

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF GAIL J.
HIGGINS, ESQ., BAR NO. 5365.
Respondent.

No. 58243

FILED

FEB 09 2012

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

ORDER IMPOSING RECIPROCAL DISCIPLINE

This is a petition under SCR 114 to reciprocally discipline attorney Gail J. Higgins, based on discipline imposed upon her in California. On July 16, 2010, the California Supreme Court confirmed the decision and order of its state bar court, which recommended that Higgins be suspended from the practice of law in California for 1 year, with a stay of all but the first 30 days of suspension, be placed on probation for 2 years, and comply with other conditions.¹

Higgins was disciplined in California for multiple instances of misconduct in three separate cases, including failing to: file quarterly reports as required by the terms of an earlier agreement in lieu of discipline, promptly respond to her clients' reasonable status inquiries, perform legal services with competence, promptly refund unearned costs and fees, and cooperate in disciplinary investigation. Higgins was found to violate the California equivalents of NRPC 1.1 (competence), 1.16(d)

¹These other conditions included: compliance with the California State Bar Act and the Rules of Professional Conduct; discussing terms and conditions of her discipline with the California Bar's Office of Probation; and submitting quarterly reports to the Office of Probation; attending Ethics School; and taking and passing the Multistate Professional Responsibility Examination within one year of the effective date of the California Supreme Court's order.

Effective Date: February 9, 2012
Bar No. 5365

12-04348

(declining or terminating representation), 1.4 (communication), 3.4(c), and 8.1(b) (bar admission and disciplinary matters).

The California court considered mitigating and aggravating factors. In mitigation, Higgins had no prior record of discipline, displayed candor and cooperation with the California Bar,² was found to be under severe financial and emotional stress at the time of her misconduct, and successfully completed the court's alternative discipline program. In aggravation, Higgins committed multiple instances of misconduct.

In Nevada, Higgins failed in her duty to report within 30 days "the imposition of disciplinary sanctions in another jurisdiction." SCR 114(1). After the State Bar of Nevada was informed about Higgins's discipline from the California Bar, it conducted an investigation confirming that Higgins was in fact disciplined, and filed and served upon Higgins its petition for reciprocal discipline. See SCR 114(2), (3). Higgins chose not to respond.³ See SCR 114(3).

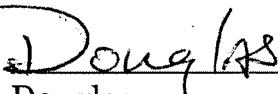
²Higgins displayed candor and cooperation with the California Bar in only two of the three separate cases.

³Under SCR 79, Nevada attorneys have a duty to maintain a current address with the State Bar of Nevada. SCR 114 only requires the state bar to serve a petition for reciprocal discipline on the attorney at the address provided under SCR 79 and to provide proof to this court that the petition has been served. However, before this petition was filed, the investigator for the State Bar of Nevada spoke with Higgins to confirm her mailing address and that she had in fact been disciplined by the California Bar. Higgins told the investigator that she was unaware of Nevada's reporting requirement and that she would have looked into the matter further but she had suffered a heart attack in June 2010. During this call, the investigator informed Higgins of the requirements of SCR 114.

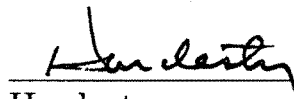
SCR 114(4) provides that this court "shall impose the identical discipline" unless one of four exceptions applies. None of the exceptions apply in this case, and we grant the petition for reciprocal discipline. Accordingly, Higgins is suspended from the practice of law in Nevada for 1 year from the date of this order, with a stay of all but the first 30 days of suspension, placed on probation for 2 years, and must provide proof to Nevada bar counsel of compliance with the conditions of probation imposed upon her by California.⁴ Higgins and the State Bar of Nevada shall comply with the requirements of SCR 115 and SCR 121.1.

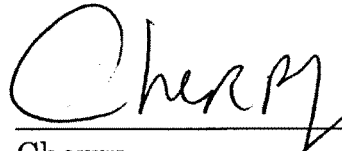
It is so ORDERED.


Saitta, C.J.

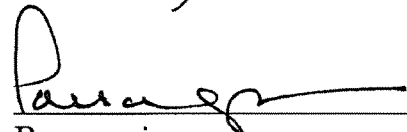

Douglas, J.


Gibbons, J.


Hardesty, J.


Cherry, J.


Pickering, J.


Parraguirre, J.

⁴This suspension is separate from and in addition to Higgins's current suspension in Nevada for failure to maintain continuing legal education requirements since July 21, 2010.

cc: David Clark, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Thomas J. Susich, Chair, Northern Nevada Disciplinary Board
Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Board
Gail J. Higgins
Perry Thompson, Admissions Office, U. S. Supreme Court