

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
DAVID L. TANNER, BAR NO. 2366.

No. 57696

FILED

MAR 31 2011

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

ORDER OF TEMPORARY SUSPENSION AND
REFERRAL TO DISCIPLINARY BOARD


Bar counsel for the State of Nevada has filed a petition pursuant to the reporting requirements of SCR 111. The petition is supported by documentation indicating that on April 7, 2010, in the Justice Court of Las Vegas Township, attorney David L. Tanner, Bar No. 2366, entered a plea of guilty to one count of misdemeanor theft in violation of NRS 205.0832, for which he was ordered to pay restitution totaling \$16,168.33 and agreed to perform 100 hours of community service. Two felony counts were dismissed.

Pursuant to SCR 111, temporary suspension and referral to the appropriate disciplinary board are mandatory when an attorney has been convicted of a serious crime, which includes theft. See former SCR 111(1), (2), (4).¹ Accordingly, pursuant to former SCR 111(1), we hereby


¹We will apply the version of SCR 111 in effect at the time of the offense, which occurred in 2005-06. Cf. McKellar v. McKellar, 110 Nev. 200, 203, 871 P.2d 296, 298 (1994) (statutes are generally presumed to apply prospectively only). We note that the offense occurred prior to the amendment of SCR 111 in 2007 to impose upon an attorney convicted of a crime a duty to inform bar counsel within 30 days. See SCR 111(2).

temporarily suspend attorney David L. Tanner from the practice of law in Nevada.² Furthermore, pursuant to former SCR 111(4), we refer this matter to the appropriate disciplinary board for the institution of a formal proceeding before a hearing panel in which the sole issue to be determined shall be the extent of the discipline to be imposed.

It is so ORDERED.³


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

cc: Jeffrey D. Albregts, Chair, Southern Nevada Disciplinary Board
David A. Clark, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
William B. Terry, Chartered
Perry Thompson, Admissions Office, United States Supreme Court

²We direct the clerk of this court to file Tanner's opposition, provisionally received on February 11, 2011. We conclude that Tanner has failed to demonstrate good cause why he should not be temporarily suspended. See former SCR 111(1).

³This order constitutes our final disposition of this matter. Should there be any further proceedings regarding Tanner, they shall be docketed as a new matter.