

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
REINSTATEMENT OF PATRICK E.
MCDONALD, ESQ.

No. 43836

FILED

APR 06 2005

ORDER OF REINSTATEMENT

BY *J. Amodeo*
JANETTE BILLORE
CLERK OF SUPREME COURT
DEPUTY CLERK

This is a petition by attorney Patrick E. McDonald to be reinstated to the active practice of law. In February 2002, McDonald and the State Bar filed a joint petition and stipulation for transfer to disability inactive status, which this court granted.

On August 27, 2004, McDonald filed a petition for transfer to active status. We referred the matter to a Southern Nevada Disciplinary Board hearing panel for a report and recommendation. A formal hearing was held by the panel on December 8, 2004. At the hearing, McDonald, represented by Thomas Pitaro, presented testimony from the following witnesses: Dr. Scott Rubin, attorney Scott Bindrup, and McDonald's wife, Karen Brazier. McDonald also testified on his own behalf and introduced documentary evidence and affidavits.

The hearing panel recommended that McDonald's petition be granted, concluding that he has met his burden of proving by clear and convincing evidence that the disability has been removed and that he is fit to be reinstated, subject to the following conditions:¹

1. McDonald shall enter into a mentorship agreement for a one-year period with

¹See SCR 117(4) and (5).

attorney Scott Bindrup serving as his mentor. If Bindrup is unable or unwilling to serve, the mentor shall be selected with bar counsel's approval. The approved mentor shall provide quarterly reports to bar counsel during the mentorship, and shall indicate in the final report if McDonald would benefit from continuing the mentorship agreement.

2. McDonald shall provide to bar counsel the name of one other attorney who will be available to him as a mentor in the area of practice that he chooses to pursue. This mentor will not be required to provide reports, but will simply be available to McDonald as another resource.
3. McDonald shall continue treatments with Dr. Scott Rubin for a period of two years. McDonald shall provide bar counsel with Dr. Rubin's treatment reports every six months. Dr. Rubin's final report shall indicate whether or not McDonald should continue treatment.
4. McDonald shall remain on probation until all conditions for reinstatement are met.
5. McDonald shall have twelve months from the issuance of this court's order in this matter to complete twelve CLE credits.
6. McDonald shall pay the remaining \$600 in outstanding fines to this court and provide proof of payment to bar counsel within seven days of payment.
7. McDonald shall pay the actual costs of this proceeding under SCR 120 within sixty days of issuance of this court's order in this matter.
8. Any other disciplinary actions pending against McDonald shall be dismissed.

9. The panel shall maintain jurisdiction over this matter for a period of two years from the date of this court's order. If McDonald fails to meet any of the above conditions, the panel chair, at bar counsel's request, may reconvene the panel.

Having reviewed the record, we conclude that McDonald has met his burden of proof and that clear and convincing evidence supports the panel's recommendation. We further conclude that the conditions recommended by the panel are appropriate, and note that condition six has already been satisfied by McDonald.

Accordingly, we grant the petition and reinstate McDonald to the active practice of law, subject to all conditions stated above, except number six.²

It is so ORDERED.³

Becker, C.J.
Becker

Rose, J.
Rose

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Maupin, J.
Maupin

Douglas, J.
Douglas

Parraguirre, J.
Parraguirre

²This petition for reinstatement from disability inactive status was marked confidential upon its filing. Since we grant the petition, we conclude that this court's file should be open to the public, and so we direct the clerk to remove the confidential designation on the file. See SCR 121.

³This is our final disposition of this matter. Any new proceedings concerning McDonald shall be docketed under a new docket number.

cc: Howard Miller, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director, State Bar
Thomas F. Pitaro
Perry Thompson, Admission Office,
Supreme Court of the United States