



FILED

STATE BAR COURT OF CALIFORNIA

APR 24 2013 JC

REVIEW DEPARTMENT

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

IN BANK

In the Matter of)	Case No. 13-C-10135
)	
RICHARD JACKSON LEWIS,)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 117612.)	
_____)	

On March 15, 2013, the State Bar filed a motion requesting a summary disbarment recommendation based on the felony conviction of Richard Jackson Lewis. Lewis did not file a response. We grant the motion and recommend that Lewis be summarily disbarred.

On October 26, 2010, Lewis pled no contest to a felony violation of Penal Code section 498, subdivision (b) (theft of utility services). On February 19, 2013, the State Bar filed evidence of Lewis's conviction. Based on his conviction, we issued an order placing Lewis on interim suspension effective April 12, 2013. On March 15, 2013, the State Bar filed evidence that Lewis's conviction is final and moved for his summary disbarment.

After the judgment of conviction is 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 Lewis's offense meets the criteria for summary disbarment.

First, the record establishes that Lewis was charged with and pled no contest to a felony. (Pen. Code, § 498, subd. (d) [if value of utility services obtained exceeds \$950, violation is

punishable by imprisonment in county jail or state prison].) Second, we find that the crime involves moral turpitude per se. Penal Code section 498, subdivision (b), makes it a crime to divert utility services by any means with the intent to obtain the services without paying the full lawful charge or with intent to deprive any utility of any part of the full lawful charge for the services. The intent under this statute is analogous to that of grand theft, which requires the specific intent to permanently deprive the owner of his or her property. (CALJIC No. 14.02 (Fall Ed. 2012).) Thus, Lewis's offense is a form of theft that necessarily involves moral turpitude. (*In re Basinger* (1988) 45 Cal.3d 1348, 1358 [grand theft necessarily involves moral turpitude; *In re Paguirigan* (2001) 25 Cal.4th 1, 5 [crimes of robbery, embezzlement and other forms of theft necessarily involve 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, supra*, 25 Cal.4th at p. 7.) Disbarment is mandatory. (*Id.* at p. 9.)

We therefore recommend that Richard Jackson Lewis, State Bar number 117612, be disbarred from the practice of law in this state. We also recommend that he be ordered to comply with California Rules of Court, rule 9.20 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 Business and Professions Code section 6086.10 and that such costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

REMKE

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 April 24, 2013, I deposited a true copy of the following document(s):

**RECOMMENDATION OF SUMMARY DISBARMENT
FILED APRIL 24, 2013**

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

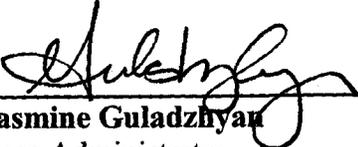
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**RICHARD J. LEWIS
THE CHILDREN'S INTERNET HOLDING COMPANY
9701 FAIR OAKS BLVD 2ND FL
FAIR OAKS, CA 95628**

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

DONALD R. STEEDMAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 24, 2013.



Jasmine Guladzhyan
Case Administrator
State Bar Court