

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF MARK A.
LOBELLO, BAR NO. 3994.

No. 58394

FILED

NOV 29 2012

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

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT
AND REINSTATEMENT TO THE PRACTICE OF LAW

This matter involves an automatic review of the Southern Nevada Disciplinary Board hearing panel's recommendation to approve attorney Mark A. Lobello's conditional guilty plea in exchange for a stated form of discipline pursuant to SCR 113 and a petition for reinstatement to practice law under SCR 116.

Conditional guilty plea

Under the agreement, Lobello pleaded guilty to one count against him and admitted violating RPC 8.4(b) (misconduct: committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). In exchange, the State Bar agreed to dismiss an additional count against Lobello.

The agreed-upon discipline provides that Lobello (1) be suspended for two years, retroactive to the original date of suspension, December 3, 2008, which was imposed by this court; and (2) pay the actual costs of the disciplinary proceeding.

Having reviewed the record, we approve the conditional plea agreement. Lobello shall comply with all of the other conditions in the agreement.

Reinstatement

On December 3, 2008, this court temporarily suspended Lobello from the practice of law. See In the Matter of Discipline of Mark A. Lobello, Docket No. 52777 (Order of Temporary Suspension, December 3, 2008). Lobello has filed a petition for reinstatement pursuant to SCR 116. On March 21, 2011, a hearing was held before a Southern Nevada Disciplinary Board reinstatement hearing panel, which issued its findings of fact, conclusions of law, and recommendation on April 20, 2011.

Following the reinstatement proceedings, the panel concluded that Lobello had demonstrated by clear and convincing evidence that he has the moral qualifications, competency, and learning in law required for admission to practice law and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar, to the administration of justice, or to the public interest. The panel recommended that Lobello's petition be granted, subject to conditions that Lobello: (1) be enrolled in a mentoring program that shall be administered and approved by the Office of Bar Counsel for a period of three years, (2) take and pass the Multistate Professional Responsibility Examination and provide proof of successful passage to the office of bar counsel within one year of being reinstated to the practice of law, and (3) complete the 12 required CLE hours, which includes a minimum of 6 hours of ethics CLE hours. Further, Lobello shall pay the costs of the reinstatement proceedings within 30 days of receipt of the state bar's billing.

SCR 116(2) requires that an attorney seeking reinstatement must:

demonstrat[e] by clear and convincing evidence that he or she has the moral qualifications, competency,

and learning in law required for admission to practice law in this state, and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar, to the administration of justice, or to the public interest.

Having reviewed the record, we conclude that clear and convincing evidence supports the panel's findings and conclusions. We therefore approve the panel's recommendation that the petition be granted subject to conditions. Accordingly, Mark A. Lobello is hereby reinstated to the practice of law, subject to the conditions set forth above, including payment of the cost of the proceedings.

It is so ORDERED.

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Saitta, J.
Saitta

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Phillip J. Pattee, Assistant Bar Counsel
Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Board
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Cobeaga Law Firm
Perry Thompson, Admissions Office, United States Supreme Court