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**State Bar Court of California
Hearing Department
San Francisco
DISBARMENT**

<p>Counsel for the State Bar</p> <p>Rachel S. Grunberg Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2443</p> <p>Bar # 197080</p>	<p>Case Number(s): 18-C-12428-LMA</p>	<p>For Court use only</p> <p>FILED E.A. OCT 30 2018 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Peter Lynn Smith 1009 Cumberland Ave. San Leandro, CA 94579-1444 (415) 738-8662</p> <p>Bar # 197828</p>	<p>PUBLIC MATTER</p>	
<p>In the Matter of: PETER LYNN SMITH</p> <p>Bar # 197828</p> <p>A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 2, 1998**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."



- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline:**
- (a) State Bar Court case # of prior case:
 - (b) Date prior discipline effective:
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline:
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below:
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.

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- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct. **See page 9.**
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10) **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. **See page 9.**
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [Standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of Respondent's misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of Respondent's misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced Respondent.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond Respondent's control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of Respondent's misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation. See page 9.

No Prior Discipline. See page 9.

Good Character. See page 9.

Extreme Emotional Difficulties and Mental Health Issues. See pages 9-10.

D. Recommended Discipline:

Disbarment

Respondent is disbarred from the practice of law in California and Respondent's name is stricken from the roll of attorneys.

E. Additional Requirements:

- (1) **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

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- (2) **Restitution (Single Payee):** Respondent must make restitution in the amount of \$ _____, plus 10 percent interest per year from _____, to _____ (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5).
- (3) **Restitution (Multiple Payees):** Respondent must make restitution to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- (4) **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITIONS

IN THE MATTER OF: PETER LYNN SMITH
CASE NUMBER: 18-C-12428-LMA

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offenses for which he was convicted involved moral turpitude.

Case No. 18-C-12428-LMA (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On March 20, 2014, the United States Attorney's Office filed a one-count Information against respondent in *United States v. Peter Lynn Smith*, United States District Court, Southern District of California, case number 14-CR0700-BEN. The Information charged respondent with violating Title 8 United States Code section 1324(a)(2)B(iii) and Title 18 United States Code section 2, bringing an illegal alien¹ to the United States without presentation and aiding and abetting— a felony.
3. On March 25, 2014, respondent pled guilty to one count of violating Title 8 United States Code section 1324(a)(2)B(iii) and Title 18 United States Code section 2, bringing an illegal alien to the United States without presentation and aiding and abetting— a felony. In his plea, respondent acknowledged that he knew or acted in reckless disregard of the fact that the alien had not received prior official authorization to come to, enter, or reside in the United States, and that respondent committed his criminal offense with the intent to violate the immigration laws of the United States. In exchange for respondent's plea and sentencing on the single-count Information, the United States Attorney's Office agreed not to charge respondent with a violation of Title 8 United States Code section 1324(a)(2)B(ii), bringing an illegal alien to the United States without presentation for the purpose of commercial advantage or private financial gain.
4. Judgment was entered on September 15, 2014. Respondent was sentenced to three years of supervised release (probation) and was incarcerated for 6.5 months in a federal prison. An amended judgment, to fix a clerical mistake, was entered on October 10, 2014. Among other conditions of probation, respondent was required to participate in mandatory weekly psychotherapy, submit to the care of a psychiatrist, and engage in regular drug testing.
5. Respondent successfully completed his period of supervised release on September 1, 2017.

¹ The term "alien" is the term used in Title 8 United States Code section 1324. The term "illegal alien" is the term used by law enforcement in the criminal pleadings. The term "undocumented" is the term used by the State Bar in these proceedings.

6. On June 1, 2018, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department found that the facts and circumstances surrounding the offenses for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

7. In February 2014 respondent visited Mexico. While there, he was approached by individuals and asked if he would illegally transport undocumented individuals into the United States in exchange for compensation. Respondent agreed to drive a vehicle across the border with unknown individuals concealed in a secret compartment behind the back seat of the car.

8. On February 20, 2014, respondent picked up a 2000 Lincoln Town Car at a designated location in Tijuana, Mexico. Although the car did not belong to him, respondent was given registration, insurance, and a smog certificate indicating that he was the owner of the car. The undocumented individuals were already secured in a concealed compartment in the undercarriage of the car. Respondent was aware that the undocumented individuals were in the hidden compartment, but he never saw them and they never saw him.

