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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 06-C-13320
)	
ALAN WEATHERFORD COURTNEY,)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 93703.)	
_____)	

On September 7, 2011, the State Bar filed a request for recommendation of summary disbarment based on Alan Weatherford Courtney's felony convictions. Courtney did not file a response. We grant the request and recommend that Courtney be summarily disbarred.

On September 19, 2008, a jury found Courtney guilty of violating Penal Code sections 368, subdivision (d) (theft from an elder or dependent adult), 470, subdivision (d) (forgery), and Revenue and Taxation Code section 19705, subdivision (a) (filing a false tax return). Effective December 1, 2008, we placed Courtney on interim suspension. On September 7, 2011, the State Bar filed evidence that Courtney's conviction is now final.

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 Courtney's offenses meet the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

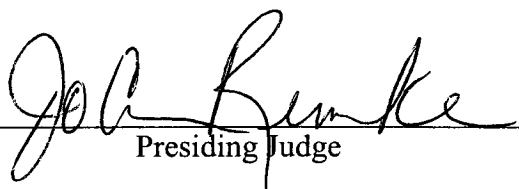


First, his offenses are felonies. (Bus. & Prof. Code, § 6102, subd. (b).) Second, all three of Courtney's offenses necessarily involve moral turpitude. Courtney's elder abuse offense requires the defendant to commit grand theft, (*People v. Brock* (2006) 143 Cal.App.4th 1266, 1281-1282 [definition of theft in § 368, subd. (d), same as in other theft statutes]), and grand theft involves moral turpitude. (*In re Basinger* (1988) 45 Cal.3d 1348, 1358.) Courtney's forgery offense requires evidence of the intent to defraud (Pen. Code, § 470, subd. (d)), and crimes with such intent involve moral turpitude per se. (*In re Kelley* (1990) 52 Cal.3d 487, 494; see also *In re Prantil* (1989) 48 Cal.3d 227, 234 [crime of forgery is a serious one involving moral turpitude].) Finally, filing a false tax return requires "the prosecution to prove the defendant made the perjurious statement in voluntary, intentional violation of a known legal duty." (*People v. Hagen* (1999) 19 Cal.4th 652, 666.) Filing a false tax return pursuant to 19705, subdivision (a) "is closely related to the crime of perjury." (*Id.* at p. 668 [both statutes require "a statement made under penalty of perjury, materiality, willfulness, and knowledge of falsity (perjury) or lack of belief in the truth of the matter asserted (filing a false tax return)].) Thus, filing a false tax return is a crime of moral turpitude because it involves perjury. (See *In re Kristovich* (1976) 18 Cal.3d 468, 472 [perjury is a crime involving moral turpitude].)

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, supra*, 25 Cal.4th at p. 7.) Disbarment is mandatory. (*Id.* at p. 9.)

We therefore recommend that Alan Weatherford Courtney, State Bar number 93703, be disbarred from the practice of law in this state. We also recommend that he 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 November 1, 2011, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED NOVEMBER 1, 2011

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:

ALAN WEATHERFORD COURTNEY
LAW OFFICE OF ALAN W COURTNEY
PO BOX 338
CRESTON, CA 93432

☐ 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:

Murray B. Greenberg, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 1, 2011.



Milagro del R. Salmeron
Case Administrator
State Bar Court