

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
MICHAEL A. KEARNEY, ESQ., BAR
NO. 689.

No. 60003

FILED

JUN 21 2012
TRACEY A. LINDSEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DECLINING TO IMPOSE TEMPORARY SUSPENSION

This is a petition by bar counsel pursuant to SCR 111(4) concerning attorney Michael A. Kearney, based on Kearney's conviction in Las Vegas Township Justice Court, pursuant to a plea of nolo contendere, of first-offense driving under the influence.¹ Kearney timely informed bar counsel of his conviction. See SCR 111(2). Because Kearney's conviction is not one of those specifically discussed in SCR 111(6)-(8) as a "serious" crime 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 misdemeanor driving under the influence is not the type of offense for which professional discipline is typically imposed. See 2 Geoffrey C. Hazard, Jr., W. William Hodes & Peter R. Jarvis, The Law of Lawyering § 65.4 (3d ed. 2012); In the Matter of Respondent I, 2 Cal. State Bar Ct. Rptr. 260, 266 n.6, 272 (Rev. Dept. 1993).

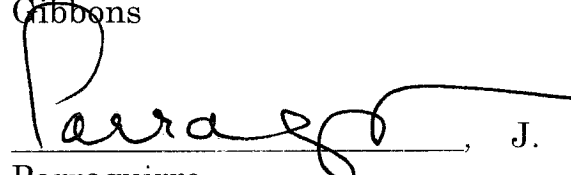
¹A charge of duty to decrease speed under certain circumstances was dismissed.

Accordingly, having considered the petition and the supporting documentation, we conclude that Kearney'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.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: David A. Clark, Bar Counsel
State Bar of Nevada/Las Vegas
Michael E. Kearney