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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 06-C-14844
)	
MANJIT KAUR RAI,)	RECOMMENDATION OF
)	SUMMARY DISBARMENT
A Member of the State Bar, No. 215698.)	
_____)	

On August 18, 2015, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a Request for Summary Disbarment based on Manjit Kaur Rai's felony convictions. Rai did not respond. We grant the request and recommend that Rai be summarily disbarred.

On June 25, 2009, Rai was convicted of violating title 18 United States Code sections 371 (one count conspiracy to commit immigration fraud and one count conspiracy to make false statements), 1546 and 2 (aiding and abetting immigration fraud), 1001 and 2 (aiding and abetting false statements), and 1001 (false statements). We placed Rai on interim suspension effective August 31, 2009. With its request for summary disbarment, OCTC submitted evidence that the convictions have become final. Specifically, the United States Court of Appeals for the Ninth Circuit affirmed all counts, except one count for conspiracy to make false statements, issued a mandate and remanded to the United States District Court to amend the judgment and resentence. In October 2014, the judgment was amended and Rai was resentenced.

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 both criteria for summary disbarment.

To begin, Rai’s offenses are felonies. (18 U.S.C. § 3559(a) [classifying offenses based on sentencing ranges]; see 18 U.S.C. §§ 2, 371, 1546, 1001 [convictions for aiding and abetting punishable as a principal, conspiracy punishable with imprisonment up to 5 years, immigration fraud punishable with imprisonment up to 10 years, false statements punishable with imprisonment up to 5 years].)

Further, Rai’s conviction for conspiracy to commit immigration fraud involves moral turpitude because it necessarily involves an intent to defraud. (*In re Fahey* (1973) 8 Cal.3d 842, 849.) The conspiracy statute makes it a crime to “conspire . . . to defraud the United States, or any agency thereof.” (18 U.S.C. § 371.) Rai was convicted of conspiring to defraud the Bureau of Citizenship and Immigration Services in the submission of asylum applications. 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].) The object of Rai’s conspiracy conviction was immigration fraud in violation of title 18 United States Code section 1546. Section 1546 provides in pertinent part: “Whoever knowingly makes under oath, or as permitted under penalty of perjury . . . knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact [shall be guilty of a crime against the United States].”

In addition, Rai's conviction for aiding and abetting immigration fraud was based on the submission of false statements with respect to material facts in asylum applications. Offenses based on knowingly providing documents containing facts that are materially false necessarily involve moral turpitude. (*In re Rivas* (1989) 49 Cal.3d 794, 800 [knowingly providing false residency information in declaration of candidacy papers in violation of Elec. Code, § 29303 involves moral turpitude per se].)

Rai's convictions for making false statements and aiding and abetting false statements in violation of title 18 United States Code sections 1001 and 2 also meet the qualifications for summary disbarment. An element of the offense is making a false or fraudulent statement with knowledge of its falsity. (*United States v. Yermian* (1984) 468 U.S. 63, 64; *United States v. Boone* (9th Cir. 1991) 951 F.2d 1526, 1544 [essential elements of offense are statement, falsity, materiality, specific intent, and agency jurisdiction].) Such an offense not only involves moral turpitude, but it is a specific ground for disbarment under the summary disbarment statute as it involves the specific intent to make a false statement. (Bus. & Prof. Code, § 6102, subd. (c).)

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 Manjit Kaur Rai, State Bar number 215698, be disbarred from the practice of law in this state. We also recommend that he be ordered to comply with California Rules of Court, rule 9.20 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.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 September 16, 2015, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED SEPTEMBER 16, 2015

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

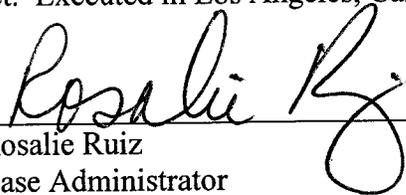
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MANJIT K. RAI
8138 WESTPORT CIR
DISCOVERY BAY, CA 94505

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

Allen Blumenthal, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 16, 2015.



Rosalie Ruiz
Case Administrator
State Bar Court