

10-C-05909

FILED
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JUL 19 2010

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

**REVIEW DEPARTMENT OF THE STATE BAR COURT
IN BANK**

In the Matter of PHILLIP WAYNE SMITH

a Member of the State Bar of California

Since respondent Phillip Wayne Smith, State Bar Number 75058, has been convicted of two counts of violating Penal Code section 288, subdivision (a) (committing lewd or lascivious acts upon a child under the age of 14), felonies involving moral turpitude, it is ordered that Smith be suspended from the practice of law effective August 20, 2010, pending final disposition of this proceeding. (Cal. Rules of Court, rule 9.10(a); Bus. & Prof. Code § 6102.) It is also ordered that Smith comply with rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this suspension.

It appears that Smith's conviction does not meet the statutory criteria for summary disbarment since he committed the crimes before the current summary disbarment statute came into effect. (*In the Matter of Jebbia* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 51, 53.) Accordingly, this case is referred to the hearing department under the authority of rule 9.10(a) of the California Rules of Court for a hearing and decision recommending discipline to impose.

REMKE

Presiding Judge

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CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 19, 2010, I deposited a true copy of the following document(s):

ORDER FILED JULY 19, 2010

in a sealed envelope for collection and mailing on that date as follows:

by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PHILLIP WAYNE SMITH
HC 67 BOX 620
HOOPA, CA 95546

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

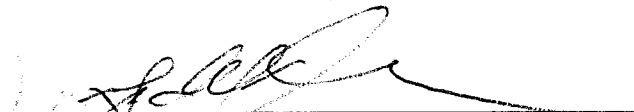
by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Donald Robert Steedman, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 19, 2010.


Milagro del R. Salmeron
Case Administrator
State Bar Court