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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 12-C-14836
)	
SPENCER FREEMAN SMITH,)	ORDER
)	
A Member of the State Bar, No. 236587.)	
_____)	

Respondent Spencer Freeman Smith, State Bar Number 236587, has been convicted of violating Vehicle Code section 20001, subdivision (a) (leaving scene of accident resulting in injury or death), a felony that may or may not involve moral turpitude;¹ and Vehicle Code section 192, subdivision (c)(2) (vehicular manslaughter), a misdemeanor that may or may not involve moral turpitude. Since respondent has been convicted of a felony violation of Vehicle Code section 20001, subdivision (a), it is ordered pursuant to Business and Professions Code section 6102 that respondent be suspended from the practice of law effective April 15, 2015, pending final disposition of this proceeding. (Cal. Rules of Court, rule 9.10(a).) It is also ordered that respondent comply with California Rules of Court, rule 9.20, and perform the acts

¹ The Office of the Chief Trial Counsel of the State Bar (OCTC) proposes a per se moral turpitude classification for Respondent's violation of Vehicle Code section 20001, subdivision (a). We decline to change the classification of Vehicle Code section 20001, subdivision (a), which has been consistently classified as an offense that "may or may not" involve moral turpitude. (See *In the Matter of Dana H. Anderson*, State Bar Court, case no. 03-C-03843; *In the Matter of Richard DiStefano*, State Bar Court, case no. 03-C-02338.) The cases cited by OCTC, *People v. Bautista* (1990) 217 Cal.App.3d 1, and *People v. Dewey* (1996) 42 Cal.App.4th 216, involve the classification of a crime for impeachment, not attorney discipline.

specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this suspension.

Catherine D. Purcell

Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 April 3, 2015, I deposited a true copy of the following document(s):

ORDER FILED APRIL 3, 2015

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:

**SPENCER F. SMITH
SMITH PATTEN
353 SACRAMENTO ST STE 1120
SAN FRANCISCO, CA 94111**

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

Allen Blumenthal, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 3, 2015.



Paul Barona
Case Administrator
State Bar Court