

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
AARON M. O'BRIEN, BAR NO. 8863.

No. 59215

FILED

MAR 21 2012

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

ORDER APPROVING DISCIPLINARY PANEL'S RECOMMENDATION

This petition by bar counsel is filed pursuant to SCR 111(4) regarding attorney Aaron M. O'Brien.¹ The petition is supported by documentation indicating that on October 27, 2009, in Las Vegas Township Justice Court, attorney Aaron M. O'Brien entered a plea of guilty to one count of reckless driving, a misdemeanor; and on February 3, 2011, in Duluth, Georgia, Municipal Court, O'Brien entered a plea of guilty to one count of reckless driving, a misdemeanor. In both instances, the charges involved the use of alcohol or a controlled substance. See SCR 111(4). O'Brien self-reported his convictions to bar counsel pursuant to SCR 111(2).²

¹In response to this court's order to supplement the petition, bar counsel submitted a supplement to the petition on December 8, 2011.

²Although O'Brien's report of his Nevada conviction was untimely, his report of his Georgia conviction was timely under the rule.

The petition is further supported by documentation indicating that, pursuant to SCR 111(4), bar counsel investigated these matters, that O'Brien responded,³ and that the matters were presented to the screening panel of the Southern Nevada Disciplinary Board with a recommendation that O'Brien be placed in the diversion program pursuant to SCR 105.5 for two years, subject to conditions. Finally, the petition is supported by documentation indicating that the panel agreed with the recommendation that O'Brien be placed in the diversion program for two years, and that as a result, O'Brien and bar counsel entered into a diversion agreement.⁴


Having reviewed the petition, the supplemental petition, and the panel's recommendation, we hereby approve the recommendation that

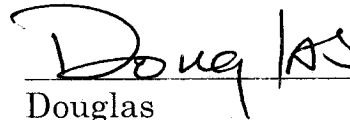
³Because O'Brien's response is neither sworn nor meets the requirements for using an unsworn declaration in lieu of an affidavit, we have accorded it no weight in deciding this matter. See NRS 53.045; NRS 199.190; In re Monteiro, 100 Nev. 440, 442 n.2, 684 P.2d 506, 508 n.2 (1984).

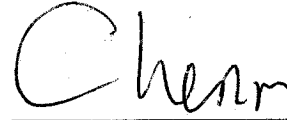
⁴A copy of the diversion agreement is not attached to the petition, purportedly due to concerns regarding its confidentiality. See SCR 105.5(1)(b). Petitioner is instructed that in the future, relevant confidential materials should not be withheld from this court, but rather, they should be submitted to this court with a request that they be sealed. See generally Nevada Rules for Sealing and Redacting Court Records.


O'Brien be placed in the diversion program for two years. SCR 111(4), (9).
We decline to impose a temporary suspension at this time. SCR 111(9).


It is so ORDERED.

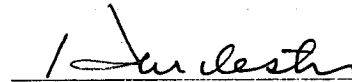

Saitta, C.J.

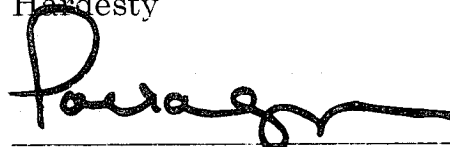

Douglas, J.


Cherry, J.


Gibbons, J.


Pickering, J.


Hardesty, J.


Parraguirre, J.

cc: David A. Clark, Bar Counsel
Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Board
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Aaron M. O'Brien