

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

In the Matter of	)	<b>08-C-11675</b>
	)	
<b>MARK STEVEN STEIN,</b>	)	<b>RECOMMENDATION OF</b>
	)	<b>SUMMARY DISBARMENT</b>
A Member of the State Bar.	)	
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The State Bar's request for recommendation of summary disbarment, filed on October 3, 2008, is granted. On October 24, 2008, we filed an order to show cause on or before November 14, 2008, directing respondent, Mark Steven Stein, State Bar number 173808, to show why we should not recommend his summary disbarment to the Supreme Court. Respondent did not file a response.

On June 4, 2008, respondent pled guilty to two counts of grand theft (Pen. Code, § 487, subd. (a)), and one count each of unauthorized use of personal identifying information of another person (Pen. Code, § 530.5, subd. (a)), forgery (Pen. Code, § 470, subd. (a)), second-degree commercial burglary (Pen. Code, § 459), being under the influence of a controlled substance (Health & Saf. Code, § 11550), and transportation of a controlled substance (Health & Saf. Code, § 11379, subdivision (a)). Respondent's accepted guilty plea is a conviction under the State Bar Act. (Bus. & Prof. Code, § 6101, subd. (e).) As a result of respondent's conviction, we placed him on interim suspension effective July 17, 2008, and he has remained on interim suspension since that time. As the time period for filing an appeal from his conviction has expired and respondent has not filed a notice of appeal, his conviction is now final. (Cal. Rules of Court, rule 9.10(a).)

Respondent's conviction is conclusive proof that he committed the crimes. (Bus. & Prof. Code, § 6101, subd. (a); *In re Crooks* (1990) 51 Cal.3d 1090, 1097.) The record of conviction establishes that respondent's conviction for grand theft and forgery meets the criteria for summary

disbarment under Business and Professions Code section 6102, subdivision (c), as amended effective January 1, 1997.<sup>1</sup> First, the offenses of which respondent was convicted are felonies. (Pen. Code, § 17, subd. (a); Bus. & Prof. Code, § 6102, subd. (b).) Second, the offenses necessarily involve moral turpitude. (*In re Basinger* (1988) 45 Cal.3d 1348, 1358 [grand theft]; *In re Prantil* (1989) 48 Cal.3d 227, 234 [forgery]; see also *In re Hallinan* (1954) 43 Cal.2d 243, 247-48 [forgery and grand theft are included in “the related group of offenses involving intentional dishonesty for purposes of personal gain [that] are crimes involving moral turpitude. [Citations].”) 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; see also *In re Lesansky* (2001) 25 Cal.4th 11, 17-18.)

We therefore recommend that respondent, Mark Steven Stein, State Bar number 173808, be summarily disbarred from the practice of law in this state. We also recommend that respondent be ordered to comply with rule 9.20 of the California Rules of Court and to perform the acts specified in paragraphs (a) and (c) of that rule within 30 and 45 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 Business and Professions Code, section 6086.10, such costs being enforceable both as provided in Business and Professions Code, section 6140.7 and as a money judgment.

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Presiding Judge

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<sup>1</sup>Because the Supreme Court has held that these two offenses involve moral turpitude, our analysis does not rely on the remaining offenses.