

IN THE MATTER OF THE DISCIPLINE OF  
PETER A. PERRY.

No. 36131

**FILED**

NOV 22 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER OF DISBARMENT

This is an automatic appeal from a decision of a hearing panel of the Northern Nevada Disciplinary Board. In a 3-2 decision, a majority of the panel recommended that attorney Peter A. Perry be suspended for two years based upon his conviction of federal wire fraud, a category D felony, and that the suspension run from November 19, 1999, the date of Perry's temporary suspension pursuant to SCR 111. The majority also recommended that Perry be required to take and pass the Multi-State Professional Responsibility Examination as a condition of reinstatement. Finally, the majority recommended that Perry pay the costs of the disciplinary proceeding. The dissenting panel members favored disbarment.

Although the recommendations of the disciplinary panel are persuasive, this court is not bound by the panel's findings and recommendation, and must examine the record anew and exercise independent judgment. See *In re Kenick*, 100 Nev. 273, 680 P.2d 972 (1984).

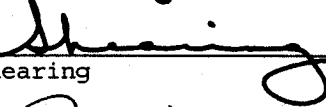
We conclude that Perry's misconduct was egregious, and we agree with the dissenting panel members that disbarment is warranted. Pursuant to a plea agreement, Perry was convicted on one count because of his cooperation with law enforcement; however, the record reflects that he engaged in a course of conduct over a period of several years in disregard of the law. We conclude that the mitigating evidence

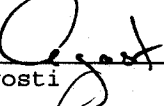
presented by Perry does not outweigh the magnitude of his misconduct.

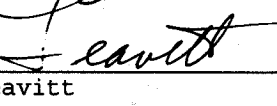
Accordingly, we conclude that Perry's conviction establishes his violation of SCR 203(2) (misconduct involving a criminal act) and SCR 203(3) (misconduct involving dishonesty, fraud, deceit or misrepresentation). We further conclude that disbarment is warranted by the facts of this case. Accordingly, Perry is disbarred from the practice of law in this state. Perry shall pay the costs of this disciplinary proceeding.


It is so ORDERED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

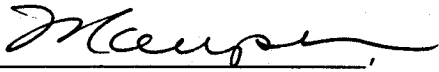
  
\_\_\_\_\_, J.  
Becker

MAUPIN, J., dissenting:


I agree that Perry's conduct merits severe sanctions and that the disbarment is not unreasonable. However, a majority of the disciplinary panel that heard the evidence and assessed the credibility of the various witnesses concluded that mitigating circumstances merited a less severe sanction. I would therefore defer to the majority of the disciplinary panel, particularly given Perry's unsolicited cooperation with federal authorities in the face of threats to the personal safety of himself and his family. Also, the federal agent that conducted the underlying criminal investigation testified

to his belief in Perry's rehabilitation and expressed his non-opposition to future reinstatement of Perry to the practice of law.

The disciplinary panel's recommendation is consistent with similar situations in which we have upheld the imposition of discipline short of disbarment. Accordingly, I dissent.

  
\_\_\_\_\_, J.  
Maupin

I concur.

  
\_\_\_\_\_, C.J.  
Rose

cc: James W. Bradshaw, Chair,  
Northern Nevada Disciplinary Board  
Rob W. Bare, Bar Counsel  
Wayne Blevins, Executive Director  
Dee Shore, Admissions Office,  
Supreme Court of the United States  
Edward B. Horn