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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. 11-C-10045 |
| |) | |
| STEVEN PATRICK MANCUSO, |) | RECOMMENDATION OF SUMMARY |
| |) | DISBARMENT |
| A Member of the State Bar, No. 218585. |) | |
| _____ |) | |

On August 21, 2012, the State Bar filed a request for recommendation of summary disbarment based on Steven Patrick Mancuso's felony conviction. Mancuso did not file a response. Based on the criminal record in this case, we grant the State Bar's request and recommend that Mancuso be summarily disbarred.

On June 14, 2010, the United States District Court for the Northern District of New York entered a judgment of conviction after a jury found Mancuso guilty of one felony count of conspiracy to commit mail fraud. (18 U.S.C. §§ 371, 1341.)¹ Effective April 24, 2011, we placed Mancuso on interim suspension as a result of his conviction. (Bus. & Prof. Code, §6102, subd. (a) [suspend attorney upon evidence of felony or moral turpitude conviction].) On August 21, 2012, the State Bar transmitted evidence that Mancuso's conviction is final.

¹ Mancuso was also convicted of conspiracy to: 1) defraud the United States; 2) violate the Clean Air Act; and 3) violate the Comprehensive Environmental Response, Compensation and Liability Act. (18 U.S.C. § 371; 42 U.S.C. §§ 7412, 7413(c), and 9603.)

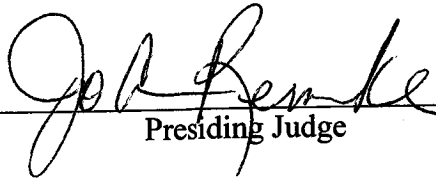
After the judgment of conviction becomes final, “the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude.” (Bus. & Prof. Code, § 6102, subd. (c).) The record of conviction establishes that Mancuso’s offense meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

Mancuso was convicted of a felony, which satisfies the first element of the summary disbarment provision. As for the second element, the offense of conspiracy to commit mail fraud requires the specific intent to defraud. (*In re Utz* (1989) 48 Cal.3d 468, 482 [essential element of mail fraud is the specific intent to defraud; see also *United States v. Cloud* (9th Cir. 1989) 872 F.2d 846, 852 [“the requisite intent necessary to commit the underlying substantive offense” is an element of conspiracy].) Crimes involving the intent to defraud involve moral turpitude per se. (*In re Kelley* (1990) 52 Cal.3d 487, 494.)

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 Steven Patrick Mancuso, State Bar number 218585, be disbarred from the practice of law in this state. We also recommend that Mancuso 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 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 September 17, 2012, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED SEPTEMBER 17, 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:

STEVEN P. MANCUSO
1331 BELLE AVE
UTICA, NY 13501

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

Brooke A. Schafer, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 17, 2012.



Milagro del R. Salmeron
Case Administrator
State Bar Court