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STATE BAR COURT  
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**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**



In the Matter of )  
SAMUEL BRASLAU, )  
A Member of the State Bar, No. 200843. )  
\_\_\_\_\_ )

Case No. 14-C-00946  
RECOMMENDATION OF SUMMARY  
DISBARMENT

On September 26, 2017, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a request for summary disbarment based on Samuel Braslau's felony convictions. Braslau did not respond. We grant the request and recommend that Braslau be summarily disbarred.

On November 14, 2014, Braslau was convicted of eleven counts of violating title 18 United States Code sections 1341 and 2(a) (aiding and abetting mail fraud), five counts of violating sections 1343, 1349, and 2(a) (wire fraud, attempted wire fraud, aiding and abetting), and one count of violating section 1001 (making a false statement). Effective February 25, 2015, this court placed Braslau on interim suspension from the practice of law. On July 30, 2015, OCTC transmitted evidence that Braslau had appealed his conviction to the Ninth Circuit Court of Appeals.

With its request for summary disbarment, OCTC submitted evidence that the conviction is now final. Specifically, the Ninth Circuit Court of Appeals affirmed the judgment on all but one count of violating title 18 United States Code sections 1343, 1349, and 2(a), and remanded the case to the district court for resentencing. After Braslau was resentenced, he filed a notice of appeal. He then sought a voluntary withdrawal of his appeal from the Ninth Circuit, which was

granted with the mandate issuing on May 30, 2017. The time for filing a petition for certiorari in the United States Supreme Court has elapsed. Therefore, the conviction is final. (Cal. Rules of Court, rule 9.10(a).)

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, Braslau’s offenses are felonies. (18 U.S.C. §§ 3559(a) [classifying offenses based on sentencing ranges], 1341, 1343 [mail fraud and wire fraud punishable with imprisonment up to 20 years], 1001 [false statement punishable with imprisonment up to five years].)

Second, Braslau’s mail and wire fraud convictions involve moral turpitude as a matter of law.<sup>1</sup> Braslau’s mail fraud conviction involves moral turpitude because it necessarily involves the specific intent to defraud. (See *United States v. Beecroft* (9th Cir. 1979) 608 F.2d 753, 757; *United States v. Payne* (9th Cir. 1973) 474 F.2d 603 [mail fraud is a specific intent crime]; see also *In re Utz* (1989) 48 Cal.3d 468, 484 [mail fraud involves moral turpitude].) The same is true for his wire fraud conviction. (*In re Fahey* (1973) 8 Cal.3d 842, 849; *Odom v. Microsoft Corp.* (9th Cir. 2007) 486 F.3d 541, 554 [an element of a wire fraud violation is the specific intent to deceive or defraud].) Accordingly, Braslau’s convictions qualify him for summary disbarment.

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

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<sup>1</sup> OCTC asserts that Braslau’s conviction for making a false statement may or may not involve moral turpitude. For this purposes of this case, we do not classify the crime as Braslau’s other convictions qualify him for summary disbarment.

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 Samuel Braslau, State Bar number 200843, 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 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.



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Acting Presiding Judge

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am an Administrative Assistant 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 October 19, 2017, I deposited a true copy of the following document:

ORDER FILED OCTOBER 19, 2017

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:

SAMUEL BRASLAU  
459 S DOHENY DR  
BEVERLY HILLS, CA 90211

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

Murray B. Greenberg, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 19, 2017.



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Dina Outlaw  
Administrative Assistant  
State Bar Court

**AMENDED CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am an Administrative Assistant 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 October 20, 2017, I deposited a true copy of the following document:

ORDER FILED OCTOBER 19, 2017

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:

SAMUEL BRASLAU  
459 S DOHENY DR  
BEVERLY HILLS, CA 90211

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

Kevin B. Taylor, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 20, 2017.



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Dina Outlaw  
Administrative Assistant  
State Bar Court