

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
MICHAEL WOODBURY, ESQ.

No. 50766

FILED

MAR 20 2008

TRACIE K. KINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF DISBARMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Michael Woodbury be disbarred from the practice of law. The recommended disbarment is based on Woodbury's conviction of one misdemeanor count of annoying or molesting a minor, his failure to inform the state bar of disciplinary sanctions imposed by the California State Bar, and his failure to respond to this court's order to show cause.

The State Bar of Nevada first became aware of possible misconduct by Woodbury in June 2006, when it received notification from the State Bar of California that Woodbury had tendered his resignation with charges pending. In response to the Nevada bar's inquiry, Woodbury explained that he had pleaded nolo contendere on January 3, 2006, to one misdemeanor count of child annoyance and that the crime involved a male between 14 and 15 whom he had known for several years. Woodbury further expressed his hope that the Nevada bar would not disbar him.

The state bar obtained court documents from California stating that Woodbury and the boy developed a friendship while attending the same church, that the boy would often sleep in the defendant's bed with him, that approximately fifteen times Woodbury had the boy undress, and that on three occasions Woodbury had inappropriately touched him. Woodbury ultimately served 120 days in the Sacramento County Jail.

After the Nevada bar filed an SCR 111 petition, we ordered Woodbury to show cause why he should not be temporarily suspended and referred for formal disciplinary proceedings.¹ Woodbury failed to respond to the order to show cause, and we issued an order temporarily suspending Woodbury and referring the matter to the Southern Nevada Disciplinary Board for the initiation of disciplinary proceedings. A formal disciplinary complaint was then filed by the state bar, and Woodbury failed to file an answer.

On the day before the scheduled November 8, 2007 hearing, Woodbury faxed a letter to the state bar, apologizing for his failure to attend and asking for leniency. The panel ultimately concluded that Woodbury violated SCR 114 in failing to inform the state bar of discipline imposed on him in another jurisdiction, RPC 8.1 (failure to respond to a disciplinary authority) in failing to respond to this court's order to show cause, and RPC 8.4(b) (criminal misconduct) with his criminal conduct. Accordingly, the panel recommended disbarment.²

Having reviewed the record, we conclude that clear and convincing evidence supports the panel's findings and recommendations.³

¹See SCR 111(9).

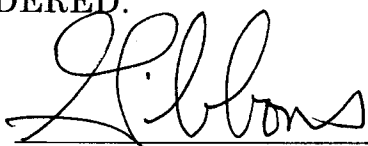
²The rules governing professional conduct were substantially revised close to the time the state bar instituted the underlying complaints against Woodbury. Although the former rules were cited along with the new rules by the panel and the state bar, for clarity, this order references only to the new rules; other than renumbering, no significant changes were made to the provisions relevant to this matter. See former SCR 200 and former SCR 203.


³See In re Drakulich, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995).

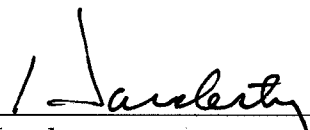
Woodbury's criminal misconduct resulting in the California nolo contendere misdemeanor plea reflects adversely on his trustworthiness and fitness as a lawyer.⁴ Further, Woodbury failed in his duty, under SCR 114, to notify the state bar of disciplinary sanctions imposed by another jurisdiction. Finally, Woodbury violated his duty, under RPC 8.1, to respond to this court's lawful demand for information.

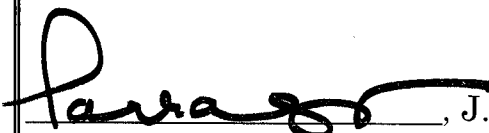
Accordingly, Woodbury is disbarred from the practice of law in this state. Woodbury and the state bar shall comply with SCR 115 and SCR 121.1.

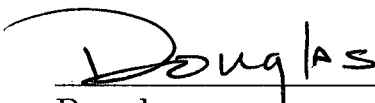
It is so ORDERED.

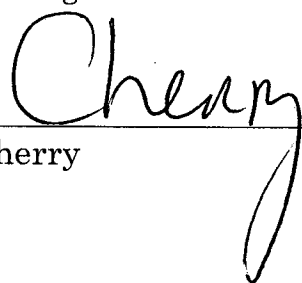

Gibbons, C.J.
Gibbons

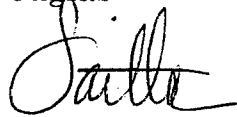

Maupin, J.
Maupin


Hardesty, J.
Hardesty


Parraguirre, J.
Parraguirre


Douglas, J.
Douglas


Cherry, J.
Cherry


Saitta, J.
Saitta

⁴See Atorney 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).

cc: Jeffrey D. Albregts, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Kimberly K. Farmer, Executive Director
Michael Woodbury Esq.
Perry Thompson, Admissions Office, U.S. Supreme Court