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CASE NOTE

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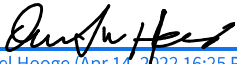
1 law in Nevada as evidenced by Exhibits A-D to Applicant's original application
2 with Exhibit A demonstrating SCR 115 compliance; and

3 (3) The application was approved by the Board of Governors;

4 (4) In accordance with SCR 98(5)(a), Applicant, by and through the
5 State Bar of Nevada, hereby requests that this Honorable Court enter its Order
6 approving Applicant's resignation.

7 Submitted this 14th day of April 2022.

8 STATE BAR OF NEVADA

9
10 By: 
11 Daniel Hooge (Apr 14, 2022 16:25 PDT)
12 DANIEL M. HOOGE
13 BAR COUNSEL
14 Bar No. 10620
15 3100 W. Charleston Blvd., Ste. 100
16 Las Vegas, Nevada 89102
17 (702) 382-2200

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ATTACHMENT 1

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McCarthy - PETITION for Resignation SCR98.5a

Final Audit Report

2022-04-14

Created:	2022-04-14
By:	Jennifer Moreno (jenniferm@nvbar.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAHMRw91WTFp8Z55vLIk9n39599n3G1fM

"McCarthy - PETITION for Resignation SCR98.5a" History

 Document created by Jennifer Moreno (jenniferm@nvbar.org)

2022-04-14 - 11:03:41 PM GMT

 Document emailed to Daniel Hooge (danh@nvbar.org) for signature

2022-04-14 - 11:03:56 PM GMT

 Email viewed by Daniel Hooge (danh@nvbar.org)

2022-04-14 - 11:25:13 PM GMT

 Document e-signed by Daniel Hooge (danh@nvbar.org)

Signature Date: 2022-04-14 - 11:25:19 PM GMT - Time Source: server

 Agreement completed.

2022-04-14 - 11:25:19 PM GMT



FILED

APR 14 2022

STATE BAR OF NEVADA
BY: [Signature]
OFFICE OF BAR COUNSEL

BEFORE THE
STATE BAR OF NEVADA BOARD OF GOVERNORS

IN THE MATTER OF THE
RESIGNATION APPLICATION OF

Barbara S. McCarthy
Bar Number: 2843

SCR 98(5) APPLICATION FOR RESIGNATION

WHEREAS SCR 98(5) states:

Any member of the state bar who is not actively engaged in the practice of law in this state, upon written application on a form approved by the state bar, may resign from membership in the state bar if the member: (a) has no discipline, fee dispute arbitration, or clients' security fund matters pending and (b) is current on all membership fee payments and other financial commitments relating to the member's practice of law in Nevada. Such resignation shall become effective when filed with the state bar, accepted by the board of governors, and approved by the supreme court.

Attorney Barbara S. McCarthy Bar Number 2843 submits this application requesting resignation from membership in the State Bar of Nevada and relinquishes the right to practice law in this state.

Applicant verifies that, upon best information and belief, Applicant is current on all membership fee payments and other financial commitments relating to Applicant's practice of law in Nevada. **(NOTE:** The State Bar of Nevada retains the right of final review of Applicant's status in this regard prior to the matter being reviewed by the Board of Governors and, if applicable, referred to the Supreme Court of Nevada.)

//

1 In accordance with SCR 98(5) attached is an Affidavit of Compliance with Supreme Court
2 Rule 115 (Notice of Change in License Status). (Exhibit A)

3 Pursuant to SCR 98(5)(b), **resignation under this rule is irrevocable**. By signing below,
4 Applicant verifies and understands that:

5 1. Applicant may only return to the active practice of law by making application as a
6 new admittee, subject to the provisions of Supreme Court rules and applicable law, including the
7 requirements that Applicant:

8 (a) Demonstrates that Applicant is of good character and is willing and able to
9 abide by the high ethical standards required of attorneys and counselors at
10 law; and

11 (b) Takes and passes the Nevada State Bar Examination; **AND**

12 2. That as a member with no pending matter before the State Bar, Applicant is eligible
13 to transfer to/remain in “inactive” status pursuant to SCR 98(4) and knowingly elects instead to
14 file the instant application for resignation pursuant to § 5; **AND**

15 3. That in accordance with SCR 98(5)(c), “The state bar shall retain jurisdiction to
16 investigate and take action with respect to matters involving a past member’s conduct prior to the
17 member resigning from the State Bar.” **AND**

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1 4. That Applicant has read and understands the appendix attached hereto entitled
2 "Notice to Applicant of Manner of Approval."

