

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1716 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 4 DB 2011
v.	:	
	:	Attorney Registration No. 68781
JARETT RAND SMITH,	:	
Respondent	:	(Potter County)

**ORDER**

**PER CURIAM:**


**AND NOW**, this 4<sup>th</sup> day of May, 2011, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated March 7, 2011, the Joint Petition for Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

**ORDERED** that Jarett Rand Smith is suspended on consent from the Bar of this Commonwealth for a period of one year and one day, the suspension is stayed in its entirety and he is placed on probation for a period of three years, subject to the following conditions:

1. During this probationary period, Respondent shall report to the Office of Disciplinary Counsel any charge brought against him for violation of any federal, state, or local statute or ordinance that provides for a possible sentence of imprisonment, such report to be made within twenty days of his being charged;
2. During this probationary period, Respondent shall not engage in conduct that is in violation of any federal, state or local statute or ordinance that provides for a possible sentence of imprisonment;

3. During this probationary period, Respondent shall not engage in conduct that is in violation of the Rules of Professional Conduct or the Rules of Disciplinary Enforcement;
4. Respondent shall file quarterly verified statements with the Disciplinary Board Secretary and the Office of Disciplinary Counsel, attesting to his compliance with the foregoing conditions;
5. Within ninety days of the entry of an Order imposing the recommended discipline, Respondent shall undergo a mental health evaluation for the purpose of determining whether he is afflicted by any mental disorder or disease, specifically including, but not limited to, substance abuse and excessive gambling;
6. Respondent shall provide to Disciplinary Counsel, within thirty days following the aforesaid mental health evaluation, a written report from the mental health evaluator, which report shall include, but not be limited to, the evaluator's diagnosis and recommended treatment (if any); and
7. Respondent shall fully comply with any and all treatment recommendations made by the mental health evaluator.

A True Copy Patricia Nicola  
As Of 5/4/2011

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL : No. 4 DB 2011  
Petitioner :  
v. : Attorney Registration No.68781  
JARETT RAND SMITH :  
Respondent : (Potter County)

RECOMMENDATION OF THREE-MEMBER PANEL  
OF THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Howell K. Rosenberg, Albert Momjian, and David A. Nasatir, has reviewed the Joint Petition In Support of Discipline on Consent filed in the above-captioned matter on January 5, 2011.

The Panel approves the Petition consenting to a one year and one day suspension to be stayed in its entirety and a three year period probation subject to the conditions set forth in the Joint Petition and recommends to the Supreme Court of Pennsylvania that the attached Joint Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.

  
Howell K. Rosenberg, Panel Chair  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Date: March 7, 2011

BEFORE THE DISCIPLINARY BOARD  
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 4 DB ~~2010~~ 2011  
Petitioner :  
v. : Attorney Registration No. 68781  
JARETT RAND SMITH :  
Respondent: (Potter County)

**JOINT PETITION FOR DISCIPLINE ON CONSENT**

The Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Joseph J. Huss, Disciplinary Counsel, and Respondent, Jarett Rand Smith, by his counsel, Samuel C. Stretton, Esquire, file this Joint Petition in Support of Discipline on Consent under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement and respectfully state and aver the following:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, PA 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

**FILED**

**JAN 05 2011**

Office of the Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

2. Respondent, Jarett Rand Smith, was born in 1968 and admitted to practice law in Pennsylvania on November 19, 1993.

3. Respondent's mailing address is 109 N. Main Street, Coudersport, Potter County, Pennsylvania 16915.

4. Jarett Rand Smith is represented by Samuel C. Stretton, Esquire, 301 S. High Street, P.O. Box 3231, West Chester, PA 19381-3231.

5. By DB-7 letter request for a statement of Respondent's position dated February 2, 2009 (Office of Disciplinary Counsel File No. C3-07-721) and by DB-7 letter request for a statement of Respondent's position dated February 4, 2009 (Office of Disciplinary Counsel File No. C3-08-381), Petitioner set forth alleged facts and possible violations of the Rules of Professional Conduct.

6. The conduct and Rules of Professional Conduct violations set forth in these DB-7 Letters constitute the bases for the instant Joint Petition for Discipline on Consent, as more specifically set forth below.

