

FILED

JUN 29 2016 JB

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

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

In the Matter of)	Case No. 15-C-11801
)	
TINA LAVONNE JAMES,)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 174628.)	
_____)	

On May 6, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a Motion for Summary Disbarment based on Tina Lavonne James's felony conviction. James did not respond. We grant the motion and recommend that James be summarily disbarred.

James was convicted of violating Welfare and Institutions Code section 10980, subdivision (c)(2) (welfare fraud-over \$400). On January 27, 2011, judgment was entered against James. On May 6, 2016, OCTC transmitted evidence of the conviction and evidence that her conviction had become final because no party filed an appeal within 60 days after pronouncement of judgment. (Cal. Rules of Court, rule 8.308.) On May 26, 2016, we placed respondent on interim suspension effective June 20, 2016.

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 offense is a felony. (Bus. & Prof. Code, § 6102, subd. (b); Wel. & Inst. Code,



subd. (c)(2); Penal Code, §§ 17, 1170, subd. (h).) Second, James's conviction involves the specific intent to deceive: "[w]henever any person has, willfully and knowingly, with the intent to deceive, by means of false statement or representation, or by failing to disclose a material fact, or by impersonation or other fraudulent device, obtained or retained aid under the provisions of this division for himself or herself or for a child not in fact entitled thereto." (Wel. & Inst. Code, subd. (c).) In addition, a welfare fraud conviction necessarily involves moral turpitude. (*In the Matter of Lybbert* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 297, 301.)

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 Tina Lavonne James, State Bar number 174628, be disbarred from the practice of law in this state. We also recommend that she 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.

PURCELL

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 29, 2016, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED JUNE 29, 2016

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

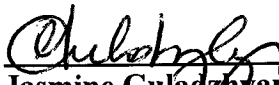
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**TINA L. JAMES
42313 73RD ST W
QUARTZ HILL, CA 93536**

- [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 29, 2016.



Jasmine Guladzhyan
Case Administrator
State Bar Court