

**REVIEW DEPARTMENT OF THE STATE BAR COURT
IN BANK**

In the Matter of)	06-C-12384
ROBERT S. GORDON)	
A Member of the State Bar)	RECOMMENDATION OF SUMMARY DISBARMENT

The State Bar’s request for recommendation of summary disbarment of respondent Robert S. Gordon, State Bar No. 116467, filed on September 21, 2006, is granted. Respondent filed no opposition.

On June 6, 2003, respondent was convicted of two counts of wire fraud (18 U.S.C. § 1343).¹ As a result of respondent’s conviction, we placed him on interim suspension effective July 28, 2006, and he has remained on interim suspension since that time. On January 9, 2007, we ordered the State Bar to provide additional evidence regarding the finality of the Second Amended Judgment in this matter. We find that respondent’s conviction is now final.

The record of conviction establishes that respondent’s conviction meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c) as amended effective January 1, 1997. First, the offense is a felony. (Bus. & Prof. Code, § 6102, subd. (b); 18 U.S.C. § 3559(a)(2)-(3).) Second, an element of the offense is the specific intent to defraud. (Bus. & Prof. Code, § 6102, subd. (c).) Title 18 United States Code section 1343 states “Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property

¹Petitioner was also convicted of one count of insider trading (15 U.S.C. §§ 18j(b) and 78ff(a)), a felony. We need not decide whether respondent’s conviction for insider trading involves moral turpitude since we conclude respondent’s summary disbarment is justified by his conviction for wire fraud.

by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.” Thus, “Wire fraud has three elements: a scheme to defraud, use of the wires in furtherance of the scheme, and the specific intent to defraud. [Citation.]” (*U.S. v. McNeil* (9th Cir. 2003) 320 F.3d 1034, 1040.)

When an attorney’s conviction meets the requirements of 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, 4-7.) Disbarment is mandatory. (*Id.* at p 9.)

We therefore recommend that respondent Robert S. Gordon, State Bar No. 116467, be disbarred from the practice of law in this state. We also recommend that respondent 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 & Professions Code section 6140.7 and as a money judgment.

Presiding Judge