

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
DERRICK RABURN STURM, BAR NO.
8277

No. 89331
FILED
FEB 06 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION AND SUSPENDING ATTORNEY

This is a petition to impose reciprocal discipline on attorney Derrick Raburn Sturm pursuant to SCR 114, based on discipline imposed in California. Sturm was disbarred in California in 2016 and did not self-report the disbarment to the Nevada State Bar. See SCR 114(1). Nor has he opposed this petition. See SCR 114(3).

The California State Bar's Notice of Disciplinary Charges alleged seven violations of the Rules of Professional Conduct and the Business and Professions Code. Sturm failed to respond to the notice, resulting in a default. Based on his default, the factual allegations supporting the violations were deemed admitted. The admitted facts show that Sturm failed to competently represent two clients. In both cases he failed to appear at a case management conference, failed to respond to written discovery, and failed to perform any substantive legal services. He also failed to inform either client that he was withdrawing from representation and failed to take reasonable steps to avoid prejudicing their rights. One client requested the return of their property and papers, which Sturm failed to promptly release. Finally, Sturm failed to substantively respond to the California Bar's disciplinary investigation. Because Sturm did not move to set aside the default, he was disbarred pursuant to California State Bar Rule of Procedure 5.85.

SCR 114(4) mandates that the court impose the same discipline as the other jurisdiction unless the attorney demonstrates, or this court finds, that one of four exceptions apply, including when “the misconduct established warrants substantially different discipline in this state.” SCR 114(4)(c). That exception applies here in two respects.


First, as bar counsel acknowledges, there is a marked difference between disbarment in California and Nevada. In California, disbarment is not permanent and the attorney may seek reinstatement after five years, whereas in Nevada disbarment is irrevocable. *Compare* SCR 102(1), with Cal. State Bar R. Proc. 5.442(B). For this reason, where a Nevada-licensed attorney has been disbarred in California, we have frequently imposed suspension as reciprocal discipline by applying SCR 114(4)(c). *See, e.g., In re Discipline of VanderSchuit*, No. 87175, 2023 WL 6940752, *1 (Nev. Oct. 19, 2023) (Order Denying Reciprocal Discipline and Suspending Attorney) (“[W]e conclude that disbarment is not warranted because it is irrevocable in Nevada, while in California a disbarred attorney may seek reinstatement after five years.”); *In re Discipline of Cantor*, No. 83736, 2022 WL 419901 (Nev. Feb. 10, 2022) (Order Denying Petition for Reciprocal Discipline and Suspending Attorney) (same); *In re Discipline of Freedman*, No. 80276, 2020 WL 1972331 (Nev. Apr. 23, 2020) (Order Denying Petition for Reciprocal Discipline and Suspending Attorney) (same).

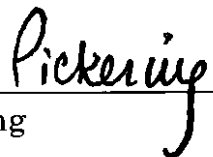
Second, suspension is the appropriate discipline for Sturm’s misconduct. Sturm’s California violations correspond to Nevada’s Rules of Professional Conduct 1.1 (competence), 1.16(b)(1) (declining or terminating representation), 1.16(d) (surrendering client property upon terminating representation), and 8.1(b) (failing to respond to a lawful demand for information). And the baseline discipline for those violations is suspension.

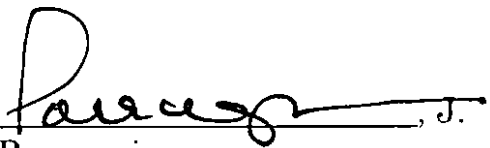
See Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.12 (Am. Bar Ass'n 2023) ("Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client."); Standard 4.52 ("Suspension is generally appropriate when a lawyer engages in an area of practice in which the lawyer knows he or she is not competent, and causes injury or potential injury to a client."); *id.* at Standard 7.2. (recommending suspension where "a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system").

Accordingly, we deny the petition for reciprocal discipline but suspend Derrick Raburn Sturm from the practice of law in Nevada for five years and one day, commencing from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

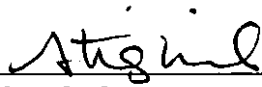
It is so ORDERED.



_____, C.J.
Herndon



_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Bell


_____, J.
Stiglich


_____, J.
Cadish


_____, J.
Lee

cc: Bar Counsel, State Bar of Nevada
Derrick R. Sturm
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court