3 Submitted this 6th day of December, 2021

4 Barbara S. McCarthy

5 Name

1706 Noreen Dr.

6 Address

Sparks, NV 89430

7 City/State/Zip

8
9 Barbara S. McCarthy
10 ATTORNEY

11
12
13
14 STATE OF Nevada)
15) SS:
16 COUNTY OF Washoe)

17 SUBSCRIBED AND SWORN to

18 before me this 6th day of December, 2021

19 Kristen Aaquist

20 NOTARY PUBLIC



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

2
3 IN THE MATTER OF THE)
4 RESIGNATION APPLICATION OF)

5 Barbara S. McElarthy)
6 Bar Number: 2843)

7 **AFFIDAVIT OF COMPLIANCE WITH SUPREME COURT RULE 115**

8 STATE OF Nevada)
9 COUNTY OF Washoe) SS:

10 Barbara S. McElarthy being duly sworn under oath, deposes and says:

- 11 1. That I am the attorney in the above entitled matter and am filing this Affidavit in
12 accordance with Supreme Court Rule 115(4).
13
14 2. That when the Order granting petition for resignation is filed in this matter in
15 accordance with Supreme Court Rule 115(7) it will become effective immediately.
16 3. That I will fully comply with the provisions of said Order granting petition for
17 resignation and these rules.
18 4. That I do not have Nevada clients.
19 5. That I have been admitted in the past to the following state bars: New York,
20 Ohio and the following courts _____
21 _____
22
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Exhibit A

6. That I may be reached at the following address:

1706 Noreen Dr.

SPARKS, NV 89434.

7. The address and telephone number of a contact person designated for client files is:

N/A

Kenneth J. McEathen
ATTORNEY

STATE OF Nevada)
COUNTY OF Washoe) SS:

SUBSCRIBED AND SWORN to

before me this 16th day of December, 2021

Kristen Aaquist

NOTARY PUBLIC



1 **APPENDIX: NOTICE TO APPLICANT OF MANNER OF APPROVAL**

2

3 In accordance with SCR 98(5), the following three (3) exhibits will be attached to this

4 Application before being presented to the Board of Governors:

- 5 1. The approval of Bar Counsel, including confirmation that no discipline is pending
- 6 against Applicant (Exhibit B); and
- 7 2. Verification there are no pending fee dispute arbitration or clients' security fund
- 8 claims against the Applicant (Exhibit C), and
- 9 3. Verification that Applicant is current on all membership fee payments and other
- 10 financial commitments relating to the Applicant's practice of law in Nevada
- 11 (Exhibit D).

12

13 This application will be brought before the State Bar Board of Governors at its next

14 regularly-scheduled meeting.

15 Applicant will be notified of the Board's decision, in writing, at the Applicant's last-

16 reported address of record to the State Bar.

17 If the Board approves this application, State Bar Counsel will forward the matter to the

18 Supreme Court of Nevada for a final determination in accordance with SCR 98(5).

19 **NOTE: APPLICANT'S RESIGNATION SHALL NOT BE EFFECTIVE UNLESS**

20 **AND UNTIL THE SUPREME COURT OF NEVADA ENTERS AN ORDER APPROVING**

21 **THE RESIGNATION.**

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BEFORE THE
STATE BAR OF NEVADA BOARD OF GOVERNORS

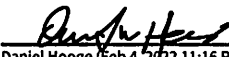
IN THE MATTER OF THE)
RESIGNATION APPLICATION OF)
BARBARA S. MCCARTHY)
Bar Number: 2843)
_____)

APPROVAL OF BAR COUNSEL

Having confirmed Applicant has no pending disciplinary matters and having reviewed applicant's SCR 98(5) Application for Resignation submitted herewith and being satisfied with it Bar Counsel hereby recommends the Supreme Court of Nevada approve Applicant's resignation under the terms and conditions set forth in SCR 98(5).

DATED this 4 day of February, 2022.

STATE BAR OF NEVADA

By: 
Daniel Hooge (Feb 4, 2022 11:16 PST)
DANIEL M. HOOGE
Bar Counsel
Nevada Bar No. 10620
3100 W. Charleston Boulevard, Ste. 100
Las Vegas, Nevada 89102
(702) 382-2200

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BEFORE THE
STATE BAR OF NEVADA BOARD OF GOVERNORS

IN THE MATTER OF THE)
RESIGNATION APPLICATION OF)
BARBARA S. MCCARTHY)
Bar Number: 2843)
_____)

STATEMENT OF FEE DISPUTE/CLIENTS' SECURITY FUND MANAGER

The undersigned, in her official capacity as Manager for the State Bar Fee Dispute Arbitration and Clients' Security Fund programs, hereby confirms that there are no pending claims against the Applicant before either the Fee Dispute or Clients' Security Committees.

DATED this 4 day of February, 2022

STATE BAR OF NEVADA

By: Theresa Freeman
Theresa Freeman (Feb 4, 2022 13:01 PST)
THERESA FREEMAN
Client Protection Manager
3100 W. Charleston Boulevard, Ste. 100
Las Vegas, Nevada 89102
(702) 382-2200

