

# STATE BAR COURT OF CALIFORNIA REVIEW DEPARTMENT

#### **IN BANK**

)	Case No. 11-C-14931
)	ORDER
)	
	) ) )

On December 28, 2011, the State Bar filed a request for recommendation of summary disbarment based on Roger Herbert Schnapp's felony conviction. Schnapp did not file a response. Based on the criminal record in this case, we grant the State Bar's request and recommend that Schnapp be summarily disbarred.

On May 23, 2011, Schnapp pled guilty to one count of grand theft in violation of Penal Code section 487, subdivision (a), and four counts of uttering a check with intent to defraud in violation of Penal Code section 476a, subdivision (a). As a result of the conviction, we issued an order placing Schnapp on interim suspension, effective December 28, 2011. On December 28, 2011, the State Bar transmitted evidence that Schnapp'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



Schnapp's offenses meet the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

First, Schnapp's offenses are felonies. (Bus. & Prof. Code, § 6102, subd. (b).) Second, the crimes inherently involve moral turpitude. (*In re Vaughn* (1985) 38 Cal.3d 614, 615 [grand theft in violation of § 487 necessarily involves moral turpitude]; (*People v. Swanson* (1981) 123 Cal.App.3d 1024, 1031 [essential element of § 476a, subd. (a) is the intent to defraud]; see also *In re Hallinan* (1954) 43 Cal.2d 243, 247 ["a crime in which intent to defraud is an essential element is a crime involving 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 Roger Herbert Schnapp, State Bar number 102861, be disbarred from the practice of law in this state. We also recommend that Schnapp 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 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**

[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 February 21, 2012, I deposited a true copy of the following document(s):

### **ORDER FILED FEBRUARY 21, 2012**

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:

ROGER H. SCHNAPP PO BOX 9049 NEWPORT BEACH, CA 92658

[X] 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 February 21, 2012.

Rosalie Ruiz

Case Administrator

State Bar Court