

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
MANUEL O. MONTELONGO.

No. 53899

FILED

SEP 02 2009

TRACIE LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF DISBARMENT BY CONSENT

The Southern Nevada Disciplinary Board and attorney Manuel O. Montelongo, Bar Number 8578, have filed, under SCR 112, a joint petition for Montelongo's disbarment by consent. The petition is supported by Montelongo's affidavit, in which he states that he consents to disbarment and does so freely and voluntarily; that he has not been subjected to any coercion or duress, that he is fully aware of the implications of his consent, and that he has had an opportunity to consult with counsel prior to consenting to disbarment. He acknowledges in the affidavit that the state bar is currently investigating seven pending grievance files and has filed three complaints that contain allegations that are grounds for discipline against him.¹ Montelongo concedes that the

¹ The grievance files are numbered 08-073-2256, 08-114-2256, 08-116-2256, 08-124-2256, 09-033-2256, 09-085-2256 and 09-092-2256. The first complaint, case number 05-201-2256 filed October 3, 2006, alleged that Montelongo violated then- SCR 153 (diligence), SCR 165 (safekeeping property) and SCR 187 (responsibilities regarding nonlawyer assistants). The second complaint, filed December 29, 2008, encompassed two different cases, numbers 07-030-2256 and 07-088-2256, and alleged that Montelongo violated RPC 1.3 (diligence), RPC 1.15 (safekeeping property),

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material facts in the petition are true and reflect the allegations in the grievance files and the pending complaints. He submits the affidavit with full knowledge that if the state bar prosecuted the complaints and grievances, he could not successfully defend against the charges.

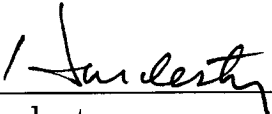
Pursuant to SCR 112(1), an attorney who is the subject of an investigation or proceeding involving allegations of misconduct may consent to disbarment by submitting the requisite affidavit. Montelongo's affidavit meets the requirements of SCR 112(1). Therefore, the petition for disbarment by consent is granted. Manuel O. Montelongo is hereby

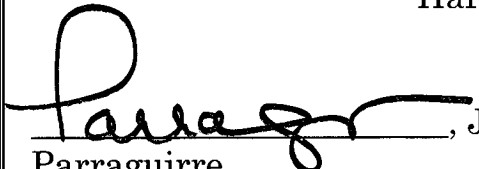
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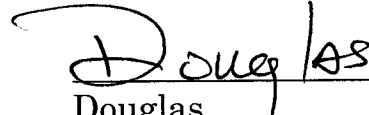
and RPC 8.1(b) (bar admission and disciplinary matters) in the first case, and violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.15 (safekeeping property), RPC 8.1(b) (bar admission and disciplinary matters) and RPC 8.4 (misconduct) in the second case. The third complaint, filed December 29, 2008, encompassed five different cases, numbers 07-028-2256, 08-098-2256, 08-011-2256, 08-112-2256 and 08-113-2256, and alleged that Montelongo violated RPC 1.5 (fees) and RPC 1.15 (safekeeping property) in the first case; violated RPC 1.3 (diligence), RPC 1.4 (communication), and RPC 1.15 (safekeeping property) in the second case; violated then- SCR 153 (diligence), SCR 154 (communication), SCR 187 (responsibilities regarding nonlawyer assistants), and SCR 189 (unauthorized practice of law) in the third case; violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.15 (safekeeping property), and RPC 8.1(b) (bar admission and disciplinary matters) in the fourth case; and violated RPC 1.3 (diligence) and RPC 8.1(b) (bar admission and disciplinary matters) in the fifth case.

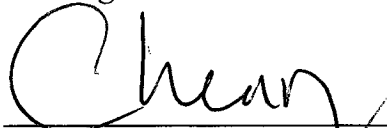
disbarred.² The parties shall comply with the applicable provisions of SCR 115 and SCR 121.1 regarding notice and publication.

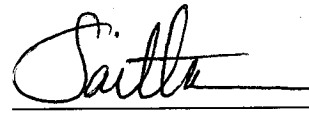
It is so ORDERED.



_____, C.J.
Hardesty



_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons


_____, J.
Pickering

cc: Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Gregory D. Knapp
Perry Thompson, Admissions Office, U.S. Supreme Court

² The first complaint against Montelongo was filed October 3, 2006. Accordingly, the parties concede that the rules in effect at that time apply. SCR 122. Montelongo's disbarment is therefore not irrevocable. See former SCR 116(2) (disbarred attorney may not apply for reinstatement until at least 3 years from effective date of disbarment).