

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE DISABILITY
INACTIVE STATUS OF MATTHEW Q.
CALLISTER, BAR NO. 1396.

No. 81585

FILED

OCT 08 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

*ORDER TRANSFERRING ATTORNEY
TO DISABILITY INACTIVE STATUS*

The State Bar and attorney Matthew Q. Callister have filed a joint petition alleging that Callister is suffering from a disability due to mental or physical infirmity, illness, or addiction that makes it impossible for him to continue the practice of law at this time. The petition is governed by SCR 117(3) because Callister has not been judicially declared incompetent and no disciplinary board or hearing panel has weighed in on his competency. *Compare* SCR 117(3) (addressing transfer to disability inactive status before a determination of incompetency), *with* SCR 117(1) (addressing transfer to disability inactive status based on judicial declaration of incompetency), *and* SCR 117(2) (addressing transfer to disability inactive status based on a disciplinary board or hearing panel's petition).

SCR 117(3) provides that when an attorney files a petition before a determination of competency, this court "shall enter an order transferring the attorney to disability inactive status until a determination is made of the attorney's capacity to continue to practice law in a proceeding instituted in accordance with [SCR 117(2)]." In turn, SCR 117(2) provides that we "may take or direct such action as [we] deem[] necessary to determine whether the attorney is incapacitated, including referral of the matter to the appropriate disciplinary board for hearing and

recommendation by a hearing panel or the examination of the attorney by qualified medical experts.”

Consistent with SCR 117(3), Callister is transferred to disability inactive status. Because the documents provided with the petition clearly establish a medical condition that disables Callister from practicing law at this time, we conclude that a referral for hearing and recommendation by a hearing panel as provided in SCR 117(2) is unnecessary in this matter. As required by SCR 117(7), Callister shall comply with SCR 115. If he is unable to do so, the State Bar shall proceed under SCR 118. The State Bar shall comply with SCR 121.1 and provide this court with proof that notice has been served. In light of this order, any pending disciplinary proceedings against Callister are suspended. SCR 117(2).

It is so ORDERED.¹

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

¹This order shall be public but all other documents filed with the court in this matter shall remain confidential. SCR 117(2); SCR 121(7). This order constitutes our final disposition of this petition.

cc: Bar Counsel, State Bar of Nevada
Bailey Kennedy
Executive Director, State Bar of Nevada
Admissions Office, United States Supreme Court