

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
GARY L. MYERS, BAR NO. 3120.

No. 59866

FILED

FEB 24 2012

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

ORDER OF TEMPORARY SUSPENSION

This is a joint petition by the chair of the Southern Nevada Disciplinary Board and attorney Gary L. Myers for an order temporarily suspending Myers from the practice of law, pending resolution of formal disciplinary proceedings against him.¹ The petition, which Myers acknowledges to be true,² alleges that Myers misappropriated from his client trust account over \$200,000 in funds belonging to six clients, due to his failure to disburse, or timely disburse, settlement funds over a several-year period.

SCR 102(4)(a) provides, in pertinent part:

On the petition of a disciplinary board,
signed by its chair or vice chair, supported by an
affidavit alleging facts personally known to the

¹Myers' signature on the petition and verification are erroneously dated December 7, 2012. As that date is many months in the future, the date should be 2011, not 2012.

²The petition is accompanied by Myers' sworn verification that the factual statements contained in the petition are true and correct, except for those matters which are supported by affidavits; as for those matters, he believes them to be true.

affiant, which shows that an attorney appears to be posing a substantial threat of serious harm to the public, the supreme court may order, with notice as the court may prescribe, the attorney's immediate temporary suspension or may impose other conditions upon the attorney's practice.

In addition, SCR 102(4)(b) provides that we may place restrictions on an attorney's handling of funds.

We conclude, based on the joint petition, verification, and supporting documentation provided, that Myers poses a substantial threat of serious harm to the public, and that his immediate temporary suspension is therefore warranted under SCR 102(4)(a). Accordingly, we hereby order attorney Gary L. Myers temporarily suspended from the practice of law pending the resolution of formal disciplinary proceedings against him. We further conclude that Myers' handling of funds should be restricted. Accordingly, as requested by the joint petition, pursuant to SCR 102(4)(a), (b), and (c), we impose upon Myers the following conditions:


1. Myers is precluded from accepting new cases and is precluded from continuing to represent existing clients, effective immediately upon service of this order;

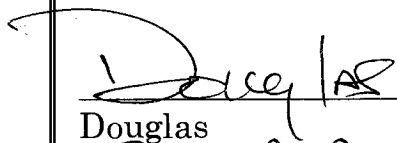
2. All proceeds from Myers' practice of law and all fees and other funds received from or on behalf of his clients shall, from the date of service of this order, be deposited into a trust account from which no withdrawals may be made by Myers except upon written approval of bar counsel; and

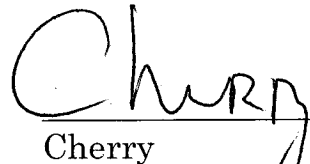
3. Myers is prohibited from withdrawing any funds from any and all accounts in any way relating to his law practice, including but not limited to his general and trust accounts, except upon written approval of bar counsel.

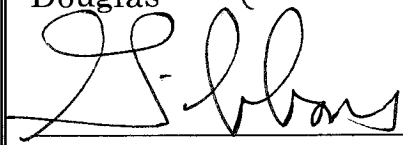
The state bar shall immediately serve Myers with a copy of this order. Such service may be accomplished by personal service, certified mail, delivery to a person of suitable age at Myers' place of employment or residence, or by publication.³ Myers shall comply with the provisions of SCR 115. Bar counsel shall comply with SCR 121.1.


It is so ORDERED.

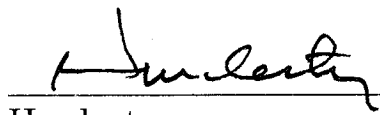

Saitta, C.J.

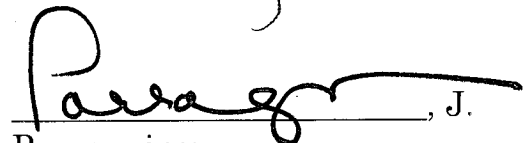

Douglas, J.


Cherry, J.


Gibbons, J.


Pickering, J.


Hardesty, J.


Parraguirre, J.

cc: Jeffrey Albregts, Esq., Chair, Southern Nevada Disciplinary Board
David A Clark, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Marchese Law Office
Perry Thompson, Admissions Office, United States Supreme Court

³When served on either Myers or a depository in which he maintains an account, this order shall constitute an injunction against withdrawal of the proceeds except in accordance with the terms of this order. See SCR 102(4)(b).