

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

In the Matter of) Case No.: **09-C-15954**
)
DAVID STANTON MOYNIHAN)
) **RECOMMENDATION OF SUMMARY**
) **DISBARMENT**
Member No. 190701)
)
A Member of the State Bar.)

On December 10, 2010, the State Bar filed a request for recommendation of summary disbarment based on David Stanton Moynihan's felony conviction. Moynihan did not file a response. We grant the request and recommend that Moynihan be summarily disbarred.

On August 3, 2010, Moynihan pled guilty to violating Penal Code section 487 (grand theft). Effective December 3, 2010, we placed Moynihan on interim suspension. On December 10, 2010, the State Bar filed evidence that Moynihan's conviction is now final.

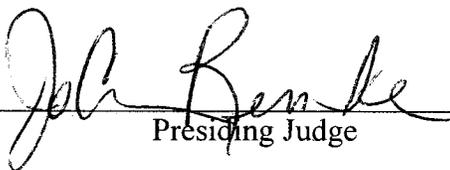
After the judgment of conviction becomes final, "the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude." (Bus. & Prof. Code, § 6102, subd. (c).)

The record of conviction establishes that Moynihan's offense meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c). First, it is a felony. Second, the crime involves moral turpitude. (*In re Basinger* (1988) 45 Cal.3d 1348, 1358 [grand theft necessarily involves moral turpitude; see also *In re Paguirigan* (2001)

25 Cal.4th 1, 5 [crimes of robbery, embezzlement and other forms of theft necessarily involve moral turpitude].)

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, supra*, 25 Cal.4th at p. 7.) Disbarment is mandatory. (*Id.* at p. 9.)

We therefore recommend that David Stanton Moynihan, State Bar number 190701, be disbarred from the practice of law in this state. We also recommend that he 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 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 January 26, 2011, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED JANUARY 26, 2011

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 S. MOYNIHAN
6212 CAMINITO MARCIAL
SAN DIEGO, CA 92111

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:

Murray B. Greenberg, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 26, 2011.


Milagro del R. Salmeron
Case Administrator
State Bar Court