

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF ARNOLD
WEINSTOCK, ESQ.

No. 34979

FILED

OCT 23 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic appeal from a decision by a hearing panel of the Southern Nevada Disciplinary Board, recommending that attorney Arnold Weinstock be suspended for twelve months for violations of SCR 151 (competence), SCR 153 (diligence), SCR 154 (communication), and SCR 166(4) (declining or terminating representation). The panel recommended that this suspension run concurrently with any discipline imposed upon Weinstock pursuant to this court's order of May 27, 1999. See Discipline of Weinstock, Docket No. 33538 (Order of Suspension, May 27, 1999).

The panel found that Weinstock violated SCR 151 by failing to file a complaint on behalf of his clients before the statute of limitations expired. The SCR 153 violation was based on Weinstock's failure to promptly investigate and pursue his clients' claims. The SCR 154 violation was based on Weinstock's failure to keep his clients informed of the status of their case, and by misleading them as to the existence of a filed complaint when in fact none had been filed. Finally, the SCR 166(4) violation was based on Weinstock's failure to notify his clients that he would not pursue their claims for them and so give them time to find another attorney before the statute of limitations expired.

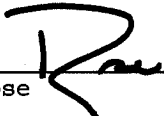
The panel found that another violation alleged in the complaint, SCR 203(3) (misconduct involving dishonesty, fraud, deceit or misrepresentation) was not supported by clear and convincing evidence.


Although the recommendations of the disciplinary panel are persuasive, this court is not bound by the panel's findings and recommendation, and must examine the record anew and exercise independent judgment. See *In re Kenick*, 100 Nev. 273, 680 P.2d 972 (1984). Ethical violations must be proven by clear and convincing evidence, which this court has described as evidence which "need not possess such a degree of force as to be irresistible, but there must be evidence of tangible facts from which a legitimate inference . . . may be drawn." *In re Stuhff*, 108 Nev. 629, 635, 837 P.2d 853, 856 (1992) (quoting *Gruber v. Baker*, 20 Nev. 453, 477, 23 P. 858, 865 (1890)).

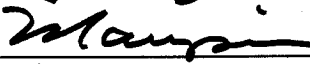
We conclude that clear and convincing evidence supports the violations found by the panel, and that the recommended discipline is appropriate in light of Weinstock's lengthy disciplinary history. Accordingly, Weinstock shall be suspended for a period of twelve months. This suspension shall run concurrently with the four-month suspension from this court's order of May 27, 1999, which was previously stayed. In addition, Weinstock shall pay the costs of this disciplinary proceeding. Weinstock shall also complete six continuing legal education credits during the period of his suspension, of which three must be for ethics, and three must be in law practice management, as well as a course in office management, all of which must be pre-approved by bar counsel. Finally, as a condition of reinstatement, Weinstock shall be appointed a mentor approved by bar counsel for a period of twelve months. Weinstock's current counsel shall not serve as

this mentor. Weinstock and the state bar shall comply with the requirements of SCR 115.

It is so ORDERED.

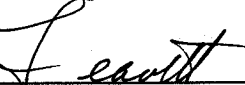

Rose _____, C.J.



Young _____, J.


Maupin _____, J.


Shearing _____, J.


Agosti _____, J.


Leavitt _____, J.


Becker _____, J.

cc: Richard Pocker, Chair,
Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Wayne Blevins, Executive Director
Dee Shore, Admissions Office,
Supreme Court of the United States
Orin G. Grossman