**FACTUAL ADMISSIONS**  
**(PETITIONER FILE NO. C3-07-721)**

7. Following Respondent's appointment, by the McKean County Court of Common Pleas, to represent criminal defendant Thomas Bottorf in connection with charges docketed to 612-CR-2004, Respondent filed a Post Conviction Relief Act Petition in August 2006, and an amended PCRA Petition in November 2006.

8. An evidentiary hearing was scheduled for July 13, 2007.

9. On several occasions prior to this hearing, Respondent's client told Respondent that one Bob Cummins was an essential witness, and urged Respondent to interview and subpoena Mr. Cummins.

10. On several occasions during the weeks prior to the July 2007 PCRA hearing, Mr. Cummins contacted Respondent's office and left information, including phone numbers and other contact information, in an effort to assist in arranging for him to testify.

11. Respondent never contacted Mr. Cummins, nor did Respondent serve him, or cause him to be served, with a subpoena.

12. During the course of the July 13, 2007 PCRA hearing, presiding Judge John H. Yoder asked Respondent if he had subpoenaed witnesses, specifically including Mr. Cummins. Respondent's response was "...absolutely. Absolutely."

13. This statement to Judge Yoder was false, as indicated above.

14. While Respondent never communicated with Bob Cummins, he was aware that Mr. Cummins was willing to appear for the evidentiary hearing without a subpoena, because Mr. Cummins had left messages to that effect with Respondent's staff. However, Mr. Cummins was never advised by Respondent, or Respondent's staff, as to the date and time of the hearing in question.

**SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED**

**(Petitioner File No. C3-07-721)**

15. Respondent admits to violations of the following Rules of Professional Conduct:

- a. RPC 3.3(a)(1), which prohibits making a false statement of material fact or law to a tribunal;
- b. RPC 8.4(c), which prohibits conduct involving dishonesty, fraud, deceit or misrepresentation; and

- c. RPC 8.4(d), which prohibits conduct prejudicial to the administration of justice.

**FACTUAL ADMISSIONS**  
**(PETITIONER FILE NO. C3-08-381)**

**I. Wickman Matter**

16. In September 2007 Nathan Wickman was arrested in Potter County and charged with more than 100 criminal offenses, including at least 60 felonies.

17. In November 2007, Respondent was retained by Mr. Wickman's mother, and entered his appearance in Mr. Wickman's criminal case docketed to No. 204 CR 2007 (Potter County).

18. Between December 2007 and March 2008 Respondent's communications with Mr. Wickman were sporadic.

19. On March 6, 2008, Respondent appeared before Potter County President Judge John B. Leete. Respondent indicated to Judge Leete that he was there to pick a jury, pursuant to the court's February 7, 2008 Order scheduling the matter for jury selection on March 6, 2008.

20. However, when told he was being transported from the Potter County Jail to the courthouse to pick a jury, Mr. Wickman balked at being transported, and emphatically stated he had told Respondent that he wanted to enter a plea, and did not want a trial.

21. After Mr. Wickman arrived at the courthouse, he spoke directly to Respondent. Respondent then advised Judge Leete that Respondent's client did, in fact, want to enter an "open" guilty plea. Judge Leete indicated that he was reluctant to

accept such a plea, in light of the fact that Mr. Wickman's case involved a very large number of charges with a potential sentence of hundreds of years in prison.

22. Mr. Wickman was then brought into the courtroom, Mr. Wickman told the court that he was unaware he had been scheduled for jury selection, and was unaware of the number of charges, and the potential sentences, in that Respondent had never explained these facts to him.

23. Respondent indicated that a plea agreement had been discussed. However, the assistant district attorney disputed Respondent's claim that she had offered a plea agreement providing for a guilty plea to only three felony charges, all other charges to be dismissed.

24. As a result of the confusion over the status of this case, the matter was continued until the following day, March 7, 2008.

25. On March 7, 2008, following unproductive discussions among Respondent, Mr. Wickman, and the Assistant District Attorney, the Court continued Mr. Wickman's case to give him the opportunity to decide if he wanted new counsel, and to give the Assistant District Attorney the opportunity to negotiate with any such new counsel.

26. Judge Leete then proceeded to hold Respondent in contempt of court. He imposed a fine of \$300. His finding was based upon Respondent's responsibility for causing what Judge Leete characterized as "chaos" in the Wickman case, which "clearly interfered with the orderly administration of justice." Respondent subsequently paid this fine.



**SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED**

**(Petitioner File No. C3-08-381)**

**I. Wickman Matter**

27. Respondent admits to violations of the following Rules of Professional Conduct:

- a. RPC 1.1, which requires a lawyer to provide competent representation to a client;
- b. RPC 1.4(a)(2), which provides that there shall be reasonable consultation with a client about the means by which the client's objectives are to be accomplished;
- c. RPC 1.4(a)(3), which provides that the client shall be kept reasonably informed about the status of the matter;
- d. RPC 8.4(b), which prohibits a criminal act that reflects adversely on the honesty, trustworthiness or fitness in other respects; and
- e. RPC 8.4(d), which prohibits conduct prejudicial to the administration of justice.

**FACTUAL ADMISSIONS**  
**(PETITIONER FILE NO. C3-08-381)**

**II. Heath Matter**

28. On December 14, 2007, Respondent entered his appearance on behalf of Defendant, William Heath, relative to driving under the influence and related charges, Docketed to 984-CR-2007 (Bradford County) in the case of *Commonwealth of Pennsylvania vs. William Heath*.

29. A plea hearing was scheduled in this case before Judge Jeffrey A. Smith on February 28, 2008.

30. On February 19, 2008, Assistant Bradford County District Attorney Francis Rineer received a letter from Respondent dated February 13, 2008, stating that he would be before the Superior Court in Pittsburgh on February 28, 2008, and that he had filed a continuance request given his alleged unavailability.

31. Contrary to his claim that a continuance request had been filed as of February 13, 2008, no such request was filed of record until February 25, 2008.

32. The February 25, 2008, Motion for Continuance alleged that Respondent was unavailable on February 28<sup>th</sup> because he was scheduled to be in Potter County for a jury trial, not because he was scheduled to be in Pittsburgh for a Superior Court argument, as he had claimed in his letter to the Assistant District Attorney.

33. The continuance request was not granted.

34. On February 28, 2008, the court convened the scheduled hearing. Respondent was not present. As a result, Judge Smith filed an Order and Rule to Show Cause returnable by March 24, 2008, directing Respondent to show why he should not be held in contempt of court for his failure to appear.

35. On March 17, 2008, Respondent filed a Reply to the Court's Rule. He stated that his continuance request (which was not filed of record until February 25, 2008), informed the Court that he was scheduled to be before the Superior Court in Pittsburgh on February 27, 2008. This was incorrect, in that the February 25, 2008 Motion for Continuance did not mention the Superior Court; instead, it requested a continuance based upon Respondent's being involved in a Potter County jury trial on

February 28, 2008. Moreover, the proceeding which Respondent sought to continue was scheduled for February 28th, not February 27th.

36. On April 9, 2008, Judge Smith issued an Order stating that Respondent had failed to explain his failure to appear on February 28, 2008. He found Respondent in contempt of court. He ordered that Respondent perform no less than 5 hours of pro bono legal service.

37. On May 19, 2008, Judge Smith issued an Order that Respondent had certified his completion of five hours of pro bono legal services and found that he had purged himself of his previous finding of contempt.

### **SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED**

**(Petitioner File No. C3-08-381)**

#### **II. Heath Matter**

38. Respondent admits to a violation of the following Rule of Professional Conduct:

- a. RPC 8.4(d), which prohibits conduct prejudicial to the administration of justice.

### **FACTUAL ADMISSIONS** **(PETITIONER FILE NO. C3-08-381)**

#### **III. Prechtel Matter**

39. In 2007 Respondent represented Marissa Prechtel in a Family Action docketed to No. 0302-07-1 in the Peacemaker's Court for the Allegany Territory of the Seneca Nation of Indians.

40. On October 18, 2007, Respondent appeared at a hearing before a three judge tribunal. None of the judges were lawyers. The purpose of the hearing was to

provide the parties with an opportunity to submit a proposed visitation schedule and to be given 15 minutes to argue their position in support of their proposed visitation schedule.

41. During Respondent's presentation of his client's position in this case, Respondent brought up a situation involving an alleged *ex parte* communication between the opposing party and one of the judges. However, the judges indicated they were not there to consider any issue other than visitation.

42. After both sides had presented their position with regard to visitation, Respondent asked the judges to respond to his allegation relating to *ex parte* communications. Respondent requested that the judge who had engaged in the *ex parte* communication step down. However, the judges advised Respondent that they were not there that day for that purpose.

