

IN RE: ROBERT DICKENS SMITH

NO. BD-2015-112

S.J.C. Order of Indefinite Suspension entered by Justice Budd on February 10, 2017.¹

SUMMARY²

On October 29, 2015, the respondent, Robert Dickens Smith, who was admitted to the bar of the Commonwealth on June 23, 2005, pleaded guilty in the Clinton District Court to enticing a child under the age of sixteen for the purpose of having sex, in violation of G.L. c. 265, § 26C(b), a felony. The respondent was sentenced to two and one-half years in the house of correction, with one year to be served and the remainder suspended for five years on various probationary terms. As a result of his conviction, the respondent was temporarily suspended from the practice of law on January 27, 2016. The circumstances supporting the conviction were as follows.

In February of 2015, the respondent was in communication by text and email with a twelve year old girl known by him to be under the age of sixteen. On the evening of February 18, he encouraged her to sneak out of her house and picked her up in his car nearby, with the intent to engage in sexual activity. Approximately thirty minutes later he dropped her off at her request, where she was found by her mother.

In mitigation of the respondent's criminal conduct, his offense did not involve any physical contact with the victim. The respondent continues to engage in sex offender specific counseling. He has been found by the Sex Offense Registry Board to present a low risk of re-offense and has been classified as Level 1, which means that his status may not be publicly disseminated by the SORB. He has expressed remorse for his criminal conduct and has cooperated with bar counsel. His misconduct did not involve the practice of law.

Bar counsel filed a petition for discipline with the Board of Bar Overseers on September 26, 2016. On December 23, 2016, the parties filed a stipulation with the board in which they agreed that the respondent be indefinitely suspended from the practice of law, retroactive to the date of the respondent's temporary suspension, and that he will not be reinstated until all terms of his probation have been satisfied. The board voted unanimously to accept the stipulation of the parties on January 9, 2017, and on February 10, 2017, the Supreme Judicial Court for Suffolk County (Budd, J.) so ordered.

¹ The complete order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.