

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
DOUGLAS H. CLARK, BAR NO. 4566.

No. 59128

FILED

OCT 27 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF REFERRAL TO DISCIPLINARY BOARD

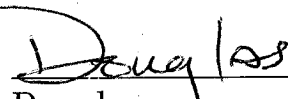
This is a petition by bar counsel pursuant to SCR 111(4) concerning attorney Douglas H. Clark, based on Clark's conviction, pursuant to a plea of nolo contendere, of first-offense driving under the influence. Clark did not inform bar counsel of his conviction. See SCR 111(2).

Because Clark's crime is not one of those specifically enumerated in SCR 111(6)-(8) as "serious" crimes requiring suspension and automatic referral to the disciplinary board, temporary suspension and referral to the disciplinary board are discretionary with this court.¹ SCR 111(9).

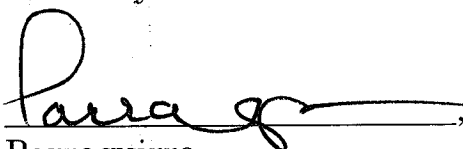
¹Clark is already temporarily suspended pending the outcome of formal disciplinary proceedings regarding allegations of misconduct toward clients. In re: Discipline of Douglas Clark, Docket No. 54669 (Order of Temporary Suspension, November 18, 2009). Clark is also CLE suspended. In re: Continuing Legal Education, Docket No. 54333 (Order Dismissing Petition as to Certain Respondent Attorneys and Granting Petition as to Certain Respondent Attorneys, October 21, 2009).

The gravity of drinking and driving cannot be minimized; nevertheless, 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). However, Clark's failure to inform bar counsel within 30 days of his conviction as required by SCR 111(2) appears, in itself, to be an act of misconduct constituting grounds for discipline. See SCR 101 (acts or omissions of an attorney which violate rules of the supreme court are misconduct and constitute grounds for discipline). We therefore refer this matter to the appropriate disciplinary board for determination of the appropriate discipline to impose.

It is so ORDERED.²

_____, J.
Douglas

_____, J.
Hardesty

_____, J.
Parraguirre

cc: Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Board
David A. Clark, Bar Counsel
State Bar of Nevada/Las Vegas
Michael J. Warhola, LLC

²This order constitutes our final disposition of this matter. Any further proceedings concerning Clark shall be docketed as a new matter.