

SUPREME COURT OF NEVADA

In re Discipline of Gianna M. Orlandi

No. 85346 (Nev. [date unavailable]) · No. 85346 · Decided November 22, 2022

SUMMARY

The Nevada Supreme Court reviewed a disciplinary hearing panel's recommendation and disbarred Gianna M. Orlandi for violations involving client communication, fees, safekeeping property, supervision of a nonlawyer, unauthorized practice of law, disciplinary cooperation, and trust-account requirements. The court found one mitigating circumstance and five aggravating circumstances, ordered irrevocable disbarment, and required payment of disciplinary proceeding costs.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	C.J. Parraguirre; Justice Hardesty; Justice Cadish; Justice Pickering; Justice Herndon
JURISDICTION	Nevada
DECIDED	November 22, 2022
DOCKET	85346
DISPOSITION	other
PROCEDURAL POSTURE	Automatic review of a Southern Nevada Disciplinary hearing panel's recommendation that attorney Gianna M. Orlandi be disbarred.
STANDARD OF REVIEW	The Supreme Court reviews the hearing panel's disciplinary recommendation de novo, although the recommendation is persuasive.
PRECEDENTIAL VALUE	Published Nevada Supreme Court disciplinary order; precedential status beyond the disciplinary disposition is not specified in the document.

TOPICS

- appellate procedure
- standard of review
- administrative law

PRACTICE AREAS

- legal ethics
- professional responsibility
- attorney discipline

QUESTIONS PRESENTED

1. Whether the facts and charges in the amended disciplinary complaint were established when Orlandi failed to answer and default was entered.
2. What discipline was appropriate for Orlandi's violations of the Nevada Rules of Professional Conduct and Supreme Court Rules.
3. Whether disbarment was warranted based on the duties violated, Orlandi's mental state, the actual or potential injury, and aggravating and mitigating circumstances.

HOLDINGS

1. When an attorney fails to answer an amended disciplinary complaint and a default is entered, the facts and charges alleged in the amended complaint are deemed admitted.
2. The Supreme Court reviews a disciplinary hearing panel's recommendation de novo, while treating the panel's recommendation as persuasive.
3. The appropriate discipline is determined by weighing the duty violated, the lawyer's mental state, the potential or actual injury caused by the misconduct, and aggravating or mitigating factors.
4. Disbarment was the appropriate sanction for Orlandi's knowing misconduct involving unauthorized practice of law, client and professional duties, and obstruction of the disciplinary process.

KEY QUOTATIONS

"To determine the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors."" (at 2)

"The baseline sanction before considering aggravating or mitigating circumstances is disbarment." (at 3)

"Accordingly, we disbar attorney Gianna M. Orlandi from the practice of law in Nevada. Such disbarment is irrevocable." (at 3)

FACTUAL BACKGROUND

Orlandi formed a law firm with a non-attorney who performed most of the legal work, held himself out as an attorney, met with clients, and provided legal advice. She failed to supervise him, billed clients for unauthorized or unwanted work, changed representation arrangements without client approval, failed to perform required litigation tasks, and failed to acknowledge a client payment. She also improperly represented that she was exempt from maintaining a client trust account and failed to substantively respond to the State Bar's requests concerning four grievances.

PROCEDURAL HISTORY

The State Bar charged Orlandi with violations of multiple Nevada Rules of Professional Conduct and Supreme Court Rules. Orlandi failed to answer the amended complaint, so the allegations were deemed admitted and a default was entered. A Southern Nevada Disciplinary hearing panel recommended disbarment, and the Nevada Supreme Court reviewed that recommendation de novo.

DISPOSITION

other

CASES CITED

- In re Discipline of Drakulich, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995)
- In re Discipline of Schaefer, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001)
- In re Discipline of Lerner, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008)

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