

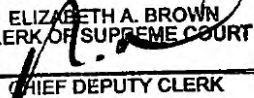
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF
REINSTATEMENT OF DERRICK S.
PENNEY, BAR NO. 8606.

No. 87118

FILED

OCT 19 2023

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

ORDER OF REINSTATEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation to grant suspended attorney Derrick S. Penney's petition for reinstatement. This court suspended Penney from the practice of law for 36 months, with all but the first 6 months stayed, in April 2022. *In re Discipline of Penney*, No. 84201, 2022 WL 1302176 (Nev. Apr. 29, 2022) (Order of Suspension). Before the term of Penney's actual suspension expired, we imposed an additional concurrent six-month-and-one-day suspension. *In re Discipline of Penney*, No. 85118, 2022 WL 6589933 (Nev. Oct. 10, 2022) (Order of Suspension).

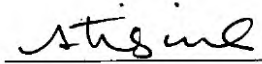
We review the hearing panel's conclusions of law and recommendation de novo. *Application of Wright*, 75 Nev. 111, 112-13, 335 P.2d 609, 610 (1959) (reviewing a petition for reinstatement de novo). Having considered the record, we agree with the hearing panel's conclusion that Penney did not satisfy all of the criteria set forth in SCR 116(2)(a)-(g) by clear and convincing evidence. However, we also agree with the panel's conclusion that Penney presented good and sufficient reasons supporting reinstatement. See SCR 116(2) (providing that if an attorney does not satisfy all criteria stated in the rule, the attorney may be reinstated if the attorney "presents good and sufficient reason why the attorney should nevertheless be reinstated"); see also *Shoen v. State Bar of Nev.*, 136 Nev. 258, 258, 464 P.3d 402, 403-04 (2020) (acknowledging that "an attorney who

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cannot demonstrate the criteria still may be reinstated if [they] 'present[] good and sufficient reason why [they] should nevertheless be reinstated'" (quoting SCR 116(2)).

Accordingly, we grant the petition and reinstate attorney Derrick S. Penney to the practice of law in Nevada effective on the date of this order. As a condition of his reinstatement, Penney will be on probation for the remainder of his 36-month stayed suspension. During that term of probation, Penney will be subject to the following conditions: (1) obtain and fully cooperate with a legal practice mentor approved by the State Bar who will provide quarterly reports to the State Bar, (2) have no contact with client trust accounts, and (3) complete 9 additional CLE hours in client trust account management. Penney must also submit to binding fee dispute arbitration consistent with this court's order of suspension in Docket No. 85118, if he has not already done so. Finally, Penney shall pay the costs of the reinstatement proceeding, including \$2,500 under SCR 120, within 30 days from the date of this order, if he has not already done so.


It is so ORDERED.

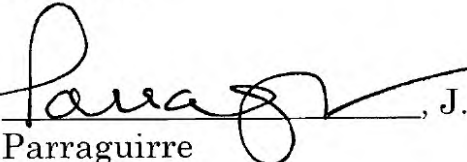

_____, C.J.
Stiglich



_____, J.
Cadish


_____, J.
Pickering


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre


_____, J.
Bell

cc: Chair, Southern Nevada Disciplinary Board
Derrick S. Penney
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court