9. Respondent drove the vehicle from Tijuana, Mexico to the United States border. At 4:00 p.m., respondent applied for admission into the United States via the driving lanes at the San Ysidro, California Port of Entry. Respondent was the sole visible occupant of the vehicle.

10. Respondent presented his United States passport and his identity documents to a United States Customs and Border Protection Officer ("officer"). The officer then asked respondent a series of questions.

11. The officer asked respondent where he was going. Respondent, with the intent to deceive the officer and violate federal immigration laws, falsely replied that he was going to Anaheim, California.

12. The officer asked respondent what he was doing in Mexico and how long had he been there. Respondent, with the intent to deceive the officer and violate federal immigration laws, falsely replied that he had been visiting his daughter for the day.

13. The officer then asked respondent if he was bringing anything back from Mexico. Respondent, with the intent to deceive the officer and violate federal immigration laws, falsely replied, "No."

14. The officer checked respondent's crossing history which revealed very few crossings. The officer determined that the vehicle was not registered to respondent.

15. The officer asked respondent if he owned the vehicle and whether it was registered in respondent's name. Respondent, with the intent to deceive the officer and violate federal immigration laws, falsely replied that it was his vehicle and that he had owned it for about two months.

16. The officer asked respondent how long respondent's daughter had been living in Mexico. Respondent, with the intent to deceive the officer and violate federal immigration laws, falsely answered that his daughter had lived in Mexico for about two months.

17. The officer then asked respondent to provide the vehicle's registration. Respondent's hands were shaking as he handed the registration to the officer.

18. The officer asked respondent again whether respondent was bringing anything back from Mexico. Respondent again, with the intent to deceive the officer and violate federal immigration laws, falsely stated, "No."

19. The officer asked respondent to open the trunk and unlock the doors to the vehicle, which respondent did.

20. The vehicle was inspected and two undocumented men were found in a concealed compartment under the back seat of the car. An unknown third person, not respondent, had positioned the men in the car and placed crushed chili pepper on their hands and feet to disguise their smell and avoid detection. The men had been bolted into the compartment and were unable to free themselves. To access the individuals, the back seat had to be forcefully pulled up and three bolts removed. The two men were found unharmed.

21. The two undocumented men were interviewed and stated that they entered the vehicle voluntarily with the desire to obtain entry to the United States. They had arranged payment to secure their passage.

22. On February 20, 2014, at 6:23 p.m. respondent was arrested.

23. Respondent never received the promised compensation for transporting the undocumented individuals into the United States because respondent was caught and arrested.

24. Respondent had no criminal record prior to the arrest and conviction that is the subject of this proceeding.

25. Pursuant to Business and Professions Code section 6068(o)(5), an attorney convicted of a felony must report it to the State Bar within 30 days. Respondent did not report his 2014 felony conviction to the State Bar until March 27, 2018.

CONCLUSIONS OF LAW:

26. The facts and circumstances surrounding the above-described conviction involve moral turpitude.

AGGRAVATING CIRCUMSTANCES.

Uncharged Misconduct (Std. 1.5(h)): Respondent failed to report his 2014 felony conviction to the State Bar within 30 days as statutorily required, and instead reported it on March 27, 2018—four years late.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent’s criminal conviction involved numerous misrepresentations to the United States Customs and Border Protection officer. This, along with his failure to timely report it to the State Bar, represents multiple acts of misconduct. (See *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646–647 [two acts of misconduct may constitute multiple acts of misconduct].)

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this pretrial stipulation, respondent has acknowledged his misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [mitigative credit given for entering into stipulation as to facts and culpability].)

No Prior Discipline: Respondent was admitted to the practice of law in California on December 2, 1998, and has no prior record of discipline. Nonetheless, respondent voluntarily transferred to inactive status on December 26, 2007, and has not practiced law since then. He is entitled to some, but not significant mitigative credit, for his nine years of discipline-free practice between 1998 and 2007. (See and compare *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32, 44 [seven years of practice worth only slight mitigation] with *Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [over 10 years of practice worth significant weight in mitigation].)

Good Character: Respondent presented ten character letters from a wide range of individuals—including friends, colleagues, family members, and attorneys—who are fully aware of his criminal offense and conviction and who attest to respondent’s overall good character, honesty, integrity, and trustworthiness. They indicate that respondent is a generous and compassionate individual who is deeply remorseful for his misconduct.

