

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
RICHARD L. DAVENPORT, ESQ.

No. 46453

FILED

DEC 23 2005

J. S. S. S.
DEPUTY CLERK

ORDER OF TEMPORARY SUSPENSION

This is a joint petition by the Northern Nevada Disciplinary Board Chair and attorney Richard L. Davenport for an order temporarily suspending Davenport from the practice of law, pending the resolution of formal disciplinary proceedings against him.¹ Davenport stipulated to the petition, in which he admits that he has embezzled substantial sums from his client, and he acknowledges that his temporary suspension is warranted.

SCR 102(4)(a) provides, in pertinent part:

On the petition of a disciplinary board, signed by its chairman or vice chairman, supported by an affidavit alleging facts personally known to the affiant which shows that an attorney appears to

¹We grant bar counsel's motion to seal the petition. While this order shall become public, the petition shall remain sealed. Under SCR 121, the information forming the basis for discipline will become public when the state bar files its formal disciplinary complaint.

be posing a substantial threat of serious harm to the public, the supreme court may issue an order, with notice as the court may prescribe, imposing an immediate temporary suspension of the attorney

In addition, SCR 102(4)(b) provides that this court may place restrictions on an attorney's handling of funds.

We conclude that the documentation before us demonstrates that Davenport poses a substantial threat of serious harm, and that his immediate temporary suspension is warranted.² We further conclude that Davenport's handling of funds should be restricted.³

Accordingly, Davenport is temporarily suspended from the practice of law, pending the resolution of formal disciplinary proceedings against him.⁴ In addition, Davenport shall be prohibited from withdrawing funds in his client trust account, or from any other account containing funds belonging to third parties, except upon written approval of bar counsel or by order of a court of competent jurisdiction. The state bar shall immediately serve Davenport with a copy of this order. Such service may be accomplished by personal service, certified mail, delivery to a person of suitable age at Davenport's law office or residence, or by publication. When served on either Davenport or a depository in which he

²See SCR 102(4)(a).

³See SCR 102(4)(b).

⁴Under SCR 102(4)(c), Davenport is prohibited from accepting new clients immediately, and he has fifteen days within which to transfer his existing cases to new counsel. Any fees or other funds received from or on behalf of clients during this fifteen-day period shall be deposited in a trust account, from which no withdrawals may be made except upon written approval of bar counsel or by order of a court of competent jurisdiction.

maintains an account, this order shall constitute an injunction against withdrawal of the proceeds except in accordance with the terms of this order.⁵

It is so ORDERED.⁶

Douglas, J.
Douglas

Rose, J.
Rose

Parraguirre, J.
Parraguirre

cc: Patrick V. Fagan, Chair, Northern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
Calvin R.X. Dunlap and Associates
Perry Thompson, Admissions Office,
Supreme Court of the United States

⁵See SCR 102(4)(b).

⁶Davenport and the state bar shall comply with SCR 115.

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