

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF KENNETH
LONG ESQ., BAR NO. 6042.

No. 56461

FILED

SEP 20 2011

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

ORDER APPROVING REVISED

CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve attorney Kenneth Long's revised conditional guilty plea in exchange for a stated form of discipline. See SCR 113(1), (3). Under the agreement, Long admits to violating RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). In exchange, the State Bar agrees to dismiss a charge of violating RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The record reflects that Long assisted a friend in securing a quitclaim deed from the friend's grandmother, transferring certain property to the friend. Apparently unbeknownst to Long, the property was held in trust, with the grandmother and another individual designated as trustees. Additionally, a court had previously determined

that the grandmother was incompetent to control her assets and a family member had been appointed as guardian over the grandmother and her estate. Title was eventually quieted in favor of the trust. Long pleaded no contest to conspiracy to commit exploitation of an elderly and vulnerable person—a gross misdemeanor. That conviction was the basis for the State Bar disciplinary proceedings. The record also indicates that Long has no prior discipline and cooperated with the State Bar during its investigation of the matter.

The agreed-upon discipline provides for Long to (1) be suspended from the practice of law for 32 months, retroactive to March 7, 2008, when this court temporarily suspended Long from the practice of law and (2) pay the actual costs of the disciplinary proceeding, excluding Bar Counsel and staff salaries, within 30 days of receipt of a billing from the State Bar. Having reviewed the record, we conclude that the agreement should be approved.¹ See SCR 113(1).

¹This court rejected two other conditional guilty pleas that included 6- and 18-month suspensions. In a February 16, 2010, order rejecting Long's conditional guilty plea (18-month suspension), this court noted that it "would be inclined to approve a revised conditional guilty plea where, in exchange for pleading guilty to violating RPC 8.4(b), Long agrees to a 32-month suspension from the practice of law, retroactive to the beginning of the March 7, 2008, temporary suspension, and to pay the costs of the disciplinary proceedings." In re: Discipline of Kenneth Long, Docket No. 53400 (Order Rejecting Conditional Guilty Plea and Remanding for Further Disciplinary Proceedings, February 16, 2010), at 2 n.3.

Accordingly, attorney Kenneth Long is suspended from the practice of law for 32 months, effective March 7, 2008. Long shall also comply with the other conditions in the agreement.

It is so ORDERED.²

Douglas, J.
Douglas

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: William B. Terry, Chartered
Chair, Southern Nevada Disciplinary Board
David Clark, Bar Counsel
Kimberly K. Farmer, Executive Director
U.S. Supreme Court, Admissions Office

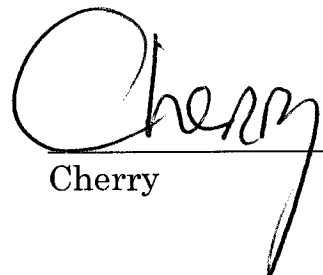
²The Honorable Nancy M. Saitta, Justice, did not participate in the decision in this matter.

CHERRY, J., dissenting:

I respectfully dissent from the Order Approving Revised Conditional Guilty Plea Agreement.

The stated form of discipline is insufficient to protect the public from a person who admitted that he exploited an elderly and vulnerable person. If Mr. Long is allowed to return to the practice of law in our state he should be on a period of probation. Until such time as his probation is completed, he should be mentored by a member of the bar, not allowed to be a sole practitioner, and limited in the type of cases to be handled.

Since I find the revised conditional guilty plea agreement inadequate and insufficient, I have no alternative but to dissent.

_____, J.
Cherry