

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

In the Matter of )  
 )  
**KENNETH HERBERT JACOBSON** )  
 )  
 )  
A Member of the State Bar. )  
 )  
\_\_\_\_\_ )

Case No.: **07-C-14869**  
**RECOMMENDATION OF SUMMARY  
DISBARMENT**

The State Bar's request for recommendation of summary disbarment filed January 27, 2009, is granted. Respondent did not file a response in opposition.

On June 25, 2007, respondent pled guilty to aiding and abetting mail fraud in violation of title 18 United States Code sections 2 and 1341. As a result of respondent's conviction, we placed him on interim suspension effective May 5, 2008, and he has remained on interim suspension since that time. Respondent's conviction is now final.

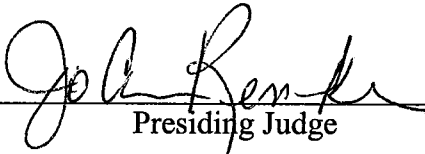
The record of conviction establishes that respondent's criminal violations meet the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c), as amended effective January 1, 1997. First, the offense is a felony. Second, the offense involves moral turpitude. Respondent's violation required that he aid, abet or counsel in a scheme to defraud. (18 U.S.C. §§ 2, 1341.) Since fraud is a principal element of moral turpitude, mail fraud necessarily involves moral turpitude. (*In re Utz* (1989) 48 Cal.3d 468, 484.)

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 respondent Kenneth Herbert Jacobson, state bar number 66301, be disbarred from the practice of law in this state. We also recommend that respondent 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 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 March 4, 2009, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED MARCH 4, 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:

KENNETH HERBERT JACOBSON  
35 MARQUISE OAKS PL  
THE WOODLANDS, TX 77382

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:

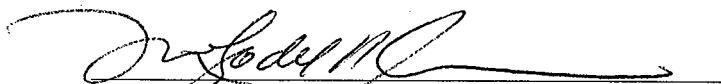
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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:

Dane Christopher Dauphine, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 4, 2009.

  
Milagro del R. Salmeron  
Case Administrator  
State Bar Court