

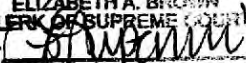
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF
REINSTATEMENT OF JAMES W.
PENGILLY, BAR NO. 6085

No. 79315

FILED

NOV 07 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF REINSTATEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation to grant suspended attorney James W. Pengilly's petition for reinstatement.

This court previously suspended Pengilly for six months and one day for violating RPC 8.4(d) (misconduct) when, during a deposition, he "used vulgarities, called the deponent derogatory names, aggressively interrupted the deponent and opposing counsel, answered questions for the deponent, . . . repeatedly made inappropriate statements on the record," and "displayed a firearm he had holstered on his hip to the deponent and opposing counsel." *In re Discipline of Pengilly*, Docket No. 74316 (Order of Suspension, Sept. 7, 2018). Pengilly filed his petition for reinstatement on March 25, 2019, after his suspension ended. Following a hearing, the panel unanimously recommended that he be reinstated to the practice of law.


Based on our de novo review,¹ we agree with the panel's conclusion that Pengilly has satisfied his burden of proof in seeking reinstatement. See SCR 116(2) (providing that an attorney seeking

¹This matter was submitted to the court on the record and we therefore review it without briefing or oral argument. See SCR 116(2).

reinstatement must demonstrate compliance with certain criteria "by clear and convincing evidence"); *Application of Wright*, 75 Nev. 111, 112-13, 335 P.2d 609, 610 (1959) (reviewing a petition of reinstatement de novo). We therefore grant the petition for reinstatement.

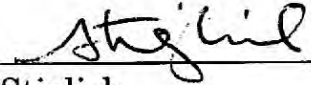
Accordingly, James W. Pengilly is hereby reinstated to the practice of law in Nevada. Pengilly shall pay the costs of the reinstatement proceeding, including \$2,500 under SCR 120, within 30 days of this order, if he has not done so already.²

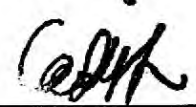
It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Hardesty


_____, J.
Stiglich


_____, J.
Cadish


_____, J.
Silver

cc: Chair, Southern Nevada Disciplinary Board
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Lipson Neilson P.C.
Admissions Office, U.S. Supreme Court

²The Honorable Ron Parraguirre, Justice, voluntarily recused himself from participation in the decision of this matter.