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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 14-C-02371
)	
JOHN THOMAS RAFFLE,)	RECOMMENDATION OF
)	SUMMARY DISBARMENT
A Member of the State Bar, No. 170973.)	
_____)	

On August 18, 2015, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a Motion for Summary Disbarment based on John Thomas Raffle's felony convictions. Raffle did not respond. We grant the motion and recommend that Raffle be summarily disbarred.

In June 2013, Raffle plead guilty to violating title 18 United States Code sections 371 (conspiracy to commit wire, mail, and securities fraud) (one count) and 1001 and 2 (aiding and abetting false statements) (two counts). Effective August 20, 2014, Raffle was placed on interim suspension. On August 18, 2015, OCTC submitted evidence that the conviction had become final and requested Raffle's summary disbarment.

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, Raffle's offenses are felonies. (18 U.S.C. § 3559(a) [classifying offenses based on sentencing ranges]; see 18 U.S.C. §§ 2, 371, 1001 [convictions for aiding and abetting punishable as a principal, conspiracy punishable with imprisonment up to 5 years, false statements punishable with imprisonment up to 5 years].)

Second, Raffle's convictions involve moral turpitude. The moral turpitude classification of the crime of conspiracy depends upon the object of the conspiracy. (*In re McAllister* (1939) 14 Cal.2d 602, 603 [if the commission of an offense involves moral turpitude, then a conspiracy to commit the offense would also involve moral turpitude].) Raffle's conspiracy plea involved wire, mail, and securities fraud in violation of title 18 United States Code sections 1341, 1343, and 1348. All three sections involve a "scheme or artifice to defraud" and include as an element the specific intent to deceive or defraud. (*Schreiber Distributing Co. v. Serv-Well Furniture Company, Inc.* (9th Cir. 1986), 1400; *Odom v. Microsoft Corp.* (9th Cir. 2007) 486 F.3d 541, 554; *United States v. Mahaffy* (2d Cir. 2012) 693 F.3d 113, 125.) Therefore, the conspiracy conviction involves moral turpitude because the object of the conspiracy involved the intent to deceive or defraud. (Bus. & Prof. Code, § 6102, subd. (c); see *In re Fahey* (1973) 8 Cal.3d 842, 849.)

As to the false statements conviction, an element of the offense is making a false or fraudulent statement with knowledge of its falsity. (*United States v. Yermian* (1984) 468 U.S. 63, 64; *United States v. Boone* (9th Cir. 1991) 951 F.2d 1526, 1544 [essential elements of offense are statement, falsity, materiality, specific intent, and agency jurisdiction].) Such an offense not only involves moral turpitude, but it is a specific ground for summary disbarment under the summary disbarment statute as it involves the specific intent to make a false statement.

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 John Thomas Raffle, State Bar number 170973, 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 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.

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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 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 October 13, 2015, I deposited a true copy of the following document(s):

ORDER FILED OCTOBER 13, 2015

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

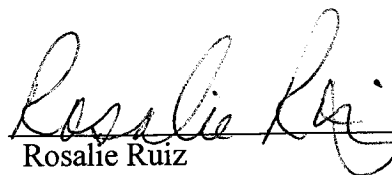
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JOHN T. RAFFLE
ELECTROCORE LLC
51 GIBRALTAR DR STE 3C
MORRIS PLAINS, NJ 07950

- ☒ 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 October 13, 2015.



Rosalie Ruiz
Case Administrator
State Bar Court