

FILED

JUN 12 2014

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)

HARRIS DAY HIMES,)

A Member of the State Bar, No. 86074.)

Case No. 12-C-10954

ORDER

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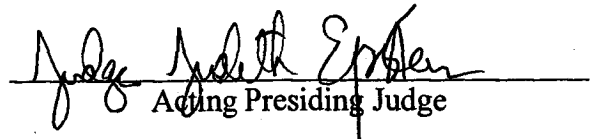
On April 18, 2014, the State Bar's Office of the Chief Trial Counsel (OCTC) transmitted evidence that respondent Harris Day Himes, State Bar Number 86074, has been convicted of violating Montana Code Annotated sections 30-10-301, subdivision (1)(b) (fraudulent securities practices), 30-10-201, subdivision (1) (failure to register as a salesperson), and 30-10-202, subdivision (1) (failure to register a security), felonies under the laws of the State of Montana. (Mont. Code Ann., § 30-10-306, subd. (1).) On April 30, 2014, OCTC transmitted supplemental evidence showing that Himes filed an appeal of his conviction.

We find that Himes' felony conviction for violating Montana Code Annotated section 30-10-301, subdivision (1)(b) is a felony that involves moral turpitude. We also find that his convictions for violating Montana Code Annotated sections 30-10-201, subdivision (1) and 30-10-202, subdivision (1) are crimes that may or may not involve moral turpitude.¹

¹ OCTC asserts that these Montana Code violations are misdemeanors for purposes of California attorney discipline. However, absent evidence of the actual sentence imposed, which has not been provided, there is insufficient evidence to support OCTC's characterization of the crimes.

Since Himes was convicted of a felony involving moral turpitude (Montana Code Annotated 30-10-301(1)(b) [fraudulent securities]), it is ordered pursuant to Business and Professions Code section 6102 that respondent be suspended from the practice of law effective July 2, 2014, pending final disposition of this proceeding. (Cal. Rules of Court, rule 9.10(a).) It is further ordered that respondent comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this suspension.

As the State Bar Court has not yet received evidence that the fraudulent securities conviction is final, the review department will take no other action at this time pending the submission of evidence of finality of the conviction or respondent's waiver of finality pursuant to rule 5.344(B) of the Rules of Procedure of the State Bar.


Acting 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 June 12, 2014, I deposited a true copy of the following document(s):

ORDER FILED JUNE 12, 2014

in a sealed envelope for collection and mailing on that date as follows:

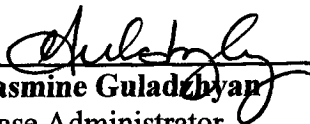
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**HARRIS D. HIMES
PO BOX 540
HAMILTON, MT 59840**

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

CHARLES A. MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 12, 2014.



Jasmine Guladzhyan
Case Administrator
State Bar Court