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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA
REVIEW DEPARTMENT
IN BANK

In the Matter of)
MICHAEL DAVID PETERSON,)
A Member of the State Bar, No. 231725.)
_____)
Case No. 17-C-00186
RECOMMENDATION OF
SUMMARY DISBARMENT

On March 15, 2018, the Office of Chief Trial Counsel of the State Bar (OCTC) filed a Request for Summary Disbarment based on Michael David Peterson's felony conviction. Peterson did not respond. The State Bar asserts that Peterson's felony offense involved moral turpitude per se. We grant the request and recommend that Peterson be summarily disbarred.

I. PROCEDURAL HISTORY

On October 11, 2017, Peterson pled no contest to violating Penal Code section 311.11, subdivision (a) (possession or control of child pornography). He was sentenced on November 14, 2017. On January 31, 2018, OCTC filed a conviction transmittal based on Peterson's felony conviction for possession of child pornography. On February 21, 2018, we placed Peterson on interim suspension, effective March 19, 2018. On March 15, 2018, OCTC transmitted evidence of the finality of his conviction and requested Peterson's summary disbarment.

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.

A. Peterson Was Convicted of a Felony

Peterson’s offense is a felony. The record of conviction shows that Peterson pled to a felony and was convicted of a felony violation of Penal Code section 311.11, subdivision (a). (Bus. & Prof. Code, § 6102, subd. (b).) Additionally, under the Penal Code, possession of child pornography is classified as a felony, punishable in state prison or county jail for up to one year. (See Pen. Code, § 311.11, subd. (a); Pen. Code, § 17, subd. (a) [crime punishable by imprisonment in state prison is a felony].)

B. Peterson’s Conviction Involved Moral Turpitude Per Se

The crime of possession of child pornography necessarily involves moral turpitude. (*In re Grant* (2014) 58 Cal.4th 469, 480.) “The knowing possession of child pornography is ‘a serious breach of the duties of respect and care that all adults owe to all children, and it show[s] such a flagrant disrespect for the law and for societal norms, that continuation of [a convicted attorney’s] State Bar membership would be likely to undermine public confidence in and respect for the legal profession.’ [Citation].” (*Id.* at pp. 480-481.)

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 Michael David Peterson, State Bar number 231725, 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 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.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

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

I am a Court Specialist 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 April 30, 2018, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED APRIL 30, 2018

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

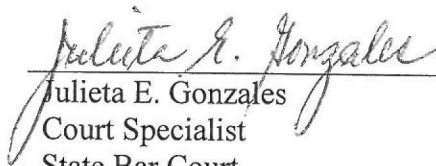
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MICHAEL D. PETERSON
PO BOX 301986
ESCONDIDO, CA 92030 - 1986

- 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 April 30, 2018.



Julieta E. Gonzales
Court Specialist
State Bar Court