

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
EVAN D. SCHWAB, BAR NO. 10984.

No. 70148

FILED

MAY 11 2016

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

ORDER DECLINING TO IMPOSE TEMPORARY SUSPENSION

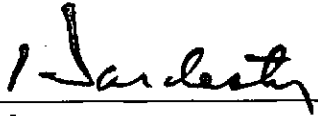
This is a petition under SCR 111 concerning attorney Evan Schwab, based on a conviction for one count of driving under the influence, a misdemeanor.¹ Because the crime is not one of those specifically enumerated in SCR 111(6) as a “serious” crime, temporary suspension and referral to the disciplinary 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. 2 Geoffrey C. Hazard, Jr., W. William Hodes, & Peter R. Jarvis, *The Law of Lawyering*,

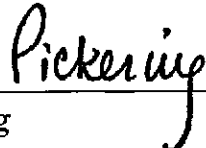
¹According to the petition and supporting documents, Schwab pleaded guilty to the DUI charge in 2014 and, after he completed the terms and conditions of the sentence, the charge was reduced to reckless driving in 2015. Schwab apparently did not notify the State Bar as required by SCR 111(2) because he did not realize that reckless driving fell within the rule. However, the guilty plea in 2014 constituted a “conviction” for purposes of SCR 111, see SCR 111(1), and since the guilty plea was to a traffic violation that involved the use of alcohol or a controlled substance, Schwab was required by SCR 111(2) to report the conviction to the State Bar within 30 days.

§ 69.04, at 69-13 (4th ed. 2015); *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 supporting documentation, we conclude that Schwab's offense does not warrant the imposition of a temporary suspension or referral to a disciplinary board at this time.

It is so ORDERED.

, J.
Hardesty

, J.
Saitta

, J.
Pickering

cc: C. Stanley Hunterton, Bar Counsel, State Bar of Nevada
Schwab Law Group
Kimberly K. Farmer, Executive Director, State Bar of Nevada