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**FILED**

AUG 20 2010

STATE BAR COURT  
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LOS ANGELES

**REVIEW DEPARTMENT OF THE STATE BAR COURT  
IN BANK**

In the Matter of )

Case No.: **06-C-13000**

STEPHEN G. YAGMAN )

**AMENDED RECOMMENDATION OF  
SUMMARY DISBARMENT**

A Member of the State Bar. )  
\_\_\_\_\_ )

On July 27, 2010, the State Bar filed a request for recommendation of summary disbarment based on Stephen G. Yagman's felony convictions. Yagman filed a response on August 10, 2010, arguing that the convictions do not involve moral turpitude per se.<sup>1</sup> We grant the request and recommend that Yagman be summarily disbarred.

On June 22, 2007, a jury found Yagman guilty of felony violations of title 18 United States Code sections 1957, 2 (aiding and abetting money laundering), 157, 2 (aiding and abetting bankruptcy fraud), and title 26 United States Code section 7201 and title 18 United States Code section 2 (aiding and abetting tax evasion). Effective August 23, 2007, we placed Yagman on interim suspension. Yagman unsuccessfully appealed his conviction, and on July 27, 2010, the State Bar transmitted evidence that Yagman's conviction was final.

The record of conviction establishes that Yagman's bankruptcy fraud violation under title 18 United States Code sections 157/2 meets the criteria for summary

<sup>1</sup>We file this amended recommendation because the recommendation filed on August 19, 2010, incorrectly states that respondent failed to file a response. This is the only modification to the original recommendation.

disbarment under Business and Professions Code section 6102, subdivision (c).

Bankruptcy fraud involves three elements: 1) the existence of a scheme to defraud or intent to later formulate a scheme to defraud, and 2) the making of a false or fraudulent representation, claim, or promise or the filing of a petition or document, 3) for the purpose of executing or concealing such a scheme. (See *U.S. v. Wagner* (6<sup>th</sup> Cir. 2004) 382 F.3d 598, 612.) This offense requires evidence of the intent to defraud. (*Ibid.*) Crimes involving the intent to defraud involve moral turpitude per se. (*In re Kelley* (1990) 52 Cal.3d 487, 494.)

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 Stephen G. Yagman, State Bar number 69737, be disbarred from the practice of law in this state. We also recommend that Yagman be ordered to comply with rule 9.20 of the California Rules of Court 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 section 6086.10 of the Business and Professions Code and that such costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**REMKE**

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Presiding Judge

**CERTIFICATE OF SERVICE**  
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 August 20, 2010, I deposited a true copy of the following document(s):

**AMENDED RECOMMENDATION OF SUMMARY  
DISBARMENT FILED AUGUST 20, 2010**

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

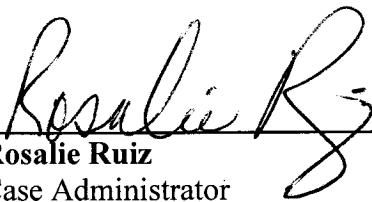
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**STEPHEN YAGMAN  
YAGMAN & YAGMAN & REICHMANN & BLOOMFIELD  
723 OCEAN FRONT WALK  
VENICE, CA 90291 – 3270**

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

**KRISTIN L. RITSEMA, ENFORCEMENT, LOS ANGELES**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 20, 2010.

  
\_\_\_\_\_  
**Rosalie Ruiz**  
Case Administrator  
State Bar Court