

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
DONALD D. BEURY, BAR NO. 151

No. 59553

FILED

OCT 23 2012

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

ORDER IMPOSING RECIPROCAL DISCIPLINE

This is a petition under SCR 114 to reciprocally discipline attorney Donald D. Beury, based on discipline imposed upon him in California. Beury did not file a response to the petition.

Beury engaged in 11 counts of professional misconduct, involving several clients, in 4 different cases. Beury and California bar counsel stipulated that by failing to complete a guardianship on behalf of his clients, failing to abide by his client's instructions regarding communication to opposing counsel, failing to timely follow a court's orders, and failing to file a response to a divorce petition, all in separate cases, Beury violated California Rule of Professional Conduct 3-110(A). Beury also failed to obtain the informed written consent of two clients of a potential conflict of interest, in violation of California Rule of Professional Conduct 3-310(C)(1); refused to refund any part of fees paid in advance that were not earned, in violation of California Rule of Professional Conduct 3-700(D)(2) (two counts); violated his duty of loyalty to a client by attempting to renegotiate a settlement to his own personal advantage, in

violation of California Business and Professions Code section 6068(a); disclosed confidential information in pleadings, in violation of California Business and Professions Code section 6068(e); represented to his client that certain court filings had been filed when in fact they had not, in violation of California Business and Professions Code section 6068(m); and failed to timely comply with a court order, in violation of California Business and Professions Code section 6103.¹

On July 27, 2011, the California Supreme Court approved the parties' stipulation that Beury receive a one-year stayed suspension and placed him on probation for three years, subject to conditions that Beury be suspended from practicing law for a minimum of the first 60 days of probation and remain suspended until he paid restitution to two of his former clients for fees paid in advance and not earned. He was ordered to provide proof to the California State Bar Court of his rehabilitation and fitness to practice law if he remained suspended for two years or more as a result of not satisfying the proceeding conditions. If he remained suspended for 90 days or more he was to comply with California Rules of the Court Rule 9.20(a) and (c). Beury was also ordered to comply with the provisions of the California State Bar Act and Rules of Professional Conduct; report any changes of information to the probation office within

¹Nevada's counterparts are RPC 1.1 (competence); RPC 1.4 (communication); RPC 1.6 (confidentiality of information); RPC 1.7 (conflict of interest: current clients); RPC 1.16 (declining or terminating representation); RPC 3.4(c) (fairness to opposing party and counsel); RPC 8.4 (misconduct); and SCR 73 (attorney's oath).

10 days; meet with the probation office within 30 days to set up the terms and conditions of probation; submit written quarterly status reports; answer probation office inquiries; attend ethics school; and pass the Multistate Professional Responsibility Examination. In addition, Beury was ordered to pay the costs of the disciplinary proceedings.

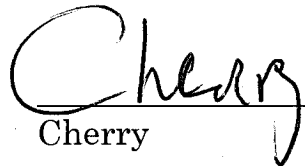
Beury failed to notify Nevada bar counsel of this discipline in violation of SCR 114(1).

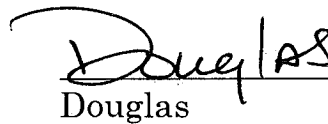
SCR 114(4) provides that this court shall impose identical reciprocal discipline unless the attorney demonstrates, or this court finds, that one of four exceptions applies. None of the exceptions are present in this case.


Accordingly, we grant the petition for reciprocal discipline. Beury is hereby suspended from the practice of law for one year; the suspension is stayed and he is placed on probation for three years. However, Beury shall be suspended from the practice of law for a minimum of the first 60 days of the suspension and until the conditions enumerated in the order of the California Supreme Court dated July 27, 2011, are satisfied. Within 30 days from the date of this order, Beury shall provide a report to Nevada bar counsel of his compliance with the conditions of probation imposed upon him in California. Failure to do so constitutes a violation of probation and could subject Beury to further

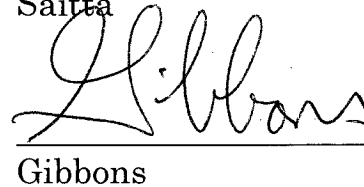
discipline. Beury and the Nevada State Bar shall comply with SCR 115 and SCR 121.1.


It is so ORDERED.

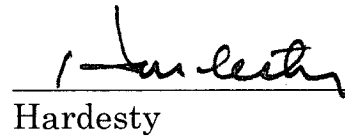
_____, C.J.
Cherry

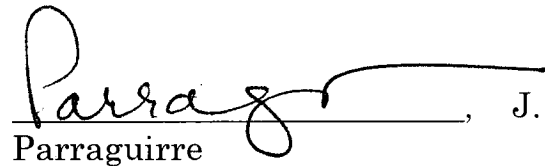
_____, J.
Douglas

_____, J.
Saitta

_____, J.
Gibbons

_____, J.
Pickering

_____, J.
Hardesty

_____, J.
Parraguirre

cc: David Clark, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Donald D. Beury
Perry Thompson, Admissions Office, United States Supreme Court