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

In the Matter of

JAMES MICHAEL LEONARD

A Member of the State Bar.

) Case No.: **04-C-10764**

)  
) **RECOMMENDATION OF SUMMARY**  
) **DISBARMENT**  
)  
)

On September 14, 2010, the State Bar filed a request for recommendation of summary disbarment based on James Michael Leonard's felony conviction. Leonard did not file a response. We grant the request and recommend that Leonard be summarily disbarred.

On October 5, 2007, a jury found Leonard guilty of a felony violation of title 18 United States Code section 371 (conspiracy to commit securities fraud in violation of 18 U.S.C. §§ 78j(b) and 78ff and conspiracy to commit mail fraud in violation of 18 U.S.C. §1341).<sup>1</sup> Effective January 28, 2008, we placed Leonard on interim suspension. On September 23, 2008, the federal district court entered judgment and sentenced Leonard. On September 25, 2008, Leonard appealed. On November 16, 2009, the court of appeals affirmed Leonard's judgment of conviction. On September 14, 2010, the State Bar transmitted evidence that Leonard's conviction was final.

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<sup>1</sup> The jury also found Leonard guilty of a felony violation of title 15 United States Code sections 78j(b) and 78ff (securities fraud), a violation which may or may not involve moral turpitude.

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).)

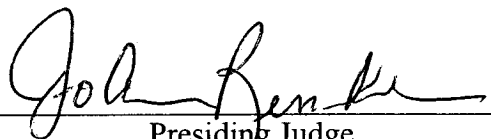
The record of conviction establishes that Leonard's criminal violation meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c). First, the offense is a felony. Second, Leonard's offense involves moral turpitude.

The moral turpitude classification of the crime of conspiracy depends upon the object of the conspiracy. (*In re McAllister* (1939) 14 Cal.2d 602, 603 [if the commission of an offense involves moral turpitude, then a conspiracy to commit the offense would also involve moral turpitude].) Mail fraud was an object of Leonard's conspiracy conviction. An essential element of mail fraud in violation of title 18 United States Code section 1341 is the specific intent to defraud. (*In re Utz* (1989) 48 Cal.3d 468, 482.) Crimes involving the intent to defraud involve moral turpitude per se. (*In re Kelley* (1990) 52 Cal.3d 487, 494.)

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 James Michael Leonard, State Bar number 48192, be disbarred from the practice of law in this state. We also recommend that Leonard 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 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. 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 8, 2010, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED OCTOBER 8, 2010

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

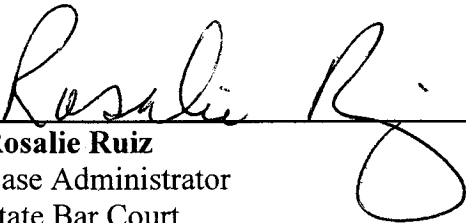
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JAMES MICHAEL LEONARD**  
**3315 CORINTH AVE**  
**LOS ANGELES CA 90066**

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

Lee Ann Kern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 8, 2010.

  
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**Rosalie Ruiz**  
Case Administrator  
State Bar Court