

Filed July 24, 2007

REVIEW DEPARTMENT OF THE STATE BAR COURT

In the Matter of)	Case No.: 99-C-12429
)	
JOHN FRANKLYN WATKINS)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar)	
_____)	

The State Bar's request for recommendation of summary disbarment, filed on April 12, 2007, is granted. On May 2, 2007, we filed an order to show cause why we should not recommend summary disbarment to the Supreme Court. Respondent's opposition, filed on May 21, 2007, asserts that summary disbarment is not appropriate in this matter as the underlying conviction occurred in violation of his constitutional due process rights.

On May 29, 2003, respondent was convicted by a jury of one count of conspiracy to commit obstruction of justice (Pen. Code, § 182, subd. (a)(5).); one count of perjury by declaration (Pen. Code, § 118); and one count of conspiracy to commit stalking (Pen. Code, § 182, subd. (a)(1)).¹ As a result of respondent's conviction, he has remained on him on interim suspension effective September 23, 2003. Respondent's conviction was upheld on appeal, and his request for review by the California Supreme Court was denied. His conviction is now final.

We have considered the arguments made by respondent in his response to the order to show cause and do not find them persuasive. Respondent committed this offense at a time when summary disbarment was a consequence of his criminal conviction. His conviction is conclusive

¹We rely only on respondent's conviction for California Penal Code section 118 in making our recommendation for summary disbarment.

evidence that he is guilty of perjury by declaration. (Bus. & Prof. Code, § 6101, subd. (a).) He is conclusively presumed to have committed all of the acts necessary to constitute the offense. (*In re Duggan* (1976) 17 Cal.3d 416, 423.)

Accordingly, respondent's conviction meets the two criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c), as amended effective January 1, 1997. First, respondent's conviction is a felony. (See Pen. Code, §§ 126, 17, subd. (a); Bus. & Prof. Code, § 6102, subd. (b).) Second, perjury is a crime that involves moral turpitude per se. (See *In re Kristovich* (1976) 18 Cal.3d 468, 472; *Rothrock v. State Bar* (1940) 16 Cal.2d 449, 454.) 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 Pagurigan* (2001) 25 Cal.4th 1, 4-7.) Disbarment is mandatory. (*Id.* at p. 9; see also *In re Lesansky* (2001) 25 Cal.4th 11.)

We therefore recommend that respondent John Franklyn Watkins, State Bar member number 44678, be summarily disbarred from the practice of law in this state. We also recommend that respondent be ordered to comply with rule 9.20 of the California Rules of Court and to perform the acts specified in paragraphs (a) and (c) of that rule within 30 and 45 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 Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7, and as a money judgment.

Presiding Judge