

**FILED**

AUG 24 2010

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

In the Matter of	)	Case No.: <b>07-C-11833</b>
	)	
RICHARD THOMAS NELSON	)	<b>RECOMMENDATION OF SUMMARY</b>
	)	<b>DISBARMENT</b>
A Member of the State Bar.	)	
_____	)	

On July 29, 2010, the State Bar filed a request for recommendation of summary disbarment based on Richard Thomas Nelson's felony conviction. Nelson did not file a response. We grant the request and recommend that Nelson be summarily disbarred.

On January 5, 2009, Nelson pled guilty to a felony violation of title 18 United States Code section 1344 and 2 (aiding and abetting bank fraud). Effective March 13, 2009, we placed him on interim suspension. On July 29, 2010, the State Bar transmitted evidence that Nelson's conviction was 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 Nelson's criminal violation meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

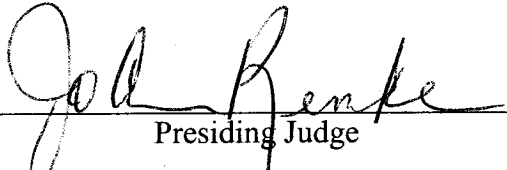
First, the offense is a felony. Second, an essential element of bank fraud in violation of title 18 United States Code section 1344 is the specific intent to defraud. (*U.S. v. Ragosta* (2<sup>nd</sup>

Cir. 1992) 970 F.2d 1085, 1091; *U.S. v. Mancuso* (E.D.N.C. 1992) 799 F.Supp. 567, 573-574.)

One who aids and abets a crime acts with the specific intent required for commission of that particular crime. (*U.S. v. Andreen* (9<sup>th</sup> Cir. 1980) 628 F.2d 1236, 1245.)

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 Richard Thomas Nelson, State Bar number 189484, be disbarred from the practice of law in this state. We also recommend that Nelson 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. 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 August 24, 2010, I deposited a true copy of the following document(s):

**RECOMMENDATION OF SUMMARY DISBARMENT**  
**FILED AUGUST 24, 2010**

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

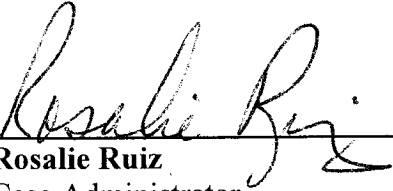
by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID C. CARR**  
**LAW OFFICE OF DAVID CAMERON CARR**  
**3333 CAMINO DEL RIO S STE 215**  
**SAN DIEGO, CA 92108**

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

**KRISTEN RITSEMA, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 24, 2010.

  
\_\_\_\_\_  
**Rosalie Ruiz**  
Case Administrator  
State Bar Court