

STATE BAR OF NEVADA

April 30, 2021

LETTER OF REPRIMAND

Byron Bergeron, Esq.
3165 Idlewild Dr.
Reno, NV 89509



RE: Grievance File #OBC21-0096 / Kathleen Breckenridge

3100 W. Charleston Blvd.
Suite 100
Las Vegas, NV 89102
phone 702.382.2200
toll free 800.254.2797
fax 702.385.2878

Dear Mr. Bergeron:

A Screening Panel of the Northern Nevada Disciplinary Board has reviewed the above-referenced grievances and unanimously determined that a Letter of Reprimand be issued for violating the Nevada Rules of Professional Conduct.

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
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GRIEVANCE

You were a party to a Fee Dispute filed by a former client with the State Bar's Fee Dispute Arbitration Committee. Kathleen Breckenridge, Esq. was assigned to mediate the dispute.

In the Fee Dispute process, Ms. Breckenridge asked you to engage in mediation using the Zoom platform. You responded in multiple emails that you would not agree to use Zoom because "it is a Chinese Communist application and sends all our Confidential information to China." You sent repeated emails to Ms. Breckenridge and/or her office email address even though she did not reply.

You also sent no fewer than 25 emails to Ms. Breckenridge arguing how to return any fee that you received for the underlying representation. These emails were sent over the course of two days, including evenings, usually on the same string and without any replies. In at least one email, you referred to Ms. Breckenridge using an offensive and derogatory term. Ms. Breckenridge replied to one of your emails proposing a solution to the refund dilemma you presented and asking you to deliver the refund check to her office.

On the day scheduled for the mediation, you caused a check to be delivered to Ms. Breckenridge's office. The payee identified on the check was decidedly improper - a derogatory reference to Ms. Breckenridge.

Ms. Breckenridge submitted a grievance to the State Bar regarding your conduct in the Fee Dispute mediation. The Office of Bar Counsel emailed you a letter of investigation. After you received the Bar Counsel's email, you responded with eight emails in nine minutes.

With the Fee Dispute Arbitration Committee coordinator, you ultimately caused a cashier's check to be issued to the original payee of the fee in resolution of the Fee Dispute matter.

VIOLATION OF THE NEVADA RULES OF PROFESSIONAL CONDUCT
AND NEVADA SUPREME COURT RULES

Your conduct in the Fee Dispute mediation and this grievance violated the rules governing lawyers in Nevada as follows:

RPC 8.4 (Misconduct): This rule prohibits conduct that is prejudicial to the administration of justice. In this instance, your repeated, unsolicited, unprofessional emails and disparaging conduct towards the Fee Dispute mediator were intended to, and did, disrupt the Fee Dispute mediation without a legitimate purpose, and highly prejudiced the administration of that proceeding.

SCR 73 (Attorney's oath): This rule requires an attorney conduct himself in a civil and professional manner and promote the administrative of justice. In this instance, your repeated, unsolicited, disparaging emails and conduct towards the Fee Dispute mediator was neither civil nor professional, and failed to promote the administration of justice.

APPLICATION OF THE ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS

Standard 6.22 of the ABA Standards for Imposing Lawyer Sanctions provides that "suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule and causes injury or potential injury to a client or a party or causes interference or potential interference with a legal proceeding." In this instance, you knew that your communication with the Fee Dispute mediator was inappropriate and unprofessional, and caused (i) delay in the resolution of the fee dispute and (ii) injury to the integrity of the profession.

Considering the absence of prior discipline and the apparent isolation of this instance, the Panel finds that it is appropriate to deviate down to the issuance of a reprimand from the baseline sanction of suspension of your license to practice law in Nevada. The Panel cautions that additional instances of similar conduct may result in suspension under the policy of progressive discipline.

Byron Bergeron, Esq.

April 30, 2021

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REPRIMAND

Based upon the foregoing, you are hereby **REPRIMANDED** for your knowing violation of RPC 8.4(d) (Misconduct-prejudicial to the administration of justice) and SCR 73 (Attorney's oath).

Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500.

Sincerely,


CCJENKINS (May 20, 2021 16:18 PDT)

Caren Jenkins, Esq., Screening Panel Chair
Northern Nevada Disciplinary Board

CCJ/rkf






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Final Audit Report

2021-05-20

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