

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
DONALD R. STEEDMAN, No. 104927  
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**ORIGINAL  
FILED**

NOV 05 2013 JB

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

IN THE MATTER OF THE  
CONVICTION OF:

MARY ALICE NOLAN,  
No. 108907

A Member of the State Bar

**RECEIVED**

NOV - 5 2013

STATE BAR COURT  
CLERK'S OFFICE  
SAN FRANCISCO

To the CLERK OF THE STATE BAR COURT:

- ) Case No. 12-C-16497  
)  
) Transmittal of Records of Conviction of Attorney (Bus. & Prof.  
) Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)  
)  
) ☒ Felony;  
) ☒ Crime(s) involved moral turpitude;  
) ☐ Probable cause to believe the crime(s) involved moral  
) turpitude;  
) ☐ Crime(s) which may or may not involve moral turpitude or  
) other misconduct warranting discipline;  
) ☐ Transmittal of Notice of Finality of Conviction.

1. Transmittal of records.

- ☒ A. Pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of the Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the State Bar and for such consideration and action as the Court deems appropriate:
- ☐ B. Notice of Appeal
- ☐ C. Evidence of Finality of Conviction (Notice of Lack of Appeal)
- ☐ D. Other



Name of Member: Mary Alice Nolan

Date member admitted to practice law in California: July 1, 1983

Member's Address of Record: Mary Alice Nolan

1935 Leimert Blvd

Oakland, CA 94602

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: September 27, 2013

Convicting court: USDC, Northern District of California

Case number(s): 3:12-cr-00662

Crime(s) of which convicted and classification(s):

26 U.S.C. section 7201 (tax evasion), four counts, felonies that involve moral turpitude. (See *Windham v. Board of Medical Quality Assurance* (1980) 104 Cal.App. 3d 461, 469 ("... *Kirby v. Alcoholic Bev. Etc. App. Bd.* (1969) 270 Cal.App. 2d 535, 75 Cal. Rptr. 823, which establishes *In re Hallinan* (1954) 43 Cal. 2d 243, 272 P. 2d 768 notwithstanding that a conviction of tax evasion under section 7201 necessarily involves moral turpitude.)" (footnote omitted). In *In re Humphreys* (Tex. 1994) 880 S.W.2d 402, 406-07, the Court found that tax evasion is a per se crime of moral turpitude because it involves "deliberate greed and dishonesty and has a specific connection to a lawyer's fitness to practice"). The *Humphreys* Court surveyed the national caselaw and determined, "The overwhelming majority of jurisdictions considering the issue have determined that willful attempt to evade or defeat a tax is a crime involving moral turpitude." (*id.* at p. 407).

18 U.S.C. section 2511(1)(a) and (4)(a) (Unlawful Interception Of Communications), one count, a felony that may or may not involve moral turpitude. (See *Washburn v. Lavoie* (D.D.C. 2004) 357 F.Supp.2d 210, 214-215 (accusation of eavesdropping crime does not constitute accusation of moral turpitude for purposes of defamation lawsuit).)

[ X ] 3. Compliance with Rule 9.20. (Applicable only if checked.)

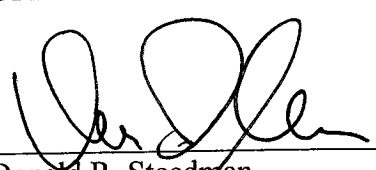
We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the member's compliance with the provisions of rule 9.20.

DOCUMENTS TRANSMITTED:

Indictment filed 9/6/2012  
Minutes dated 9/27/2013

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: October 29, 2013

BY:   
Donald R. Steedman  
Senior Trial Counsel

A copy of this transmittal and its  
Attachments have been sent to:

Mary Alice Nolan  
1935 Leimert Blvd  
Oakland, CA 94602

# DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 12-C-16497

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

## TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY; INDICTMENT FILED 9/6/2012; MINUTES DATED 9/27/2013

☐

**By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))**

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco.

☒

**By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**

☐

**By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))**

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

☐

**By Fax Transmission: (CCP §§ 1013(e) and 1013(f))**

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐

**By Electronic Service: (CCP § 1010.6)**

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

*(for U.S. First-Class Mail)* in a sealed envelope placed for collection and mailing at San Francisco, addressed to: *(see below)*

☒

*(for Certified Mail)* in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: 7196 9008 9111 6240 2482 at San Francisco, addressed to: *(see below)*

☐

*(for Overnight Delivery)* together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking No.: \_\_\_\_\_ addressed to: *(see below)*

Person Served via Certified Mail	Business-Residential Address	Fax Number	Courtesy Copy via Regular Mail to:
Mary Alice Nolan	1935 Leimert Blvd. Oakland, CA 94602	Electronic Address	n/a

☒ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

n/a

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: November 5, 2013

SIGNED:

  
Dawn Williams  
Declarant