

STATE OF MINNESOTA

IN SUPREME COURT

A22-1005

**FILED**

December 6, 2022

**OFFICE OF  
APPELLATE COURTS**

In re Petition for Transfer to Disability Inactive Status of  
Gary A. Gittus, a Minnesota Attorney,  
Registration No. 0175547.

O R D E R

The Director of the Office of Lawyers Professional Responsibility has filed a petition under Rule 28, Rules on Lawyers Professional Responsibility (RLPR), for transfer of respondent Gary A. Gittus to disability inactive status. The petition alleges that respondent has a medical condition that prevents him from assisting in his defense in a disciplinary investigation.

The Director and respondent have entered into a stipulation for transfer of respondent to disability inactive status. In the stipulation, respondent admits that he has a disability that prevents him from competently representing clients or from participating in his defense. The parties jointly recommend that the court transfer respondent to disability inactive status and stay the pending disciplinary investigation of respondent. The parties have also agreed that if respondent seeks reinstatement, the stay of the disciplinary investigation will be automatically lifted, and that during the reinstatement process, the allegations of misconduct arising out of the investigation shall be considered and a recommendation as to the appropriate discipline, if any, shall be made to the court.

The court has reviewed the petition and stipulation and concludes that transfer to disability inactive status and a stay of the pending disciplinary investigation are appropriate.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Respondent Gary A. Gittus is transferred to disability inactive status under Rule 28, RLPR, effective immediately. While on disability inactive status, respondent may not render legal advice, discuss legal matters with clients, or otherwise engage in the practice of law.

2. Respondent shall comply with Rule 26, RLPR (requiring notice of transfer to disability inactive status to clients, opposing counsel, and tribunals).

3. The disciplinary investigation involving respondent is stayed until such time as respondent petitions for reinstatement to the practice of law under Rules 18 and 28(d), RLPR. Upon the filing of a petition for reinstatement, the stay of the disciplinary investigation will be automatically lifted. In addition to the requirements of Rules 18 and 28(d), the reinstatement proceedings will involve a determination of whether discipline is warranted.

4. In addition to the requirements of Rules 18 and 28(d), RLPR, respondent's reinstatement shall be conditioned on respondent establishing through expert medical evidence that he has undergone treatment and has made recovery such that he is physically and psychologically fit to resume the practice of law.

Dated: December 6, 2022

BY THE COURT:



Natalie E. Hudson  
Associate Justice