

IN THE SUPREME COURT OF THE STATE OF NEVADA
IN THE MATTER OF MICHAEL C.
KANE, ESQ., BAR NO. 10096.

No. 54855

FILED

JAN 08 2010

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

ORDER DECLINING TO IMPOSE TEMPORARY SUSPENSION

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

The seriousness of drinking and driving cannot be minimized, however, first offense driving under the influence is not the type of offense for which professional discipline is typically imposed. 1 Geoffrey C. Hazard, Jr. & W. William Hodes, The Law of Lawyering, § 65.4 (3d. ed. Supp. 2009); In the Matter of Respondent I, 2 Cal. State Bar Ct. Rptr. 260, 266 n.6, 272 (Rev. Dept. 1993).

Having considered the petition, we conclude that Kane's offense does not warrant the imposition of a temporary suspension.

It is so ORDERED.

[Signature], C.J.
Hardesty

[Signature], J.
Douglas

[Signature], J.
Pickering

cc: State Bar of Nevada/Las Vegas
Prince & Keating, LLP