

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 IN THE MATTER OF DISCIPLINE OF
3 SCOTT MICHAEL CANTOR,
4 NV BAR NO. 1713

Supreme Court No.: 83736
Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

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6 **OPPOSITION TO PETITION FOR RECIPROCAL DISCIPLINE**

7 COMES NOW the Respondent, SCOTT CANTOR, by and through his
8 counsel of record, Thomas F. Pitaro, Esq. and Emily K. Strand, Esq. of the law firm
9 PITARO & FUMO, CHTD. and hereby submits this Opposition to the State Bar of
10 Nevada's Petition for Reciprocal Discipline.

11 **ABA STANDARDS ANALYSIS**

12 ABA Standards 8.0 and 8.1 govern prior disciplinary orders and state that
13 “absent aggravating or mitigating circumstances” the appropriate sanction for
14 intentionally or knowingly violating the terms of a prior disciplinary order is
15 disbarment.

16 In this case, the California Supreme Court found that Mr. Cantor “willfully”
17 violated its order. Thus, the baseline sanction for Mr. Cantor's conduct in Nevada
18 would be disbarment. However, there are several mitigating factors that the State
19 Bar of Nevada has failed to consider in its argument that Mr. Cantor should be
20 disbarred.

1 First and foremost, it is important to recognize that Mr. Cantor's bar issues
2 in California stem from a 2015 disciplinary case before the State Bar of Nevada, for
3 which he has already been punished by the Nevada Supreme Court. Thus, the only
4 "new" allegations arise from Mr. Cantor's struggles to follow through with the
5 requirements imposed on him in California as part of his reciprocal discipline for
6 that 2015 case.

7 Second, in the 2015 case, the Nevada Disciplinary Panel found the following
8 mitigating factors, many of which still have bearing on the present case:

9 (A) **Absence of dishonest or selfish motive**

10 (B) **Character and reputation**

11 (C) Delay in disciplinary proceedings in relation to the misconduct

12 (D) Interim rehabilitation

13 (E) **Remorse**

14 (F) Remoteness of prior offenses

15 Similarly, in the California Bar Case (SBC-20-O-30252) the California
16 Supreme Court recognized the following mitigating factors, which are substantially
17 similar to factors recognized by the Nevada Supreme Court:

18 (A) Extreme emotional distress

19 (B) Candor and cooperation

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1 The Nevada Supreme Court has repeatedly stated that the purpose of
2 Attorney Disciplinary Proceedings is not to punish the attorney in question, but to
3 protect the public and the integrity of the legal profession as a whole. While the
4 baseline sanction for Mr. Cantor's conduct may be disbarment, it is clear from the
5 voluminous records in both Nevada and California that Mr. Cantor is in extreme
6 distress. As the 2015 Nevada Panel recognized, prior to these incidents, Mr. Cantor
7 had a good reputation in the community, was remorseful, and did not commit the
8 disciplinary infractions with a dishonest or selfish motive. The personal issues that
9 caused Mr. Cantor to violate the Rules of Professional Conduct back in 2015 clearly
10 continue to plague him. As such, a long-term suspension or even placing him on
11 Inactive Status due to a Disability would not only be appropriate, but doing so
12 would be far more in line with the purpose of the rules and the mission of the State
13 Bar than simply giving up on him and disbarring him permanently.

14 Dated this 20th day of December, 2021.

15 Respectfully submitted,

16 /s/ Thomas F. Pitaro
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on December 20, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List.

Respectfully submitted,

/s/ Emily K. Strand
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