

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
KYM S. CUSHING, BAR NO. 4242.

No. 75149

**FILED**

MAR 06 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

*ORDER DENYING PETITION AND  
IMPOSING CONDITIONS ON CONTINUED PRACTICE*

This is a petition by Bar Counsel for an order temporarily suspending attorney Kym Cushing from the practice of law, pending the resolution of formal disciplinary proceedings against him. The petition has been filed under SCR 102(4)(b), which provides in pertinent part:

On the petition of bar counsel, supported by an affidavit alleging facts personally known to the affiant, which shows that an attorney appears to be posing a substantial threat of serious harm to the public, the supreme court may order, with notice as the court may prescribe, the attorney's immediate temporary suspension or may impose other conditions upon the attorney's practice.

The petition and supporting documentation raise serious questions about Cushing's honesty, alcohol use, and gambling. Although those types of issues often contribute to misconduct that poses a substantial threat of serious harm to the public, it does not appear that Cushing has engaged in any misconduct that threatens harm to any clients. It further appears that the potential for harm to the public can be addressed by imposing conditions on Cushing's practice without suspending him from the practice of law at this time.

Accordingly, we deny the petition for an immediate temporary suspension without prejudice. Instead, we impose conditions on Cushing's

practice to address the concerns raised by the petition. Cushing may continue to practice conditioned upon the following: Cushing shall (1) have no responsibility for, access to, or power to dispose of client or employer funds or client property; (2) report to the Nevada Lawyers Assistance Program for an evaluation within 14 days from the date of this order and comply with all treatment recommendations; (3) submit to random alcohol and drug testing no more than twice each month at the discretion of Bar Counsel's office until the disciplinary proceedings are concluded; (4) obtain a mentor approved by the State Bar within 14 days from the date of this order, who thereafter shall provide monthly reports to the State Bar regarding Cushing's compliance with these conditions until the disciplinary proceedings are concluded; and (5) disclose this order and the circumstances surrounding this matter to any current or future employer in the legal field.<sup>1</sup>

It is so ORDERED.

Douglas

*Douglas*

C.J.

Cherry, J.

Cherry

Pickering, J.

Pickering

Parraguirre, J.

Parraguirre

Gibbons, J.

Gibbons

Hardesty, J.

Hardesty

Stiglich, J.

Stiglich

<sup>1</sup>This order constitutes our final disposition of this matter. Any further proceedings involving Cushing shall be docketed as a new matter. This order shall be public, but the petition and supporting documentation, opposition, and reply, shall remain confidential until a formal complaint is filed or the matter is otherwise concluded. See SCR 121(5).

cc: Chair, Southern Nevada Disciplinary Board  
C. Stanley Hunterton, Bar Counsel, State Bar of Nevada  
Kym Cushing  
William B. Terry Chrted.  
Kimberly K. Farmer, Executive Director, State Bar of Nevada