

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF STEPHEN
IMMERMAN, ESQ., BAR NO. 3447.

No. 52556

FILED

DEC 03 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 Stephen Immerman, based on his conviction for one misdemeanor count of battery constituting domestic violence. This crime does not satisfy the criteria set forth in SCR 111(6) for which a temporary suspension is mandatory, but it did not appear to be a minor offense and appeared to adversely reflect on Immerman's fitness to practice law. Accordingly, we directed Immerman to show cause why an immediate temporary suspension should not be imposed and the matter referred for formal discipline. Immerman filed a timely response.¹

Domestic violence is a grave matter and several states have imposed discipline, including suspensions, for misdemeanor convictions.²

¹We deny as moot Immerman's motion for leave to file a response, inasmuch as the response was filed on November 18, 2008.

²See, 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);

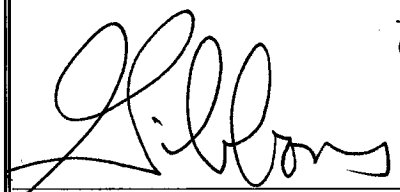
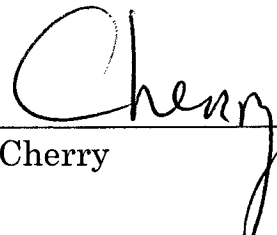

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These cases, however, involved either more serious conduct than that reflected in this record or misconduct in addition to the domestic violence conviction. Here, the record reflects an isolated incident against Immerman's ex-wife arising from Immerman's alcohol abuse. Immerman has completed domestic violence counseling and attends daily Alcoholics Anonymous meetings. His response to the State Bar's petition is supported by documentation from his AA sponsor and his employer. Notably, the record in this matter indicates that Immerman's ex-wife stipulated to dissolution of a temporary protective order against Immerman.

Having considered the petition and the response, we conclude that Immerman'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.

 _____, J. Gibbons	 _____, J. Cherry	 _____, J. Saitta
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... 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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