

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
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FILED

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JUL 23 2010

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

IN THE MATTER OF THE) Case No. 09-C-10076
CONVICTION OF:)
) Transmittal of Records of Conviction of Attorney (Bus. & Prof.
JAMIE L. HARLEY,) Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)
No. 112320)
) Felony;
) Crime(s) involved moral turpitude;
A Member of the State Bar) Probable cause to believe the crime(s) involved moral
) turpitude;
) Crime(s) which may or may not involve moral turpitude or
) other misconduct warranting discipline;
) Transmittal of Notice of Finality of Conviction.
_____) **SUMMARY DISBARMENT IMPLICATIONS**

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- A. Pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of the Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the Bar Court and for such consideration and action as the Court deems appropriate:
- B. Notice of Appeal
- C. Evidence of Finality of Conviction (Notice of Lack of Appeal)
- D. Other

Name of Member: JAMIE L. HARLEY

Date member admitted to practice law in California: December 12, 1983

Member's Address of Record: Harmon & Associates

300 S. 1st St. #220

San Jose, CA 95113

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: July 20, 2010

Convicting court: United States District Court, Northern District, San Jose

Case number(s): United States District Court, Northern District, San Jose Case No. 5:08-cr-938

Crime(s) of which convicted and classification(s):

Respondent was convicted of violating 18 U.S.C. section 1956(a)(1)(B)(1), which is a crime that necessarily involves moral turpitude. Section 1956(a)(1)(B)(1) provides as follows:

“(a)(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity— ...

“(B) knowing that the transaction is designed in whole or in part--

“(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity...

“shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both. For purposes of this paragraph, a financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement.”

This is a specific intent crime:

“To convict a person for money laundering under 18 U.S.C. § 1956(a)(1)(B)(i), the government must prove that (1) the defendant conducted or attempted to conduct a financial transaction; (2) the transaction involved the proceeds of unlawful activity; (3) the defendant *knew* that the proceeds were from unlawful activity; and (4) the defendant *knew* “that the transaction [was] designed in whole or in part-(i) to *conceal or disguise* the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity.”

U.S. v. Adefehinti (DC Cir. 2007) 510 F.3d 319, 322 (emphasis added, citation omitted).

The courts have found that attorneys who participate in money laundering schemes thereby commit acts of moral turpitude (see *In re Berman* (1989) 48 Cal.3d 517, 526 (facts underlying conspiracy to commit money laundering conviction involved moral turpitude; “Berman’s *belief* that the financial statements contained false information reflects sufficient indicia of fraudulent intent to constitute moral turpitude...” (citation omitted; emphasis original); *In the Matter of Rech* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 310, 315 (conspiracy to impair collection of taxes did not involve moral turpitude per se but underlying money laundering scheme did involve moral turpitude in its underlying facts)).

As noted above, respondent was convicted under a code section that necessarily required proof that she knowingly participated in the illegal transaction and knowingly tried to conceal or disguise its illegal nature. Thus, respondent’s crime is similar to other per se moral turpitude crimes involving intentional concealment and deception:

“This crime [harboring, concealing or aiding a felon] necessarily involves moral turpitude since it requires that a party has a specific intent to impede justice with knowledge that his actions permit a fugitive of the law to remain at large. An attorney convicted of this crime necessarily acts with

conscious disregard of his obligation to uphold the law. (See e.g., *In re Lindgren* (1979) 25 Cal.3d 65, 66, 157 Cal.Rptr. 518, 598 P.2d 488 [conviction of being an accessory after the fact to an obstruction of a criminal investigation necessarily involves moral turpitude]; *In re Hanley* (1975) 13 Cal.3d 448, 119 Cal.Rptr. 5, 530 P.2d 1381 [bribing a witness not to testify involves moral turpitude on its face]; *In re Craig* (1938) 12 Cal.2d 93, 82 P.2d 442 [conspiracy to obstruct justice involves moral turpitude on its face].) We conclude that petitioner's crime involved moral turpitude on its face.”

(*In re Young* (1989) 49 Cal.3d 257, 264.) As the Supreme Court has stated in discussing perjury:

“An attorney's practice of deceit involves moral turpitude.” (*Cutler v. State Bar* (1969) 71 Cal.2d 241, 253, 78 Cal.Rptr. 172, 179, 455 P.2d 108.) Such a willingness to deceive another person is, under any circumstances, inconsistent with the proper conduct of a member of the State Bar. (*Segretti v. State Bar* (1976) 15 Cal.3d 878, 888, 126 Cal.Rptr. 793, 544 P.2d 929; *MicKinney v. State Bar* (1964) 62 Cal.2d 194, 196, 41 Cal.Rptr. 665, 397 P.2d 425.)”

(*In re Kristovich* (1976) 18 Cal.3d 468, 476.)

We note that this conviction, once it becomes final, will qualify for summary disbarment on a ground in addition to its moral turpitude classification. Business and Professions Code section 6102(c) requires summary disbarment when the crime either involves moral turpitude per se or when an element of the crime requires a specific intent to deceive.

[X] 3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the member's compliance with the provisions of rule 9.20.

DOCUMENTS TRANSMITTED:

Criminal Docket dated July 20, 2010

Indictment filed December 31, 2008

Minute Order re Jury Verdicts filed July 20, 2010

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: July 22, 2010

BY: 

DONALD R. STEEDMAN
Supervising Trial Counsel

A copy of this transmittal and its
Attachments have been sent to:

PERSONAL & CONFIDENTIAL

JAMIE L. HARLEY

Harmon & Associates

300 S. 1st St. #220

San Jose, CA 95113

DECLARATION OF SERVICE BY REGULAR MAIL

CASE NUMBER: 09-C-10076

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit. That in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

TRANSMITTAL OF CONVICTION RE JAMIE L. HARLEY

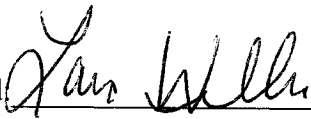
in a sealed envelope placed for collection and mailing as regular mail, at San Francisco, on the date shown below, addressed to:

PERSONAL & CONFIDENTIAL

JAMIE L. HARLEY
Harmon & Associates
300 S. 1st St. #220
San Jose, CA 95113

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, on the date shown below.

Signed



Date:

