



STATE BAR COURT OF CALIFORNIA  
REVIEW DEPARTMENT  
IN BANK

FILED

JUN 03 2016 *JS*

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

In the Matter of	)	Case No. 13-C-11542
	)	
JAMES HARVEY TIPLER,	)	RECOMMENDATION OF SUMMARY
	)	DISBARMENT
A Member of the State Bar, No. 80748.	)	
_____	)	

On April 28, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a motion for summary disbarment based on James Harvey Tipler's felony convictions. Respondent did not respond. We grant the motion and recommend that respondent be summarily disbarred.

Respondent has been convicted of two counts of Florida Statutes sections 777.04(2), 777.04(4), 782.04(1), and 777.011 (solicitation to commit first degree premeditated murder). As a result of respondent's felony convictions, we placed him on interim suspension, effective November 25, 2013, and he has remained on interim suspension since that time. Respondent appealed the final order and judgment of the criminal court regarding his convictions.

On April 28, 2016, OCTC transmitted evidence of the finality of respondent's convictions. Specifically, the convictions were affirmed by opinion filed October 9, 2015 in the District Court of Appeal, First District, State of Florida, and the same court issued its mandate on December 10, 2015.

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 both criteria for summary disbarment.

First, respondent’s offenses are felonies. (Bus. & Prof. Code, § 6102, subd. (d); Penal Code, § 17; F.S., § 777.04(4).) Second, respondent’s crimes involve moral turpitude. First degree murder constitutes moral turpitude per se. (*In re Strick* (1983) 34 Cal.3d 891, 902; *In re Kirschke* (1976) 16 Cal.3d 902.) Tipler’s conviction for solicitation to commit first degree murder necessarily involves moral turpitude because the crime consists of the specific intent to commit first degree premeditated murder. (F.S., § 777.04; *Jordan v. State* (Fla. 1st DCA 1990) 560 So.2d 315, 317 [“for the crime of solicitation to be completed, the actor must intend that another person commit a specific crime”].)

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 James Harvey Tipler, State Bar number 80748, 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 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.

**PURCELL**

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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 3, 2016, I deposited a true copy of the following document(s):

### **RECOMMENDATION OF SUMMARY DISBARMENT FILED JUNE 3, 2016**

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:

**JAMES H. TIPLER  
CENTURY CORRECTIONAL INSTITUTION  
DC # 217386  
400 TEDDER RD  
CENTURY, FL 32535**

- [X] 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 3, 2016.

  
\_\_\_\_\_  
**Jasmine Guladzyan**  
Case Administrator  
State Bar Court