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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 09-C-17097
)	
EDWARD LEONID KATSNELSON)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 179677.)	
_____)	

On February 24, 2011, the State Bar filed a request for recommendation of summary disbarment based on Edward Leonid Katsnelson's felony conviction. Katsnelson did not file a response. We grant the request and recommend that Katsnelson be summarily disbarred.

On June 7, 2010, Katsnelson pled guilty to one felony count of violating Penal Code section 550, subdivision (b)(1) (insurance fraud). As a result of his conviction, we issued an order placing him on interim suspension, effective March 13, 2011. On January 13, 2011, the State Bar transmitted evidence that Katsnelson's conviction is 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 in this case establishes that Katsnelson's violation meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

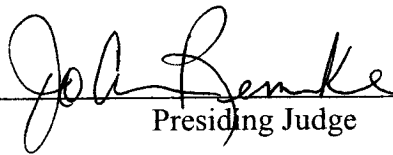


First, the offense is a felony. (Pen. Code, § 17, subd. (a); Bus. & Prof. Code, § 6102, subd. (c).) Second, the offense necessarily involves moral turpitude. Penal Code section 550, subdivision (b)(1), makes it a crime to “[p]resent or cause to be presented any written or oral statement as part of, or in support of or opposition to, a claim for payment or other benefit pursuant to an insurance policy, knowing that the statement contains any false or misleading information concerning any material fact.” The purpose of section 550 “and the evil which it seeks to remedy . . . [is] to criminalize and punish the making of false or fraudulent claims to obtain benefits.” (*People v. Blick* (2007) 153 Cal.App.4th 759, 774.) A requisite element of the “fraud offenses described in section 550 is an ‘intention to defraud.’” (*Id.* at p. 772.) Crimes that include the intent to defraud necessarily involve moral turpitude and satisfy the second element of the summary disbarment statute. (See *In re Fahey* (1973) 8 Cal.3d 842, 849 [crime “involving intentional dishonesty for the purpose of personal gain” establishes moral turpitude per se].)

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 Edward Leonid Katsnelson be disbarred from the practice of law in this state. We also recommend that Katsnelson 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 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 April 22, 2011, I deposited a true copy of the following document(s):

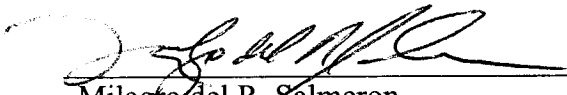
RECOMMENDATION OF SUMMARY DISBARMENT FILED APRIL 22, 2011

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:
- EDWARD L. KATSNELSON
14175 TRADING POST CT
CORONA, CA 92880
- ☐ 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 April 22, 2011.


Milagto del R. Salmeron
Case Administrator
State Bar Court