

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF STEVEN L.
WEISENBERG, ESQ.

No. 43967

FILED

NOV 04 2004

CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER IMPOSING RECIPROCAL DISCIPLINE

This is a petition under SCR 114 to reciprocally discipline attorney Steven L. Weisenberg, based on discipline imposed upon him in California. Weisenberg has not responded to the petition.

The California Supreme Court approved the California Bar Court's decision that Weisenberg be disbarred. The discipline was based on Weisenberg's violation of the California equivalents of SCR 203(3)¹ and SCR 200(2).² One mitigating circumstance, a lack of prior discipline, was identified, but was not given much weight in light of the short time Weisenberg had been admitted to the California bar. Several aggravating circumstances were found, including multiple acts of misconduct, harm to Weisenberg's clients and a third-party, and failure to participate in the disciplinary process.

¹The California rule prohibits conduct that involves dishonesty, moral turpitude or corruption. SCR 203(3) prohibits conduct involving dishonesty, fraud, deceit or misrepresentation.


²SCR 200(2) and its California equivalent require lawyers to cooperate in the discipline process.

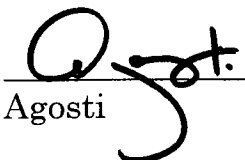
According to the California Bar Court's decision, Weisenberg was retained by a mother and daughter to represent them in establishing a conservatorship of the person and estate of a relative. Weisenberg filed a petition for permission to sell certain real property owned by the proposed ward. The hearing on the petition, originally set for March 20, 2001, was continued to April 10, 2001. Weisenberg nevertheless faxed a Notice of Ruling to the title company handling the sale, indicating that the petition had been granted. Weisenberg also prepared what purported to be a court order granting the petition, including the judge's signature stamp and the clerk's file-stamp, and forwarded this document to the title company as well. Weisenberg then contacted the court and took the continued hearing off calendar. Based on the documents Weisenberg prepared, the title company cleared title and recorded the sale. Weisenberg's clients received the sale proceeds. At no time had the court actually ruled on the petition.

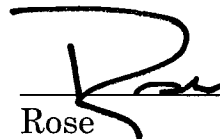
A few months later, the California State Bar initiated an investigation. Weisenberg was served at his official address with notice of the investigation, the disciplinary complaint, and all hearings. Weisenberg failed to respond or to participate in the disciplinary process in any way. A default against him was entered, and thus the allegations in the complaint were deemed admitted. The State Bar Court, after considering the allegations, together with the mitigating and aggravating circumstances shown, recommended disbarring Weisenberg. In determining the appropriate discipline, the State Bar Court emphasized the deliberate nature of Weisenberg's conduct, which required significant efforts to falsify a court order. The California Supreme Court approved the recommendation.


SCR 114(4) provides that this court shall impose identical reciprocal discipline unless the attorney demonstrates or this court finds that one of three exceptions applies. None of the exceptions applies to this case, and so we grant the petition for reciprocal discipline. We agree with the California State Bar Court that Weisenberg's conduct was inexcusable for an officer of the court. We therefore disbar Weisenberg from the practice of law in Nevada. Weisenberg and the state bar shall comply with the requirements of SCR 115.


It is so ORDERED.

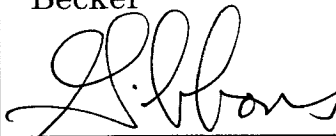
 C.J.
Shearing

 , J.
Agosti

 , J.
Rose

 , J.
Becker

 , J.
Maupin

 , J.
Gibbons

 , J.
Douglas

cc: Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
Steven L. Weisenberg
Perry Thompson, U.S. Supreme Court Admissions Office