

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
MICHAEL WOODBURY, ESQ.

No. 49275

FILED

JUN 27 2007

JAMETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
DEPUTY CLERK

ORDER OF TEMPORARY SUSPENSION

Bar counsel for the State Bar of Nevada has petitioned this court to enter an order temporarily suspending attorney Michael Woodbury from the practice of law under SCR 111.¹ The petition is supported by certified copies of documents evidencing a conviction entered against Woodbury in California of one misdemeanor count of annoying or molesting a child under the age of 18. The criminal complaint originally filed against Woodbury included eleven felony counts of willfully and unlawfully committing a lewd or lascivious act upon a minor under the age of fourteen. Woodbury was convicted pursuant to a plea agreement, under which Woodbury pled nolo contendere to one misdemeanor count of annoying or molesting a minor.

Based on this conviction, Woodbury, who is also licensed in California, was placed on inactive member status in California, and Woodbury later resigned from the California bar with charges pending.

¹The rules governing procedure in bar discipline cases, SCR 99-123, were amended effective March 1, 2007. This petition, filed on April 16, 2007, is therefore subject to the amended rules.

Several months after the conviction's entry, Woodbury asked to be placed on inactive status in Nevada, but he did not reveal his conviction or his California bar discipline.²

Our initial review of this matter indicated that Woodbury's conviction did not meet the definition of "serious crime," as set forth in SCR 111(6), but that it was not for a minor offense and it adversely reflected on Woodbury's fitness to practice law.³ Thus, we directed Woodbury to show cause why he should not be temporarily suspended and the matter referred for discipline. Woodbury failed to respond to our show cause order.

SCR 111(9) provides:

Upon receipt of a petition demonstrating that an attorney has been convicted of a crime which is not a serious crime, the supreme court may refer the matter to the appropriate disciplinary board for any action it may deem warranted under these or any other rules of the supreme court that pertain to the conduct of attorneys, provided, however, that the supreme court may decline to refer a conviction for a minor offense to the board. If the conviction adversely reflects on the attorney's fitness to practice law, the supreme

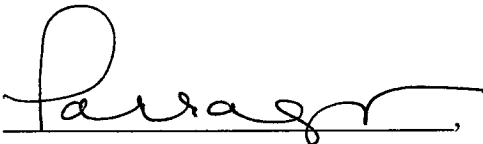
²See SCR 111(2) (requiring a lawyer licensed in Nevada to notify bar counsel of any criminal conviction, other than a misdemeanor traffic violation not involving the use of alcohol or a controlled substance within 30 days); SCR 114(1) (requiring a lawyer licensed in Nevada to notify Nevada bar counsel of any discipline imposed in another jurisdiction within 30 days); Ching v. State Bar of Nevada, 111 Nev. 779, 895 P.2d 646 (1995) (recognizing that resignation with charges pending is discipline that triggers duty to notify Nevada bar).

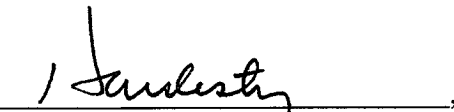
³See SCR 111(9).


court may issue an order to show cause, requiring the attorney to demonstrate why an immediate temporary suspension should not be imposed.

Having reviewed the petition and the supporting documentation submitted by bar counsel, and in light of Woodbury's failure to respond to our show cause order, we conclude that a temporary suspension is warranted.⁴ Accordingly, we temporarily suspend Woodbury from the practice of law and refer this matter to the Southern Nevada Disciplinary Board for the initiation of disciplinary proceedings.⁵

It is so ORDERED.⁶


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Saitta

⁴See Attorney Grievance v. Thompson, 786 A.2d 763 (Md. 2001) (holding that criminal conviction for stalking a thirteen-year-old boy adversely reflected on lawyer's honesty, trustworthiness and fitness as a lawyer in light of special protection accorded to children by society, and citing cases from several jurisdictions in support of its conclusion).

⁵See SCR 111(9).

⁶This order constitutes our final disposition of this matter. Any future proceedings concerning Woodbury shall be filed under a new docket number.

cc: Howard Miller, Chair, Southern Nevada Disciplinary Board
David Clark, Acting Bar Counsel
Kimberly K. Farmer, Executive Director
Michael Woodbury
Perry Thompson, Admissions Office,
Supreme Court of the United States