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OCT 19 2017 *TD*

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 17-C-03534
MARK ALLEN PETERSON,)	
A Member of the State Bar, No. 111961.)	RECOMMENDATION OF SUMMARY DISBARMENT
_____)	

On June 14, 2017, Mark Allen Peterson pled no contest to a felony violation of Penal Code section 118 (perjury), and, effective August 21, 2017, this court placed Peterson on interim suspension from the practice of law. On August 23, 2017, Special Deputy Trial Counsel Edward J. McIntyre (SDTC) submitted evidence that the conviction had become final. Specifically, no party filed an appeal within 60 days after pronouncement of judgment. (Cal. Rules of Court, rule 8.308.)

On September 22, 2017, the SDTC filed a request for summary disbarment based on Peterson's felony conviction. On October 10, 2017, Peterson filed a response in opposition. On October 18, 2017, the SDTC filed a reply. We grant the request and recommend that Peterson 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, Peterson was charged with and pled no contest to felony perjury. (See also Bus. & Prof. Code, § 6102, subd. (b); Pen. Code, §§ 17, 126, 1170, subd. (h).)

Second, Peterson’s perjury conviction necessarily involves moral turpitude. (*In re Kristovich* (1976) 18 Cal.3d 468, 472 [offense of perjury, which entails willful false statement, contrary to oath, as to material matter which one knows to be false, involves moral turpitude].) Accordingly, Peterson’s conviction qualifies him for summary disbarment.

Contrary to Peterson’s argument, this court does not have discretion to recommend a period of suspension rather than 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 Mark Allen Peterson, State Bar number 111961, 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:

MATTHEW PLANT GUICHARD
GUICHARD TENG & PORTELLO APC
101 YGNACIO VALLEY RD
STE 112
WALNUT CREEK, CA 94596

EDWARD JOHN MCINTYRE
EDWARD J. MCINTYRE, ATTORNEY AT LAW
750 B ST STE 2100
SAN DIEGO, CA 92101

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

N/A

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