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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

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|--|---|---------------------------|
| In the Matter of |) | Case No.: 10-C-00564 |
| |) | |
| SEAN GREG ERENSTOFT |) | RECOMMENDATION OF SUMMARY |
| |) | DISBARMENT |
| A Member of the State Bar, No. 161898. |) | |
| _____ |) | |

On February 18, 2011, the State Bar filed a request for recommendation of summary disbarment based on Sean Greg Erenstoft's felony conviction. On March 2, 2011, Erenstoft filed his opposition to the request. We grant the request and recommend that Erenstoft be summarily disbarred.

On July 14, 2010, Erenstoft was found guilty after he pled nolo contendere to one felony count of violating Penal Code section 136.1, subdivision (a)(2) (attempting to dissuade a witness). As a result of his conviction, we issued an order placing Erenstoft on interim suspension, effective November 12, 2010. On February 18, 2011, the State Bar transmitted evidence that Erenstoft's conviction is final.

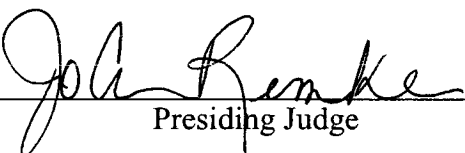
After the judgment of conviction becomes final, "the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude." (Bus. & Prof. Code, § 6102, subd. (c).) The record of conviction establishes that Erenstoft's violation 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).) Second, his offense involves moral turpitude per se. A violation of Penal Code section 136.1, subdivision (a)(2), requires the specific intent to attempt to dissuade a witness from testifying at “any trial, proceeding, or inquiry authorized by law.” (CALJIC 7.14; *People v. Lyons* (1991) 235 Cal.App.3d 1456, 1461.) As such, it represents an attempt to obstruct justice, and, like other crimes involving the “specific intent to impede justice” and a “conscious disregard of [the] obligation to uphold the law,” we find it is necessarily a crime of moral turpitude. (*In re Young* (1989) 49 Cal.3d 257, 264 [harboring or aiding known felon avoid arrest or prosecution]; see also *In re Craig* (1938) 12 Cal.2d 93, 97 [conspiring to corruptly influence, obstruct, impede, hinder and embarrass the due administration of justice].)

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 Sean Greg Erenstoft, State Bar number 161898, be disbarred from the practice of law in this state. We also recommend that Erenstoft 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 March 30, 2011, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED MARCH 30, 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:

ARTHUR LEWIS MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039

☐ 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:

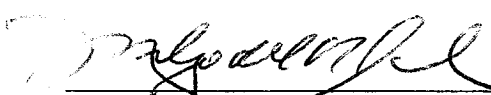
☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

☐ 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 March 30, 2011.


Milagro del R. Salmeron
Case Administrator
State Bar Court