

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
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FILED

JUL 22 2015

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

IN THE MATTER OF THE ) Case No. 15-C-11467  
CONVICTION OF: )  
) Transmittal of Records of Conviction of Attorney (Bus. & Prof.  
**THEADORE MARSHALL SMITH,** ) Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)  
**No. 79420,** )  
)  Felony;  
)  Crime(s) involved moral turpitude;  
A Member of the State Bar. )  Probable cause to believe the crime(s) involved moral  
) turpitude;  
)  Crime(s) which may or may not involve moral turpitude or  
) other misconduct warranting discipline;  
)  Transmittal of Notice of Finality of Conviction.

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- A. Pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of the Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the Bar and for such consideration and action as the Court deems appropriate:
- B. Notice of Appeal
- C. Evidence of Finality of Conviction (Notice of Lack of Appeal Form)
- D. Other

Name of Member: THEADORE MARSHALL SMITH

Date member admitted to practice law in California: March 20, 1978

Member's Address of Record: Smith & Associates

2667 Camino del Rio S., #1C

San Diego, CA 92108

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: March 5, 2015

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Convicting court: Superior Court, County of San Diego

Case number(s): CD260596

Crime(s) of which convicted and classification(s): Violation of Vehicle Code §23152(a) (DUI with Priors), a felony which may or may not involve moral turpitude or other misconduct warranting discipline as in *In the Matter of Kelley* (1990) 52 Cal.3d 487.

3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the member's compliance with the provisions of rule 9.20.

4. Other information to assist the State Bar Court

DOCUMENTS TRANSMITTED:

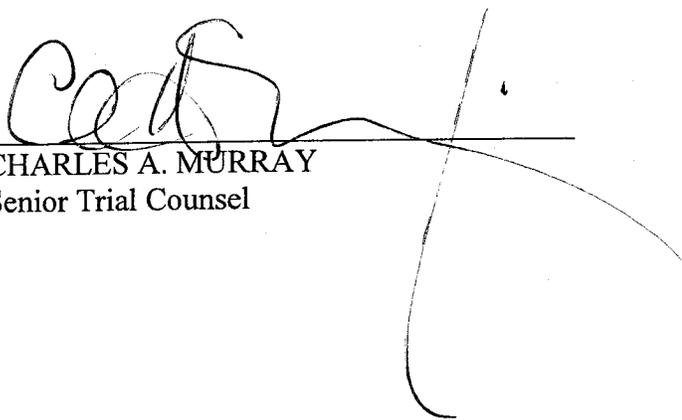
Certified Amended Complaint  
Certified Plea  
Certified Minutes – Pre-Disposition

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED:

7/22/2015

BY:

  
CHARLES A. MURRAY  
Senior Trial Counsel

**DECLARATION OF SERVICE**

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): **15-C-11467**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

**TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY; CERTIFIED AMENDED COMPLAINT; CERTIFIED PLEA; CERTIFIED MINUTES – Pre-Disposition**



**By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))**

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.



**By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**



**By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))**

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").



**By Fax Transmission: (CCP §§ 1013(e) and 1013(f))**

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



**By Electronic Service: (CCP § 1010.6)**

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2010 0881 10 at Los Angeles, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: \_\_\_\_\_ addressed to: (see below)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
Theodore Marshall Smith	Theodore Marshall Smith Smith & Associates 2667 Camino del Rio S #1C San Diego, CA 92108	Electronic Address	Susan Lynn Margolis Margolis & Margolis, LLP 2000 Riverside Drive Los Angeles, CA 90039

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: July 22, 2015

SIGNED:

*Genelle De Luca-Suarez*  
Genelle De Luca-Suarez  
Declarant