

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF CLARENCE
GAMBLE

No. 38537

FILED

JAN 07 2002

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

ORDER APPROVING CONDITIONAL GUILTY PLEA
IN EXCHANGE FOR STATED FORM OF DISCIPLINE

This is an automatic appeal from a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve a conditional guilty plea in exchange for a stated form of discipline, as amended. The plea agreement, as amended, provides (1) that Gamble shall be suspended from the practice of law for three years from the effective date of his temporary suspension,¹ (2) that he pay restitution to the clients and others whose funds he misappropriated,² (3) that he pay the costs of the disciplinary proceeding, (4) that he meet monthly with bar counsel's office to monitor the status of his restitution payments and to confirm that his law clerk duties do not cross the line into the practice of law, (5) that Gamble may not seek reinstatement until all restitution has been paid, and (6) that any reinstatement be subject to a one-year probationary period, during which Gamble must work in a group setting, either government practice or an established law firm, with no access to bank accounts, and must pass the Multi-State Professional Responsibility Examination and provide proof of passage to bar counsel.

The plea agreement resolved an amended disciplinary complaint based on over thirty grievances received against Gamble during 1999 and 2000. The complaint alleged numerous violations of several

¹Gamble was temporarily suspended pending the resolution of formal disciplinary proceedings by our order of April 13, 2000, which under SCR 115 took effect on April 28, 2000.

²In this regard, Gamble had already paid \$10,000 in restitution by the time of the disciplinary hearing.

disciplinary rules, including SCR 115 (disbarred or suspended attorneys), SCR 151 (competence), SCR 152 (scope of representation), SCR 153 (diligence), SCR 154 (communication), SCR 165 (safekeeping property), SCR 166 (declining or terminating representation), SCR 173 (fairness to opposing party and counsel), SCR 187 (responsibilities regarding nonlawyer assistants), SCR 200(2) (failure to respond to disciplinary authority), and SCR 203 (misconduct).

The record reflects that when Gamble began working as a solo practitioner in 1995, he did not establish adequate office procedures or business practices. The practice was not generating sufficient funds, and Gamble began "borrowing" from his trust account to meet operating expenses and overhead. He also began accepting more work than he could handle, in an attempt to generate income. As a result, he could not complete the tasks required to diligently represent many of his clients, and he failed to disburse settlement funds to clients and/or their medical provider lienholders. He also became "burned out" and seriously depressed.

During 1999 and early 2000, matters apparently degenerated to the point that many clients, opposing counsel, and third-party lienholders complained to the bar. The number and seriousness of the complaints led the state bar to petition us for an order temporarily suspending Gamble from the practice of law, pending resolution of formal disciplinary proceedings. On April 13, 2000, we granted the petition and entered an order of temporary suspension.

Gamble and bar counsel reached a plea agreement, which was approved by the panel with minor modifications to which Gamble agreed. Having reviewed the record, we conclude that the agreement, as modified, should be approved. Gamble's conduct was extremely serious, and resulted in substantial harm to many of his clients and others, and so disbarment would not be excessive. But the record also contains evidence of several mitigating factors, including personal or emotional problems, timely good faith efforts to make restitution, cooperation with bar counsel, reputation evidenced by several letters of recommendation, interim rehabilitation and remorse. In addition, the agreement's conditions require Gamble to complete restitution payments before seeking reinstatement, and provide conditions for reinstatement that will ensure that the public is protected in the event Gamble is reinstated.

Accordingly, the plea agreement, as modified, is approved in full. Gamble is suspended for three years from the date of his temporary suspension, and shall satisfy the requirements set forth in the plea agreement, as amended. Also, any reinstatement is subject to the conditions in the agreement. To the extent not already completed for the temporary suspension, Gamble and the state bar shall comply with the notice 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,
Supreme Court of the United States
Frank J. Cremen