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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. 17-C-01743
DAVID LEE BERGREN,)
) RECOMMENDATION OF SUMMARY
) DISBARMENT
A Member of the State Bar, No. 154047.)
)
_____)

On August 2, 2018, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a request for summary disbarment based on David Lee Bergren's felony conviction. Bergren did not respond. We grant the request and recommend that Bergren be summarily disbarred.

On January 4, 2018, Bergren was convicted of one count of violating Penal Code section 288(a) (lewd act upon a child under the age of 14 years). OCTC transmitted evidence of Bergren's conviction on February 13, 2018. On March 8, 2018, we ordered that Bergren be placed on interim suspension, effective April 2, 2018, pending the final disposition of his proceeding. On August 2, 2018, OCTC transmitted evidence that Bergren did not file a notice of appeal within the statutory period following the entry of judgment. 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, Bergren's offense is a felony. (Pen. Code, § 288(a) [lewd act upon a child under the age of 14 years is a felony, and is punishable by imprisonment for 3, 6, or 8 years].) Second, Bergren's conviction for lewd act upon a child under the age of 14 involves moral turpitude. (*In re Lesansky* (2001) 25 Cal.4th 11, 17 [intention to satisfy sexual desire with a child "necessarily involves moral turpitude for purposes of attorney discipline"]; *In re Fahey* (1973) 8 Cal.3d 842, 849 [conviction of a serious sexual offense establishes "moral turpitude on its face"].) A conviction of a serious sexual offense involves moral turpitude because the offense is "one of depravity, contrary to the accepted and customary rule of right and duty between man and man." (*In re Boyd* (1957) 48 Cal.2d 69, 70.) Accordingly, Bergren's conviction qualifies 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 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 David Lee Bergren, State Bar number 154047, 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.

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 September 21, 2018, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED SEPTEMBER 21,
2018

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

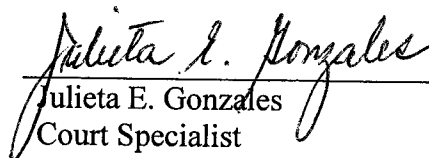
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID L. BERGREN
PO BOX 5587
SACRAMENTO, CA 95817

- 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 September 21, 2018.



Julieta E. Gonzales
Court Specialist
State Bar Court