

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: REINSTATEMENT OF JOSE C.
PALLARES.

No. 45927

FILED

DEC 08 2005

ORDER OF REINSTATEMENT

BY *J. Bloom*
JAMES H. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

This is an automatic appeal from a Southern Nevada Disciplinary Panel's recommendation that attorney Jose Pallares be conditionally reinstated to the practice of law.

On March 25, 2005, after temporarily suspending Pallares from the practice of law, we entered an order suspending him from practicing law for two years. We determined that Pallares' time spent on temporary suspension should count toward his actual suspension and, therefore, provided that his two-year suspension would run from May 24, 2003. On May 24, 2005, Pallares filed a petition for reinstatement under SCR 116.

Following a formal hearing, the panel issued its findings of facts, conclusions of law, and recommendation. The panel concluded that Pallares had met his burden of proving by clear and convincing evidence that he has the moral qualifications, competency and learning in law required for admission to practice law in Nevada, and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar, to the administration of justice, or to the public interest.¹

¹SCR 116(3).

Consequently, the panel recommended that Pallares be reinstated, subject to certain conditions.

Having reviewed the record, we conclude that Pallares 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 clarify them as follows:

1. If Pallares resumes the practice of law as a solo practitioner, then he must enter into a mentorship agreement for a probation period of three years, with the mentor selected with bar counsel's approval. Any mentorship agreement must focus on law office management and accounting practices. The approved mentor must provide quarterly reports to bar counsel and must indicate in the final report whether Pallares would benefit from continuation of the agreement.
2. If Pallares resumes the practice of law as a solo practitioner, then he must have a co-signer on his trust account for the probation period of three years. The co-signer must be approved by bar counsel and shall be someone other than Pallares' mentor.
3. If Pallares resumes the practice of law in a capacity other than that of a solo practitioner, then the mentorship agreement will be for a period of eighteen months, instead of three years. If he is not in solo practice, then Pallares shall not be a signatory on a client trust account.
4. During the probation period, Pallares shall only practice in the area of criminal law.
5. During the probation period, Pallares shall attend Alcoholics Anonymous meetings at least once weekly, and shall submit proof of attendance to bar counsel quarterly. In the

event that Pallares' physician recommends more frequent meetings, Pallares shall follow those recommendations as a condition of his probation.

6. During the probation period, Pallares shall attend Lawyers Concerned for Lawyers meetings at least once weekly, and shall submit proof of attendance to bar counsel quarterly. In the event that Pallares' physician recommends more frequent meetings, Pallares shall follow those recommendations as a condition of his probation.
7. During the probation period, Pallares shall follow the treatment plan as dictated by his physician and therapist, including but not limited to counseling, prescription medication and/or follow up appointments. Pallares shall obtain and submit to bar counsel quarterly reports from his treating physician and therapist relating to his compliance with this condition.
8. During the probation period, Pallares shall verify his abstinence from alcohol and illegal drugs by undergoing random alcohol/drug testing within four hours of being requested to do so by bar counsel. Pallares shall bear the testing costs.
9. Pallares shall pay the actual costs of the disciplinary proceedings, within sixty days of this court's order.

Additionally, Pallares agrees that he will stipulate with bar counsel to disbarment and will waive his right of appeal to this court if clear and convincing evidence is presented to a disciplinary panel of the bar that Pallares has knowingly converted or misappropriated any client property received at any time after the date of his reinstatement.

Based upon the panel's recommendation, we reinstate Pallares to the active practice of law in Nevada, subject to the conditions described above.

It is so ORDERED.²

Becker, C.J.
Becker

Rose, J.
Rose

Maupin, J.
Maupin

Gibbons, J.
Gibbons

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

²This is our final disposition of this matter. Any further proceedings concerning Pallares shall be filed 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 of Nevada
Cremen Law Offices
Perry Thompson, Admissions Office, U.S. Supreme Court