

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
JONATHAN W. BIRDT, ESQ., BAR NO.  
8376.

No. 54975

**FILED**

**MAY 20 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER IMPOSING RECIPROCAL DISCIPLINE

This is a petition under SCR 114 to reciprocally discipline attorney Jonathan W. Birdt, based on discipline imposed upon him in California. Birdt filed a timely response to the petition pursuant to SCR 114(3).

Birdt's California misconduct consisted of his communicating indirectly with represented parties without their counsel's consent, in violation of California Rule of Professional Conduct 2-100(A), and of his subsequent misrepresentations regarding his role in those communications, in violation of California Business and Professions Code Section 6106.<sup>1</sup> Birdt timely informed bar counsel of the discipline as required by SCR 114(1).

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<sup>1</sup>The equivalent Nevada rules are RPC 4.2 (communication with persons represented by counsel) and RPC 8.4 (misconduct).

Effective Date: May 20, 2010  
Bar Number: 8376

The California Supreme Court approved the parties' stipulation that Birdt receive a one-year stayed suspension, with an actual suspension of 30 days. Birdt was placed on probation for two years, subject to the following conditions: he must comply with the provisions of the State Bar Act and the Rules of Professional Conduct; report any changes of information to the probation office within 10 days; meet with the probation office within 30 days to set up the terms and conditions of probation; submit written quarterly status reports; answer probation office inquiries; attend ethics school; pass the Multistate Professional Responsibility Examination; and complete no less than 12 hours of continuing legal education in law office management, attorney client relations, and/or general legal ethics. Birdt was also ordered to pay the costs of the disciplinary proceedings.

SCR 114(4) provides that this court shall impose identical reciprocal discipline unless the attorney demonstrates, or this court finds, that one of four exceptions applies. None of the exceptions is present in this case.

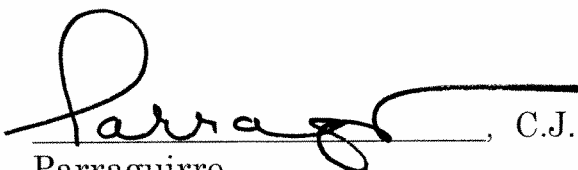
Accordingly, we grant the petition for reciprocal discipline. Attorney Jonathan W. Birdt is hereby suspended for one year, which suspension is stayed, with an actual suspension of 30 days.<sup>2</sup> He is placed on probation for two years. To the extent he has not already done so, Birdt is required to provide proof to Nevada bar counsel of compliance

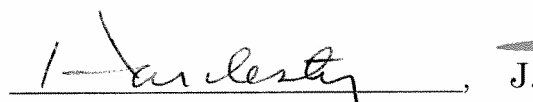
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<sup>2</sup>Birdt's suspension shall be retroactive and run concurrently with his California suspension. See Copren v. State Bar, 64 Nev. 364, 183 P.2d 833 (1947); Matter of Goldberg, 460 A.2d 982 (D.C. 1983).

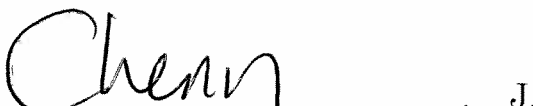
with the conditions of probation imposed upon him by California<sup>3</sup>; additionally, Birdt and the State Bar shall comply with SCR 115 and SCR 121.1.


It is so ORDERED.

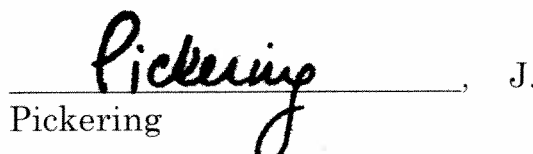
  
Parraguirre, C.J.

  
Hardesty, J.

  
Douglas, J.

  
Cherry, J.

  
Gibbons, J.


  
Pickering, J.

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<sup>3</sup>Failure to do so constitutes a violation of probation for which Birdt could be subject to further discipline.

SAITTA, J., dissenting:

In my view, a concurrent suspension is not adequate discipline in this case. For this reason, I dissent.

  
\_\_\_\_\_, J.  
Saitta

cc: Rob W. Bare, Bar Counsel  
Kimberly K. Farmer, Executive Director  
Jonathan W. Birdt  
Perry Thompson, Admissions Office, United States Supreme Court