

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
ROBERT WILLIAM WITEK, ESQ., BAR  
NO. 1066.

No. 53524

**FILED**

NOV 18 2009

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

ORDER OF REFERRAL TO DISCIPLINARY BOARD

Bar Counsel for the State of Nevada has filed a petition pursuant to the reporting requirements of SCR 111(4). The petition is supported by certified copies of documents evidencing that on January 13, 2009, in the Justice Court of the Walker River Township, Lyon County, Nevada, attorney Robert William Witek was convicted, pursuant to his guilty plea, of one count of second offense DUI in violation of NRS 484.379. Witek was sentenced to twenty days' home confinement; required to attend a victim impact panel; ordered to abstain completely from the use of alcohol or any other mood altering drug and submit to testing at his expense for same; and ordered to pay a total of \$972 in fines and fees. Witek self-reported his conviction to the State Bar.

Witek's conviction is for a misdemeanor that is not included among the crimes for which SCR 111(7)-(8) mandates automatic temporary suspension and referral to the appropriate disciplinary board. The crime is, however, one for which referral is within our discretion under SCR 111(9). We therefore refer this matter to the appropriate panel

of the state bar disciplinary board for determination of the discipline, if any, to impose. We decline to impose a temporary suspension at this time.

It is so ORDERED.<sup>1</sup>

1. Hardesty, C.J.  
Hardesty

Parraguirre, J.  
Parraguirre

Cherry, J.  
Cherry

Gibbons, J.  
Gibbons

Douglas, J.  
Douglas

Saitta, J.  
Saitta

Pickering, J.  
Pickering

cc: John Mulligan, Chair, Northern Nevada Disciplinary Board  
Rob W. Bare, Bar Counsel  
Kimberly K. Farmer, Executive Director, State Bar of Nevada  
Law Offices of Robert Witek

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<sup>1</sup> This order constitutes our final disposition of this matter. Should there be any further proceedings concerning Witek, they shall be docketed as a new matter.