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STATE BAR COURT OF CALIFORNIA

STATE BAR COURT
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REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 13-C-13930
)	
ELIZABETH KATHERINE BAUER,)	RECOMMENDATION OF
)	SUMMARY DISBARMENT
A Member of the State Bar, No. 194413.)	
_____)	

On October 17, 2014, the State Bar's Office of Chief Trial Counsel (OCTC) filed a request for summary disbarment based on Elizabeth Katherine Bauer's felony conviction. Bauer did not respond. We grant the request and recommend that Bauer be summarily disbarred.

On February 27, 2014, Bauer pled guilty to two counts of felony violations of Penal Code section 487, subdivision (a) (grand theft by embezzlement), with enhancements under Penal Code sections 186.11, subdivision (a)(1) and (3) (pattern of fraudulent conduct involving taking of \$100,000, but less than \$500,000) and 12022.6, subdivision (a)(1) (property damage over \$65,000).¹ As a result of the conviction, we issued an order placing Bauer on interim suspension, effective June 25, 2014. On October 17, 2014, OCTC transmitted evidence that Bauer's conviction is final.

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

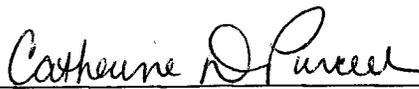
¹ In 2010, the threshold amount for grand theft under Penal Code section 487, subdivision (a) was changed from \$400 to \$950. (Stats. 2010, ch. 693, § 1.) The enhancements indicate that Bauer's actions constitute grand theft under both amounts. Further, although the amendment to Penal Code section 487, subdivision (a) was retroactive to non-final convictions (*People v. Wade* (2012) 204 Cal.App.4th 1142, 1149), Bauer pleaded guilty to the felony allegations as pleaded in the original complaint and did not file an appeal, making the conviction final.

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 Bauer’s offense meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

First, Bauer was charged with and convicted of a felony. (Pen. Code, § 489 [grand theft punishable by imprisonment in state prison or county jail pursuant to Pen. Code, § 1170, subd. (h)]; Pen Code, § 17 [felony is crime punishable by imprisonment in state prison or county jail under Pen. Code, § 1170, subd. (h)].) Second, the crime involves moral turpitude. (*In re Basinger* (1988) 45 Cal.3d 1348, 1358 [grand theft necessarily involves moral turpitude]; see also *In re Paguirigan* (2001) 25 Cal.4th 1, 5 [crimes of robbery, embezzlement and other forms of theft necessarily involve moral turpitude].)

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, supra*, 25 Cal.4th at p. 7.) Disbarment is mandatory. (*Id.* at p. 9.)

We therefore recommend that Elizabeth Katherine Bauer, State Bar number 194413, be disbarred from the practice of law in this state. We also recommend that she 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

[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 December 19, 2014, I deposited a true copy of the following document(s):

**RECOMMENDATION OF SUMMARY DISBARMENT
FILED DECEMBER 19, 2014**

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

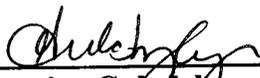
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ELIZABETH K. BAUER
515 FOREST TRAIL
BOX 8480
MAMMOTH LAKES, CA 93546**

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

ALLEN BLUMENTHAL, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 19, 2014.



Jasmine Guladzyan
Case Administrator
State Bar Court