

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF M. SCOTT  
MCKENNA, ESQ., BAR NO. 5716.

No. 57797

**FILED**

**MAR 31 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DECLINING TO IMPOSE TEMPORARY SUSPENSION

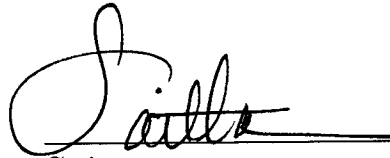
This is a petition by bar counsel pursuant to SCR 111(4) concerning attorney M. Scott McKenna, based on McKenna's conviction, pursuant to a plea of nolo contendere, of first-offense driving under the influence, a misdemeanor. McKenna timely informed bar counsel of his conviction. See SCR 111(2). Because McKenna's crime is not one of those specifically enumerated in SCR 111(6) as "serious" crimes requiring suspension and automatic referral to the disciplinary board, temporary suspension and referral to the disciplinary board are discretionary with this court. SCR 111(9).

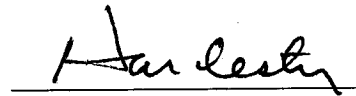
The gravity of drinking and driving cannot be minimized; however, first-offense driving under the influence is not the type of offense for which professional discipline is typically imposed. 1 Geoffrey C. Hazard, Jr. & W. William Hodes, The Law of Lawyering § 65.4 (3d. ed. Supp. 2009); In the Matter of Respondent I, 2 Cal. State Bar Ct. Rptr. 260, 266 n.6, 272 (Rev. Dept. 1993).

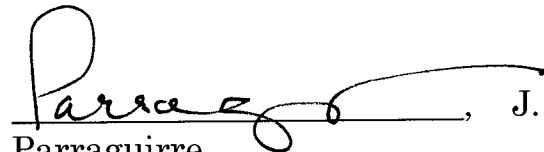
Accordingly, having considered the petition and the supporting documentation, we conclude that McKenna's offense does not

warrant the imposition of a temporary suspension or referral to the disciplinary board at this time.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: David A. Clark, Bar Counsel  
State Bar of Nevada/Las Vegas  
M. Scott McKenna