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OCT 19 2017

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

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| In the Matter of |) | Case No. 17-C-00288 |
| |) | |
| JOSHUA LEE PHELPS, |) | RECOMMENDATION OF SUMMARY |
| |) | DISBARMENT |
| A Member of the State Bar, No. 259067. |) | |
| _____ |) | |

On March 15, 2017, Joshua Lee Phelps pled no contest to a felony violation of Penal Code section 311.11, subdivision (c)(1) (possession of over 600 images of child or youth pornography), and, effective June 5, 2017, this court placed Phelps on interim suspension from the practice of law.

On September 28, 2017, the Office of Chief Trial Counsel of the State Bar (OCTC) submitted evidence that the conviction is now final. Specifically, no party filed an appeal within 60 days after pronouncement of judgment. (Cal. Rules of Court, rule 8.308.) Concurrently, OCTC filed a request for summary disbarment based on Phelps's felony conviction. Phelps did not file a response. We grant the request and recommend that Phelps be summarily disbarred.

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 establishes both criteria for summary disbarment.

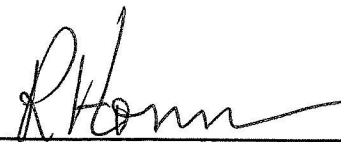


First, Phelps was charged with and pled no contest to a felony. (See also Bus. & Prof. Code, § 6102, subd. (b); Pen. Code, § 311.11, subds. (a),(c).)

Second, Phelps's conviction necessarily involves moral turpitude. (*In re Grant* (2014) 58 Cal.4th 469 [felonious possession of child pornography is moral turpitude per se because the crime involves exploitation of children and shows flagrant disrespect for the law and for societal norms].) Accordingly, Phelps's conviction qualifies him for summary disbarment.

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 Joshua Lee Phelps, State Bar number 259067, 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 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.



Acting Presiding Judge

CERTIFICATE OF SERVICE

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

I am an Administrative Assistant 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 October 19, 2017, I deposited a true copy of the following document:

ORDER FILED OCTOBER 19, 2017

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

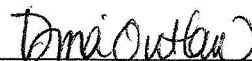
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JOSHUA L. PHELPS
1540 E ARTESIA BLVD APT 30
LONG BEACH, CA 90805 - 1662

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

Carla L. Cheung, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 19, 2017.



Dina Outlaw
Administrative Assistant
State Bar Court