

## IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISABILITY OF  
WILLIAM ERRICO, BAR NO. 6633.

No. 70128

FILED

APR 13 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF TRANSFER TO DISABILITY INACTIVE STATUS AND  
DENYING STAY*

Attorney William Errico has filed an emergency motion for transfer to disability inactive status while a determination regarding his competency is made, and a motion to stay the disciplinary proceedings, scheduled to commence on April 14, 2016, while such a determination is made. The State Bar opposes the motion.

The motion before us technically qualifies as a "petition" by an attorney facing discipline who "contends . . . that he or she is suffering from a disability due to mental or physical infirmity, illness, or addiction, which makes it impossible for the attorney to adequately defend the disciplinary proceeding." SCR 117(3). Having reviewed the petition,

opposition, and supporting documents, we conclude that Errico has made the required showing under SCR 117(3), and we grant the petition for transfer to disability inactive status. Errico is transferred to disability inactive status pending determination of his capacity to continue to practice law and his ability to adequately defend the disciplinary proceedings. *See id.* The disciplinary proceedings against Errico shall be temporarily suspended pending further order of this court.

The motion to stay the underlying disciplinary action is denied. After repeated delays and an adjournment, the parties stipulated on November 2, 2015, that the disciplinary hearing take place on April 14, 19, and 20, 2016. Errico waited until 3:00 p.m. on Monday, April, 11, 2016, to file the instant petition.

Under subsection 2 of SCR 117, to which SCR 117(3) refers, this court "may take or direct such action as it deems necessary to determine whether the attorney is incapacitated, including referral of the matter to the appropriate disciplinary board for hearing and recommendation by a hearing panel or the examination of the attorney by qualified medical experts." Given how late the petition was filed, and its questionable evidentiary basis, we refer the matter of Errico's disability back to the disciplinary board to resolve, whether by recommending its prompt denial, recommending its grant, or by ordering an independent medical examination.

On or before 12:00 p.m. on April 18, 2016, Errico shall provide this court with a status report detailing the panel's recommendation regarding his capacity to practice law. Pursuant to SCR 117(7), Errico shall comply with SCR 115. The State Bar shall effect notice of this order

as required under SCR 121.1. Bar counsel shall provide this court with proof that notice has been served.

It is so ORDERED.

Parraguirre C.J.  
Parraguirre

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

Pickering, J.  
Pickering

cc: Chair, Southern Nevada Disciplinary Board  
Stan Hunterton, Bar Counsel, State Bar of Nevada  
William B. Terry, Chartered  
Kimberly Farmer, Executive Director, State Bar of Nevada  
Perry Thompson, U.S. Supreme Court Admissions Office