43. When Respondent failed to abide by the court's warnings not to pursue any issues other than visitation, Respondent was found in contempt. He was fined \$50.00 and told by the tribunal that his next violation "would put him out the door."

44. Respondent then argued that he wanted a hearing in connection with the tribunal's finding of contempt. The tribunal denied his request.

45. Respondent stated that he did not want to "keep driving up here for the same circus side show that we seem to get into."

46. At that point, the tribunal increased Respondent's contempt fine to \$500.00.

47. Respondent has refused to pay the fine, based upon his strong belief that the tribunal had acted improperly both with respect to their refusal to deal with the issue

of *ex parte* communications, as well as in connection with their refusal to grant Respondent a hearing in connection with their contempt finding.

**SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED**

**(Petitioner File No. C3-08-381)**

**III. Prechtel Matter**

48. Respondent admits to a violation of the following Rule of Professional Conduct:

- a. RPC 8.4(d), which prohibits conduct prejudicial to the administration of justice.

**FACTUAL ADMISSIONS**  
**(PETITIONER FILE NO. C3-08-381)**

**IV. Monroe Matter**

49. On May 31, 2005, Respondent entered his appearance for the defendant in the Potter County divorce/custody case captioned *Eric Monroe v. Heather Monroe*, docketed to No. 2005-91534.

50. On August 3, 2006, Plaintiff filed an Amended Motion for Contempt, based upon various alleged acts committed by Respondent's client, Defendant Heather Monroe, relating to the parties' custodial arrangements.

51. A hearing was scheduled in connection with Plaintiff's Amended Motion for August 22, 2006.

52. On August 22, 2006, witnesses, counsel for the Plaintiff, and both parties were present at the scheduled time for the hearing. However, Respondent failed to appear.

53. As a result of Respondent's failure to appear, presiding President Judge John B. Leete issued a Rule returnable on August 25, 2006 at 11:00 a.m. at which time Respondent was directed to show cause why he should not be held in contempt. This contempt proceeding was docketed to 59 Misc. Docket 2006 (Potter County).

54. Respondent appeared at the August 25, 2006 contempt hearing. After listening to Respondent's explanations for his non-appearance, Potter County Judge John Leete found that Respondent's conduct had "snarled and inconvenienced" the Court. He found Respondent in contempt. Judge Leete fined Respondent \$75, and further ordered him to pay \$200 in counsel fees to opposing counsel. Respondent has paid these monies.

#### **SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED**

**(Petitioner File No. C3-08-381)**

#### **IV. Monroe Matter**

55. Respondent admits to violations of the following Rules of Professional Conduct:

- a. RPC 8.4(b), which prohibits a criminal act that reflects adversely on the honesty, trustworthiness or fitness in other respects; and
- b. RPC 8.4(d), which prohibits conduct prejudicial to the administration of justice.

#### **RECOMMENDATION FOR DISCIPLINE**

56. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension for one (1) year and

one (1) day, stayed in its entirety, with three (3) years of probation, subject to the following conditions:

- a. During this probationary period, Respondent shall report to the Office of Disciplinary Counsel his being charged with violations of any federal, state, or local statute or ordinance that provides for a possible sentence of imprisonment, such report to be made within 20 days of his being charged;
- b. During this probationary period, Respondent shall not engage in conduct that is in violation of any federal, state or local statute or ordinance that provides for a possible sentence of imprisonment;
- c. During this probationary period, Respondent shall not engage in conduct that is in violation of the Rules of Professional Conduct or the Rules of Disciplinary Enforcement;
- d. Respondent shall file quarterly verified statements, with the Disciplinary Board Secretary and the Office of Disciplinary Counsel, attesting to his compliance with the foregoing conditions;
- e. Within 90 days of the entry of an Order imposing the recommended discipline, Respondent shall undergo a mental health evaluation for the purpose of determining whether he is afflicted by any mental disorder or disease, specifically including, but not limited to, substance abuse and excessive gambling;
- f. Respondent shall provide to Disciplinary Counsel, within 30 days following the aforesaid mental health evaluation, a written report from the mental health evaluator, which report shall include, but not be limited to, the evaluator's diagnosis and recommended treatment (if any); and
- g. Respondent shall fully comply with any and all treatment recommendations made by the mental health evaluator.