Extreme Emotional Difficulties and Mental Health Issues: Respondent is a United States Army veteran who served with the 101st Airborne Military Intelligence Unit from 1986–1990 at Fort Campbell, Kentucky. In 2008 respondent was diagnosed with a mental health disorder. His condition remained stable with medication and therapy. In 2013, and increasing in early 2014, respondent’s mental health symptoms worsened due to severe emotional, family, and financial difficulties. Accordingly to respondent’s treating physician, respondent’s February 2014 criminal activity was a “direct result” of a state of florid mania and depression brought on by the exacerbation of respondent’s mental and emotional distress. His physician states that with his current psychiatric management and medication, respondent’s symptoms have “resolved and prognosis is good . . . which makes further criminal behavior, in the context of symptomatic exacerbation, unlikely.” (See *In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676, 701–702 [depression due to stress of family emotional turmoil considered mitigating].) Respondent’s supervised release from criminal probation ended on September 1,

2017. For the past year, respondent has voluntarily continued with routine therapeutic care and medication. He is in a stable family environment and currently employed.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source.) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) & (c).)

Standard 2.15 is directly on point and provides that disbarment is the presumed sanction for final conviction of a felony in which the facts and circumstances surrounding the offense involve moral turpitude, unless the most compelling mitigating circumstances clearly predominate, in which case actual suspension of at least two years is appropriate.

Here, respondent, with the intent to violate federal immigration laws and to be paid for his actions, knowingly attempted to smuggle individuals into the United States and aided and abetted a criminal plan to bring these individuals across the border from Mexico without presentation. As respondent attempted to pass through customs he made misrepresentations to a United States Customs and Border Protection officer regarding his purpose and reasons for being in Mexico. Twice respondent provided a negative customs declaration and stated that he was not bringing anything back from Mexico. Respondent pled guilty to a felony violation of Title 8 United States Code section 1324 (a)(2)B)(iii) and Title 18 United States Code section 2, bringing an illegal alien to the United States without presentation and aiding and abetting, a felony. In exchange for the plea, the United States Attorney’s Office agreed not to prosecute him for the

more serious crime of bringing an illegal alien into the United States for personal financial or commercial gain.

Although there is no California decision on point regarding respondent's specific crime, the facts and circumstances clearly involve moral turpitude given the aspect of human smuggling and concealment, misrepresentations to a border patrol officer, and respondent's intent to evade national immigration laws and aid and abet a criminal enterprise. (See *In re Young, supra*, 49 Cal.3d at p. 264 [attorney's conviction under Penal Code section 32 (accessory to a felony) where attorney assisted a client with the intent to help the client avoid arrest involved moral turpitude per se; the Supreme Court held the crime "necessarily involves moral turpitude since it requires that a party has a specific intent to impede justice with knowledge that his actions permit a fugitive of the law to remain at large. An attorney convicted of this crime necessarily acts with conscious disregard of his obligation to uphold the law"]; see also *In the Matter of Fandey* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 767, 775 [aiding and abetting client in evading child support court order amounted to acts of moral turpitude and dishonesty].) Absent the most compelling mitigation, respondent's crime warrants disbarment under standard 2.15.

Respondent is entitled to mitigation for no prior record of discipline, good character, extreme emotional difficulties and mental health issues suffered at the time of the misconduct, and for entering into this pretrial stipulation. In aggravation, respondent was delinquent by four years in notifying the State Bar of his felony conviction and he otherwise engaged in multiple acts of wrongdoing. On balance, given the particularly egregious nature of respondent's crime (human smuggling), and his dereliction in reporting his conviction, respondent has not presented *the most* compelling mitigation to warrant a deviation from the presumed sanction of disbarment in this case. While respondent has made strides in addressing the psychological and emotional pressures that he suffered from 2013 and 2014, respondent only just completed his supervised criminal release one year ago, and he is still undergoing treatment. Even though respondent's psychiatrist states that his prognosis is good, respondent has not proffered evidence of sustained recovery over a meaningful period of time beyond criminal probation, such that the public and the profession can be assured that respondent's issues have fully resolved. (See *In re Lamb* (1989) 49 Cal. 3d 239, 246–247 [where attorney engaged in acts of moral turpitude by impersonating her husband on the bar examination, overwhelming physical and psychological pressure not enough to overcome disbarment; given magnitude of misconduct doctor's letter stating attorney participated sincerely in therapy, gained insight, made personality changes rendering misconduct unlikely to recur, has an "excellent" prognosis, and appears fit to practice law, insufficient evidence of recovery].) In light of the very serious nature of respondent's misconduct, disbarment is warranted.

