

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
PATRICE D. PEREZ, BAR NO. 7860.

No. 70700

FILED

SEP 22 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Patrice D. Perez.

The record before this court indicates that Perez was admitted to practice law in the State of Nevada in 2001, and in 2005 she represented five clients in a personal injury action. Prior to the filing of the complaint, one of her clients executed a notice of lien and assignment of proceeds of claim in favor of Insight Mountain Diagnostic (IMD), of which Perez was aware. All five clients agreed to settle the action in November 2008 and Perez received settlement checks on their behalf in December 2008. Because she was unable to locate her clients she did not disburse the settlement checks or deposit them in her trust account, nor did she notify IMD of the settlement. IMD's third-party administrator

Med-Care Solutions, LLC contacted Perez numerous times in 2011 for a status check on the action and the payment of funds and she informed Med-Care that she was still negotiating the action. In November 2011, Perez had the checks reissued and provided one of her clients with his settlement check. She did not disburse the other checks, deposit the funds into her trust account, interplead the funds in court, or pay herself any fees for her representation. She also did not notify IMD or Med-Care of the new check. Perez left the checks in her file uncashed. Perez closed her law practice in December 2011 and became an inactive member of the State Bar of Nevada in February 2013.

Perez fully cooperated with the State Bar in this disciplinary proceeding and entered into a conditional guilty plea agreement in exchange for a stated form of discipline. The hearing panel concluded that Perez violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.15 (safekeeping of property), RPC 8.4(c) (misconduct-misrepresentation), and RPC 8.4(d) (misconduct-prejudicial to the administration of justice) for failing to communicate with her clients regarding the settlement funds, failing to promptly and diligently disburse the settlement funds to her clients and/or lienholders or to interplead the funds, and misrepresenting the status of the personal injury matter to her client's lienholder. The panel found no aggravating factors and six mitigating factors: (1) the absence of prior discipline (SCR 102.5(2)(a)), (2) the absence of a selfish motive (SCR 102.5(2)(b)), (3) Perez's full and free disclosure to the disciplinary authority and cooperative attitude toward the proceeding (SCR 102.5(2)(e)), (4) the delay in the disciplinary proceedings (SCR 102.5(2)(j)), (5) the imposition of other penalties or sanctions (SCR

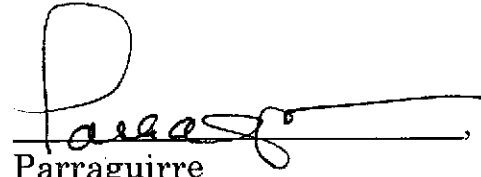
102.5(2)(l)), and (6) Perez's remorse (SCR 102.5(2)(m)). Perez agreed to a six-month-and-one-day suspension and to reimburse the State Bar up to \$2,500 for attorney fees and costs incurred in retaining an attorney to disburse or interplead the settlement funds.¹ Perez also agreed to pay the costs of the bar proceedings, excluding Bar Counsel and staff salaries.

Based on our review of the record, we conclude that the guilty plea agreement should be approved. SCR 113(1). Considering the duties violated and the mitigating circumstances, we conclude that the six-month-and-one-day suspension is sufficient to serve the purpose of attorney discipline. See *In re Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008) (setting forth factors to be considered); *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (explaining the purpose of attorney discipline). Accordingly, we hereby suspend Patrice Perez from the practice of law in Nevada for a period of six months and one day commencing from the date of this order. Perez shall also reimburse the State Bar up to \$2,500 for attorney fees and costs incurred in retaining an attorney to disburse or interplead the settlement funds in accordance with her agreement with the State Bar. Perez shall also pay

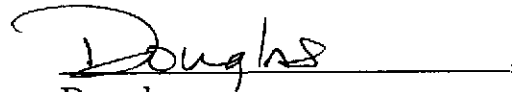
¹Perez has agreed to open a bank account to hold her reimbursement funds and to deposit \$500 in the account on or before June 25, 2016, and \$100 on or before the 25th of every month thereafter until the full \$2,500 is deposited. Once the State Bar requests a reimbursement payment, Perez will provide the reimbursement within 10 days, and if the balance of the account is insufficient, she will continue to deposit \$100 monthly into the account until the full reimbursement amount has accrued, at which point she will submit payment of the remainder to the State Bar. Any over-payment will be refunded by the State Bar.

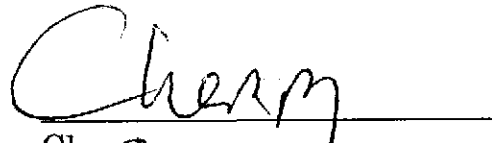
the costs of the bar proceedings, excluding Bar Counsel and staff salaries, before February 28, 2017. The parties shall comply with SCR 115 and 121.1.


It is so ORDERED.

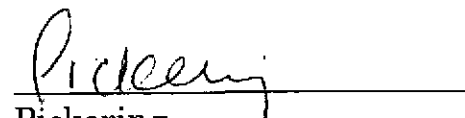
 C.J.
Parraguirre

 J.
Hardesty

 J.
Douglas

 J.
Cherry

 J.
Gibbons

 J.
Pickering

cc: Chair, Southern Nevada Disciplinary Board
Law Offices of Patrice D. Perez, P. C.
Kimberly K. Farmer, Executive Director, State Bar of Nevada
C. Stanley Hunterton, Bar Counsel, State Bar of Nevada
Perry Thompson, Admissions Office, U.S. Supreme Court