

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
RULON S. HUNTSMAN, ESQ.

No. 46272

FILED

MAY 04 2006

[Signature]
MANETTE M. BLUM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF STAYED SUSPENSION AND OTHER CONDITIONS

This is an automatic appeal from a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Rulon Huntsman be disciplined, based on its conclusion that Huntsman violated SCR 153 (diligence), SCR 187 (responsibilities regarding nonlawyer assistants) and SCR 189 (unauthorized practice of law). The panel has recommended that Huntsman receive a six-month suspension, to be stayed subject to several conditions: (1) Huntsman must participate in a mentorship for one year, with the mentor approved by bar counsel; (2) Huntsman must not provide "unbundled" legal services for six months; (3) Huntsman must not associate in any way with nonlawyers who prepare legal documents for third parties on a pro se basis, and any documents prepared by nonlawyers must be drafted for Huntsman's signature only; and (4) upon successful completion of the one-year mentorship, the suspension shall not be imposed and Huntsman shall receive a public reprimand.

As we recognized in In re Stuhff, "[t]hough persuasive, the [panel's] findings and recommendations are not binding on this court. This court must review the record de novo and exercise its independent

judgment to determine whether and what type of discipline is warranted.”¹ The panel's findings must be supported by clear and convincing evidence.²

Huntsman concedes that the violations found by the panel are supported by clear and convincing evidence, and he does not contest most elements of the recommended discipline. But Huntsman maintains that a public reprimand is too harsh, and asks instead that he receive no more than a private reprimand upon completion of the mentorship.

Having reviewed the briefs and the record, we conclude that the violations found by the panel are supported by clear and convincing evidence. Also, in light of aggravating factors, particularly Huntsman's discipline history, which includes private reprimands for similar misconduct concerning lack of supervision over non-lawyer personnel, we conclude that the recommended discipline is appropriate.

Accordingly, we approve the panel's recommendation in its entirety. Huntsman shall be suspended for six months, to be stayed subject to the conditions described above. Upon successful completion of the one-year mentorship, the hearing panel shall issue the public reprimand attached to its recommendation.³ Huntsman shall also pay the costs of the disciplinary proceeding within thirty days of the date of this

¹108 Nev. 629, 633, 837 P.2d 853, 855 (1992).


²In re Drakulich, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995).


³See SCR 105(3)(c) (providing that proposed public reprimands shall be submitted to this court for approval, unless agreed to by the disciplined lawyer under SCR 113).


order. If Huntsman fails to abide by any of the conditions, bar counsel may file a petition for immediate imposition of the six-month suspension.

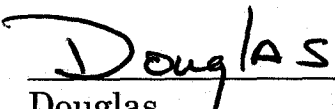
It is so ORDERED.⁴

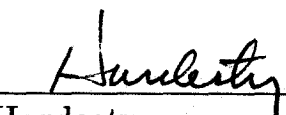

_____, C.J.
Rose

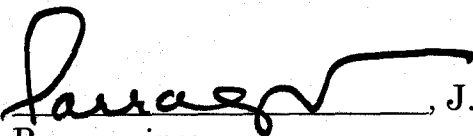

_____, J.
Becker


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Howard Miller, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
Rulon J. Huntsman

⁴This is our final disposition of this matter. Any new proceedings concerning Huntsman shall be docketed under a new docket number.