

**FILED**  
OCT 12 2007  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

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

In the Matter of ) 04-C-12232  
ASHOK SHANTILAL SHAH, )  
A Member of the State Bar. ) **RECOMMENDATION OF  
SUMMARY DISBARMENT**

---

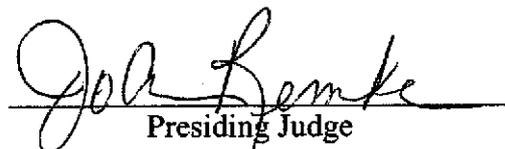
The State Bar's request for recommendation of summary disbarment, filed on July 10, 2007, is granted. On August 6, 2007, we filed an order to show cause by September 7, 2007, directing Ashok Shantilal Shah, to show why summary disbarment should not be recommended to the Supreme Court. Shah did not file a response.

On May 12, 2004, Shah was convicted by jury verdict of one count each of conspiracy to commit bank fraud, mail fraud, and wire fraud (18 U.S.C. §§ 371, 1344, 1341, 1343) and one count of conspiracy to commit money laundering (18 U.S.C. § 1956, subd. (h)). The United States Court of Appeal, Second Circuit, affirmed the judgment of the district court on May 31, 2006, and no petition for writ of certiorari has been filed with the United States Supreme Court. Shah's convictions are now final.

Shah's convictions provide conclusive evidence that he is guilty of the above offenses. (Bus. & Prof. Code, § 6101, subd. (a).) He is conclusively presumed to have committed all of the acts necessary to constitute the offense. (*In re Duggan* (1976) 17 Cal.3d 416, 423.) Shah committed these offenses at a time when summary disbarment was a consequence of his criminal convictions, and his conviction of mail fraud meets the requirements under Business and Professions Code, section 6102, subdivision (c).

First, Shah was convicted of a felony. (Bus. & Prof. Code, § 6102, subd. (b).) Second, mail fraud is a crime that involves moral turpitude per se. (*In re Utz* (1989) 48 Cal.3d 468, 484.) We need only rely on Shah's conviction of conspiracy to commit mail fraud in making this recommendation for summary disbarment. However, Shah's convictions of conspiracy to commit bank fraud and wire fraud also meet the elements of summary disbarment. They are both felonies, and both require that a jury find the intent to defraud in order to convict. Fraud is a principle element of moral turpitude. (*In re Schwartz* (1982) 31 Cal.3d 395, 400; *In re Higbie* (1972) 6 Cal.3d 562, 573.) When an attorney's conviction meets the above requirements, "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, 4-7.) Disbarment is mandatory. (*Id.* at p. 9; see also *In re Lesansky* (2001) 25 Cal.4th 11.)

We therefore recommend that Ashok Santilal Shah, State Bar member number 183921, be summarily disbarred from the practice of law in this state. We also recommend that Shah be ordered to comply with rule 9.20 of the California Rules of Court and to perform the acts specified in paragraphs (a) and (c) of that rule within 30 and 45 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, such costs being 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 12, 2007, I deposited a true copy of the following document(s):

**RECOMMENDATION OF SUMMARY DISBARMENT FILED OCTOBER 12, 2007**

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

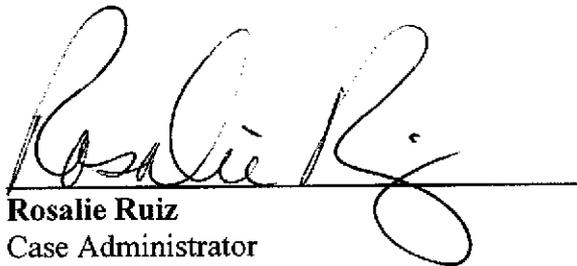
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ASHOK S. SHAH  
6409 COMMODORE SLOAT DR  
LOS ANGELES, CA 90048 - 5311**

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

**DANE C. DAUPHINE, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 12, 2007.

  
**Rosalie Ruiz**  
Case Administrator  
State Bar Court