57. Respondent hereby consents to the imposition of this discipline by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed affidavit required by Pa.R.D.E. 215(d), stating that he consents to the recommended discipline including the mandatory acknowledgments contained in Pa.R.D.E. 215(d)(1) through (4).

58. In support of Petitioner's and Respondent's joint recommendation, it is respectfully submitted there are mitigating circumstances, as follows:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct;
- b. Respondent has cooperated with Petitioner, as evidenced by Respondent's admissions herein and his consent to receiving the jointly recommended discipline;
- c. Respondent is remorseful for his misconduct;
- d. Respondent has no record of discipline;
- e. Respondent has practiced law for 17 years;
- f. In June 2004, Respondent married Donna Albright, Esq., with whom he subsequently practiced law in partnership. However, personal and professional problems and differences arose shortly thereafter. A period of exceptional contentiousness followed, resulting in the dissolution of their partnership in June 2007 and their divorce in April 2008; and
- g. The admitted acts of misconduct occurred during this period of personal and professional turmoil.
- h. This turmoil contributed to Respondent's admitted misconduct;
- i. The parties believe it necessary and appropriate for Respondent to seek a mental health evaluation and possible treatment.

#### **RELEVANT LEGAL PRECEDENT**

59. The misconduct in this matter involves two direct criminal contempts (Wickman and Monroe) and two findings of civil contempt (Heath and Pechtel). In addition, there is a misrepresentation to a tribunal.

60. There is a limited amount of relevant disciplinary case law. In *Office of Disciplinary Counsel v. Joseph D'Alba 17 DB 1996*, respondent engaged in indirect criminal contempt by violating a Protection from Abuse Order, and was also convicted of



misdemeanor simple assault and defiant trespass. While respondent was undergoing treatment for depression at the time, there was no finding of causation between this mental disorder and his conduct. Respondent was suspended for three (3) months.

61. In *Office of Disciplinary Counsel v. Gary Scott Silver* 56 and 178 DB 2003, respondent was found to have engaged in three (3) separate acts of criminal contempt involving his failure to comply with three (3) separate court orders arising from the dissolution of his law practice partnership. In addition, respondent was found to have negligently misused client funds. Respondent had an extensive history of private discipline, including two informal admonitions and one private reprimand. The Supreme Court imposed a six month suspension (all served), followed by 12 months of probation with a practice monitor.

62. In a case involving a misrepresentation to a tribunal, in *Office of Disciplinary Counsel v. Donald B. Hoyte* 68 DB 1997, 41 D.&C. 4<sup>th</sup> 38 (1998) respondent failed to disclose a client's identity in a civil suit and made intentional false statements in an effort to conceal his client's identity from the trial Court. Respondent was found to have violated various Rules of Professional Conduct, including 3.3(a)(1); and 8.4(c). A public censure was imposed.

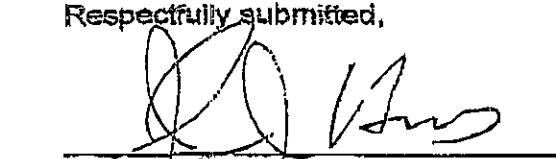
63. In *Office of Disciplinary Counsel v. Allen S. Fellheimer* 85 DB 1997, 44 Pa. D. & C.4<sup>th</sup> 299 (1999), the respondent made a misrepresentation to a court as to his client's availability, in an effort to delay a proceeding and obtain a tactical advantage for his client. Again, violations of Rules of Professional Conduct 3.3(a)(1) and 8.4(c) were found. A public censure was imposed.

64. The parties believe that the recommended one (1) year and one (1) day stayed suspension with probation is consistent with the above-cited disciplinary case law, given the circumstances of the instant matter.

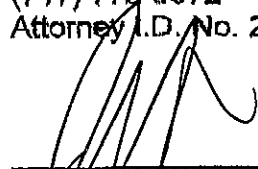
WHEREFORE, Petitioner and Respondent respectfully request that your Honorable Board recommend the imposition of the proposed discipline, a one (1) year and one (1) day stayed suspension with three (3) years probation and conditions, to the Supreme Court of Pennsylvania.

