

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
MARK F. BACKUS, BAR NO. 6209.

No. 63821

FILED

OCT 17 2013

TRAZIE K. LINDEMAN
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 Mark F. Backus, based on Backus's conviction in Henderson Municipal Court, pursuant to a *nolo contendere* plea, of first-offense driving under the influence. Backus timely reported his conviction to bar counsel as required by SCR 111(2). Because Backus'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 re 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 Backus's offense does not warrant the imposition of a temporary suspension or referral to the disciplinary board at this time.

It is so ORDERED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: David A. Clark, Bar Counsel
State Bar of Nevada/Las Vegas
William B. Terry, Chartered