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STATE BAR COURT OF CALIFORNIA

AUG 03 2016

REVIEW DEPARTMENT

**STATE BAR COURT
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IN BANK

In the Matter of)	Case No. 11-C-19278
)	
DAVID MARSH TAMMAN,)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 175916.)	
_____)	

On May 16, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a motion for summary disbarment based on David Marsh Tamman's felony conviction. Tamman did not respond. We grant the motion and recommend that Tamman be summarily disbarred.

On November 13, 2013, Tamman was convicted of violating of title 18 United States Code sections 371, 1512(k) (conspiracy to obstruct justice), 1519, 2 (aiding and abetting the destruction, alteration or falsification of records), 3 (accessory after the fact to mail fraud [18 U.S.C. § 1341], use of mail or interstate commerce for unregistered securities [15 U.S.C. § 77e], securities fraud [15 U.S.C. § 77x]), and 1512(c)(2), 2(a) (aiding and abetting witness tampering, obstruction of justice). Effective February 18, 2013, Tamman was placed on interim suspension from the practice of law. With its motion for summary disbarment, OCTC submitted evidence that the conviction has become final. Specifically, following Tamman's appeal, the Ninth Circuit Court of Appeals affirmed the judgment; its mandate issued on June 18, 2015. Therefore, the 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 both criteria for summary disbarment.

First, Tamman’s offenses are felonies. (18 U.S.C. §§ 3559(a) [classifying offenses based on sentencing ranges], 1512(k) [punishable with imprisonment up to 20 years], 1519 [punishable with imprisonment up to 20 years], 3 [punishable with imprisonment up to 15 years], 1512(c)(2), 2(a) [punishable with imprisonment up to 20 years].)

Second, Tamman’s convictions for the conspiracy to obstruct justice and aiding and abetting the obstruction of justice necessarily involve moral turpitude. (*In re Craig* (1938) 12 Cal.2d 93, 97 [offense of conspiring to corruptly influence, obstruct, impede, hinder and embarrass the due administration of justice “falls easily within the definition of moral turpitude”]; see *In re McAllister* (1939) 14 Cal.2d 602, 603 [if the commission of an offense involves moral turpitude, then a conspiracy to commit the offense would also involve moral turpitude]; *In re Utz* (1989) 48 Cal.3d 468, 475 [classification of aiding and abetting offense same as the substantive offense].) Accordingly, Tamman’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 Marsh Tamman, State Bar number 175916, 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 Case Administrator of the State Bar Court. 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 August 3, 2016, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED AUGUST 3, 2016

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

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

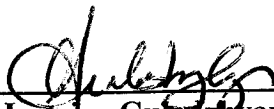
**DAVID M. TAMMAN
DAVID M. TAMMAN
507 NORWICH DR
WEST HOLLYWOOD, CA 90048**

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

BROOKE A. SCHAFER, Enforcement, Los Angeles

CHARLES A. MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 3, 2016.



Jasmine Guladzhyan
Case Administrator
State Bar Court