

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
ALAYNE M. OPIE, BAR NO. 12623.

No. 63148

FILED

JUL 24 2013

TRACEY K. WIDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DECLINING TO IMPOSE TEMPORARY SUSPENSION

This is a petition by bar counsel pursuant to SCR 111(4) concerning attorney Alayne M. Opie, based on her conviction in Las Vegas Township Justice Court, pursuant to a *nolo contendere* plea, of first-offense driving under the influence.¹ Opie reported her conviction to bar counsel as required by SCR 111(2).² Because Opie's conviction is not one of those specifically discussed in SCR 111(6) to (8) as a "serious" crime requiring suspension and automatic referral to the disciplinary board,

¹Upon her honorable discharge from supervision, the charge against Opie was amended to careless and/or imprudent driving.

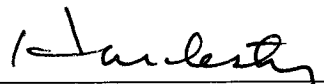
²Opie did not immediately notify the state bar of her guilty plea, which was entered in August 2012, but waited until the charges had been reduced to careless driving. The guilty plea agreement constitutes a conviction under SCR 111(1) and Opie's notification was untimely under SCR 111(2).

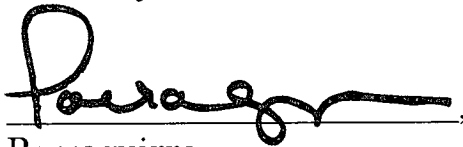
temporary suspension and referral to the disciplinary board are discretionary with this court. SCR 111(9).

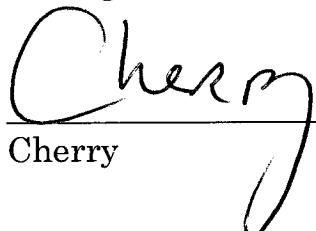
The gravity of drinking and driving cannot be minimized; however, first-offense misdemeanor driving under the influence is not the type of offense for which professional discipline is typically imposed. *See* 2 Geoffrey C. Hazard, Jr., W. William Hodes & Peter R. Jarvis, *The Law of Lawyering* § 65.4 (3d ed. 2012); *In the Matter of Respondent I*, 2 Cal. State Bar Ct. Rptr. 260, 266 n.6, 272 (Rev. Dept. 1993).

Accordingly, having considered the petition and the supporting documentation, we conclude that Opie's offense does not warrant the imposition of a temporary suspension or referral to the disciplinary board at this time.

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: David A. Clark, Bar Counsel
State Bar of Nevada/Las Vegas
Alayne M. Opie, Esq.