



FILED

JUL 11 2014

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

1 Case Nos. SG11-1737, SG12-0903

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**STATE BAR OF NEVADA**

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**SOUTHERN NEVADA DISCIPLINARY BOARD**

6	STATE BAR OF NEVADA,	)
		)
7	Complainant,	)
	vs.	)
8		)
	JOSEPH A. SCALIA, ESQ.	)
9	STATE BAR NO. 5123,	)
		)
10	Respondent.	)

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**PUBLIC REPRIMAND**

12 TO: JOSEPH A. SCALIA, ESQ.  
13 415 South 6<sup>th</sup> Street, Suite 300  
14 Las Vegas, NV 89101

14 **SG11-1737/Bank of Nevada**

15 On or about November 28, 2011, Bank of Nevada notified the State Bar that your trust  
16 account had become overdrawn by \$1,529.25 when a check for \$2,601.70 was presented for  
17 payment. The State Bar subsequently investigated the matter. The investigation revealed  
18 that, from approximately November 2011 through August 2012, you failed to properly  
19 maintain funds in your client trust account. Your initial response to the State Bar's Letter of  
20 Investigation did not explain the issues for the overdraft and, further, the trust account issues  
21 were not resolved until well after the State Bar began its investigation.

22 You later informed the State Bar that you were dealing with family issues and  
23 acknowledged that you had not properly supervised the management of your trust account.  
24 You explained, in part, that during the time period at issue you had reduced the number of  
25 hours of your accounting staff from thirty (30) hours per week to twelve (12) hours per week,

1 and because the settlement funds from your personal injury cases amounted to less than five  
2 (5) percent of your business, your trust account did not garner the attention it deserved.

3 In light of the foregoing, you violated Rule of Professional Conduct ("RPC") 1.1  
4 (Competence), RPC 1.15 (Safekeeping Property), RPC 5.3 (Responsibilities Regarding  
5 Nonlawyer Assistants), RPC 8.1 (Bar Admission and Disciplinary Matters), and RPC 8.4  
6 (Misconduct).

7 **SG12-0903/Scott Hadley**

8 Scott Hadley ("Hadley") retained you on November 16, 2010, until on or about May 7,  
9 2012, to stop garnishment of his wages for child support and alimony payments, clear up  
10 arrears in child support payments, stop alimony payments, and modify his visitation  
11 agreement so he could spend an additional week with his son during the summer.

12 Attorneys and staff assigned to Hadley's case repeatedly failed to communicate with  
13 Hadley and repeatedly asked him to resubmit documents that he had previously provided to  
14 your office. Hadley eventually cleared the arrearages issue on his own. Further, your office  
15 failed to timely domesticate the out-of-state divorce decree in this matter with the Eighth  
16 Judicial District Court. The application was rejected twice as your office failed to follow the  
17 appropriate filing procedures.

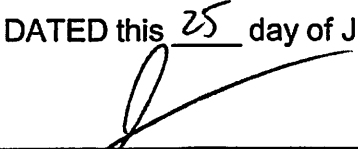
18 Hadley, on May 7, 2012, asked you for a refund of his retainer due to lack of  
19 communication and lack of progress on his case. You agreed to refund Hadley's retainer  
20 and advised Hadley that you would mail him a refund check. It was not until after the State  
21 Bar performed a status check in February 2013 that Hadley received and deposited his  
22 refund.

23 In light of the foregoing, you violated RPC 1.1 (Competence), RPC 1.3 (Diligence),  
24 RPC 1.4 (Communication), RPC 1.16 (Declining or Terminating Representation), RPC 3.2  
25 (Expediting Litigation), RPC 5.1 (Responsibilities of Partners, Managers, and Supervisory

1 Lawyers), and RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants) and are hereby  
2 PUBLICLY REPRIMANDED.

3 Please be informed that given the concerns raised in your disciplinary proceeding, any  
4 future problems will likely result in the imposition of a more severe form of discipline.

5 DATED this 25 day of June 2014.

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9 JEFFREY S. POSIN, ESQ.  
10 Formal Hearing Panel Chair  
11 Southern Nevada Disciplinary Board  
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