

1 Case Number: SBN22-00219



FILED

Jun 06, 2023

STATE BAR OF NEVADA

BY:

OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

9 STATE BAR OF NEVADA, )

10 Complainant, )

11 vs. )

12 K. ALEXANDRA MONACO, ESQ. )

STATE BAR NO. 9253 )

13 Respondent. )

PUBLIC REPRIMAND

14 \_\_\_\_\_ )  
15 TO: K. Alexandra Monaco, Esq.  
3101 Spring Mountain Rd Suite 1  
16 Las Vegas, NV 89102

17 On or about May 27, 2021, a Client retained you to file a U-Visa application on his  
18 and his wife's behalf. The basis for the U-Visa was a crime committed against the Clients'  
19 child. The Client agreed to pay \$6,500 for the representation.

20 Based on the Clients' initial meeting with you and your in-office interpreter, he  
21 understood that: (1) it was your responsibility to obtain a copy of the police report and that  
22 it would take about three months; (2) he would get a work permit in one year; and (3) that  
23 the U Visa process could take between four and five years. You submit that you did not  
24 make these representations to the Client and there is no written document substantiating  
25 either side's understanding on these issues.

1           The Clients paid \$2,000 when they initially retained you and agreed to pay \$500  
2 monthly until the full amount was paid. For seven successive months (July 2021 to March  
3 2022) the Clients paid \$500 each month towards the total fee of \$6,500.

4           You deposited the Clients' \$2,000 payment into you operating account on or about  
5 May 28, 2021. The funds were not transferred to a Client Trust Account. None of the  
6 subsequent payments were transferred to a Client Trust Account.

7           Between June, 2021 and January, 2022, your office prepared initial drafts of the U-  
8 Visa Petition and collected some relevant documents from the Clients. Between June 2021  
9 and January 2022, you did not request the Police Report necessary for the U-Visa petition  
10 and did not communicate to the Client that you needed him to acquire the report.

11           At a January 2022 meeting with you and your in-office interpreter, you asked the  
12 Client to obtain a copy of the police report. The Client thought you had already obtained  
13 the police report. The Client retrieved a copy of the police report on January 28, 2022, and  
14 delivered it to you on February 1, 2022.

15           On February 15, 2022, the Client asked your office status for the status of the  
16 certification request to the Las Vegas Metropolitan Police Department ("LVMPD"), if there  
17 was anything else needed of him, and what his outstanding balance was. The Client  
18 followed up with your office three times between March 8 and March 28, 2022, about his  
19 outstanding balance but did not receive the requested information.

20           You reported to the State Bar that, on March 3, 2022, you sent a Certification request  
21 to LVMPD regarding the underlying matters that supported the Clients' U-Visa application.  
22 However, LVMPD has no record of receiving your request. You did not follow-up on the  
23 request to LVMPD for the next eight weeks.

24           On April 25, 2022, the Client contacted you to express frustration with a lack of  
25 communication and movement on the filing of the U-Visa application. He terminated the

1 representation. You replied to the termination request stating that none of the fees paid  
2 would be returned to the Clients because most of the work had already been done, however  
3 the Clients' U-Visa application was not yet finalized or filed. When the Client terminated  
4 the representation, you had substantially less in your operating account than the \$6,500  
5 that the Clients had paid.

#### 6 Violations of the Rules of Professional Conduct

7       You had a duty to safekeep the funds paid by the Client in a Client Trust Account,  
8 withdrawing them only when earned, pursuant to RPC 1.15 (Safekeeping Property). You  
9 knowingly violated the duty when you failed to deposit, and hold, the Client's funds related  
10 to the U-Visa Petition until reasonably earned. Specifically, you never deposited the fees  
11 into a Client Trust Account and did not correlate any quantity of work performed on the  
12 Clients' behalf with the transfer, or use, of such fees to yourself. Your client was injured by  
13 your conduct because he paid a significant sum and did not receive the agreed upon filed  
14 petition or any benefit from your work.

15       You also had a duty to (i) reasonably consult with the client about the means by  
16 which the client's objectives are to be accomplished, (ii) promptly comply with reasonable  
17 requests for information, and (iii) explain a matter to the extent reasonably necessary to  
18 permit the client to make informed decisions regarding the representation, pursuant to  
19 RPC 1.4 (Communication). You negligently violated this duty when you (i) believed you  
20 had verbally informed the Client but failed to actually meaningfully and timely inform him  
21 of his obligation to collect information for the petition, (ii) failed to respond to the Client's  
22 attempts to communicate in March 2022, and (iii) failed to reasonably inform the Client of  
23 what to expect during the pendency of the petition. Your client was minimally injured by  
24 your conduct because of the anxiety and delay caused.

1 Sanction Factors

2 Pursuant to Standard 4.12 of the ABA Standards for Imposing Lawyer Sanctions, the  
3 appropriate baseline sanction for your failure to safekeep the Client's property is  
4 suspension. However, the Panel considers (i) your absence of a dishonest motive (SCR  
5 102.5(2)(b)), (ii) your free and full disclosure to the disciplinary authority and cooperative  
6 attitude towards the proceeding (SCR 102.5(2)(e)), and (iii) the imposition of conditions  
7 (SCR 102.5(2)(l)). In particular, those conditions are:

8 (i) remove all language regarding a non-refundable or "earned upon receipt" fee in  
9 all future fee agreements; and

10 (ii) For one year after the Public Reprimand is issued, you shall:

11 (a) deposit all fees into a Client Trust Account and disburse fees only as  
12 earned;

13 (b) maintain general and client-specific ledgers which record when fees are  
14 earned, and therefore disbursed, for each client; and

15 (c) on a monthly basis, submit the ledgers to the Office of Bar Counsel to  
16 confirm compliance with the foregoing conditions.

17 You have also agreed to return \$3,000 to the Client.

18 A downward deviation from the imposition of a suspension to the issuance of a  
19 Public Reprimand is appropriate because of the mitigating factors.

20 ///

21  
22 ///


23  
24 ///

25

1 PUBLIC REPRIMAND

2 In light of the foregoing, you violated Rule of Professional Conduct (“RPC”) 1.15  
3 (Safekeeping Property) and RPC 1.4(Communication) and are hereby PUBLICLY  
4 REPRIMANDED, required to comply with the foregoing conditions, and required to pay  
5 \$1,500 plus the hard costs of this proceeding within 60 days of the issuance of the Findings  
6 of Fact, Conclusions of Law and Order in this matter.

7 DATED this 2<sup>nd</sup> day of May, 2023.

8  
9   
By: Jacob Villani (May 2, 2023 10:10 PDT)  
10 JACOB VILLANI, ESQ.  
11 Formal Hearing Panel Chair  
12 Southern Nevada Disciplinary Board  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25