

Filed October 16, 2006

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

In the Matter of

ROBERT W. ROLAND

A Member of the State Bar

) 05-C-02767
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**RECOMMENDATION OF SUMMARY
DISBARMENT MODIFIED ON DENIAL
OF RECONSIDERATION**

The State Bar's request for recommendation of summary disbarment of respondent Robert W. Roland, State Bar No. 203087, filed on July 17, 2006, is granted. Respondent's opposition filed on July 18, 2006, which incorporates by reference a previously filed opposition dated February 24, 2006, asserts that summary disbarment is not appropriate in this matter and that he is entitled to a hearing to determine whether moral turpitude is found under the facts and circumstances of his conviction offenses.

On February 8, 2006, respondent was convicted of one count of possession of a controlled substance with intent to distribute (21 U.S.C. § 841(a)(1)).¹ As a result of respondent's conviction, we placed him on interim suspension effective April 10, 2006, and he has remained on interim suspension since that time. Respondent's conviction is now final.

The record of conviction establishes that respondent's conviction meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c) as amended effective January 1, 1997. First, the offense is a felony. (See Bus. & Prof. Code,

¹Petitioner was also convicted of one count of using a communication facility to facilitate the commission of a felony drug offense (21 U.S.C. § 843(b)) and two counts of possession of a controlled substance (21 U.S.C. § 844(a)), all felonies. We need not decide whether respondent's conviction of 21 United States Code section 843, subdivision (b) involves moral turpitude per se since we conclude respondent's summary disbarment is justified by his conviction of 21 United States Code section 841, subdivision (a)(1).

§ 6102, subd. (b).) Second, the offense involves moral turpitude. The moral turpitude per se nature of possessing a controlled substance with intent to distribute is well established under California disciplinary law. (*In re Giddens* (1981) 30 Cal.3d 110, 111-112 [conviction of distribution of amphetamines (21 U.S.C. § 841(a)(1)]; *In re Leardo* (1991) 53 Cal.3d 1, 10 [attorney's two-count conviction of possessing controlled substances with intent to distribute (21 U.S.C. § 841(a)(1)) were offenses that involved moral turpitude, see Supreme Court order filed May 30, 1986 in Bar Misc. 5151]; *In re Nadrich* (1988) 44 Cal.3d 271, 276 [conviction of possessing with intent to distribute 30 grams of L.S.D. involved moral turpitude, see Supreme Court order filed February 4, 1983 in Bar Misc. 4564]; see also *In re Meacham* (1988) 47 Cal.3d 510, 511 [conspiracy to possess a controlled substance, cocaine, with intent to distribute is a crime of moral turpitude, see Supreme Court order filed October 26, 1984 in Bar Misc. 4838].) In his plea agreement, respondent admitted that he knowingly possessed a controlled substance with the intent to deliver it to another person. Therefore, respondent's conviction involves moral turpitude.

When an attorney's conviction meets the requirements of 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, 4-7.) Disbarment is mandatory. (*Id.* at p. 9.)

We therefore recommend that respondent Robert W. Roland, State Bar No. 203087, be disbarred from the practice of law in this state. We also recommend that respondent be ordered to comply with rule 955 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 & Professions Code section 6140.7 and as a money judgment.

Presiding Judge