

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
BRIAN MALCOLM KEITH, ESQ.

No. 52251

FILED

OCT 01 2008

TRACIE A. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK


ORDER DECLINING TO IMPOSE TEMPORARY SUSPENSION

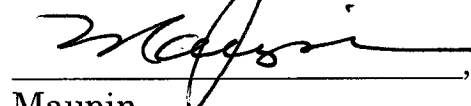
This is a petition under SCR 111 concerning attorney Brian Malcolm Keith, based on his Oregon conviction for one misdemeanor count of driving while intoxicated. This crime does not meet the criteria set forth in SCR 111(6), and thus, whether to impose a temporary suspension is within this court's discretion.


Keith is currently serving a two-year disciplinary suspension, which requires him to seek reinstatement before he may resume the practice of law. Accordingly, a temporary suspension in this case would serve no purpose. We further conclude that the instant conviction is properly addressed by any reinstatement panel, in the event that Keith seeks reinstatement. We therefore decline to impose a temporary suspension or refer the matter for formal discipline. Should Keith seek reinstatement, then the hearing panel that presides over the reinstatement petition shall consider the instant conviction in determining whether Keith has met his burden under SCR 116(2) of demonstrating that he has the required moral qualifications, competency, and learning in law and that his reinstatement would not be detrimental to the integrity

and standing of the bar, to the administration of justice, or to the public interest.

It is so ORDERED.


_____, J.
Cherry


_____, J.
Maupin


_____, J.
Saitta

cc: Rob W. Bare, Bar Counsel
Kimberly K. Farmer, Executive Director
Brian Malcolm Keith
William B. Terry, Chartered