

Public Matter

FII FD

February 22, 2019

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
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San Francisco, California 94105-1639
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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

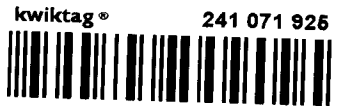
IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

IN THE MATTER OF THE CONVICTION OF:) Case No. SBC-19-C-30073
) Transmittal of Records of Conviction of Attorney (Bus. & Prof. Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)
DOUGLAS FRANKLIN KOBAYASHI, AKA DOUGLAS F. KOBAYASHI No. 205886) (OCTC case # 18-C-15230)
) [] Felony;
) [X] Crime(s) involved moral turpitude;
A Member of the State Bar) [] Probable cause to believe the crime(s) involved moral turpitude;
) [] Crime(s) which may or may not involve moral turpitude or other misconduct warranting discipline;
) [] Transmittal of Notice of Finality of Conviction.

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- [X] A. Pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the State Bar and for such consideration and action as the Court deems appropriate:
- [] B. Notice of Appeal
- [] C. Evidence of Finality of Conviction
- [] D. Other



Name of Member: Douglas F. Kobayashi

Date member admitted to practice law in California: January 4, 2000

Member's Address of Record: PO Box 4182
Martinsburg, WV 25402-4182

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: July 17, 2018

Convicting court: Magistrate Court of Jefferson County, West Virginia

Case number(s): 16-M19M-02481

Crime(s) of which convicted and classification(s): Violation of W. Va. Code § 61-5-27(b)(3), witness intimidation, a misdemeanor that involves moral turpitude as a matter of law. (See Criminal Judgment Order and Order From July 17, 2018 Bench Trial within attached court file.)

Moral Turpitude Classification:

West Virginia Code, section 61-5-27(b)(3) prohibits the use of intimidation, physical force, harassment or fraudulent legal process . . . with the intent to influence, delay or prevent the testimony of any person in an official proceeding. Official proceeding is defined as legal process or process of a tribunal.

California Penal Code section 136.1(a)(1) and (2) prohibits knowingly and maliciously preventing or dissuading any witness from attending or giving testimony at any trial, or attempting to do same. A violation of the California statute necessarily involves moral turpitude because it involves the intent to obstruct justice. (See *unpublished* January 18, 2018 Recommendation of Summary Disbarment, *In the Matter of McKinley*, case number 17-C-00966, citing *In re Craig* (1938) 12 Cal.2d 93 and *In the Matter of Sullivan* (Review Dept. 2010) 5 Cal. State Bar Ct. Rptr. 189 [obstruction of justice is crime of moral turpitude].) Similarly, a violation of section 61-5-27(b)(3) involves moral turpitude as a matter of law because it involves the intent to obstruct justice.

Misdemeanor Classification:

A violation of West Virginia Code section 61-5-27(b)(3) is defined as a misdemeanor and punishable by incarceration of not more than one year in jail. (W. Va. Code § 61-5-27(d).) A violation of California Penal Code section 136.1(a)(1) or (2) is punishable by incarceration of not more than one year in jail or state prison. (Cal. Penal Code section 136.1(a).) Respondent's conviction could constitute a misdemeanor or felony under California law. (Cal. Penal Code section 17(b).) Therefore, and in light of West Virginia's express misdemeanor classification, respondent's violation is transmitted here as a misdemeanor.

3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the member's compliance with the provisions of rule 9.20.

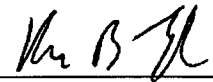
[] 4. Other information to assist the State Bar Court

DOCUMENTS TRANSMITTED:

Certified copy of criminal court file

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: February 22, 2019

BY: 

Kevin B. Taylor
Senior Trial Counsel

A copy of this transmittal and its
Attachments have been sent to:

Douglas F. Kobayashi
PO Box 4182
Martinsburg, WV 25402-4182

DECLARATION OF SERVICE BY FIRST CLASS and CERTIFIED MAIL.

CASE NUMBER: 18-C-15230

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY, including:

Certified Copy of criminal court file

in a sealed envelope placed for collection and mailing as first class mail and as certified mail, return receipt requested, Article No.: 9414 7266 9904 2112 6641 75, at San Francisco, on the date shown below, addressed to:


**Douglas Franklin Kobayashi
PO Box 4182
Martinsburg, WV 25402-4182**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: February 22, 2019

Signed: 
Ina M. Strehle
Declarant