

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
KENNETH R. SHEEHAN, ESQ.

No. 45915

FILED

MAR 10 2006

JANEY M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER IMPOSING RECIPROCAL DISCIPLINE

This is a petition for reciprocal discipline under SCR 114 against attorney Kenneth R. Sheehan, based on discipline imposed upon him in California. Sheehan has filed a notice of intent to not answer the petition and has stipulated to the imposition of reciprocal discipline in Nevada.

On March 22, 2004, the California State Bar Court imposed discipline of a public reproof and a one-year probation with conditions, based on Sheehan's association with two non-lawyers to set up a satellite legal office in California. The non-lawyers were permitted to solicit and interview clients and to negotiate settlements. One of the non-lawyers also had access to settlement funds, and took some of these funds rather than pay medical lienholders. Sheehan learned that funds had been taken when he received demands from medical providers for payment. He promptly ended the association and self-reported the matter to the California bar.

The California State Bar Court found Sheehan's conduct to have violated the California equivalents of SCR 188(1) (professional independence of a lawyer) and SCR 151 (competence). It also considered as mitigating factors Sheehan's twenty-five years of practice with no prior discipline, his remorse, and his cooperation with the bar. Sheehan and the California bar entered into a stipulation for a public reproof and a one-year probation with the following conditions: (1) Sheehan had to comply with all applicable professional conduct rules and statutes; (2) he had to inform the bar of any address change within ten days; (3) he had to submit quarterly reports and a final report to the California state bar; (4) he had to answer truthfully and promptly any inquiries from his probation monitor; and (5) he had to complete at least four hours of CLE in law office management.

Sheehan successfully completed the conditions imposed by the California bar. On August 31, 2005, Sheehan resigned from the State Bar of California.

Although Sheehan failed to inform the State Bar of Nevada about his California discipline, as required by SCR 114(1), the state bar learned of the California discipline through the California bar, and this petition followed.

SCR 114(4) provides that this court shall impose identical reciprocal discipline unless the attorney demonstrates or this court finds that one of three exceptions applies. None of the exceptions applies to this case, and so we grant the petition for reciprocal discipline.

As Sheehan has already completed the conditions imposed during his probationary period, we publicly reprimand Sheehan for his misconduct.

It is so ORDERED.¹

Rose, C.J.
Rose

Becker, J.
Becker

Maupin, J.
Maupin

Gibbons, J.
Gibbons

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Howard Miller, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
Warhola & Brooks, LLP

¹This is our final order in this matter. Any additional proceedings concerning Sheehan shall be docketed under a new docket number.