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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. 14-C-02804
)	
CARMEN LYNNE FISCHER,)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No.117363.)	
_____)	

On December 22, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) transmitted to this court the records of conviction of respondent and filed a motion for summary disbarment based on respondent's felony convictions.¹ Respondent did not respond. We grant the motion and recommend that respondent be summarily disbarred.

On March 17, 2014, respondent pled guilty to violating Arizona Revised Statutes sections 13-1001, 13-2301, 13-2317, 13-2321, 13-610, 13-701, 13-702, 13-801 (attempted money laundering) and 13-1003, 13-2301, 13-2317, 13-2321, 13-610, 13-701, 13-702, 13-801 (assisting a criminal street gang), felonies involving moral turpitude. Effective February 21, 2017, respondent was placed on interim suspension from the practice of law. With its motion for summary disbarment, OCTC submitted evidence that the conviction had become final in 2014

¹ Pursuant to this court's order, OCTC filed supplemental reports, wherein it states that it received the record of conviction from the Superior Court of Pinal County Arizona about May 27, 2014. OCTC concedes it delayed in transmitting this matter to this court. (Cal. Rules of Court, rule 9.10(a); Bus. & Prof. Code § 6101, subd. (c) [conviction records which involve or may involve moral turpitude shall be transmitted within five days of receipt].) As explanation for the delay, the OCTC attorney assigned to the matter cited his workload, competing responsibilities, and the fact that the matter involves convictions from Arizona.

because neither party submitted a notice of appeal and the time period for filing such notice had expired. Therefore, the 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 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 both criteria for summary disbarment.

First, respondent’s offenses are felonies. Respondent pled guilty to her crimes as felonies, and she was found guilty of and sentenced to her crimes as felonies. (Bus. & Prof. Code, § 6102, subd. (d) [establishing criteria for determining whether a conviction under the laws of another state shall be deemed a felony for attorney discipline purposes].)

Second, respondent’s convictions necessarily involve moral turpitude because each crime included violations of Arizona Revised Statutes 13-2317 (money laundering) and 13-2321 (participating in or assisting a criminal street gang). (*In re Berman* (1989) 48 Cal. 3d 517, 526 [money laundering involves moral turpitude]; *In re Rivas* (1989) 49 Cal.3d 794, 800, citing *In re Bloom* (1987) 44 Cal.3d 128, 143; see also *In re Lesansky* (2001) 25 Cal.4th 11, 17 [an attempt involves the specific attempt to commit the crime].)

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 Carmen Lynne Fischer, State Bar number 117363, 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 costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, 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. 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 April 4, 2017, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED APRIL 4, 2017

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:

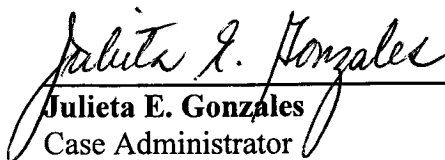
**CARMEN L. FISCHER
LAW OFC MARC J. VICTOR, P.C.
3185 S PRICE RD
CHANDLER, AZ 85248**

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

CHARLES A. MURRAY, Enforcement, Los Angeles

**COURTESY COPY:
MURRAY B. GREENBERG, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 4, 2017.



Julieta E. Gonzales

Case Administrator
State Bar Court