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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-03875
)	
JAMES JOSEPH WARNER,)	RECOMMENDATION OF
)	SUMMARY DISBARMENT
A Member of the State Bar, No. 63137.)	
_____)	

On August 27, 2015, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a Motion for Summary Disbarment based on James Joseph Warner's felony convictions. Warner did not respond. We grant the motion and recommend that Warner be summarily disbarred.

In July 2014, Warner plead guilty to violating 18 United States Code sections 1956(a)(1)(B)(i) and (h) (conspiracy to launder monetary instruments) and 1512(d)(1) (attempted harassment of witness). Warner was placed on interim suspension effective December 3, 2014. On August 27, 2015, OCTC submitted evidence that the conviction had become final and requested Warner'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.

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First, his offenses are felonies. (18 U.S.C. § 3559(a) [classifying offenses based on sentencing ranges]; see 18 U.S.C. §§ 1956, 1512 [money laundering conspiracy punishable with imprisonment up to 20 years, harassing a witness punishable with imprisonment up to three years].)

Second, Warner's conspiracy conviction for money laundering involves 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].) The object of Warner's conspiracy conviction was money laundering in violation of title 18 United States Code section 1956(a)(1)(B)(i). That section requires the government to prove that the defendant conducted a financial transaction involving proceeds of specified unlawful activity "knowing that the transaction is designed in whole or in part . . . to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of the specified unlawful activity." (18 U.S.C. 1956(a)(1)(B)(i).) In the factual basis of Warner's plea, he admitted that he conspired to conceal drug trafficking money from federal agents. "[A]n act by an attorney for the purpose of concealment or other deception is dishonest and involves moral turpitude." (*Coppock v. State Bar* (1988) 44 Cal.3d 665, 679.)

The attempted witness harassment conviction also involves moral turpitude. Title 18 United States Code section 1512(d)(1) provides in pertinent part: "Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from . . . attending or testifying in an official proceeding . . . or attempts to do so, shall be [guilty of a crime against the United States]." An attempt under this statute does not require a showing that the defendant actually obstructed justice or prevented a witness from testifying. (*United States v. Willard* (9th Cir. 2000) 230 F.3d 1093, 1095.) This statute focuses on "incidents in which one

person has exercised direct or indirect force or influence on another in order to corrupt some official proceeding.” (*United States v. Ramos* (5th Cir. 2008) 537 F.3d 439, 462 [quoting the statute’s purpose: “[T]o enhance and protect the necessary role of crime victims and witnesses in the criminal justice process”].) In his plea, Warner admitted that he attempted to harass a witness by attempting to control whether the witness cooperated with the authorities. There is “no doubt” that such an offense “falls easily within the definition of ‘moral turpitude.’” (*In re Craig* (1938) 12 Cal.2d 93, 97.)

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 Joseph Warner, State Bar number 63137, 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.

HONN

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:

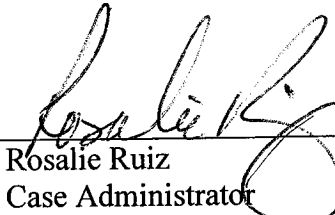
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JAMES J. WARNER
3233 THIRD AVE
SAN DIEGO, CA 92103 - 5615

- ☒ 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