

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF EDUARDO
RIVERA, ESQ.

No. 51877

FILED

SEP 10 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 Eduardo Rivera, based on his conviction for one misdemeanor count of battery constituting domestic violence. This crime does not meet the definition of “serious crime” set forth in SCR 111(6), but it did not appear to be a minor offense and appeared to adversely reflect on Rivera’s fitness to practice law. Accordingly, we directed Rivera to show cause why an immediate temporary suspension should not be imposed and the matter referred for formal discipline. Rivera filed a timely response and a supplement thereto.

Domestic violence is a grave matter and several states have imposed discipline, including suspensions, for misdemeanor convictions.¹

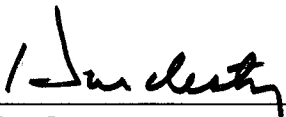
¹See, e.g., People v. Shipman, 943 P.2d 458 (Colo. 1997) (suspending attorney for six months based on convictions for domestic violence and drunk driving and for failing to report the convictions to the bar); Supreme Court Bd. of Prof. Ethics v. Ruth, 636 N.W.2d 86 (Iowa 2001) (imposing indefinite suspension based on attorney’s convictions for domestic violence and drunk driving); In re Grella, 777 N.E.2d 167 (Mass. 2002) (suspending for two months attorney who had violently assaulted his estranged wife);

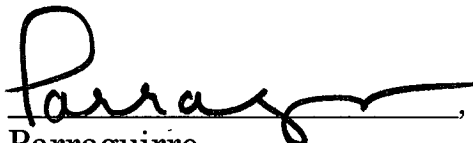
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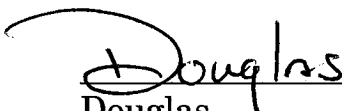
These cases, however, involved either more serious conduct than that reflected in this record or misconduct in addition to the domestic violence conviction. Here, the record reflects an isolated incident in which Rivera pushed his then-estranged wife to the floor during an argument, which does not appear to have resulted in physical harm. The parties are now divorced and Rivera has completed his criminal sentence, which included 48 hours of community service, attendance at a 28-session domestic violence counseling class, and "staying out of trouble" during the time in which he complied with his sentence.

Having considered the petition and the response and supplement, we conclude that Rivera's offense does not warrant the imposition of a temporary suspension. The State Bar remains free to exercise its discretion in determining whether to proceed under SCR 105.

It is so ORDERED.


Hardesty, J.


Parraguirre, J.


Douglas, J.

... continued

Matter of Margrabia, 695 A.2d 1378 (N.J. 1997) (suspending attorney convicted of simple assault on his ex-wife for three months and noting that generally, suspension is appropriate for domestic violence convictions).

cc: Rob W. Bare, Bar Counsel
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