

FILED

MAY 21 2014 *JG*

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

In the Matter of)	Case No. 12-C-14550
)	
JILL EASTER,)	RECOMMENDATION OF
aka JILL BJORKHOLM EASTER)	SUMMARY DISBARMENT
)	
<u>A Member of the State Bar, No. 198399.</u>)	

On March 21, 2014, the Office of Chief Trial Counsel of the State Bar (OCTC) filed a request for summary disbarment based on Jill Easter's felony conviction. Easter did not file a response. We grant the request and recommend that Easter be summarily disbarred.

On October 30, 2013, Easter pled guilty to a violation of Penal Code section 236/237 (felony false imprisonment). Effective March 5, 2014, we placed Easter on interim suspension. On March 21, 2014, OCTC submitted evidence that the conviction is final and moved for Easter's summary disbarment.

After a 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 establishes both criteria.

First, Easter was charged with, pled to, and convicted of a felony. (Pen. Code, §§ 236, 237, subd. (a) [false imprisonment effected by violence, menace, fraud, or deceit punishable under Pen. Code, § 1170, subd. (h)]; Pen. Code, § 1170, subd. (h) [sentencing for felonies]; *People v. Vine* (2011) 51 Cal.4th 830, 865 [false imprisonment effectuated by violence, menace, fraud or deceit is a felony].)



Second, the offense inherently involves moral turpitude. “False imprisonment is the unlawful violation of the personal liberty of another.” (Pen. Code, § 236.) It is a felony if “effected by violence, menace, fraud, or deceit.” (Pen. Code, § 237, subd. (a).)

Felony false imprisonment is a divisible statute that can be committed by violence, menace, fraud, or deceit.¹ (See *Turijan v. Holder* (9th Cir. 2014) 744 F.3d 617, 621, fn. 2 [“felony false imprisonment can ...be accomplished by fraud or deceit. Because it is clear that fraud-based crimes are morally turpitudinous ... our focus is limited to whether false imprisonment by violence or menace qualifies”].)² “When a statute is divisible into several crimes, some of which may involve moral turpitude and some not, it is appropriate to examine the ‘record of conviction’ to determine which part applies to the defendant. [Citation.]” (*Carty v. Ashcroft* (9th Cir. 2005) 395 F.3d 1081, 1084.) Examination of the record of conviction for this purpose may include consideration of the “ ‘charging document, written plea agreement, transcript of plea colloquy, and any explicit factual finding by the trial judge to which the defendant assented.’ ” (*Omari v. Gonzales* (5th Cir. 2005) 419 F.3d 303, 308, citing *Shepard v. United States* (2005) 544 U.S. 13, 16 [125 S.Ct. 1254, 1257].)

¹ Our recommendation is limited to the offense Easter was convicted of violating and is not intended to be determinative of whether committing any other violation of Penal Code section 236/237 necessarily constitutes moral turpitude.

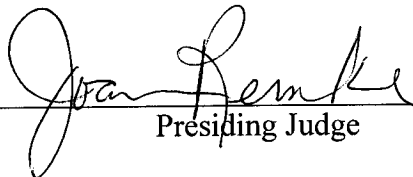
² In *Turijan v. Holder, supra*, 744 F.3d 617, the court could not analyze whether Turijan committed false imprisonment by fraud or deceit because the record of conviction was not sufficiently developed. Therefore, the court analyzed the offense as a whole and concluded that it did not categorically involve moral turpitude since it can be violated by menace or violence, which do not necessarily fall within the definition of a crime involving moral turpitude.

We note that *People v. Henderson* (1977) 19 Cal.3d 86, 95, overruled on another point by *People v. Flood* (1998) 18 Cal.4th 470, also analyzed Penal Code section 237 as a whole to determine that felony false imprisonment is not an “inherently dangerous” felony capable of supporting a second degree felony-murder instruction. However, *People v. Henderson, supra*, dealt with the distinction between violent and non-violent conduct for jury instruction purposes, and had no occasion to consider whether the offense should be analyzed as a whole in determining moral turpitude classification for attorney discipline purposes.

In her plea agreement, Easter offered as a factual basis for her guilty plea that “on February 16, 2011, I did unlawfully violate the personal liberty of ‘Jane Doe’ by means of fraud & deceit.” Fraud and deceit are “indicative of serious breaches of integrity, thus involving moral turpitude.” (*Weir v. State Bar* (1979) 23 Cal.3d 564, 576 [repeated fraud, deceit and forgery with respect to clients and the Immigration and Naturalization Service found to constitute acts of moral turpitude]; *In re Rivas* (1989) 49 Cal.3d 794, 800 [providing false residency information to registrar of voters is a crime involving moral turpitude].)

When an attorney’s conviction meets the summary disbarment requirements “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 Jill Easter, State Bar number 198399, be disbarred from the practice of law in this state. We also recommend that she 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 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.



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. 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 May 21, 2014, I deposited a true copy of the following document(s):

**RECOMMENDATION OF SUMMARY DISBARMENT
FILED MAY 21, 2014**

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

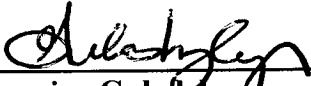
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JILL EASTER
PO BOX 15632
IRVINE, CA 92623**

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

CHARLES A. MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 21, 2014.



Jasmine Guladzyan
Case Administrator
State Bar Court