Case law from other jurisdictions is also instructive, where attorney disciplinary matters involving similar criminal misconduct resulted in disbarment or surrender of licensure.

In *In the Matter of Dixit* (Ga. 2012) 720 S.E.2d 646, an attorney voluntarily surrendered his license to practice law in Georgia following his conviction (by plea) of Title 8 United States Code section 1324(a)(1)(A)(v)(I) [conspiracy to bring illegal aliens to the United States, including willfully or knowingly concealing, harboring, or shielding from detection any aliens not lawfully entitled to enter or reside in the United States]. The attorney in *Dixit* conceded that his felony conviction constituted a violation of rules 8.4(a)(2) and rule 4-102(d) of the Georgia Rules of Professional Conduct, the maximum penalty for which was disbarment.

In *In re Harrington* (La. 1999) 710 So.2d 243, an attorney pled guilty to one count of conspiracy to induce three illegal aliens into the United States and to transport, harbor, and conceal the illegal aliens, and two counts of transporting illegal aliens in violation of Title 18 United States Code section 371, Title 8 United States Code section 1324(a)(1)(B)(C)(D), and Title 18 United States Code section 2. After the attorney pled guilty to these charges, but prior to sentencing, the attorney attempted to obtain false testimony from several witnesses by offering them money. The plan was discovered by the authorities, and the attorney was later charged with and pled guilty to one count of conspiracy to obstruct justice by bribery and one count of obstructing justice by offering money to induce false statements in violation of Title 8 of the United States Code section 1324(a)(1)(C) and Title 18 United States Code section 2. The Louisiana Supreme Court held that his crimes warranted disbarment for conduct reflecting adversely on the attorney's honesty and conduct involving dishonesty, fraud, deceit, or misrepresentation, especially in light of the aggravating factor of an extensive disciplinary history.

In *State of Oklahoma Bar Association v. James Frederick Strothman* (Okla. 2004) 104 P.3d 582, an attorney resigned from the practice of law in Oklahoma after pleading guilty to violating Title 8 United States Code sections 371 and 1324(a)(1)(A)(iv), (a)(1)(A)(iii), (a)(1)(A)(v)(11) [inducing illegal entry, harboring illegal aliens, and false swearing in an immigration matter].

Here, respondent's felony conviction is a very serious matter involving moral turpitude for which removal from the practice of law is necessary in order to protect the public and preserve the integrity of the profession. Accordingly, disbarment is appropriate.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of October 1, 2018, the discipline costs in this matter are \$2,699. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

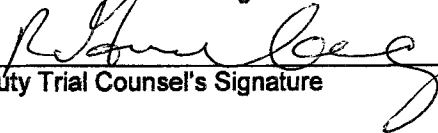
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In the Matter of: Peter Lynn Smith	Case Number(s): 18-C-12428-LMA
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

10/24/18  Peter Lynn Smith
Date Respondent's Signature Print Name

10/24/18  Rachel S. Grunberg
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: Peter Lynn Smith	Case Number(s): 18-C-12428-LMA
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DISBARMENT ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

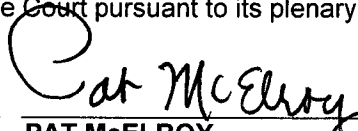
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order. (See Cal. Rules of Court, rule 9.18(a).)**

Respondent Peter Lynn Smith is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

October 30, 2018

Date


PAT McELROY
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 October 30, 2018, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

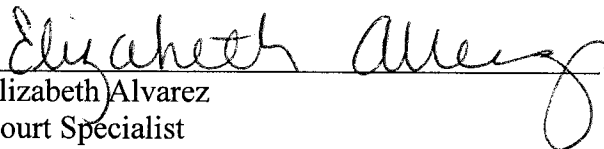
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PETER L. SMITH
1009 CUMBERLAND AVE
SAN LEANDRO, CA 94579 - 1444

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

Rachel S. Grunberg, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 30, 2018.


Elizabeth Alvarez
Court Specialist
State Bar Court