

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
BRANDON B. SMITH, ESQ., BAR NO.  
7916.

No. 57638

**FILED**

MAR 31 2011  
TRACEE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER OF REFERRAL TO DISCIPLINARY BOARD

Bar counsel for the State of Nevada has filed a petition pursuant to the reporting requirements of SCR 111. The petition is supported by documentation indicating that on October 25, 2010, in the Justice Court of Las Vegas Township, attorney Brandon B. Smith, Nevada Bar No. 7916, entered a plea of guilty to two counts of misdemeanor stalking in violation of NRS 200.575(1), for which he was ordered to pay a fine of \$200 per count.<sup>1</sup> Two felony counts were dismissed.

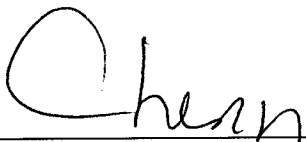
The crimes to which Smith pleaded guilty are not among the “serious” crimes specifically enumerated in SCR 111 as mandating temporary suspension and referral to the disciplinary board. See former SCR 111(1), (2), (4). Accordingly, referral to the disciplinary board is discretionary with this court. See former SCR 111(5).

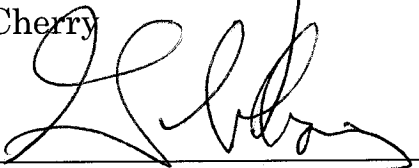
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<sup>1</sup>We will apply the version of SCR 111 in effect at the time of the offenses, which occurred in the fall of 2006. Cf. McKellar v. McKellar, 110 Nev. 200, 203, 871 P.2d 296, 298 (1994) (statutes are generally presumed to apply prospectively only). We note that Smith nevertheless complied with the version of SCR 111(2) presently in effect by timely reporting his conviction to bar counsel.

We conclude that, under former SCR 111(5), the conviction, although not definitionally “serious,” does not qualify as a “minor” offense, either. Therefore, pursuant to former SCR 111(5), we refer this matter to the appropriate disciplinary board for such action, if any, it may deem warranted under our rules or any other rules that pertain to the conduct of attorneys. Id.

It is so ORDERED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Jeffrey D. Albregts, Chair, Southern Nevada Disciplinary Board  
David A. Clark, Bar Counsel  
Kimberly K. Farmer, Executive Director, State Bar of Nevada  
Brandon B. Smith

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<sup>2</sup>This order constitutes our final disposition of this matter. Should there be any further proceedings regarding Smith, they shall be docketed as a new matter.