

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF CHARLES
K.H. CHONG.

No. 42698

FILED

SEP 09 2004

JANETTE M. BIGGM
CLERK OF SUPREME COURT
BY *J. Richards*
DEP. DEPUTY CLERK

ORDER OF DISBARMENT

This is an automatic appeal from a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Charles K.H. Chong be disbarred from the practice of law in Nevada.

Chong received notice of a grievance from his former employers alleging that he had misappropriated \$6,385 of a settlement check and had not informed the firm of the settlement or the check. By letter dated December 9, 2002, Chong responded to the grievance and admitted that he was guilty of misconduct. Chong admitted, however, to misappropriating only \$3,750 that belonged to the law firm, because he had paid medical liens of \$2,635 after being confronted by his employers. Chong apologized and claimed in his letter that he would take responsibility for his actions and wanted to pay back the debt to the firm, bar, and community. He ended the letter stating that he would await further instructions from the bar.

Since his letter, however, Chong has not responded to any of the bar's numerous attempts to contact him by telephone, mail, or personal service. Additionally, in January 2003, the bar was notified by Chong's former employers of a second matter in which Chong agreed to

represent a client in an immigration matter, took the passports of the client and his wife, and accepted \$1,250 as a retainer, without doing any work or returning the passports. Moreover, Chong was found by the state bar to have opened and abandoned a law office in Nevada, leaving behind at least twenty-one unfinished cases, without notifying his clients that he had moved and closed his practice. The statute of limitations was imminent in three of the cases, and complaints had not been filed by Chong.

Through the efforts of a private investigator hired by the bar, Chong was located in Honolulu, Hawaii, and served with necessary documents, including the complaint and notice of intent to enter default against him. The complaint, filed on July 31, 2003, alleged that Chong had violated the following ethical rules: SCR 153 (diligence); SCR 154 (client communications); SCR 165 (safekeeping property); SCR 166 (declining or terminating representation); SCR 200(2) (bar disciplinary matters); SCR 203(3) (misconduct involving dishonesty, fraud, deceit or misrepresentation).

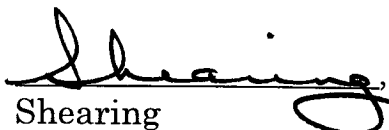
Due to the gravity of the situation and threat of serious harm to the public, the bar filed an ex parte emergency petition with this court seeking Chong's immediate temporary suspension from the practice of law under SCR 102(4). On August 11, 2003, this court temporarily suspended Chong from the practice of law.

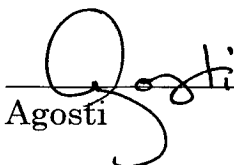
Chong failed to answer the complaint filed by the bar, and did not appear at the formal disciplinary hearing held on December 11, 2003. Consequently, a default was taken against Chong. Based on the record, which included Chong's December 9, 2002 letter, two grievance letters from Chong's former employers, affidavits of personal service by process

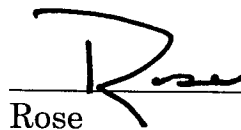
servers in Nevada and Hawaii, and the affidavit of Stacie Murphy, an attorney who discovered Chong's abandonment of his practice, the panel concluded that Chong had committed the violations charged in the disciplinary complaint. The panel recommended that Chong be disbarred, and that he pay all costs of the disciplinary proceedings in accordance with SCR 120.


We agree with the panel that Chong's earlier admission in his letter of December 9, 2002, his conduct since that time, and the record before us constitute clear and convincing evidence of professional misconduct sufficient to warrant the imposition of discipline. We further agree that disbarment is the appropriate discipline in this case. Accordingly, Chong is disbarred from the practice of law in this state. Chong shall pay the costs of the disciplinary proceedings.

It is so ORDERED.


 C.J.
Shearing

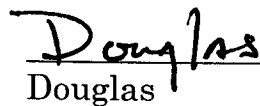
 J.
Agosti

 J.
Rose

 J.
Becker

 J.
Maupin

 J.
Gibbons

 J.
Douglas

cc: Howard Miller, Chair,
Southern Nevada Disciplinary Board
Allen W. Kimbrough, Executive Director
Rob W. Bare, Bar Counsel
Charles K.H. Chong
U.S. Supreme Court Admissions Office