

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF CLARENCE
GAMBLE, BAR NO. 4268

No. 54635

FILED

APR 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING PETITION IN PART, DENYING PETITION IN
PART AND REFERRING MATTER TO
SOUTHERN NEVADA DISCIPLINARY BOARD

This court entered an order approving conditional guilty plea in exchange for stated form of discipline for attorney Clarence Gamble. In re Discipline of Clarence Gamble, Docket 38537 (Order Approving Conditional Guilty Plea in Exchange for Stated Form of Discipline, January 7, 2002). Among other things, this court determined that Gamble must pay restitution and that his restitution must be paid in full prior to him seeking reinstatement.

Gamble has now petitioned this court for modification of the order approving conditional guilty plea in exchange for stated form of discipline. Gamble asks this court to modify the order to permit him to seek reinstatement even though he has yet to pay his restitution in full. Gamble argues that if reinstated his income would increase, permitting him to make consistent reductions in the amount of restitution owed. Gamble also seeks a hearing to determine the amount of restitution owed.

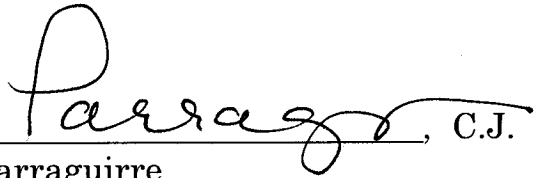
Considering the seriousness of Gamble's misconduct, along with the substantial harm it caused, we conclude that Gamble has failed to demonstrate that this court's order should be modified to permit him to seek reinstatement before he has paid restitution in full.¹ In reaching this determination, we are convinced by the emphasis this court placed on the requirement that Gamble pay his restitution in full prior to seeking reinstatement when it determined that suspension, and not disbarment, was appropriate discipline in the instant matter. Moreover, from a review of the record it appears that Gamble has not made a good faith effort to pay his restitution. Instead, Gamble made \$10,000 in payments prior to this court's order and failed to make any additional payments until May 2009, when he made a payment of \$5,000.

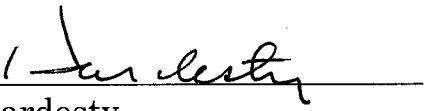
Inasmuch as Gamble seeks to allow the Southern Nevada Disciplinary Panel to reconvene to determine the exact amount of restitution owed, we grant his petition. Accordingly, we refer this matter to the Southern Nevada Disciplinary Panel for the prompt commencement of proceedings before a hearing panel. The panel shall consider only issues respecting the amount of restitution owed by Gamble to his former

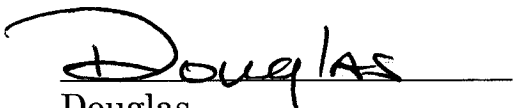
¹We reject Gamble's contention that this court's unpublished decision in In Re Reinstatement of Michael Weisman, Docket No. 40148 (Order of Reinstatement, August 29, 2003), provides support for permitting him to seek reinstatement. We note that Weisman involved an attorney seeking reinstatement from disability inactive status. Moreover, the facts in Weisman are distinguishable from the facts involved here.

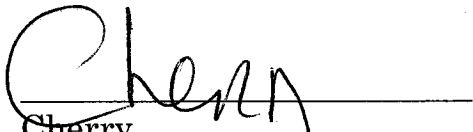
clients and third parties. At this time, the panel shall not consider matters addressed to reinstatement.

It is so ORDERED.

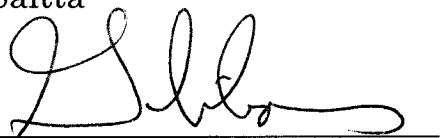

Parraguirre, C.J.
Parraguirre


Hardesty, J.
Hardesty


Douglas, J.
Douglas


Cherry, J.
Cherry


Saitta, J.
Saitta


Gibbons, J.
Gibbons


Pickering, J.
Pickering

cc: Southern Nevada Disciplinary Panel Chair, Jeffrey R. Albregts
Rob Bare, Bar Counsel
Parker, Nelson & Associates
State Bar of Nevada/Las Vegas, Kimberly K. Farmer, Executive
Director