

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE DISABILITY
INACTIVE STATUS OF MARK E.
PEPLOWSKI, BAR NO. 7133

No. 79476
FILED

OCT 09 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *E. Brown*
CHIEF DEPUTY CLERK

*ORDER OF TRANSFER TO DISABILITY INACTIVE STATUS AND
REFERRAL TO DISCIPLINARY BOARD*

The State Bar and attorney Mark Peplowski have filed a joint petition alleging that Peplowski is suffering from a disability due to physical infirmity, illness, or addiction that makes it impossible for him to defend a pending disciplinary proceeding or to continue the practice of law. The petition is governed by SCR 117(3) because Peplowski has not been judicially declared incompetent and no disciplinary board or hearing panel has weighed in on his competency. *Compare* SCR 117(3) (addressing transfer to disability inactive status before a determination of competency), *with* SCR 117(1) (addressing transfer to disability inactive status based on judicial declaration of incompetency), *and* SCR 117(2) (addressing transfer to disability inactive status based on a disciplinary board or hearing panel's petition).

SCR 117(3) provides that when an attorney files a petition before a determination of competency, this court "shall enter an order transferring the attorney to disability inactive status until a determination is made of the attorney's capacity to continue to practice law in a proceeding instituted in accordance with [SCR 117(2)]." In turn, SCR 117(2) provides that we "may take or direct such action as [we] deem[] 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.”

Accordingly, Peplowski is transferred to disability inactive status and the pending disciplinary proceeding against him is suspended pending further order of this court. We refer this matter to the Southern Nevada Disciplinary Board for hearing and recommendation by a hearing panel as provided in SCR 117(2). Bar counsel shall provide this court with a written status report on the proceedings under SCR 117(2) within 60 days from the date of this order.

As required by SCR 117(7), Peplowski shall comply with SCR 115, but if he is unable to do so, the State Bar shall proceed under SCR 118. The State Bar shall comply with SCR 121.1 and provide this court with proof that notice has been served.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Stiglich


_____, Sr. J.
Douglas

cc: Chair, Southern Nevada Disciplinary Board
Bar Counsel, State Bar of Nevada
Peplowski & Associates

¹The Honorable Michael Douglas, Senior Justice, participated in the decision of this matter under a general order of assignment.