

**FILED**

OCT 24 2008

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

In the Matter of

Case No.: 02-C-11539

EDWARD HOLLAND HOROWITZ

**RECOMMENDATION OF SUMMARY
DISBARMENT**

A Member of the State Bar.

The State Bar's request for recommendation of summary disbarment, filed August 14, 2008, is granted. On August 14, 2008, we filed an order to show cause directing respondent Edward Holland Horowitz, State Bar No. 13556, to show cause why we should not recommend his summary disbarment to the Supreme Court. Respondent filed no opposition.

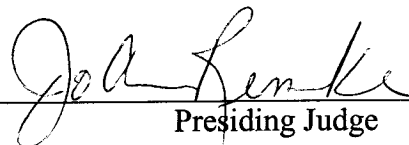
On July 21, 2005, respondent was convicted of manufacturing a controlled substance, specifically, methamphetamine. (Health & Saf. Code, § 11379.6.) As a result of respondent's violation, we placed him on interim suspension effective October 14, 2005, and he has remained on interim suspension since that time. Respondent's conviction is now final.

The record of conviction establishes that respondent's criminal violation meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c), as amended and effective January 1, 1997. First, the offense is a felony. (Bus. & Prof. Code, § 6102, subd. (b).) Second, the offense is substantially similar to the federal crime of manufacturing controlled substances. (21 U.S.C. § 841(a)(1).) An essential element of both crimes is knowledge that a controlled substance is being manufactured. (*People v. Coria* (1999) 21 Cal.4th 868, 878; *U.S. v. Basinger* (1995) 60 F.3d 1400, 1406.) The federal offense is a crime

involving moral turpitude. (*In re Giddens* (1981) 30 Cal.3d 110, 111.) We conclude that Health and Safety Code section 11379.6, subdivision (a), is also a crime involving moral turpitude per se.

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 respondent Edward Holland Horowitz be disbarred from the practice of law in this state. We also recommend that respondent 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.



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 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 24, 2008, I deposited a true copy of the following document(s):


RECOMMENDATION OF SUMMARY DISBARMENT FILED OCTOBER 24, 2008

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:
- EDWARD H. HOROWITZ
2402 GREEN CANYON CT
RIVERSIDE, CA 92506
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Dane Christopher Dauphine, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 24, 2008.


Milagro del R. Salmeron
Case Administrator
State Bar Court