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AUG 12 2013 JB

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 12-C-17715
)	
JOHN STEPHEN HAW,)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 194869.)	
_____)	

On July 10, 2013, the State Bar filed a request for recommendation of summary disbarment based on John Stephen Haw's felony conviction. Haw did not file a response. Based on the criminal record in this case, we grant the State Bar's request and recommend that Haw be summarily disbarred.

On May 13, 2013, the United States District Court for the Central District of California entered a judgment of conviction after Haw pleaded guilty to two counts of mail fraud involving deprivation of honest services. (18 U.S.C. §§ 1341/1346.) Effective February 18, 2013, we placed Haw on interim suspension. On July 10, 2013, the State Bar transmitted evidence that Haw's conviction is final.

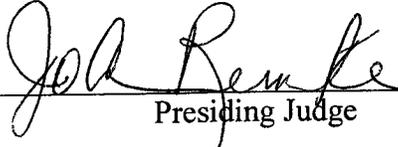
After the judgment of conviction becomes final, "the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude." (Bus. & Prof. Code, § 6102, subd. (c).) The record of conviction establishes that Haw's offense meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).



Haw was convicted of a felony (18 U.S.C. § 3559(a)), which satisfies the first element of the summary disbarment provision. As for the second element, the offense of mail fraud involving deprivation of honest services requires the specific intent to defraud. (*United States v. Milovanovic* (9th Cir. 2010) 627 F.3d 405, 412 [mail fraud involving deprivation of honest services requires a legally enforceable right to have another provide honest services; the intent to defraud; a scheme that involves a misrepresentation or concealment of a material fact; and the mails must be used to further the scheme]; see also *In re Utz* (1989) 48 Cal.3d 468, 482 [essential element of mail fraud is the specific intent to defraud].) Moreover, crimes involving the intent to defraud involve moral turpitude per se. (*In re Kelley* (1990) 52 Cal.3d 487, 494.)

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 Stephen Haw, State Bar number 194869, be disbarred from the practice of law in this state. We also recommend that Haw 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 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.



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 August 12, 2013, I deposited a true copy of the following document(s):

**RECOMMENDATION OF SUMMARY DISBARMENT
FILED AUGUST 12, 2013**

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

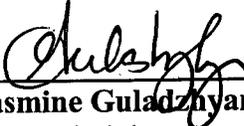
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JOHN S. HAW
JOHN STEPHEN HAW
26895 ALISO CREEK ROAD
SUITE 473B
ALISO VIEJO, CA 92656**

- [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 August 12, 2013.



Jasmine Guladzhyan
Case Administrator
State Bar Court