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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of) Case No. 11-C-19212
)
ROBERT M. L. BAKER III,) ORDER
)
A Member of the State Bar, No. 159359.)
_____)

On August 26, 2013, the State Bar filed a request for recommendation of summary disbarment based on the felony conviction of Robert M. L. Baker III. Baker did not file a response. Based on the criminal record in this case, we grant the State Bar's request and recommend that Baker be summarily disbarred.

On December 3, 2012, the United States District Court for the Central District of California entered a judgment of conviction after Baker pleaded guilty to a violation of: (1) title 18 United States Code section 371 (conspiracy to commit mail fraud [18 U.S.C. § 1341], wire fraud [18 U.S.C. § 1343], and tax evasion [26 U.S.C. § 7201]¹); (2) title 26 United States Code section 7206 (subscribing a false personal tax return); and (3) title 26 United States Code section 7206 (subscribing a false corporate tax return). Effective May 29, 2012, we placed Baker on interim suspension. On August 26, 2013, the State Bar transmitted evidence that Baker's conviction is final.

¹ We do not rely on this object of the conspiracy offense in making our summary disbarment recommendation.



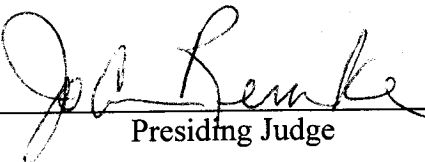
After the judgment of conviction becomes final, “the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude.” (Bus. & Prof. Code,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

Baker was convicted of felonies (18 U.S.C. § 3559(a), 26 U.S.C. 7206), which satisfies the first element of the summary disbarment provision. As for the second element, Baker’s conspiracy offense requires the specific intent to defraud. (*United States v. Cloud* (9th Cir. 1989) 872 F.2d 846, 852 [“the requisite intent necessary to commit the underlying substantive offense” is an element of conspiracy]); *In re Utz* (1989) 48 Cal.3d 468, 482; [essential element of mail fraud is the specific intent to defraud]; *United States v. McNeil* (9th Cir. 2003) 320 F.3d 1034, 1040 [wire fraud has three elements: a scheme to defraud, use of the wires in furtherance of the scheme, and the specific intent to defraud].) Further, Baker’s subscribing and filing false tax return convictions require the government to prove that a defendant specifically intended the return to be false. (*U.S. v. Friedland* (D.N.J. 1980) 502 F.Supp 611, 619.) Intentionally making such false statements necessarily involves moral turpitude. (*Chefsky v. State Bar* (1984) 36 Cal.3d 116, 124.)

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 Robert M. L. Baker III, State Bar number 159359, be disbarred from the practice of law in this state. We also recommend that Baker 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 October 16, 2013, I deposited a true copy of the following document(s):

ORDER FILED OCTOBER 16, 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:

ROBERT M. L. BAKER III
10600 LE CONTE AVE
LOS ANGELES, CA 90024

- [X] by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

DONALD R. STEEDMAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 16, 2013.



Jasmine Guladzhyan
Case Administrator
State Bar Court