4034

NORTH CAROLINA

WAKE COUNTY

BEFORE THE DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR 92 DHC 1

THE NORTH CAROLINA STATE BAR, Plaintiff

vs.

OWEN M. SMAW, ATTORNEY Defendant

CONSENT ORDER
TRANSFERRING ATTORNEY
TO DISABILITY INACTIVE STATUS

This matter coming on to be heard by the undersigned Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State bar pursuant to section 14(8) of article IX of the Rules and Regulations of the North Carolina State Bar; and it appearing that both parties have agreed to waive a formal hearing in this matter and it further appearing that both parties stipulate and agree to the following Findings of Fact and Conclusions of Law recited in this Consent Order and to the order and conditions imposed herein, the Committee therefore enters the following:

FINDINGS OF FACT

- 1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
- 2. The Defendant, Owen Meredith Smaw, was admitted to the North Carolina State Bar in 1957, and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
- 3. During all of the periods referred to herein, the Defendant resided in Nashville, Tenn.
- 4. On or about Jan. 6, 1992, the Plaintiff filed a complaint before the Disciplinary Hearing Commission, alleging that the Defendant engaged in one or more violations of the Rules of Professional Conduct.
- 5. During the course of the disciplinary proceeding, the Defendant indicated that he suffers from diabetes and complications from his condition which prevent him from engaging in the active practice of law.
- 6. The condition described in paragraph 5 above renders the Defendant disabled within the meaning of section 3(P) of the

Rules and Regulations of the N.C. State Bar.

Based upon the foregoing FINDINGS OF FACT, the Hearing Committee makes the following:

CONCLUSIONS OF LAW

- 1. The Defendant suffers from diabetes and complications from his condition which prevent him from engaging in the active practice of law and is currently disabled within the meaning of section 3(P) of the Rules and Regulations of the N.C. State Bar.
- 2. The disciplinary proceeding brought by the State Bar against the Defendant and assigned file number 92 DHC 1 should be stayed pursuant to section 18(C) of the Rules and Regulations of the North Carolina State Bar until the Defendant is determined to be no longer disabled and is returned to active status.

ORDER OF TRANSFER TO DISABILITY STATUS

- 1. The Defendant, Owen Meredith Smaw, is hereby transferred to disability inactive status pursuant to section 18(C) of the Rules and Regulations of the N.C. State Bar.
- 2. The disciplinary proceeding instituted in this matter is hereby stayed until such time as the Defendant is determined to be no longer disabled and is returned to active status.
 - 3. The Defendant shall pay the costs of this action.

This the 21 day of

1992.

Chairman, Disciplinary Hearing Committee

Seen and consented to:

Owen M. Smaw, Defendant

Carolin D. Bakewell

Attorney for the Plaintiff