

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
RESIGNATION OF ATTORNEY DAVID
K. WINTER, BAR NO. 4529.

No. 54293

FILED

JUL 20 2010

TRACEY R. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING APPLICATION AND REFERRING MATTER TO
NORTHERN NEVADA DISCIPLINARY BOARD

This is an application by attorney David K. Winter for his resignation from the Nevada bar with disciplinary charges pending. Bar counsel has recommended that the resignation be approved subject to the requirements of SCR 98(5)(b)-(c).

SCR 98(5)(b) provides:

A member of the state bar against whom disciplinary charges are pending may tender a written application resigning from membership in the state bar and relinquishing the right to practice law. No such resignation shall become effective unless and until ordered by the supreme court after consideration and recommendation by bar counsel.

Winter states that he is aware that his resignation is irrevocable. See SCR 98(5)(c). Winter agreed to cease the practice of law as of December 31, 2009, and, in accordance with SCR 98(5)(e), to comply with SCR 115. Winter acknowledges that pursuant to SCR 98(5)(d), "[t]he state bar shall retain jurisdiction to investigate and take action with respect to matters involving a past member's conduct prior to the member's resignation from the state bar."

We conclude that while the application satisfies the requirements of SCR 98(5)(b)-(c), Winter's application must be denied. In this, we are convinced that the seriousness of the charges levied against Winter militates against accepting his application to resign. We therefore deny his application to resign, and remand his disciplinary matter to the Northern Nevada Disciplinary Board for a hearing and determination of appropriate discipline. We further note that it may be appropriate for the State Bar to seek a temporary order of suspension pursuant to SCR 102(4), pending the resolution of Winter's disciplinary proceeding.

It is so ORDERED.¹

Parraguirre, C.J.
Parraguirre

Hardesty, J.
Hardesty

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Douglas, J.
Douglas

Saitta, J.
Saitta

Pickering, J.
Pickering

cc: John Mulligan, Northern Nevada Disciplinary Panel Chair
David K. Winter
Rob Bare, Bar Counsel
Kimberly Farmer, Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, U.S. Supreme Court

¹This is our final order in this matter. Any future proceedings concerning Winter shall be docketed under a new docket number.