



FILED

AUG 24 2020

STATE BAR OF NEVADA
BY: *B. Felix*
OFFICE OF BAR COUNSEL

1 Case No.: OBC19-0444

2
3
4 STATE BAR OF NEVADA

5 SOUTHERN NEVADA DISCIPLINARY BOARD

6 STATE BAR OF NEVADA,)
7)
8 Complainant,)
9 vs.)
10 BENSON LEE, ESQ.,)
Nevada Bar No. 4313,)
11 Respondent.)

PUBLIC REPRIMAND

12 You represented Kellee Antalek (“Antalek), who was the plaintiff in an automobile negligence
13 matter filed in the Eighth Judicial District Court. The District Court ultimately granted a defense
14 motion to dismiss. The District Court’s order dismissing Antalek’s case was filed on July 17, 2017.

15 On or about August 24, 2017, you filed a Notice of Appeal in the Nevada Supreme Court
16 (“Supreme Court”).

17 In an Order filed on September 25, 2017, the Supreme Court noted that in June 2013, you had
18 been prohibited from practicing in the Supreme Court and, therefore, were not permitted to file
19 additional documents in Antalek’s appeal. However, the Supreme Court granted you an exception and
20 directed you to, within thirty (30) days, file either (1) a response demonstrating cause why you should
21 be allowed to resuming practicing law in the Supreme Court or (2) a motion to withdraw as appellant’s
22 counsel.

23 On October 30, 2017, you filed a pleading which requested that you be permitted to represent
24 Antalek in her appeal.

1 On December 22, 2017, the Supreme Court noted in an Order that you had provided an
2 untimely response to its Order of September 25, 2017, which had directed you to respond within
3 thirty (30) days. Nevertheless, the Supreme Court permitted you to represent Antalek in her appeal
4 only. You were warned that failure to comply with the Supreme Court's rules and orders would result
5 in the imposition of sanctions, removal as counsel, and/or referral to the State Bar for investigation and
6 possible discipline.

7 The Supreme Court's Order of December 22, 2017, directed that you must, within eleven (11)
8 days, (1) serve and file a file-stamped transcript request or a certificate that no transcripts would be
9 requested, and (2) file and serve the docketing statement. You also were directed to, within ninety
10 (90) days, file and serve the opening statement and appendix.

11 On February 23, 2018, the Supreme Court filed an Order Referring Counsel to State Bar for
12 Investigation, Removing Counsel and Suspending Briefing. In its Order, the Supreme Court noted
13 that you had filed neither the transcript request form, a certificate that no transcripts would be
14 requested, nor the docketing statement. Therefore, the Supreme Court removed you from the appeal
15 and referred you to the State Bar for a disciplinary investigation.

16 In June 2018, Antalek filed a *pro per* Request for Dismissal of her appeal, which the
17 Supreme Court subsequently granted.

18 ABA Standard 4.43 states that:

19 Reprimand is generally appropriate when a lawyer is negligent and does not act with
20 reasonable diligence in representing a client, and causes injury or potential injury to a
client.

21 In this matter, you failed to abide by the Supreme Court's specific directives about the filings
22 of necessary pleadings and documents in the appeal.

23 In light of the foregoing, you violated Rule of Professional Conduct 1.3 (Diligence) and RPC
24 3.4(c) (Fairness to Opposing Party and Counsel), and are hereby PUBLICLY REPRIMANDED and
25

1 ordered to pay the costs of the proceeding, including the \$1,500 administrative cost pursuant to
2 Supreme Court Rule 120 (Costs) within ninety (90) days.

3 DATED this 25th day of August, 2020.

4
5 *Bryan Cox*

Bryan Cox (Aug 25, 2020 14:47 PDT)

6 Bryan Cox, Esq., Hearing Panel Chair
7 Southern Nevada Disciplinary Board
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25