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MAR 27 2012

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT - IN BANK

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

In the Matter of)	Case No. 10-C-07976
)	
JONATHAN SETH DICKSTEIN,)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 185273.)	
_____)	

On February 16, 2012, the State Bar filed a request for recommendation of summary disbarment based on Jonathan Seth Dickstein's felony convictions. Dickstein did not file a response. We grant the request and recommend that Dickstein be summarily disbarred.

In October 2011, Dickstein pled guilty to felony violations of Penal Code sections 487, subdivision (a) (grand theft), 664/487, subdivision (a) (attempted grand theft), 470, subdivision (d) (forgery), 72 (presenting a false claim), 550, subdivision (a)(6) (false or fraudulent claim for health care benefit), and 182(a)(2) (conspiracy to commit grand theft, attempted grand theft, forgery and filing false claims). Effective January 20, 2012, we placed Dickstein on interim suspension. On February 16, 2012, the State Bar transmitted evidence that Dickstein's conviction was 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 Dickstein's violations meet the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

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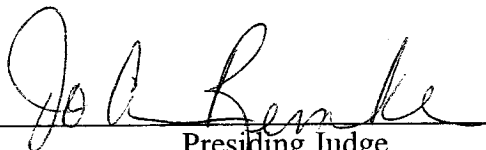
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First, each offense to which Dickstein pled guilty was charged and entered as a felony. Second, each offense inherently involves moral turpitude. (*In re Basinger* (1988) 45 Cal.3d 1348, 1358 [grand theft necessarily involves moral turpitude]; *In re Prantil* (1989) 48 Cal.3d 227, 234 [forgery serious crime involving moral turpitude]; Pen. Code, § 72 [specific "intent to defraud" essential element of this offense]; *People v. Blick* (2007) 153 Cal.App.4th 759, 772 [intent to defraud requisite element of fraud offenses in Pen. Code, § 550]; *In re Kelley* (1990) 52 Cal.3d 487, 494 [crimes involving intent to defraud involve moral turpitude per se]; *In re McAllister* (1939) 14 Cal.2d 602, 603 [if the commission of offense involves moral turpitude, conspiracy to commit the offense would also involve moral turpitude]; see *In re Conflenti* (1981) 29 Cal.3d 120, 124 [moral turpitude classification of attempt depends on the object offense].)

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 Jonathan Seth Dickstein, State Bar number 185273, 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.


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 27, 2012, I deposited a true copy of the following document(s):

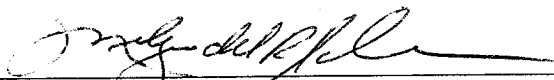
RECOMMENDATION OF SUMMARY DISBARMENT FILED MARCH 27, 2012

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:
- DOUGLAS L. RAPPAPORT
LAW OFC DOUGLAS L RAPPAPORT
260 CALIFORNIA ST #1002
SAN FRANCISCO, CA 94111
- ☐ 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:

Donald Robert Steedman, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 27, 2012.


Milagro del R. Salmeron
Case Administrator
State Bar Court