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Supreme Court of Guam, Clerk of Court

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**IN THE SUPREME COURT OF GUAM**

<b>IN RE:</b>	)	Supreme Court Case No. ADC22-001
	)	Ethics Case No. EC15-013
<b>Mark S. Smith, ESQ.</b>	)	
	)	
	)	<b>INTERIM SUSPENSION ORDER</b>
	)	<b>AND APPOINTMENT OF RULE 28</b>
	)	<b>COUNSEL</b>
	)	

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This matter comes before the court on a Transmittal and Recommendation and Declaration of Counsel, both filed on April 5, 2022, under seal, by Regulation Counsel as approved by the Investigative Committee of the Comprehensive Lawyer Regulatory System. Regulation Counsel recommends the immediate interim suspension of Respondent Mark S. Smith (“Respondent”) for alleged violation of the Guam Rules of Professional Conduct and because he poses a substantial threat of serious harm to the public.

This court has the authority to preside over attorney disciplinary actions through the Organic Act of Guam at 48 U.S.C.A. § 1424-1(a)(7), 7 GCA § 9101, and under the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings, adopted March 16, 2021 (“GRLDE”). Based on the facts in the Transmittal and Recommendation, which are incorporated herein, the court finds that Respondent Mark S. Smith is a resident of Guam and an attorney licensed to practice law in Guam, and there is evidence Respondent is in violation Rule 8.4 of the Guam Rules of Professional Conduct as adopted by this court on September 29, 2003, and memorialized through its Promulgation Order 04-002 on February 11, 2004. *See* GRLDE 20(a); *see also* GRLDE 9(a)(1) (Grounds for Discipline) and GRLDE 19 (Lawyers Found Guilty of a Crime).



1           Having considered the evidence in the Transmittal and Recommendation, the court enters  
2 the following Order:

3           1.       Respondent shall immediately be **SUSPENDED FROM THE PRACTICE OF**  
4 **LAW** for an interim period pending final disposition of a disciplinary proceeding predicated  
5 upon the conduct causing the harm, under GRLDE Rule 20.

6           2.       Based on information received, the court finds it is in the best interest of  
7 Respondent Smith, his clients, and legal profession to appoint Rule 28 Counsel. Therefore, under  
8 GRLDE Rule 28, the Supreme Court of Guam appoints Attorney Seth Forman to carry out the  
9 duties and responsibilities of Respondent Smith specified in GRLDE Rule 27, and any other  
10 duties assigned to counsel under Rule 28. Attorney Forman may take such action he considers  
11 necessary and appropriate to protect the interest of Respondent Smith or Respondent Smith's  
12 clients or both.

13           3.       Respondent is ordered to assist and cooperate with Rule 28 Counsel relative to  
14 notification of clients and other procedural requirements under Rules 27 and 28.

15           **SO ORDERED** this 8th day of April, 2022.

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18           \_\_\_\_\_  
19           /s/  
20           **ROBERT J. TORRES**  
21           Associate Justice

22           \_\_\_\_\_  
23           /s/  
24           **KATHERINE A. MARAMAN**  
25           Associate Justice

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28           \_\_\_\_\_  
          /s/  
          **F. PHILIP CARBULLIDO**  
          Chief Justice