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APR 14 2015

STATE BAR COURT  
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**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 10-C-05284
	)	
RICHARD CHAE,	)	RECOMMENDATION OF
	)	SUMMARY DISBARMENT
A Member of the State Bar, No. 224610.	)	
_____	)	

On February 25, 2015, the Office of Chief Trial Counsel of the State Bar (OCTC) filed a First Amended Request for Summary Disbarment based on Richard Chae's felony conviction.<sup>1</sup> Chae did not file a response. We grant OCTC's motion and recommend that Chae be summarily disbarred.

On June 14, 2010, an information was filed charging Chae with a felony violation of Penal Code section 67 (offering a bribe), and misdemeanor violations of Vehicle Code section 23152, subdivisions (a) (driving under the influence of alcohol) and (b) (driving with blood alcohol level of 0.08 percent or higher). On November 18, 2011, a jury found Chae guilty of both Vehicle Code section 23152 violations, but could not reach a verdict on the Penal Code section 67 charge. Chae was re-tried on the Penal Code section 67 violation on June 26, 2012. On June 28, 2012, a jury found Chae guilty of violating Penal Code section 67. As a result of

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<sup>1</sup> OCTC's initial Request for Summary Disbarment was filed on January 7, 2015. On February 4, 2015, OCTC was ordered to re-serve the motion for summary disbarment since Chae changed his membership records address on the same date that the initial motion for summary disbarment was served and filed.

Chae's felony conviction, we placed him on interim suspension, effective October 19, 2012, and he has remained on interim suspension since that time. On December 28, 2012, Chae filed an appeal from his Penal Code section 67 conviction. On August 22, 2014, the Court of Appeal, First Appellate District, affirmed the conviction and issued its Remittitur on October 23, 2014. On February 25, 2015, OCTC submitted the evidence showing that the conviction had become final and requested Chae's summary disbarment.<sup>2</sup>

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 both criteria for summary disbarment.

First, Chae was charged with and convicted of a felony violation of Penal Code section 67. (Pen. Code, §§ 67 [violation is punishable by imprisonment in state prison for two, three or four years]; Pen. Code, § 17, subd. (a) [crime punishable by imprisonment in state prison is a felony].)

Second, the crime of bribery involves moral turpitude. (*In re Hanley* (1975) 13 Cal.3d 448, 450-451 [bribing a witness not to testify involves moral turpitude]; *In re Rothrock* (1940) 16 Cal.2d 449, 454 ["cases such as those involving convictions of murder, forgery, extortion, bribery, perjury . . . no difficulty would attend the determination of the question of moral turpitude from a consideration of the record of conviction alone"]; *Werner v. State Bar* (1944) 24 Cal.2d 611, 618 [making an offer to bribe a deputy district attorney, "whether or not there was any intention to carry it out, is an act of moral turpitude"].)

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<sup>2</sup> OCTC filed a supplemental transmittal of records on January 7, 2015, but due to the same service problem previously identified, was required to re-serve the transmittal on February 4, 2015.

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 Richard Chae, State Bar number 224610, be disbarred from the practice of law in this state. We also recommend that he 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.

**PURCELL**

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Presiding Judge

## **CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 14, 2015, I deposited a true copy of the following document(s):

### **RECOMMENDATION OF SUMMARY DISBARMENT FILED APRIL 14, 2015**

in a sealed envelope for collection and mailing on that date as follows:

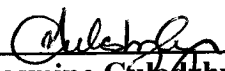
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**RICHARD CHAE  
1500 MARINA VIS APT 314  
SAN MATEO, CA 94404**

- [X] by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

**ALLEN BLUMENTHAL, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 14, 2015.

  
\_\_\_\_\_  
**Jasmine Gulachhyan**  
Case Administrator  
State Bar Court