

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER GARY LANCE SMITH

VS B DOCKET NO. 11-000-084846

SUMMARY ORDER OF IMPAIRMENT SUSPENSION

THIS MATTER came on for consideration upon the Petition For Summary Impairment Suspension filed by the Virginia State Bar pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-23.

The Board finds by clear and convincing evidence that:

1. Gary Lance Smith is an attorney licensed to practice law in the Commonwealth of Virginia. His license to practice law in the Commonwealth of Virginia is currently suspended on administrative grounds.
2. Mr. Smith suffers from the chronic progressive disease of diabetes mellitus, the complications of which prevent him from practicing law at the current time.
3. It is not known when or if Mr. Smith will be able to resume the practice of law in the future.
4. Based on the foregoing, the Virginia State Bar believes Mr. Smith's medical condition renders him unable to practice law, and that his continued practice of law is not compatible with the public interest.
5. Also based on the foregoing, Patricia A. Woodward, Esquire, was appointed on August 4, 2010, by the Circuit Court of the City of Winchester pursuant to § 54.1-3900.01 of the *Code of Virginia*, 1959 as amended, to act as Receiver for the practice of Gary Lance Smith.

WHEREFORE, it being appropriate so to do, IT IS ORDERED that the license of Gary Lance Smith to practice law in the Commonwealth of Virginia is suspended indefinitely based upon impairment, effective upon entry of this Order.

It is further ORDERED that the Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his client. Respondent shall give such notice within 14 days of the effective date of the Summary Order of Impairment Suspension, and make such arrangements as are required herein within 45 days of the effective date of the suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of the suspension, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

It is further ORDERED that the Clerk of the Disciplinary System shall mail by Certified Mail, Return Receipt Requested, an attested copy of this order to respondent at his address of record with the Virginia State Bar, 417 South Loudoun Street, Winchester, VA 22601, and by

regular mail to Marian L. Beckett, Virginia State Bar, 707 East Main Street, Suite 1500,
Richmond, Virginia 23219.

ENTERED this 17th Day of August, 2010.

FOR THE VIRGINIA STATE BAR DISCIPLINARY BOARD

By Barbara S. Lanier
Barbara S. Lanier
Clerk of the Disciplinary System