

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1 DB 2018  
Petitioner :  
 : File Nos. C1-16-964  
v. :  
 : Attorney Registration No. 201295  
ROYCE W. SMITH :  
Respondent : (Philadelphia)

ORDER

AND NOW, this 22<sup>nd</sup> day of January, 2018, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is


ORDERED that the said ROYCE W. SMITH be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a)(5) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Costs shall be paid by the Respondent.

BY THE BOARD:

  
Board Chair

TRUE COPY FROM RECORD  
Attest:

  
Marcee D. Sloan, Prothonotary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

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OFFICE OF DISCIPLINARY COUNSEL	:	No. 1 DB 2018
Petitioner	:	
	:	
v.	:	
	:	Attorney Registration No. 201295
ROYCE W. SMITH	:	
Respondent	:	(Philadelphia)

**PUBLIC REPRIMAND**

Royce W. Smith, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Smith, you are being reprimanded today in connection with your misconduct involving the unauthorized practice of law. The record indicates that by Order of the Supreme Court of Pennsylvania dated October 5, 2016, effective November 4, 2016, you were administratively suspended, due to your failure to file the 2016-2017 annual attorney fee form and pay the annual fee. As an administratively suspended attorney, you were prohibited from practicing law. You received a certified letter on October 7, 2016, from the Attorney Registrar, sent to your attorney registration address, enclosing the Court's order, along with instructions on how to comply with the Rules of Disciplinary Enforcement regarding administrative suspension. You failed to file a Statement of Compliance within ten days after the effective date of your administrative suspension.

Between November 4, 2016 and December 19, 2016, you continued to practice law, in disregard of the Court's Order. Specifically, on November 4, 2016, in the Tucker matter, you filed a praecipe to reinstate a complaint, complaint and notice to defend, and two replies; on November 17, 2016, in the Smith matter, you filed a motion for extraordinary relief; and on December 14, 2016, in the Tucker matter, you filed affidavits of service. Additionally, you self-disclosed to Office of Disciplinary Counsel a list of six additional matters where you engaged in the unauthorized practice. The most significant of those events were attending two depositions and a settlement conference, and filing a settlement memorandum in one case; conducting an arbitration and obtaining a defense verdict in another case; and settling a personal injury case for \$3,000.00. During your administrative suspension, you maintained your law office and held yourself out as eligible to practice law. You failed to promptly notify your clients and others of your administrative suspension, nor did you move for leave to withdraw from your clients' cases that were pending in the Philadelphia Court of Common Pleas.

On December 19, 2016, you filed your 2016-2017 fee form and paid your annual fee and late payment penalties. In addition, you filed your Statement of Compliance, pursuant to Pa.R.D.E. 217(e). However, on your statement, you indicated that you had no clients or others that you needed to notify. This statement was a misrepresentation. You also misrepresented that you had notified all other courts and jurisdictions in which you were admitted to practice. In fact, you failed to notify the U.S. District Court for the Eastern District of Pennsylvania, the Supreme Court of New Jersey, and the United States District Court for the District of New Jersey of your administrative suspension.

You explained that you never received notification that you were administratively suspended until you received notice from the Eastern District. In further explanation, you stated that you left your former law firm in February 2016 and started your own practice, and the firm, with whom you were involved in litigation, did not forward your mail to you. As the firm always took care of your annual fee, you did not consider that you needed to pay it. You have admitted that you failed to promptly inform the Attorney Registration Office of your new address, and you understand that you bear responsibility for the fact that the administrative suspension notification went to your former law firm.

Your conduct in this matter has violated the following Rules of Professional Conduct (“RPC”) and Pennsylvania Rules of Disciplinary Enforcement (“Pa.R.D.E.”):

1. RPC 1.16(a)(1) – A lawyer shall withdraw from representing a client if the representation will result in violation of the Rules of Professional Conduct or other law.
2. RPC 5.5(a) – A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
3. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
4. RPC 8.4(d) – It is professional misconduct for lawyer to engage in conduct that is prejudicial to the administration of justice.
5. Pa.R.D.E. 203(b)(3) – Willful violation of the provisions of the Enforcement Rules shall be grounds for discipline.

- a. Pa.R.D.E. 217(b) – Failure to promptly notify clients of your administrative suspension and your consequent inability to act as an attorney after the effective date of your suspension, and failure to withdraw from clients' litigation matters.
- b. Pa.R.D.E. 217(e)(1) – Failure to file a Statement of Compliance within ten days of the effective date of the administrative suspension.
- c. Pa.R.D.E. 217(j)(1) - Engaging in law-related activities following your administrative suspension, but failing to arrange supervision by another attorney.
- d. Pa.R.D.E. 217(j)(5) – Failing to file a notice of engagement of a supervisory attorney to monitor your law-related activities.

The record indicates that you have no prior discipline, you practiced for a short time in a relatively small number of client matters while suspended, you admitted your misconduct and accepted responsibility, and you expressed remorse.

Mr. Smith, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This Public Reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board's website at [www.padisciplinaryboard.org](http://www.padisciplinaryboard.org).



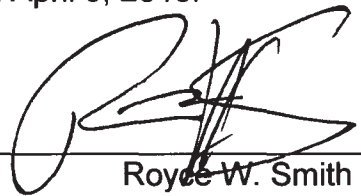
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Designated Member  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on April 3, 2018.

**ACKNOWLEDGMENT**

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on April 3, 2018.



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Royce W. Smith