

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DONALD Y.
EVANS ESQ., BAR NO. 1070.

No. 56216

FILED

JUL 30 2010

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

ORDER OF REFERRAL TO DISCIPLINARY BOARD

This is a petition by bar counsel pursuant to SCR 111(4) concerning attorney Donald Y. Evans, based on Evans' conviction of first offense driving under the influence, a misdemeanor.¹ Evans informed bar counsel (albeit in an untimely manner) of his conviction. See SCR 111(2). Because Evans' crime is not one of those specifically enumerated in SCR 111(6) as "serious" crimes which require automatic referral to the disciplinary board, temporary suspension and referral to the disciplinary board are discretionary with this court. SCR 111(9).

The seriousness of drinking and driving cannot be minimized; although first offense driving under the influence is not the type of offense for which professional discipline is typically imposed, we are nevertheless concerned, particularly in light of Evans' history.

Having considered the petition and response, we conclude that a closer look at this matter is warranted. Accordingly, we refer this

¹Although not specifically permitted under SCR 111, Evans submitted a response to the petition.

matter to the appropriate panel of the state bar disciplinary board for determination of whether or not any discipline should be imposed. We express no opinion as to whether, or what type of, disciplinary action may be warranted. But see SCR 106.5.

We decline to impose a temporary suspension. See 1 Geoffrey C. Hazard, Jr. & W. William Hodes, The Law of Lawyering, § 65.4 (3d. ed. Supp. 2009); In the Matter of Respondent I, 2 Cal. State Bar Ct. Rptr. 260, 266 n.6, 272 (Rev. Dept. 1993).

It is so ORDERED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Rob W. Bare, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Donald York Evans