

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
RANDOLPH GOLDBERG, BAR NO.
5970.

No. 67422

FILED

SEP 18 2015

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

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

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve attorney Randolph Goldberg's conditional guilty plea in exchange for a stated form of discipline. See SCR 113(1); SCR 105(3)(b).

Under the conditional guilty plea agreement, Goldberg admits to violations of the following Rules of Professional Conduct: RPC 1.1 (competence), RPC 1.2 (scope of representation), RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.5 (fees), RPC 1.15 (safekeeping property), RPC 3.1 (meritorious claims and contentions), RPC 3.3 (candor toward the tribunal), RPC 5.3 (responsibilities regarding nonlawyer assistants), and RPC 8.4(b) (misconduct: commit a criminal act that reflects adversely on the lawyer's fitness to practice).

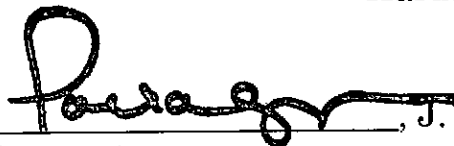
The stated form of discipline in the conditional guilty plea agreement provides for a two-year suspension that shall not be retroactive from the date of Goldberg's temporary suspension under SCR 111 (April 25, 2013), but shall begin upon entry of an order approving the recommendations and for Goldberg to pay the costs of the disciplinary proceeding, excluding Bar Counsel and staff salaries, within 30 days of receipt of the State Bar's bill of costs.

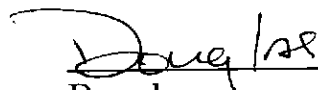
The findings and recommendations of a disciplinary hearing panel, though persuasive, are not binding on this court. *In re Discipline of Stuhff*, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992). The automatic review of a panel decision recommending a suspension is conducted de novo, requiring the exercise of independent judgment by this court. *Id.*; see SCR 105(3)(b).

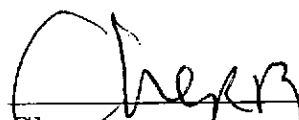
Based on our review of the record, the suspension recommendation is insufficient in relation to Goldberg's admitted conduct. Accordingly, we reject the conditional guilty plea agreement and remand this matter to the Southern Nevada Disciplinary Board for further proceedings.


It is so ORDERED.


, C.J.
Hardesty


, J.
Parraguirre

, J.
Douglas

, J.
Cherry

, J.
Saitta

, J.
Gibbons

, J.
Pickering

cc: Chair, Southern Nevada Disciplinary Board
Michael J. Warhola, LLC
Bar Counsel, State Bar of Nevada