

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

In the Matter of)	07-C-14092
)	
)	
MARK FORREST COHN)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
)	
<u>A Member of the State Bar.</u>)	

On September 10, 2009, the State Bar filed a motion recommending that Mark Forrest Cohn, State Bar No. 85118, be summarily disbarred based on his felony conviction. Respondent filed his opposition on September 14, 2009. Based on the record of conviction, we recommend that Cohn be disbarred.

On November 5, 2007, Cohn was convicted of one count of wire fraud. (18 U.S.C. § 1343.¹) As a result of Cohn's conviction, we placed him on interim suspension effective September 15, 2008, and he has remained on interim suspension since that time. Cohn's conviction is now final. (Cal. Rules of Court, rule 9.10(a).)

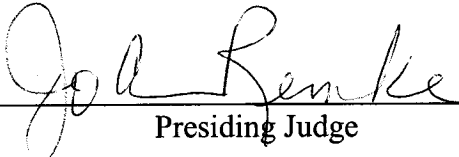
The record of conviction establishes that Cohn's conviction meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c). First, the offense is a felony. (Bus. & Prof. Code, § 6102, subd. (b); 18 U.S.C. § 3559(a)(2)-(3).)

¹ Cohn was also convicted of one count of causing an act to further a conspiracy (18 U.S.C. § 2) and one count of conspiracy to commit mail/wire fraud and money laundering (18 U.S.C. § 371), felonies. We conclude Cohn's conviction for wire fraud is sufficient to recommend he be summarily disbarred.

Second, an element of the offense is the specific intent to defraud. (Bus. & Prof. Code, § 6102, subd. (c).) Title 18 United States Code section 1343 states: “Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.” Thus, “[w]ire fraud has three elements: a scheme to defraud, use of the wires in furtherance of the scheme, and the specific intent to defraud. [Citation.]” (*U.S. v. McNeil* (9th Cir. 2003) 320 F.3d 1034, 1040.)

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 Mark Forrest Cohn, State Bar No. 85118, be summarily 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 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 & 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 27, 2009, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED OCTOBER 27, 2009

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

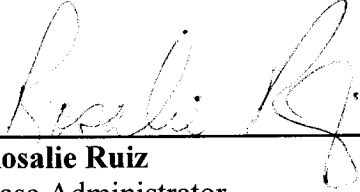
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MARK F. COHN
15550 N 84TH ST STE 105
SCOTTSDALE, AZ 85260

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

JEFF DAL CERRO, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 27, 2009.



Rosalie Ruiz
Case Administrator
State Bar Court