

**State Bar Court of California**  
**Hearing Department**  
**San Francisco**

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<b>Counsel For The State Bar</b>  <b>Cydney Batchelor</b> <b>Deputy Trial Counsel</b> <b>180 Howard St., 7<sup>th</sup> Fl.</b> <b>San Francisco, CA 94105</b> <b>Tele: 415/538-2204</b>  <b>Bar # 114637</b>	<b>Case Number (s)</b>  <b>09-C-13991-PEM</b>	<b>(for Court's use)</b>  <b>PUBLIC MATTER</b>  <b>FILED</b> <b>MAR 15 2011</b> <b>STATE BAR COURT CLERK'S OFFICE</b> <b>SAN FRANCISCO</b>
<b>In Pro Per Respondent</b>  <b>Eric G. Lundberg</b> <b>5520 Ogden Ct.</b> <b>Concord, CA 94521</b> <b>Tele: 925/323-1110</b>  <b>Bar # 116845</b>	<b>Submitted to: Assigned Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND</b> <b>DISPOSITION AND ORDER APPROVING; ORDER OF</b> <b>INVOLUNTARY INACTIVE ENROLLMENT</b>	
<b>In the Matter of:</b>  <b>ERIC G. LUNDBERG</b>  <b>Bar # 116845</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>	<b>DISBARMENT</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **December 3, 1984**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of ( **7** ) pages, not including the order.

- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - ☒ Costs to be awarded to the State Bar
  - ☐ Costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - ☐ Costs entirely waived
- (9) ORDER OF INACTIVE ENROLLMENT:  
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 220(c).

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1) ☐ **Prior record of discipline**
  - (a) ☐ State Bar Court case # of prior case
  - (b) ☐ Date prior discipline effective
  - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
  - (d) ☐ Degree of prior discipline
  - (e) ☐ If respondent has two or more incidents of prior discipline, use space provided below:
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.  
**See attached**
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See attached**
- (8) ☐ **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

None

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

(Do not write above this line.)

- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

See attached regarding no prior discipline, cooperation with the State Bar, cooperation with law enforcement and stipulated restitution.

**D. Discipline: Disbarment.**

**E. Additional Requirements:**

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (2) ☐ **Restitution:** Respondent must make restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ plus 10 percent interest per year from \_\_\_\_\_. If the Client Security Fund has reimbursed \_\_\_\_\_ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than \_\_\_\_\_ days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Client Security Fund Reimbursement:** Respondent must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment obligation is enforceable as provided under Business and Professions Code section 6140.5.
- (4) ☒ **Other: See attached for restitution condition**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISBARMENT**

**IN THE MATTER OF:**                      **ERIC G. LUNDBERG**

**CASE NUMBER:**                      **09-C-13991-PEM**

**FACTS AND CONCLUSIONS OF LAW.**

Procedural Background: This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professional Code and rule 9.10 of the California Rules of Court. On December 9, 2009, respondent pled guilty to a felony violation of one count of 8 U.S.C. section 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(i) [harboring an illegal alien for private financial gain]. On March 2, 2010, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the facts and circumstances surrounding the conviction involved moral turpitude or other misconduct warranting discipline.

Facts: From 1974 to 1984, respondent was a police officer. He was admitted to practice in California on December 3, 1984. Beginning in June 2005 and continuing until January 2008, respondent concealed, harbored and shielded from detection by immigration authorities victim "PG." (Due to the nature of the charges, the name of the victim was not made public in respondent's criminal case; instead, the victim was identified only as "PG.") PG was a Philippine national and an alien to the United States. Respondent knew, based on his first-hand observation of victim PG's impoverished surroundings, family responsibilities, and the work that she performed in the Philippines, that she was a vulnerable victim. Respondent also knew that PG had illegally entered the United States because he had asked her to come to the US and assisted her in unlawfully entering and remaining in the US and escaping detection by immigration authorities. Victim PG performed a variety of domestic duties for respondent, and it was his intention to obtain PG's services at a below-market rate, *i.e.*, he received private financial gain.

Conclusions of Law: The facts and circumstances surrounding respondent's violation of 8 U.S.C. section 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(i) involves moral turpitude. Respondent acknowledges that by the conduct described herein, he willfully violated Business and Professions Code sections 6068(a) and 6106.

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was September 10, 2010.

## **AUTHORITIES SUPPORTING DISCIPLINE.**

Standards for Attorney Sanctions for Professional Misconduct 1.2(b)(ii), 1.2(b)(iv), 1.4(d), 1.6(a), 3.2; California Rule of Court 9.20(d); *U.S. v. Raghunanddan* (1984) 587 F.Supp. 423, 425; see also *Matter of Tiwari* (1989) 19 I & N Dec. 875, 883.

## **AGGRAVATING CIRCUMSTANCES.**

Multiple Acts of Misconduct: The misconduct stipulated to herein represented multiple acts of misconduct.

Harm: The victim in this case, PG, suffered significant harm as a result of respondent's misconduct.

## **MITIGATING CIRCUMSTANCES.**

No prior discipline: Although the misconduct stipulated to herein is extremely serious, respondent has no prior record of discipline since his admission on December 3, 1984.

Cooperation with law enforcement: As soon as respondent was represented by counsel in the criminal proceedings, he admitted his misconduct and entered a plea of guilty.

Cooperation with the State Bar: Respondent has been cooperative with the State Bar in the resolution of this case.

Stipulated restitution: On January 7, 2010, after he pled guilty, respondent stipulated to the entry of a court order that requires him to pay \$15,000.00 in restitution to PG, plus interest.

## **RESTITUTION.**

Respondent must make restitution to PG through remittance to the Clerk of the United States District Court for the Northern District of California, Oakland Division, in Docket No. CR-09-00661 CW, entitled *US v. Eric Gwynn Lundberg, et al.*, in the amount of \$15,000.00 plus 10 percent interest per year from January 22, 2010 until paid in full. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles.

(Do not write above this line.)

In the Matter of  ERIC G. LUNDBERG, No. 116845	Case number(s):  09-C-13991-PEM
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### SIGNATURE OF THE PARTIES

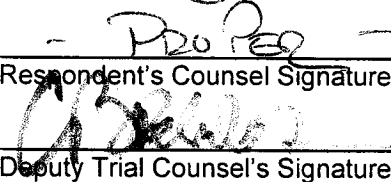
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

10/4/2010  
Date

  
Respondent's Signature

ERIC G. LUNDBERG  
Print Name

10/12/10  
Date

  
Respondent's Counsel Signature  
Deputy Trial Counsel's Signature

Print Name  
CYDNEY BATCHELOR  
Print Name

(Do not write above this line.)

In the Matter of  <b>ERIC G. LUNDBERG, No. 116845</b>	Case Number(s):  <b>09-C-13991-PEM</b>
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**ORDER**

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Respondent **ERIC G. LUNDBERG** is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 490(b) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

March 15, 2011

Judge of the State Bar Court

Pat McElroy



## 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 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 San Francisco, on March 15, 2011, I deposited a true copy of the following document(s):


STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND  
ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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 San Francisco, California, addressed as follows:
- |  |  |
|--|--|
| ERIC GWYNN LUNDBERG<br>25 ANGI LN<br>CONCORD, CA 94521 | ERIC GWYNN LUNDBERG<br>JACKSON COUNTY TRANSITION CENTER<br>5505 SOUTH PACIFIC HWY<br>PHOENIX, OR 97535 |
|--|--|
- ☐ 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:

Cydney Batchelor, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 15, 2011.

  
George Hue  
Case Administrator  
State Bar Court