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JUL 27 2018

**STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 04-C-15020
)	
PAUL HENRY RICHARDS II,)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 118646.)	
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On June 1, 2018, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a request for summary disbarment based on Paul Henry Richards II's felony convictions. Richards did not respond. We grant the request and recommend that he be summarily disbarred.

On November 1, 2005, Richards was convicted of violating title 18 United States Code sections 1001, 1341, 1346 and 2; 1951 and 2; and 1956(a)(1)(A)(i) and 2, all felonies involving moral turpitude. On February 28, 2006, we ordered that Richards be placed on interim suspension, effective April 3, 2006, pending the final disposition of his proceeding. On June 1, 2018, OCTC provided proof of finality after several appeals. In particular, OCTC submitted a Ninth Circuit Court of Appeals order filed April 20, 2017, stating "no further filings will be entertained in this closed case," and a United States Supreme Court order from February 1, 2018, stating "Case considered closed."

After the judgment of conviction becomes final, "the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral

turpitude.” (Bus. & Prof. Code, § 6102, subd. (c).) The record of conviction in this case establishes both criteria for summary disbarment.

First, Richards’s offenses are felonies. (See 18 U.S.C. § 3559(a) [classifying offenses based on sentencing ranges]; Pen. Code, § 17, subd. (a) [crime punishable by imprisonment in state prison or imprisonment in county jail under the provisions of Pen. Code, § 1170, subd. (h) is a felony]; 18 U.S.C § 1341, [mail fraud and wire fraud punishable with imprisonment up to 20 years]; 18 U.S.C. § 1951(a) [extortion punishable with fine or imprisonment up to 20 years or both]; 18 U.S.C. § 1956(a)(1)(A)(i) [money laundering punishable with fine or imprisonment up to 20 years or both]; 18 U.S.C. § 1001(a)(2) [false statement to branch of government punishable with fine or imprisoned up to 5 years (8 years if involving terrorism) or both]; and 18 U.S.C. § 2 [convicted as principal to crime if aiding and abetting].)

Second, Richards’s offenses involve moral turpitude as a matter of law. A criminal offense necessarily involves moral turpitude if the conviction would evidence bad moral character in every case. (*In re Lesansky* (2001) 25 Cal.4th 11, 16.) Respondent's convictions involve fraud, extortion, concealment and knowing false statements, each offense constituting moral turpitude. A violation of title 18 United States Code section 1341 requires proof of a scheme to defraud. (*U.S. v. Schultz* (6th Cir. 1973) 482 F.2d 1179, 1181 [scheme to defraud is an essential element of 18 U.S.C. § 1341].) Crimes involving intent to deceive or defraud are unquestionably moral turpitude. (*Jordan v. De George* (1951) 341 U.S. 223, 232.) A violation of title 18 United States Code section 1951 involves extortion, which necessarily involves moral turpitude. (*U.S. v. Floyd* (7th Cir. 1956) 228 F.2d 913, 919 [extortion or attempted extortion is essential element of 18 U.S.C. § 1951]; *In re Disbarment of Coffey* (1899) 123 Cal. 522, 524 [extortion involves moral turpitude as it is one degree removed from robbery].) Money laundering under title 18 United States Code section 1956(a)(1)(A)(i) involves concealment that

is moral turpitude as a matter of law. (*U.S. v. Levine* (10th Cir. 1992) 970 F.2d 681, 686 [element of violation is knowing concealment]; *Coppock v. State Bar* (1988) 44 Cal.3d 665, 679 [concealment is dishonest and involves moral turpitude].) A violation of title 18 United States Code section 1001 requires that one knowingly make a materially false statement. (*U.S. v. Gilbertson* (8th Cir. 1978) 588 F.2d 584, 589.) Crimes involving intent to defraud/perform fraud involve moral turpitude. (See *Jordan*, 341 U.S. at 232.)

When an attorney's conviction meets the requirements of Business and Professions Code section 6102, subdivision (c), "the attorney is not entitled to a State Bar Court hearing to determine whether lesser discipline is called for." (*In re Paguirigan* (2001) 25 Cal.4th 1, 7.) Disbarment is mandatory. (*Id.* at p. 9.)

We therefore recommend that Paul Henry Richards II, State Bar number 118646, be disbarred from the practice of law in this state. We also recommend that he be ordered to comply with California Rules of Court, rule 9.20 and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court's order. Finally, we recommend that the costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and that such costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 27, 2018, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED JULY 27, 2018

in a sealed envelope for collection and mailing on that date as follows:

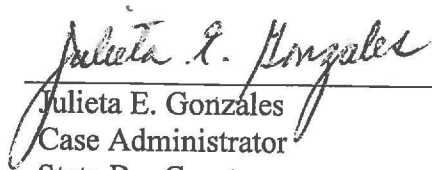
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PAUL HENRY RICHARDS, II
16217 MONICA CIR
CERRITOS, CA 90703

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Kevin B. Taylor, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 27, 2018.



Julieta E. Gonzales
Case Administrator
State Bar Court