Respectfully submitted,

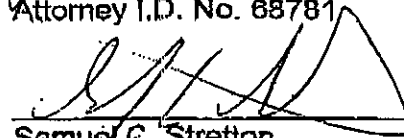
11/19/10  
DATE

  
\_\_\_\_\_  
Joseph J. Huss  
Disciplinary Counsel  
District III  
100 Pine Street, Suite 400  
Harrisburg, PA 17101  
(717) 772-8572  
Attorney I.D. No. 27751

12/22/10  
DATE

  
\_\_\_\_\_  
Jaret Rand Smith, Respondent  
109 N. Main Street  
Coudersport, PA 16915  
(814) 274-4330  
Attorney I.D. No. 68781

12/21/10  
DATE

  
\_\_\_\_\_  
Samuel C. Stretton  
Counsel for Respondent  
Law Office of Samuel C. Stretton  
301 S. High Street  
P.O. Box 3231  
West Chester, PA 19381-3231  
(610) 696-4243  
Attorney I.D. No. 18491

BEFORE THE DISCIPLINARY BOARD  
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. \_\_\_\_ DB 2010

Petitioner :

v.

: Attorney Registration No. 68781

JARETT RAND SMITH

:  
Respondent : (Potter County)

**RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE  
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT**

I, JARETT RAND SMITH, being duly sworn according to law, hereby submit this affidavit in support of the *Joint Petition for Discipline on Consent*, and aver as follows:

1. I am an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about November 19, 1993.

2. I desire to submit a *Joint Petition for Discipline on Consent* pursuant to Pa.R.D.E. 215(d).

3. My consent is freely and voluntarily rendered. I am not being subjected to coercion or duress, and am fully aware of the implications of submitting this *Joint Petition*.

4. I am aware there is presently an investigation into allegations that I am guilty of misconduct as set forth in the *Joint Petition*.

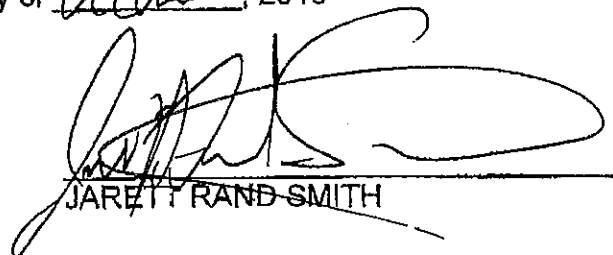
5. I acknowledge that the material facts set forth in the *Joint Petition* are true.

6. I consent to the imposition of discipline because I know that if the charges against me were prosecuted I could not successfully defend against them.

7. I am fully aware of my right to consult and employ counsel to represent me in the instant proceeding. I have retained, consulted and acted upon the advice of counsel, Samuel C. Stretton, Esquire in connection with my decision to execute the within *Joint Petition*.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 20<sup>th</sup> day of December, 2010

  
JARETT RAND SMITH

COMMONWEALTH OF PENNA.  
COUNTY OF POTTER ss:  
Sworn and Subscribed to  
before me this 20 day of  
December 2010  
Kimberly J. Schaefer  
Deputy Prothonotary

Amy J. Mosner Prothonotary  
Coudersport Boro. Potter County, Pa.  
My Commission Expires Jan. 2, 2012

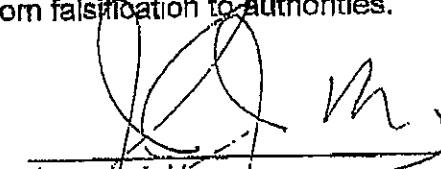
BEFORE THE DISCIPLINARY BOARD  
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. \_\_\_ DB 2010  
 Petitioner :  
 v. : Attorney Registration No. 68781  
 JARETT RAND SMITH :  
 Respondent : (Dauphin County)

VERIFICATION

The statements contained in the foregoing *Joint Petition for Discipline on Consent* pursuant to Rule 215(d), Pa.R.D.E. are true and correct to the best of our knowledge or information and belief and are subject to penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

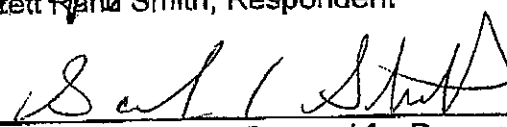
11/19/10  
Date

  
\_\_\_\_\_  
Joseph J. Huss  
Disciplinary Counsel  
District III

11/20/10  
Date

  
\_\_\_\_\_  
Jarrett Rand Smith, Respondent

12/21/10  
Date

  
\_\_\_\_\_  
Samuel C. Stretton, Counsel for Respondent