

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF MARK A.
KEMP, ESQ., BAR NO. 1201

No. 59029

FILED

APR 18 2013

TRACEE K. WALDMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic review, pursuant to SCR 105(3)(b), of a disciplinary board hearing panel's recommendation that attorney Mark A. Kemp be suspended from the practice of law for six months and one day, subject to conditions.

The instant matter arises from Kemp's misappropriation of client funds. After a hearing on the matter, the disciplinary panel found that Kemp violated RPC 1.4 (communication), RPC 1.15 (safekeeping property), RPC 8.1(b) (bar admission and disciplinary matters), and RPC 8.4 (misconduct).

The panel recommended suspension for six months and one day, with the conditions that Kemp (1) take CLE totaling 12 hours as a condition precedent to reinstatement, with that CLE consisting of 3 hours of ethics CLE, 3 hours regarding law office management, and 6 general CLE hours; (2) pay restitution within 24 months of reinstatement in the amount of \$47,478.83, plus 5.25 percent interest accruing from January 1,

2008, to the heirs of the estate of Marco E. Monteverdi; and (3) be mentored by an attorney and a CPA for 24 months after reinstatement. The state bar argued for a four-year suspension, with the above conditions.

Having reviewed the record, we approve the panel's recommendation that Kemp be suspended subject to conditions. However, based on Kemp's misappropriation of client funds and initial failure to cooperate with the state bar in its investigation, we determine that a longer suspension is appropriate. We also determine that payment of restitution should be a condition precedent to Kemp's reinstatement. We therefore reject the recommended suspension term of six months and one day and instead direct that Kemp be suspended for two years. We further direct that Kemp pay restitution as set forth above before petitioning for reinstatement.

Accordingly, we hereby suspend Mark A. Kemp from the practice of law for two years. In addition, Kemp must pay restitution before petitioning for reinstatement, and must comply with the

other conditions listed above. Kemp shall pay the costs of the disciplinary proceedings within 30 days of receipt of the state bar's bill of costs in this matter. See SCR 120.

It is so ORDERED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

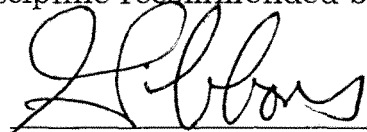
Douglas, J.
Douglas

Cherry, J.
Cherry

Saitta, J.
Saitta

GIBBONS, J., dissenting:

I would impose the discipline recommended by the disciplinary panel.


_____, J.
Gibbons

cc: Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Board
Janeen V. Isaacson, Assistant Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Mark A. Kemp
Perry Thompson, Admissions Office, United States Supreme Court