

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
WILLIAM WEST SEEGMILLER, ESQ.

No. 44934

FILED

JUN 06 2005

A. Powell
DEPUTY CLERK

ORDER IMPOSING RECIPROCAL DISCIPLINE

This is a petition under SCR 114 to reciprocally discipline attorney William West Seegmiller, based on discipline imposed upon him in California. Seegmiller has filed a response, arguing that no reciprocal discipline should be imposed.

The California Bar Court approved a stipulation between the California bar and Seegmiller that Seegmiller receive a public reproof based on a stipulated set of facts concerning two incidents. First, from 1996 to 1998, Seegmiller permitted certain chiropractors to pay for some of his advertising. Seegmiller referred clients to these chiropractors as well as other chiropractors who did not give him money. This conduct violated California Business and Professions Code § 6068(a), which requires California lawyers to uphold the law. Second, Seegmiller represented five co-plaintiffs in a personal injury action, in which a limited insurance policy was available to pay damages. Thus, the more any one plaintiff received, the less was available to the other four, creating a conflict of interest. Seegmiller failed to obtain written waivers from his clients. This conduct violated the California equivalent of SCR 157 (conflict of interest).

SCR 114(4) provides that this court shall impose identical reciprocal discipline unless the attorney demonstrates, or this court finds, that one of three exceptions applies:

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- (a) That the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (b) That there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the court could not, consistent with its duty, accept the decision of the other jurisdiction as fairly reached; or
- (c) That the misconduct established warrants substantially different discipline in this state.

Also, discipline elsewhere is res judicata, as SCR 114(5) provides, "In all other respects, a final adjudication in another jurisdiction that an attorney has been guilty of misconduct conclusively establishes the misconduct for the purposes of a disciplinary proceeding in this state."

We are not persuaded that any of the exceptions applies to this case, especially in light of Seegmiller's stipulation to the California discipline. We therefore grant the petition and publicly reprimand Seegmiller. Seegmiller and the state bar shall comply with the requirements of SCR 115 and SCR 121.1.

It is so ORDERED.

Becker, C. J.
Becker

Rose, J.
Rose

Maupin, J.
Maupin

Gibbons, J.
Gibbons

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Howard Miller, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
William B. Terry, Chartered