

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF  
KENNETH WALTER LONG.

No. 50863

FILED

MAR 07 2008

TRACIE A. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER OF TEMPORARY SUSPENSION

This is a petition under SCR 111 concerning attorney Kenneth W. Long, based on his conviction for one gross misdemeanor count of conspiracy to exploit the elderly. Long filed a response, urging this court not to impose an interim suspension or any other discipline and arguing that his criminal conviction and its resulting publicity have sufficiently punished his actions. Implicit in both the state bar's petition and Long's response is their assumption that SCR 111(9), which applies to convictions for other than a serious crime, applies to this matter.

"Serious crime" is defined in SCR 111(6); the term includes all felonies and certain lesser crimes involving any of several listed factors:

The term "serious crime" means (1) a felony and (2) any crime less than a felony a necessary element of which is, as determined by the statutory or common-law definition of the crime, improper conduct as an attorney, interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file an

income tax return, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a "serious crime."

Several of these elements are part of the statutory definition of exploitation of the elderly, including deceit, misappropriation, and theft:

"Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his money, assets or property.<sup>1</sup>


Thus, since exploitation of the elderly is a "serious crime," this matter is governed not by SCR 111(9), under which a temporary suspension or other discipline is discretionary, but rather by SCR 111(7), which requires a temporary suspension upon conviction of a serious crime.

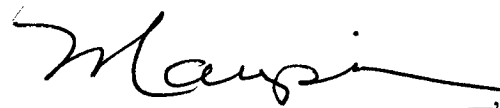
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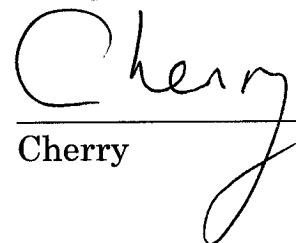
<sup>1</sup>NRS 200.5092(2).

Accordingly, we temporarily suspend Long from the practice of law and refer this matter to the Southern Nevada Disciplinary Board for the initiation of formal disciplinary proceedings in which the sole issue to be determined is the extent of discipline to be imposed.<sup>2</sup>

It is so ORDERED.<sup>3</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Cherry

cc: Jeffrey D. Albregts, Chair, Southern Nevada Disciplinary Board  
Rob W. Bare, Bar Counsel  
Kimberly K. Farmer, Executive Director  
William B. Terry, Chartered

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<sup>2</sup>See SCR 111(7).

<sup>3</sup>This order constitutes our final disposition of this matter. Any future proceedings concerning Long shall be filed under a new docket number.