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**MAY 22 2012**

STATE BAR COURT  
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LOS ANGELES

**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 11-C-15405
	)	
THERESA MARIE ERICKSON,	)	RECOMMENDATION OF SUMMARY
	)	DISBARMENT
A Member of the State Bar, No. 197830.	)	
_____	)	

On April 19, 2012, the State Bar filed a request for recommendation of summary disbarment based on Theresa Marie Erickson's felony conviction for conspiracy to commit wire fraud. Erickson did not file a response. Based on the criminal record in this case, we grant the State Bar's request and recommend that Erickson be summarily disbarred.

On August 9, 2011, Erickson pled guilty to conspiracy to commit wire fraud (18 U.S.C. § 1343) in violation of title 18 United States Code section 371. As a result of the conviction, we issued an order placing Erickson on interim suspension, effective March 2, 2012. On April 19, 2012, the State Bar transmitted evidence that Erickson's conviction is final.

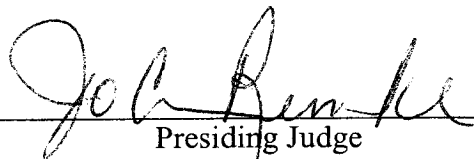
After the judgment of conviction becomes final, "the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude." (Bus. & Prof. Code,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



First, Erickson's offense is a felony. (18 U.S.C. § 3559(a).) Second, an essential element of conspiracy to commit wire fraud is the specific intent to defraud. (*United States v. McNeil* (9<sup>th</sup> Cir. 2003) 320 F.3d 1034, 1040 [wire fraud has three elements: a scheme to defraud, use of the wires in furtherance of that scheme, and the specific intent to defraud; see also *U.S. v. Licciardi* (9<sup>th</sup> Cir. 1994) 30 F.3d 1127, 1131 [one who is guilty of conspiracy to violate a federal statute must have the degree of criminal intent necessary for the underlying substantive offense].)

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 Theresa Marie Erickson, State Bar number 197830, be disbarred from the practice of law in this state. We also recommend that Erickson be ordered to comply with rule 9.20 of the California Rules of Court 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 May 22, 2012, I deposited a true copy of the following document(s):

ORDER FILED MAY 22, 2012

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:

THERESA M. ERICKSON  
PO BOX 1604  
POWAY, CA 92074

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:

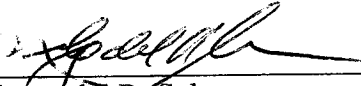
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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:

Brooke A. Schafer, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 22, 2012.

  
\_\_\_\_\_  
Milagro del R. Salmeron  
Case Administrator  
State Bar Court