debit	City of Las Vegas	
10/30/20	\$79.12		\$3,708.65	Debit	Verizon Wireless	
11/4/20	\$108.21		\$3,600.44	Debit	NV Energy	
11/17/20		\$2,000.00	\$5,600.44	Tfr fm #3840		
11/17/20	\$414.24		\$5,186.20	Debit	Verizon Wireless	
11/23/20	\$9.95		\$5,176.25	Fee	Monthly Service Charge	
11/23/20	\$295.59		\$4,880.66	Tfr to IOLTA		
11/23/20	\$209.92		\$4,670.74	Debit	Geico	
11/24/20	\$3.50		\$4,667.24	Debit	NV Efile	
11/24/20	\$96.00		\$4,571.24	#1386	Norris Rentals	
12/3/20	\$1,457.50		\$3,113.74	#1389	OLLV	B & J Penney Tuition
12/7/20	\$425.00		\$2,688.74	#1391	Bill Norris	124 Lay St #6
12/21/20		\$3,802.00	\$6,490.74	Tfr fm IOLTA		
12/21/20	\$9.95		\$6,480.79	Fee	Monthly Service Charge	
12/23/20	\$1,661.03		\$4,819.76	Debit	TD Autofinance	
12/31/20		\$1,300.00	\$6,119.76	Tfr fm #3840		

Nevada State Bank
A/C 4775 - Business Checking Journal
JOSEPH DERRCK STEPHEN PENNEY PC

Date:	Debit:	Credit:	Balance:	Description:	Payor/Payee:	Memo/Notes:
1/4/21	\$1,661.03		\$4,458.73	Debit	TD Autofinance	
1/12/21	\$425.00		\$4,033.73	#1244	Bill Norris	Jan Rent Gables #6
1/21/21	\$9.95		\$4,023.78	Fee	Monthly Service Charge	
2/3/21		\$5,000.00	\$9,023.78	Tfr fm IOLTA		
2/5/21	\$1,661.03		\$7,362.75	Debit	TD Autofinance	
2/22/21	\$9.95		\$7,352.80	Fee	Monthly Service Charge	
2/23/21	\$425.00		\$6,927.80	#1241	Bill Norris	Rent 124-6 Lay St.



FILED

MAY 17 2022

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

Case No.: OBC21-0386

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

DERRICK STEPHEN PENNEY, ESQ.

Bar No. 8606

Respondent.

CONDITIONAL GUILTY PLEA
IN EXCHANGE FOR A
STATED FORM OF DISCIPLINE

Derrick S. Penney, Esq., ("Respondent") *pro se* hereby tenders to Bar Counsel for the State Bar of Nevada ("State Bar") this Conditional Guilty Plea pursuant to Supreme Court Rule 113(1) ("SCR") in exchange for the imposition of a stated form of discipline as more fully set forth herein.

I. TENDER OF GUILTY PLEA

Respondent hereby agrees to plead guilty and admit that, as set forth in the Complaint filed on January 18, 2022, he violated the Rules of Professional Conduct ("RPC"), namely, **Count One – RPC 1.3 (Diligence)**, **Count Two – RPC 1.4(a) (Communication)**, **Count IV – RPC 1.15(a)(c) (Safekeeping Property)** and **Count Five – RPC 8.1(b) (Bar Disciplinary Matters)**.

Respondent knowingly violated these four Rules of Professional Conduct and caused actual injury to the client (Counts I & II), potential injury to the legal profession (Count IV) and actual minor injury to the legal system (Count V) as follows:

Count One – Respondent failed to act with reasonable diligence by not filing a sufficiently supported motion in Federal Court, and/or failing take remedial action on that motion before the court.

Count Two – Respondent failed to promptly inform client Perez of circumstances to which his informed consent was required to wit: when he relocated practice to Northern Nevada and/or transitioned to full-time government practice, and/or to keep Perez reasonably informed about the status of his case in not responding to repeated inquiries and failing to keep at least four scheduled phone call appointments, and/or not promptly comply with reasonable requests for information from Perez by phone calls and letters and/or Doran by texts.

Count Four - Respondent failed to hold funds of Ricardo Perez and/or Tammi Doran separate from his own property, and/or failed to deposit them in a bank account designated as a trust account, and/or withdrew those fees before they were earned, by failing to deposit into a client trust account about \$9,000 in attorney's fees paid by Tammi Doran and/or Ricardo Perez from August 2018 through January 2019.

Count Five - Respondent failed to timely and properly respond to five written lawful demands for information from the State Bar of Nevada from April 2021 through June 2021, to wit: by not adequately responding to repeated certified mail and email inquiries for information on a grievance made by client Ricardo Perez.

II. STIPULATION OF FACTS

Respondent understands that by pleading guilty he admits the facts that support all elements of the rules to which he tenders his plea of guilty as follows:

1 1. On or about July 11, 2017, Ricardo Perez (“Perez”) retained the Respondent
2 to pursue post-conviction relief in State court from a November 25, 2014, felony conviction
3 in Clark County District Court. Perez was and is currently an inmate with the Nevada
4 Department of Corrections. Perez or his mother Tammy Doran (“Doran”) paid an initial
“flat fee” of \$5,000 to Respondent.

