

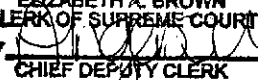
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
BRIAN M. KEITH, BAR NO. 4110.

No. 71327

FILED

DEC 15 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER IMPOSING TEMPORARY SUSPENSION

This is a petition under SCR 111 concerning attorney Brian Keith, based on a conviction for one count of driving under the influence, a misdemeanor. Keith self-reported the conviction to the State Bar. Because the crime is not one of those specifically enumerated in SCR 111(6) as a “serious” crime, temporary suspension and referral to the disciplinary board are discretionary with this court. SCR 111(9).

Although first offense driving under the influence is not the type of offense for which professional discipline is typically imposed, 2 Geoffrey C. Hazard, Jr., W. William Hodes, & Peter R. Jarvis, *The Law of Lawyering*, § 69.04, at 69-13 (4th ed. 2015); *In the Matter of Respondent I*, 2 Cal. State Bar Ct. Rptr. 260, 266 n.6, 272 (Rev. Dept. 1993), “a pattern of conduct might yield an assessment of unfitness that would not follow from an isolated incident” and “[t]hus, a lawyer repeatedly convicted of [DUI] . . . might be subject to professional discipline on that basis.” 2 Hazard, Hodes & Jarvis, *supra*, at 69-13. Because Keith has demonstrated such a pattern (a prior felony DUI conviction, a prior misdemeanor DUI conviction, and three previous DUI arrests) and it therefore appeared that the instant conviction is not a minor offense and adversely reflects on his fitness to practice law, we ordered Keith to show

cause why he should not be temporarily suspended from the practice of law pending resolution of formal disciplinary proceedings.¹ He has not responded.

Having considered the petition and supporting documents, we hereby temporarily suspend attorney Brian Keith from the practice of law in Nevada pending resolution of formal disciplinary proceedings. Keith and the State Bar shall comply with SCR 115 and 121.1.

It is so ORDERED.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Chair, Southern Nevada Disciplinary Board
C. Stanley Hunterton, Bar Counsel, State Bar of Nevada
Brian Malcolm Keith
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, United States Supreme Court

¹The petition indicates that, consistent with SCR 111(4), bar counsel has investigated and presented this matter to a disciplinary board panel and that a screening panel has determined that the matter should proceed to a formal hearing on a violation of RPC 8.4(b) (misconduct: criminal act that reflects adversely on honesty, trustworthiness, or fitness as a lawyer in other respects).