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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. 16-C-10200
)	
STEVEN ROBERT RAFALOVICH)	ORDER
)	
A Member of the State Bar, No. 217976.)	
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On September 12, 2017, the Office of Chief Trial Counsel of the State Bar (OCTC) transmitted respondent's supplemental records of conviction showing that respondent Steven Robert Rafalovich has been finally convicted of violating Penal Code sections 422, subdivision (a) (criminal threats), a felony, and 273.6, subdivision (a) (disobeying domestic relations court order), a misdemeanor which may or may not involve moral turpitude. Because respondent has been convicted of a felony, it is ordered pursuant to Business and Professions Code section 6102 that respondent be suspended from the practice of law effective October 30, 2017, pending final disposition of this proceeding. (Cal. Rules of Court, rule 9.10(a).) It is also ordered that respondent comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this suspension.

Concurrently, OCTC filed a request for summary disbarment on grounds that respondent's felony conviction for violating Penal Code section 422, subdivision (a) (section

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422), is a crime that involves moral turpitude as a matter of law. (Bus. & Prof. Code, § 6102, subd. (c).) Respondent did not file a response.

This court has previously classified a violation of section 422 as a crime which may or may not involve moral turpitude. For example, we take judicial notice of our non-published order filed on March 8, 2013, in *In the Matter of Mohr* (State Bar Court Case No. 12-C-14703) (*Mohr*) and of our recommendation on resignation filed on May 15, 2015, in *In the Matter of Morris* (State Bar Court Case No. 14-Q-05963) (*Morris*). (Rules Proc. of State Bar, rules 5.156(B); Evid. Code, § 452, subd. (d).) OCTC failed to take note of these and similar rulings in its filings in this matter. We also take judicial notice that in OCTC's August 9 and 21, 2017, pleadings in *In the Matter of Kim* (State Bar Court Case No. 17-C-02393) (*Kim*) OCTC took the position that section 422 is a crime that may or may not involve moral turpitude. Further, in support of its summary disbarment request in this matter, OCTC relies on cases, *People v. Thorton* (1992) 3 Cal.App.4th 419 and *Singh v. Holder* (9th Cir. 2012) 668 F.3d 1156, which were published prior to our rulings in *Mohr* and *Morris*.

Within 10 days of this order, OCTC is ordered to file a supplemental brief clarifying its position on the classification of section 422 in light of *Mohr*, *Moore* and other cases in which this court has classified section 422, and in light of OCTC's position in cases such as *Kim*.

Respondent will have 10 days from the service of OCTC's brief to respond.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am an Administrative Assistant 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 6, 2017, I deposited a true copy of the following document:

ORDER FILED OCTOBER 6, 2017

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:

STEVEN R. RAFALOVICH
3334 E COAST HWY STE 514
CORONA DEL MAR, CA 92625

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

Kevin B. Taylor, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 6, 2017.



Dina Outlaw
Administrative Assistant
State Bar Court