5 2. On or about March 2018, Perez agreed to an amended retainer agreement
6 payment of a “flat fee” of \$20,000, less the \$5,000 previously paid. Perez or Doran were to
7 pay the balance via monthly payments. The scope of work for this agreement included
pursuing relief in State and Federal court.

8 3. The balance of \$15,000 was paid in monthly payments by Doran to
9 Respondent.

10 4. Respondent failed to deposit \$9,000 of those attorney fees into a designated
client trust account.

11 5. Perez and the Respondent agreed to seek a forensic pathologist expert
12 opinion to help advances theories of conviction relief. Perez or Doran paid the expert
13 directly a \$5,000 fee.

14 6. Beginning January 2019 through July 12, 2021, Respondent ceased to
15 respond to reasonable requests from Perez and Doran. Perez and Doran sent multiple
requests to discuss case developments and strategy through text and phone messages.

16 7. Respondent ceased to return Perez’s multiple phone messages for several
17 weeks at a time from May 2020 to March 2021.

18 8. Respondent ceased to appear at scheduled phone appointments on July 17,
2020, August 21, 2020, October 9, 2020, and October 23, 2020.

19 9. Respondent declined to provide a rough draft of the expert report for months
20 after Perez made repeated requests.

1 10. Respondent relocated his Las Vegas practice location to Northern Nevada
2 without notice to Perez in October 2020. Respondent changed the nature of his practice to
3 full-time government practice without notice to Perez.

4 11. After February 8, 2021, Perez wrote Respondent at his Humboldt County
5 address by US mail asking for information about and a status on his case. Respondent did
6 not reply to Perez.

7 12. On or about April 12, 2021, the State Bar emailed a Letter of Investigation to
8 the Respondent's SCR 79 email address of Derrick.Penney@humboldtcountynev.gov. The
9 Letter sought Respondent's response to the Perez grievance and requested he provide a
10 series of documents to include the retainer agreement, receipts, billings, client
11 correspondence and court pleadings, by April 26, 2021.

12 13. On or about April 26, 2021, the Respondent mailed the State Bar a letter of
13 about three paragraphs without attachments. Respondent stated he sought out experts and
14 obtained a partially favorable report but "didn't get anywhere in Federal Court." He stated
15 that State court was no longer a viable option as the statute had expired. Respondent sought
16 two weeks to obtain the Perez file from storage to be able to respond.

17 14. On or about May 6, 2021, the State Bar sent another Letter of Investigation to
18 the Respondent's SCR 79 physical address by certified mail, seeking his response by May 20.

19 15. On or about May 27, 2021, the State Bar emailed the Respondent seeking the
20 supplemental information he stated he would provide within two weeks' time of his April 26
letter. The State Bar's May 27 letter requested that Respondent provide the needed
information by June 10.

 16. On or about June 10, 2021, the Respondent sent a letter to the State Bar by
US mail stating he would provide the documentation by June 24, 2021. The Respondent
did not provide the State Bar the documentation he represented he would.

1 17. The State Bar initiated its own investigation into the court record involving
2 Perez's case seeking post-conviction relief.

3 18. The Federal court record revealed the Respondent filed a one-page
4 appearance pleading and a two-page pleading on March 2, 2018. The document was
5 entitled "Motion for Stay and Abeyance," seeking a stay of the Federal Habeas action
6 pending a return to State Court to exhaust further relief claims. On February 6, 2019, the
7 Federal court dismissed Respondent's motion finding an insufficient showing was made for
8 a stay. Respondent made no further filings in this case. On June 3, 2019, the court
9 dismissed the case.

10 19. The State court record revealed no filings by the Respondent.

11 20. The State Bar obtained the Respondent's Trust Account ("IOLTA") and
12 Business Operating Account bank records from August 2018 through April 2021.

13 21. The IOLTA and Operating Account records show deposits of only \$6,000
14 from Doran and Perez after the initial payment of \$5,000. Perez or Doran sent the final
15 installment in January 2019. Of this \$6,000 sum, Respondent placed only \$1,000 in his
16 Trust Account in October 2018 and the rest in his Operating Account.

17 22. Respondent closed his Operating Account on March 13, 2019, with a balance
18 of \$97.93.

19 23. The State Bar was unable to locate any deposits from the \$9,000 in other
20 payments from Doran and Perez. Respondent did not deposit those fees into his IOLTA
account.

On or about December 6, 2021, the Respondent provided Doran with a partial refund
of \$5,000.

