

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: REINSTATEMENT OF DANNY
WINDER.

No. 38723

FILED

MAY 09 2002

JANEITE M. SLOOM
CLERK OF SUPREME COURT
BY *J. Rehak*
CHIEF DEPUTY CLERK

ORDER OF REINSTATEMENT

This is a petition for reinstatement to the practice of law by suspended attorney Danny Winder. Pursuant to a conditional guilty plea agreement, Winder was suspended indefinitely in 1990 following his conviction of drug-related offenses and his misappropriation of a client's settlement check. The plea agreement required Winder to satisfy several conditions before he could petition for reinstatement.

In 1998, Winder petitioned for reinstatement. Following a hearing, a Northern Nevada Disciplinary Board panel recommended that the petition be denied without prejudice, as certain conditions in the plea agreement had not been met. This court approved the recommendation, and noted that the following conditions still remained. First, Winder was to complete payment of restitution for the misappropriated settlement check.¹ Second, Winder could not file a new petition until he had refrained from using drugs for two-and-one-half years, the time period required by the plea agreement.² Third, Winder was to continue

¹At that time, Winder still owed approximately \$3,321 in restitution.

²At that time, Winder had been drug-free for two years and four months, two months short of the required time period. In addition, while we concluded that Winder had satisfied the condition with respect to gambling by his abstention from 1995 to 1998, we expressed concern over Winder's return to gambling in any form.

counseling sessions for his gambling problem, and could not file a new petition until he had continued treatment for two-and-one-half years, as required by the plea agreement.³

Shortly thereafter, Winder relocated to Las Vegas. In 2001, Winder again petitioned for reinstatement, and a hearing was held before a Southern Nevada Disciplinary Board panel. Winder presented evidence that he had met all conditions for reinstatement. He also presented evidence concerning his present fitness to practice, including character testimony and letters of recommendation in his support, documentation concerning continuing legal education classes he has recently attended, and evidence concerning his law-related employment as a paralegal and law clerk during the term of his suspension.

The panel found that Winder had satisfied the remaining conditions for reinstatement, and concluded that he met his burden under SCR 116(3), to establish by clear and convincing evidence that he has the requisite moral qualifications, competency and learning in the law, and that his reinstatement will not be detrimental to the integrity of the bar, the administration of justice or the public interest. The panel therefore recommended that Winder be reinstated, subject to a one-year probationary period with certain conditions.

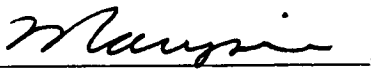
The conditions recommended by the panel are as follows. First, Winder must continue to attend Lawyers Concerned for Lawyers and Narcotics Anonymous meetings during the probationary period, and must provide proof of attendance to bar counsel. Second, Winder must complete all CLE requirements, as well as attend the Bridge the Gap program offered by the state bar. Third, Winder must submit his general,

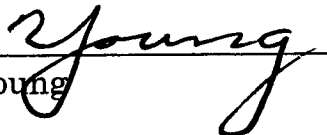
³At that time, Winder had attended counseling for one year and eleven months, seven months short of the required time period.

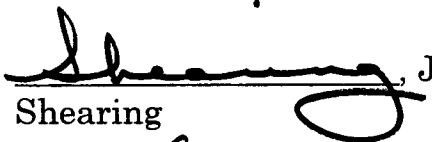
operating and trust account records to bar counsel for inspection upon request at any time during the probationary period. Fourth, Winder must submit to random alcohol and drug testing upon bar counsel's request. The panel determined that Winder should not be assessed the costs of the reinstatement proceedings, in light of the financial hardship he has endured over the last eleven years.

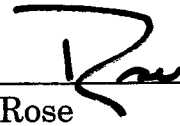
We conclude that clear and convincing evidence supports the panel's findings, and that its recommendation should be approved. Accordingly, Danny Winder is hereby reinstated to the practice of law, subject to the conditions set forth above.

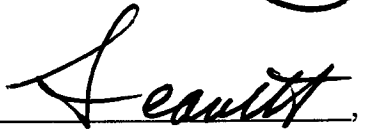
It is so ORDERED.⁴



_____, C.J.
Maupin


_____, J.
Young


_____, J.
Shearing


_____, J.
Rose


_____, J.
Leavitt


_____, 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
Jerry H. Mowbray

⁴The Honorable Deborah Agosti, Justice, voluntarily recused herself from participation in the decision of this matter.