

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
MILTON EICHACKER, ESQ.

No. 53052

FILED

SEP 02 2009

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

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve a conditional guilty plea in exchange for a stated form of discipline pursuant to SCR 113 for attorney Milton Eichacker. Under the agreement, Eichacker admits to violating: SCR 78.5 (maintenance of trust funds in approved financial institutions; overdraft notifications); SCR 79 (1)-(3) (address of member); SCR 153 (diligence); SCR 154 (communication; SCR 157(2) (conflict of interest; general rule); SCR 158(1) and (6)(b) (conflict of interest; prohibited transactions); SCR 165(1) (safekeeping property); and SCR 200(2) (bar admission and disciplinary matters).¹

In exchange, the State Bar agrees to dismiss the charges of violating: SCR 151 (competence); SCR 158(10) (conflict of interest; prohibited transactions); SCR 187(1) and (2) (responsibilities regarding nonlawyer assistants); and SCR 203(1), (2), (3) and (4) (misconduct). The

¹The rules governing professional conduct were substantially revised effective May 1, 2006. Eichacker's conduct occurred before these revisions became effective. The disciplinary complaint in this matter properly charged violations of the rules in effect at the time of the particular misconduct, which Eichacker has admitted.

State Bar further agrees to dismiss the entire formal complaint filed on May 19, 1998.

The agreement provides for a suspension from the practice of law for the time period since the order of temporary suspension of respondent from the practice of law pursuant to SCR 102(4)(a) dated November 21, 1997, with Eichacker receiving credit for time served from that date. Further, Eichacker is required to sit for the essay portion of the Nevada bar examination and achieve a scaled score of 140, with a minimum scaled score of 75 on at least three essays. This condition applies regardless of how many times it is necessary for Eichacker to take the examination, however the examination fee will be waived for Eichacker for three sittings. In addition, Eichacker must take and pass the Multi-State Professional Responsibility Examination (MPRE).

The formal hearing conducted for this disciplinary matter shall constitute the character and fitness evaluation normally performed by the admissions department of the State Bar, but only for the first time Eichacker sits for the bar examination. Should Eichacker not pass the examination on his first attempt, the State Bar shall determine whether a character and fitness evaluation should be conducted, considering only the time since the formal hearing in the instant matter.

Finally, Eichacker shall pay the costs of the disciplinary proceeding, excluding bar counsel and staff salaries.

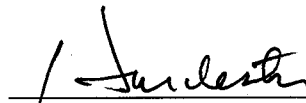
At the hearing, Eichacker testified concerning injuries he received in a 1998 incident wherein he was struck in the head by a billiard ball, rendering him mentally and physically disabled. Prior to the incident, Eichacker was temporarily suspended by an order entered by this court on November 21, 1997. Following the order of suspension, two complaints were filed before the Southern Nevada Disciplinary Board on

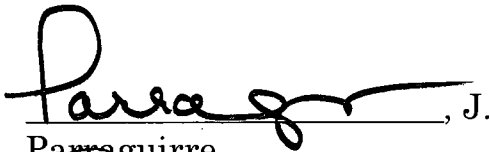
March 13, 1998, and May 19, 1998. Those complaints were pending at the time of Eichacker's injury. On July 30, 1998, Bar Counsel and Eichacker's counsel stipulated to stay the disciplinary proceedings until such time as Eichacker was able to proceed with the formal hearings. During that time, Eichacker remained suspended.

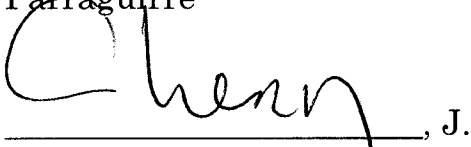
On May 19, 2008, Eichacker, through his counsel, filed a motion to set the formal hearing, and the hearing was conducted on November 6, 2008. Following the hearing, the panel approved the guilty plea agreement.

Having reviewed the record, we conclude that the plea agreement should be approved.² Accordingly, Eichacker is reinstated to the practice of law with the conditions contained in his guilty plea agreement.

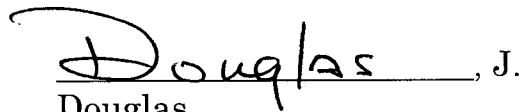
It is so ORDERED.

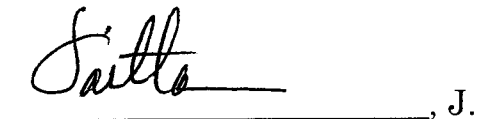

Hardesty, C.J.

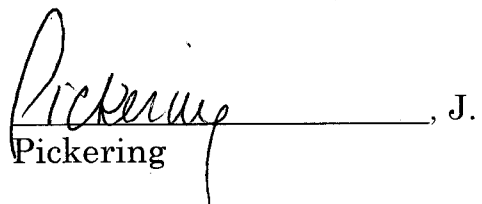

Parraguirre, J.


Cherry, J.


Gibbons, J.


Douglas, J.


Saitta, J.


Pickering, J.

²See SCR 113(1).

cc: Peter Angulo, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Kimberly K. Farmer, Executive Director
Michael J. Warhola
U.S. Supreme Court