

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE DISCIPLINE OF
BRIAN MALCOLM KEITH.

No. 37776

FILED

JUL 11 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER GRANTING PETITION FOR RECIPROCAL DISCIPLINE AND

SUSPENDING ATTORNEY KEITH

This is a petition for reciprocal discipline pursuant to SCR 114. Attorney Brian Malcolm Keith is licensed in Nevada and California. On February 9, 2001, the Supreme Court of California imposed a stayed suspension of eighteen months and an actual suspension of ninety days, and placed Keith on probation for two years, subject to several conditions. These conditions require Keith to: (1) abide by the rules of professional conduct, (2) submit quarterly reports to the California authorities stating that he has complied with all ethical rules and include with these reports a financial report concerning any dealings with third-party or client funds, (3) keep the bar informed of his address, (4) cooperate with disciplinary authorities monitoring his probation, (5) attend and pass the California State Bar Ethics School within one year of his suspension, (6) pass the Multistate Professional Responsibility Examination within one year of his suspension, (7) notify his clients of his suspension in accordance with California requirements, (8) attend five hours of continuing legal education in law office management or ethics, and (9) attend and pass the California

*Corrected pursuant to
Order filed 7-25-01.*

01-11765

State Bar Ethics School Client Trust Account Record-Keeping Course.¹ In addition, Keith must pay the costs of the California disciplinary proceeding.

The California discipline was based on violations of California's counterparts to SCR 165 (safekeeping property) and SCR 203(3) (misconduct involving fraud, dishonesty, deceit or misrepresentation), for Keith's actions in failing to place client settlement funds in a separate trust account, failing to promptly disburse or account for the funds, and using a portion of the funds to build a new office for himself. The California authorities noted the aggravating circumstance of a pattern of misconduct, and mitigating circumstances including Keith's lack of prior discipline and his charitable contributions of time and money for over a decade.

SCR 114(3) provides that, with few exceptions, this court shall impose identical discipline. We conclude that none of the exceptions applies, and so the petition should be granted. Accordingly, Keith is suspended for ~~two years~~ ^{eighteen months}, with the suspension to be stayed; Keith is placed on probation for two years subject to the conditions stated in the California order, including an actual suspension of ninety days. Keith shall not be required to comply with the reinstatement provisions of SCR 116, but shall provide copies of his reports to the California disciplinary authorities to Nevada bar counsel. Additionally, Keith shall provide Nevada bar counsel with proof that he passed the MPRE and the Ethics School,

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¹It is not clear from the record whether the trust account course is part of the Ethics School or is a separate class that Keith must take.

including the trust account course, and has otherwise met the conditions of his California probation. Finally, Keith and the state bar shall comply with the provisions of SCR 115.

It is so ORDERED.

Maupin, C.J.
Maupin

Young, J.
Young

Shearing, J.
Shearing

Agosti, J.
Agosti

Rose, J.
Rose

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Richard J. Pocker, Chair,
Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
Perry Thompson, Admissions Office, U.S. Supreme Court
Brian Malcolm Keith