

FILED
FEB - 6 2009
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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

In the Matter of)	Case No.: 08-C-12532
)	
MICHAEL L. BRAUN)	
)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar.)	
_____)	

On November 18, 2008, we ordered the parties to show cause why we should or should not recommend respondent be summarily disbarred due to his conviction of violations of title 18 United States Code sections 871(a) and 1038(a)(1)(A). On November 26, 2008, the State Bar filed its response. Respondent has not filed a response.

On March 17, 2008, respondent pled guilty to knowingly and willfully threatening in writing to kill the President of the United States and knowingly engaging in conduct with the intent to convey false and misleading information in violation, respectively, of title 18 United States Code sections 871(a) and 1038(a)(1)(A). As a result of respondent's conviction, we placed him on interim suspension effective August 25, 2008, and he has remained on interim suspension since that time. Respondent's conviction is now final.

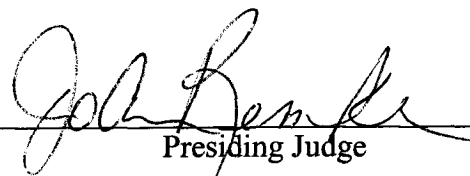
The record of conviction establishes that respondent's criminal violations meet the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c), as amended effective January 1, 1997. First, the offenses are felonies. Second, the offenses involve moral turpitude. Respondent's violation required that he make a knowing and willful threat directed at an executive officer. (18 U.S.C. § 871(a).) Threats directed at an executive officer

necessarily involve moral turpitude. (See *People v. Williams* (1999) 72 Cal.4th 1460, 1464.)

Further respondent's violation required that he intend to convey information he knew to be false or misleading. (18 U.S.C. § 1038(a)(1).) Crimes based on knowledge of the falsity of certain facts or documents necessarily involve moral turpitude. (*In re Rivas* (1989) 49 Cal.3d 794, 800.)

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 respondent Michael L. Braun, state bar number 161507, 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 and Professions Code section 6140.7 and as a money judgment.


Presiding Judge

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator 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 February 6, 2009, I deposited a true copy of the following document(s):

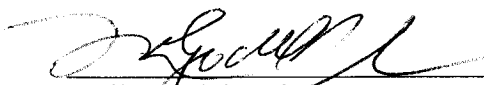
RECOMMENDATION OF SUMMARY DISBARMENT FILED FEBRUARY 6, 2009

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:
- MICHAEL L. BRAUN
8808 MINNIE CIR
ELK GROVE, CA 95624
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Donald Robert Steedman, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 6, 2009.


Milagro del R. Salmeron
Case Administrator
State Bar Court