

**FILED**

JUN 15 2011

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 11-C-10337
	)	
FRED JAY GROSSBLATT,	)	RECOMMENDATION OF SUMMARY
	)	DISBARMENT
A Member of the State Bar, No. 82234.	)	
_____	)	

On April 28, 2011 the State Bar filed a request for recommendation of summary disbarment based on Fred Jay Grossblatt's felony conviction. Grossblatt did not file a response. Based on the criminal record in this case, we grant the State Bar's request and recommend that Grossblatt be summarily disbarred based on his first-degree burglary offenses.

On December 16, 2008, following a court trial, the Oregon Circuit Court for the County of Washington entered a judgment finding Grossblatt guilty of: (1) two felony counts of first-degree burglary of an occupied dwelling (Or. Rev. Stat. § 164.225); (2) one felony count of identity theft (Or. Rev. Stat. § 165.800); (3) one felony count of unlawful possession of a controlled substance (Or. Rev. Stat. § 475.840(3)(b)); and (4) one misdemeanor count of third-degree theft (Or. Rev. Stat. § 164.043). Effective March 23, 2011, we placed Grossblatt on interim suspension based on his violation of Oregon Revised Statute section 475.840(3)(b),



which clearly constitutes a felony for the purposes of attorney discipline. (Bus. & Prof. Code, § 6102, subd. (a) [interim suspension for felony convictions].)<sup>1</sup>

On April 28, 2011, the State Bar transmitted evidence that Grossblatt'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 Grossblatt's first-degree burglary violations meet the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

First, the offense is a felony. Grossblatt was convicted of two felony counts of unlawful entry of an occupied dwelling with the intent to commit the crime of theft. (Or. Rev. Stat. § 164.205, subd. (2) ["'Dwelling' means a building which regularly or intermittently is occupied by a person lodging therein at night, whether or not a person is actually present"]; *State v. Johnson* (1992) 116 Or.App. 252, 256 ["'occupied' means that a person must be inside the building at the time of the burglary".]) This crime is the equivalent of first-degree burglary in California (*People v. Carter* (1933) 130 Cal.App. 95, 96 ["[b]urglary is the entry of a building with intent to commit grand or petit larceny or any felony"]; Pen. Code § 460, subd. (a) ["Every burglary of an inhabited dwelling house . . . is burglary of the first degree."]), which is a felony. (Pen. Code, §§ 17, subd. (a) [felony is crime punishable by state imprisonment] and 461 [first-degree burglary is punishable by state imprisonment for two, four, or six years].) Accordingly, Grossblatt's first-degree burglary violations in Oregon constitute felonies for the purposes of

---

<sup>1</sup> We also ordered the parties to brief whether Grossblatt's other crimes would be felonies in California and inherently involve moral turpitude. We conclude that only a violation of Oregon Revised Statute section 164.225 (first-degree burglary of occupied dwelling) is a felony that inherently involves moral turpitude and base our recommendation solely on this code violation.

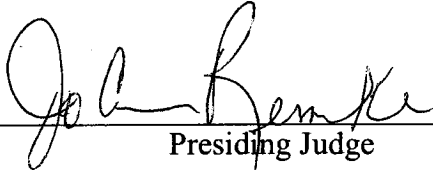
attorney discipline in California. (Bus. & Prof. Code, § 6102, subd. (d) [out-of-state conviction is felony for discipline if entered as felony and elements would constitute felony in California].)

Second, the offense inherently involves moral turpitude. A conviction of first-degree burglary of an occupied dwelling requires proof that at “the time of entering or remaining unlawfully, [Grossblatt] had the intent to commit the crime of [theft] therein.” (Or. UCrJI No. 1902(5).) In California, first-degree burglary is committed by every person who enters an inhabited dwelling house or other listed structure or vehicle with the intent to commit grand or petit larceny or any felony. (Pen. Code, §§ 459, 460.) “[W]hether or not the target felony itself evidences a moral defect, burglary remains in all cases the fundamentally deceitful act of entering a house or other listed structure with the secret intent to steal or commit another serious crime inside. A felony conviction of such an act demonstrates a ‘readiness to do evil’ and hence necessarily involves moral turpitude. [Citations.]” (*People v. Collins* (1986) 42 Cal.3d 378, 395, fn. omitted.) Further, in this case the “target” crime is theft, which clearly falls within the definition of moral turpitude. (See *In re Vaughn* (1985) 38 Cal.3d 614, 615 [grand theft in violation of § 487 necessarily involves moral turpitude].)

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 Fred Jay Grossblatt, State Bar number 82234, be disbarred from the practice of law in this state. We also recommend that Grossblatt 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 June 15, 2011, I deposited a true copy of the following document(s):

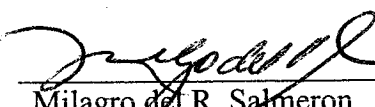
RECOMMENDATION OF SUMMARY DISBARMENT FILED JUNE 15, 2011

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:  
  
FRED JAY GROSSBLATT  
10940 SW BARNES RD #101  
PORTLAND, OR 97225
- 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 June 15, 2011.

  
\_\_\_\_\_  
Milagro del R. Salmeron  
Case Administrator  
State Bar Court