

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
ROBERT S. TABOR, BAR NO. 7535.

No. 59575

FILED

DEC 07 2012

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

ORDER IMPOSING RECIPROCAL DISCIPLINE

This is a petition under SCR 114 to reciprocally discipline attorney Robert S. Tabor, based on discipline imposed upon him in California. Tabor has not responded to the petition.

The California Supreme Court approved a stipulation calling for a three-year stayed suspension, placing Tabor on probation for three years, and imposing a minimum two-year actual suspension. The stipulation also requires Tabor to satisfy several conditions: he must provide proof to the California State Bar of his rehabilitation, fitness to practice law, and learning and ability in the general law; he must submit quarterly reports to the California State Bar's probation unit; he must pass the Multistate Professional Responsibility Examination within one year; he must attend the California State Bar Ethics School; and he must pay the costs of the disciplinary proceeding.

The discipline was based on Tabor's violation of California Business and Professions Code Sections 6068(i), 6068(o)(3), 6103, and 6106; and California Rules of Professional Conduct 4-100A, 4-100B(3), and

4-100(B)(4).¹ Specifically, Tabor misappropriated approximately \$37,000 of client funds, using it for his own personal use and benefit. In a separate instance, Tabor failed to properly respond to a civil complaint, resulting in a default judgment being entered against his client. Tabor's client was then required to hire a separate attorney to get the default set aside. In both instances, Tabor failed to respond to the State Bar of California's investigative inquiries. Two aggravating circumstances—misappropriation of trust fund monies and misconduct resulting in significant harm to a client—and three mitigating circumstances—no prior discipline, Tabor repaid in full the misappropriated funds, and extreme emotional difficulties—were also considered.

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 is present in this case.²

Accordingly, we grant the petition for reciprocal discipline. Tabor shall be suspended for three years, with the suspension stayed, and Tabor shall be placed on probation for three years. In addition, Tabor

¹Nevada's counterparts are RPC 1.15 (safekeeping property), RPC 3.4(c) (fairness to opposing party and counsel), RPC 8.1(b) (bar admission and disciplinary matters), RPC 8.4 (misconduct), and SCR 114 (reciprocal discipline).

²SCR 114(1) requires attorneys licensed in this state to inform Nevada Bar Counsel if they are subjected to professional disciplinary action in another jurisdiction. Tabor failed to do so here.

shall serve a minimum two-year actual suspension.³ See SCR 98(13); SCR 213. Tabor shall comply with SCR 116 upon petitioning for reinstatement from the two-year suspension. Finally, Tabor shall copy Nevada Bar Counsel with proof of his rehabilitation, fitness to practice law, and learning and ability in the general law; all reports submitted to the California State Bar probation unit; proof that he has attended the Ethics School; and his MPRE score. Tabor and the Nevada State Bar shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Saitta, J.
Saitta

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

³We note that Tabor is currently suspended in Nevada for failure to fulfill CLE requirements and for failure to pay his bar dues. The suspension in the instant matter is separate from and in addition to Tabor's existing suspensions. The suspension in the instant matter shall not begin until Tabor has resolved both his CLE and bar dues suspensions.

cc: David A. Clark, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Robert S. Tabor
Perry Thompson, Admissions Office, United States Supreme Court