

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
KENNETH LONG, BAR NO. 6042.

No. 52021

FILED

NOV 05 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

**ORDER REJECTING CONDITIONAL GUILTY PLEA AND
REMANDING FOR FURTHER DISCIPLINARY PROCEEDINGS**

This is an automatic review of a conditional guilty plea agreement under SCR 113 involving attorney Kenneth Long. A Southern Nevada Disciplinary Board hearing panel recommended approval of the agreement. In this agreement, Long pleaded guilty to violating RPC 8.4(b) (misconduct: criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer) in exchange for a six-month suspension, retroactive to the beginning of a temporary suspension ordered by this court on March 7, 2008.¹


Having reviewed the record of the disciplinary proceedings and the attached exhibits, we reject the conditional guilty plea agreement.² Assuming evidence can be presented establishing that Long committed the acts of misconduct admitted in the conditional guilty plea, we view such acts as a serious breach of the Nevada Rules of Professional

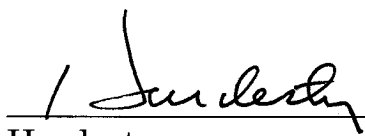
¹Under the agreement, another charge was dismissed.

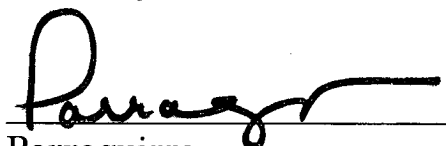
²See SCR 113(1); In re Kenick, 100 Nev. 273, 680 P.2d 972 (1984).


Conduct warranting the imposition of discipline greater than a six-month suspension. Because the hearing before the disciplinary panel was based on the conditional plea, the record is insufficient to determine the proper amount of discipline. Accordingly, we remand this matter to the Southern Nevada Disciplinary Board for further proceedings.³

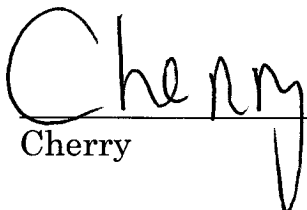
It is so ORDERED.⁴


_____, C.J.
Gibbons


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry

³In light of this order, we deny as moot Long's October 20, 2008, motion to expedite.

This order constitutes our final action in this proceeding. When the State Bar again forwards this matter to this court, it shall be docketed as a new proceeding in this court.

⁴The Honorable Nancy Saitta, Justice, voluntarily recused herself from participation in the decision of this matter. The Honorable A. William Maupin, Justice, did not participate in the decision of this matter.

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