

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

| | | |
|--------------------------------|---|---------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL | : | No. 7 DB 2015 |
| Petitioner | : | |
| | : | File No. C1-13-1183 |
| v. | : | |
| | : | Attorney Registration No. 47344 |
| MICHAEL COARD | : | |
| Respondent | : | (Philadelphia) |

PUBLIC REPRIMAND

Michael Coard, 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. Coard, you are being reprimanded for your conduct in connection with your representation of Cordero Smith. On August 1, 2013, Mr. Smith was sentenced to life imprisonment without parole. Thereafter, you were retained by Jon Smith, the father of Cordero, to file a post-sentence motion and/or appeal on behalf of Cordero Smith. On August 13, 2013, you provided Jon Smith with a written fee agreement and you received and negotiated a \$4,000 check from Jon Smith.

Thereafter, you failed to enter your appearance and failed to file a post-sentence motion on behalf of your client. You further failed to advise your client or his parents (Jon and Latitia Smith), of your failure to file a post-sentence motion.

In the meantime, a timely Notice of Appeal was filed on behalf of Cordero Smith by Bobby Hoof, Mr. Smith's trial counsel. Latitia Smith informed Mr. Hoof that you had been retained to handle the appeal, so Mr. Hoof contacted you and told you that a 1925(b) Order had been issued by the trial court, with the Concise Statement of Matters Complained of on Appeal due by August 30, 2014. You told Mr. Hoof that you would be representing Cordero Smith and you intended to file the Concise Statement. However, you failed to do so by August 30, 2013, or at any time thereafter.

Beginning in September 2013, from time to time Ms. Smith called you on behalf of her son to inquire about the status of the matter and left voicemail messages and an email. You failed to return these calls and messages. In November 2013, Ms. Smith sent you a certified letter requesting that you contact her, and again, you failed to respond.

After being contacted in February 2014, you refunded the \$4,000 fee to Jon Smith.

The record shows that Mr. Hoof was able to have Cordero Smith's appeal rights reinstated.

Your conduct in this matter has violated the following Rules of Professional Conduct:

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.
2. RPC 1.4(a)(3) – A lawyer shall keep the client reasonably informed about the status of the matter.


3. RPC 1.4(b) – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

We note that you have a record of professional discipline. In July of 2008, you received an Informal Admonition for violation of the Rules in two separate matters. In December of 2011, you received a Private Reprimand for violation of the Rules in three separate matters. This record of discipline is an aggravating factor and supports the imposition of this Public Reprimand.

Mr. Coard, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record. As part of your disciplinary sanction, you have been placed on Probation for a period of two years, subject to conditions. This Probation started March 12, 2015. Failure to abide by the terms of your Probation shall be grounds for further disciplinary action.

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.padisiplinaryboard.org.

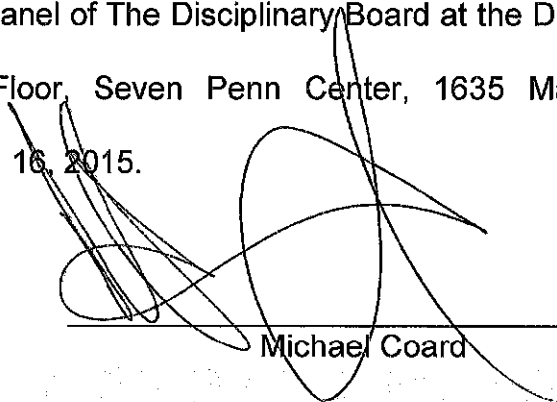


Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on April 16, 2015.

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 the District I Office of the Disciplinary Board, 16th Floor, Seven Penn Center, 1635 Market Street, Philadelphia, Pennsylvania, on April 16, 2015.



Michael Coard