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AUG 12 2015

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 10-C-09263
)	
GERALD LAWRENCE WOLFE,)	RECOMMENDATION OF
)	SUMMARY DISBARMENT
A Member of the State Bar, No. 180599.)	
_____)	

On July 20, 2015, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a Motion for Summary Disbarment based on Gerald Lawrence Wolfe's felony conviction. Wolfe did not respond. We grant the Motion and recommend that Wolfe be summarily disbarred.

In May 2011, Wolfe was convicted of violating 18 United States Code section 1349 (conspiracy to commit wire fraud). Wolfe was placed on interim suspension effective September 1, 2011.* On July 20, 2015, OCTC submitted evidence that the conviction had become final and requested Wolfe's summary disbarment. Specifically, Wolfe appealed his conviction, and, on October 27, 2014, the United States Court of Appeals for the Ninth Circuit affirmed the conviction.

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

* The Court's July 14, 2011 order placing Wolfe on interim suspension, effective August 7, 2011, was temporarily stayed by order on July 28, 2011. On August 4, 2011, the Court ordered the stay of the suspension lifted.

turpitude.” (Bus. & Prof. Code, § 6102, subd. (c).) The record of conviction establishes both criteria for summary disbarment.

First, his offense is a felony. (18 U.S.C. § 3559(a) [classifying offenses based on sentencing ranges]; see 18 U.S.C. §§ 1343, 1349 [conspiracy for wire fraud punishable with imprisonment up to 20 years].)

Second, Wolfe’s conviction involves moral turpitude because the conviction necessarily involves an intent to defraud. (*In re Fahey* (1973) 8 Cal.3d 842, 849.) The moral turpitude classification of the crime of conspiracy depends upon the object of the conspiracy. (*In re McAllister* (1939) 14 Cal.2d 602, 603 [if the commission of an offense involves moral turpitude, then a conspiracy to commit the offense would also involve moral turpitude].) The object of Wolfe’s conspiracy conviction was wire fraud in violation of 18 United States Code section 1343. Section 1343 provides in pertinent part: “Whoever, having devised or intending to devise any scheme or artifice to defraud . . . transmits or causes to be transmitted by means of wire . . . any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be [guilty of a crime against the United States].” An element of a wire fraud violation is the specific intent to deceive or defraud. (*Odom v. Microsoft Corp.* (9th Cir. 2007) 486 F.3d 541, 554.) Therefore, the conspiracy conviction involves moral turpitude because the object of the conspiracy involved the intent to deceive or defraud.

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 Gerald Lawrence Wolfe, State Bar number 180599, be disbarred from the practice of law in this state. We also recommend that he 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.

PURCELL

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 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 August 12, 2015, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED AUGUST 12, 2015

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

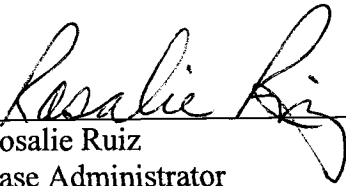
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

GERALD L. WOLFE
PO BOX 8022
NEWPORT BEACH, CA 92658

- 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, 2015.



Rosalie Ruiz
Case Administrator
State Bar Court