

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF RICHARD L.
CRANE, BAR NO. 9536.

No. 59168

FILED

JAN 10 2013

TRACEY K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic review, pursuant to SCR 105(3)(b), of a Southern Nevada Disciplinary Board hearing panel's findings that attorney Richard L. Crane violated one rule of professional conduct and its recommendation that he be suspended from the practice of law for six months and one day.

The underlying facts in this matter provide that Crane was convicted, pursuant to a guilty plea, of coercion (sexually motivated), a felony in violation of NRS 207.193 and NRS 175.547 on October 4, 2010. Crane was given a suspended sentence and placed on probation for an indeterminate period not to exceed 5 years. On October 7, 2010, Crane self-reported his conviction to the state bar pursuant to SCR 111(2). The state bar filed a petition pursuant to bar counsel's reporting requirements as detailed in SCR 111, and this court ordered Crane temporarily suspended on November 15, 2010. In re: Discipline of Crane, Docket No. 57121 (Order of Temporary Suspension and Referral to Disciplinary Board, November 15, 2010).

During the formal disciplinary hearing, Crane admitted to communicating with what he believed to be a 15-year-old minor, agreeing to and arriving at an in-person meeting, and being arrested by officers at

that time. Evidence regarding those communications confirms that significant portions were sexual in nature. The disciplinary panel found that Crane violated RPC 8.4(b) (misconduct).

The findings and recommendations of a disciplinary board hearing panel are persuasive; however, our automatic review of a panel decision recommending a suspension is conducted de novo, requiring the exercise of independent judgment by this court. SCR 105(3)(b); In re Stuhff, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992). We conclude that clear and convincing evidence supports the panel's findings, and that Crane violated RPC 8.4(b) (misconduct). SCR 105(2)(e).

The panel further recommended that Crane be (1) suspended from the practice of law for six months and one day from July 8, 2011; and (2) required to submit full payment for the costs of the disciplinary proceeding pursuant to SCR 120 within 30 days after the state bar issues a bill of costs.

Having reviewed the record, we agree that the panel's recommendation of suspension is an appropriate discipline tailored to these circumstances. However, we conclude that the seriousness of Crane's offense warrants a three-year suspension, retroactive to the date of his initial suspension on November 15, 2010.

Further, we order that any petition for reinstatement must demonstrate proof that Crane has (1) continued to seek psychosexual therapy with Mr. John Pacult, a licensed clinical social worker, or a similarly situated professional; (2) met all the requirements and conditions of his criminal probation; and (3) abstained from any further criminal or professional misconduct. Should Crane not furnish the required proof as part of his petition for reinstatement, we note that this

court will be disinclined to approve any recommendation of reinstatement. If, however, Crane offers such proof and reinstatement is to be granted, Crane's reinstatement will still be subject to the condition that he be on probation for two years from the date of reinstatement, with the terms and conditions of probation to be decided by state bar counsel.

Crane shall also pay the costs of the disciplinary proceedings within 30 days of receipt of the Nevada State Bar's bill of costs. See SCR 120. Crane and the State Bar shall comply with all requirements of SCR 115 and SCR 121.1.

It is so ORDERED.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Cherry, J.
Cherry

Saitta, J.
Saitta

cc: Jeffry R. Albregts, Chair, Southern Nevada Disciplinary Board
David Clark, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
William B. Terry, Chartered
Perry Thompson, Admissions Office, United States Supreme Court