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III. BASELINE ABA STANDARD FOR IMPOSING LAWYER SANCTIONS

Pursuant to section 4.4 (Lack of Diligence) of the ABA Standards for Imposing Lawyer Sanctions (2019, 2nd Ed., “Standards”), the appropriate baseline sanction for Respondent’s violation(s) of Count I (RPC 1.3 – Diligence) and Count II (RPC 1.4(a) – Communication) is Suspension. Pursuant to section 4.12 (Failure to Preserve Client Property), of the Standards, the appropriate baseline sanction for Respondent’s violation of Count IV (RPC 1.15(a)(c) is Suspension. Pursuant to section 7.2 (Duties owed as a Professional) of the Standards, the appropriate baseline sanction for Respondent’s violation(s) of Count V (RPC 8.1(b) – Bar Disciplinary Matters), is Suspension.

IV. AGGRAVATING AND MITIGATING FACTORS

Three SCR 102.5(1) aggravating factors present here are: a) Prior disciplinary offenses, d) Multiple offenses, i) Substantial experience in the practice of law. Two SCR 102.5(2) mitigating factors present here are: e) Cooperative attitude toward the proceedings and i) Substantial recent personal life changes. SCR 102.5(2).

A qualitative weighing of the three aggravating factors in conjunction with the two mitigating factors does not warrant a deviation from the Suspension baseline sanction.

V. STATED FORM OF DISCIPLINE

Pursuant to the Conditional Guilty Plea and Stipulation of Facts as set forth above, Respondent agrees to the following:

1. Respondent shall be actually suspended from the practice of law for six months and one day following the Panel’s acceptance of Respondent’s admission to Count I (RPC 1.3 – Diligence), Count II (RPC 1.4(a) – Communication), Count IV (RPC 1.15(a)(c) – Safekeeping Property) and Count V (RPC 8.1(b) – Bar Disciplinary Matters) as stated above. The parties here agree that this actual suspension term shall run concurrent to his existing suspension of six actual months, issued by the Nevada Supreme Court on April

1 29, 2022, in case number 84201. Respondent understands that he must seek to petition
2 a panel for reinstatement to practice law following his suspension here, and that a
reinstatement recommendation must be approved by the Nevada Supreme Court.

3 2. Respondent agrees to submit to binding fee dispute process with the State
4 Bar of Nevada Fee Dispute Program within 30 days of the Nevada Supreme Court order
5 approving here. The fee dispute sum will be regarding the \$20,000 in fees paid by client
6 Perez and/or Doran here, less the \$5,000 refunded by Respondent to Doran on December
6, 2021.

7 3. Respondent shall pay \$2,500 in costs, plus the “hard costs” of the
8 proceeding to include the reporter appearance fee and transcript, as contemplated by SCR
9 120. These costs shall be made within 30 days of the order approving to be issued by the
Nevada Supreme Court.

10 **VI. CONDITIONAL APPROVAL AND AGREEMENT BY STATE BAR**

11 Conditional to Respondent’s execution of the instant plea agreement and
12 ratification of the agreement at the hearing in this matter, the State Bar accepts the Plea
13 and recommends approval of the stated form of punishment by the Formal Hearing Panel
14 as a bargained-for exchange for the Respondent’s acceptance of responsibility to Counts
15 I, II, IV & V. The State Bar moves to dismiss Count III (RPC 1.5 – Fees) upon the Hearing
16 Panel’s recommendation to accept Respondent’s admissions and imposition of the
agreed-upon sanction noted above.

17 **VII. APPROVAL OF RESPONDENT**

18 Respondent certifies as true and acknowledges the following:

19 He has read the Conditional Guilty Plea in Exchange for a Stated Form of
20 Discipline and understands that by pleading guilty he admits the facts that support all
elements of the four aforementioned rule violations.

1 He has considered this plea carefully and has had opportunity to review this
2 document. He fully understands the terms and conditions set forth herein and the
3 consequences of this plea, including that this plea resolves only the grievances, claims,
4 and charges contained within the Complaint filed in OBC21-0386 and not any other
5 matters pending with, or grievances that may be in investigation by, the State Bar of
6 Nevada. He understands he has the right to counsel of his choosing should he retain one.
7 He has considered the option of retaining counsel and has elected to forgo that option. He
8 has sought and obtained the benefit of mediation in this matter which occurred on May
9 10, 2022. He is signing this agreement voluntarily and is not acting under duress or
10 coercion or by virtue of any promises by any person.

11 He further understands a failure to fully adhere to any of the subject terms and
12 conditions of the instant plea shall constitute grounds upon which the State Bar may

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1 directly seek relief from the Nevada Supreme Court or the Southern Nevada Disciplinary
2 Board by the original panel composition or a new panel for said noncompliance.

3 **DATED** this 17th day of May 2022.

4 
5 By: Derrick Penney (May 17, 2022 16:47 PDT)
6 Derrick S. Penney, Esq.
Nevada Bar No. 8606
RESPONDENT, pro se

7 **DATED** this 17th day of May 2022.

8 **STATE BAR OF NEVADA**
Daniel M. Hooge, Bar Counsel

9 *Bruce Hahn*
10 By: Bruce C. Hahn, Assistant Bar Counsel
11 Nevada Bar No. 5011
3100 W. Charleston Blvd., Suite 100
Las Vegas, NV 89102
12 **ATTORNEY FOR THE STATE BAR OF NEVADA**