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AUG 10 2012

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA



REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 11-C-18659
)	
DAVIDE GOLIA,)	RECOMMENDATION ON
)	SUMMARY DISBARMENT
A Member of the State Bar, No. 118464.)	
_____)	

On June 29, 2012, the State Bar filed a request for recommendation of summary disbarment based on Davide Golia's felony conviction. On July 12, 2012, Golia filed a statement of non-opposition to the State Bar's motion. We grant the request and recommend Golia be summarily disbarred.

On March 23, 2012, the United States District Court for the District of Nevada entered judgment of conviction following Golia's guilty plea to one felony count of conspiracy to commit bank fraud. (18 U.S.C. §§ 371, 1344.) Effective July 17, 2012, we placed Golia on interim suspension. On June 29, 2012, the State Bar transmitted evidence that Golia's conviction is final.

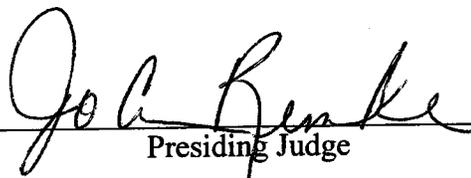
After the judgment of conviction becomes final, "the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude." (Bus. & Prof. Code, § 6102, subd. (c).) The record of conviction establishes that

Golia's conviction meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

Golia 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 bank fraud requires the specific intent to defraud. (*United States v. Mason* (9th Cir. 1990) 902 F.2d 1434, 1442 [essential element of § 1344 is specific intent to commit bank fraud]; 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 Davide Golia, State Bar number 118464, be disbarred from the practice of law in this state. We also recommend that he 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

[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 August 10, 2012, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED AUGUST 10, 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:
- DAVIDE GOLIA
14380 STAGE COACH RD
POWAY, CA 92064
- 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:

Brooke A. Schafer, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 10, 2012.


Milagro del R. Salmeron
Case Administrator
State Bar Court