

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE  
RESIGNATION OF FRANK J.  
CUNDARI.

No. 38996

**FILED**

FEB 05 2002

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

ORDER GRANTING PETITION FOR RESIGNATION

This is a joint petition by the State Bar of Nevada and attorney Frank J. Cundari for his resignation from the Nevada bar. The joint petition is made pursuant to a stipulation that resolves a formal disciplinary complaint against Cundari. Cundari states that he is aware that his resignation is irrevocable.<sup>1</sup> Bar counsel has recommended that the resignation be approved. The stipulation reached in the disciplinary matter requires Cundari to resign from the state bar, to reimburse the client security fund for monies paid to his former clients because of his misconduct, and to pay restitution to his former clients to the extent they were not made whole through the client security fund. The disciplinary complaint reflects that Cundari was charged with misappropriating settlement funds belonging to clients and third-parties and converting them to his own use. Cundari admits to the misappropriation in the stipulation.

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<sup>1</sup>See SCR 98(5)(b).

SCR 98(5)(a) and (c) provide:

(a) A member of the state bar against whom disciplinary charges are pending may tender a written application resigning from membership in the state bar and relinquishing the right to practice law. No such resignation shall become effective unless and until ordered by the supreme court after consideration and recommendation by bar counsel.


....


(c) The state bar shall retain jurisdiction to investigate and take action with respect to matters involving a past member's conduct prior to the member's resignation from the state bar.

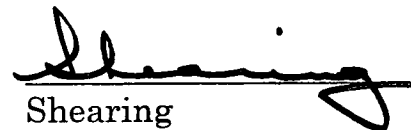
The petition satisfies the requirements of SCR 98(5)(a) and (c).


Accordingly, we grant the petition and approve the resignation of attorney Frank J. Cundari, subject to the state bar's continuing jurisdiction under SCR 98(5)(c).


It is so ORDERED.

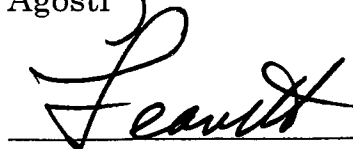
 , C.J.  
Maupin

 , J.  
Young

 , J.  
Shearing

 , J.  
Agosti

 , 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  
Frank J. Cundari