

SUPREME COURT OF NEVADA

In the Matter of Discipline of Bradley J. Bellisario

In re Bellisario · No. 84144 · Decided April 7, 2022

SUMMARY

The Supreme Court of Nevada disbarred Bradley J. Bellisario after deeming admitted allegations that he misappropriated or comingled approximately \$260,000 in client funds and committed multiple professional-conduct violations. The court found intentional or knowing misconduct, actual client injury, and three aggravating circumstances, with no mitigating circumstances. Disbarment was made irrevocable, and Bellisario was ordered to pay disciplinary proceeding costs.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Parraguirre; Alizadeh; Hardesty; Stiglich; Cadish; Silver; Herndon
JURISDICTION	Nevada
DECIDED	April 7, 2022
DOCKET	84144
DISPOSITION	other
PROCEDURAL POSTURE	Automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Bradley J. Bellisario be disbarred.
STANDARD OF REVIEW	The Supreme Court reviews the hearing panel's disciplinary recommendation de novo and exercises independent judgment, while treating the panel's recommendation as persuasive.
PRECEDENTIAL VALUE	Published Nevada Supreme Court disciplinary order

TOPICS

- appellate procedure
- remedies
- equitable relief

PRACTICE AREAS

- legal ethics and professional responsibility
- attorney discipline

QUESTIONS PRESENTED

1. Whether the record established by clear and convincing evidence that Bellisario committed the charged violations of the Nevada Rules of Professional Conduct.
2. What discipline was appropriate for Bellisario's admitted misconduct.
3. Whether the hearing panel's recommendation of disbarment should be adopted on automatic de novo review.

HOLDINGS

1. Because Bellisario failed to answer the complaint and default was entered, the facts and charges alleged in the complaint were deemed admitted, and the record established violations of RPC 1.15, RPC 1.3, RPC 1.4, RPC 1.5, RPC 1.8, RPC 8.1, and RPC 8.4.
2. Disbarment was the appropriate sanction, and the disbarment was irrevocable.

KEY QUOTATIONS

“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.”

“Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.”

FACTUAL BACKGROUND

Bellisario misappropriated and/or commingled approximately \$260,000 in client funds, failed to pay client liens or communicate with clients about their cases, obtained a proprietary interest other than a contingency fee in certain clients' personal-injury cases, and failed to respond to State Bar inquiries. He failed to answer the disciplinary complaint, resulting in a default and deemed admissions. The misconduct caused actual injury to clients who did not receive their funds, and the record reflected no mitigating circumstances and three aggravating circumstances: dishonest or selfish motive, multiple offenses, and vulnerability of the victims.

PROCEDURAL HISTORY

The State Bar charged Bellisario with violations of multiple Nevada Rules of Professional Conduct. Bellisario failed to answer the complaint, and a default was entered, causing the alleged facts and charges to be deemed admitted. The Southern Nevada Disciplinary Board hearing panel recommended disbarment, and the Nevada Supreme Court conducted automatic review without briefs based on the record.

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)

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF NEVADA IN THE MATTER OF DISCIPLINE OF No. 84144 BRADLEY J. BELLISARIO, BAR NO. 13452. FILED ORDER OF DISBARMENT This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Bradley J. Bellisario be disbarred based on violations of RPC 1.15 (safekeeping property), RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.5 (fees), RPC 1.8 (conflicts of interest: current clients: specific rules), RPC 8.1 (Bar admission and disciplinary matters), and RPC 8.4 (misconduct).

Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(b). The State Bar has the burden of showing by clear and convincing evidence that Bellisario committed the violations charged. See *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995).

Here, however, the facts and charges alleged in the complaint are deemed admitted because Bellisario failed to answer the complaint and a default was entered. The record therefore establishes that Bellisario violated the "The complaint and notice of intent to take a default were served on Bellisario through regular and certified mail to his SCR 79 address and emailed to his SCR 79 email address.

The notice of intent to take a default was also sent to an alternate physical and an alternate email address. The scheduling order was sent to all of the foregoing addresses. Bellisario z - v1740 above-referenced rules by misappropriating and/or comingling approximately \$260,000 of client funds, failing to pay liens on behalf of clients or communicate with them about their cases, obtaining a propriety interest other than a contingency fee in certain clients personal injury cases, and failing to respond to the State Bar's inquiries.

Turning to the appropriate discipline, we review the hearing paners recommendation de novo. SCR 105(3)(b). Although we,'must... exercise independent judgment," the panel recommendation is persuasive. *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001).

In determining 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."

In re Discipline of Lerner, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008). Bellisario intentionally and/or knowingly violated duties owed to his clients (safekeeping property, conflicts of interest, fees, communication, and diligence) and the profession (failing to respond to lawful

requests for information by a disciplinary authority). Bellisario's clients suffered actual injuries as they did not receive their funds.

And Bellisario's failure to cooperate in the disciplinary investigation harmed the integrity of the profession, which depends on a self-regulating disciplinary system. The baseline sanction for his misconduct, before considering aggravating or mitigating factors, is disbarment. See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards, Standard 4.11 (Am.

Bar Ass'n 2017) ("Disbarment is responded to a notice from the State Bar that his 2021 license renewal was overdue, but not to the disciplinary complaint against him. Sumas Com OF NEVADA 2 (0) 1947A rels) generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.").

The record supports the panel's findings of no mitigating circumstances and three aggravating circumstances (dishonest or selfish motive, multiple offenses, and vulnerability of victim). Having considered the four factors, we agree with the panel that disbarment is appropriate.

Accordingly, we disbar attorney Bradley J. Bellisario from the practice of law in Nevada. Such disbarment is irrevocable. SCR 102(1). Bellisario shall pay the costs of the disciplinary proceedings, including \$3,000 under SCR 120, within 30 days of the date of this order.

The State Bar shall comply with SCR 121.1. It is so ORDERED. J. A. Aisai, J. Hardesty Stiglich, Clerk of the Court, State Bar of Nevada Executive Director, Southern Nevada Disciplinary Board Bar Counsel, State Bar of Nevada Perry Thompson, Admissions Office, U.S. Supreme Court 3