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**STATE BAR COURT OF CALIFORNIA  
REVIEW DEPARTMENT**

STATE BAR COURT  
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**IN BANK**

In the Matter of	)	Case No. 12-C-13594
	)	
GARY EDWARD KOVALL,	)	RECOMMENDATION OF
	)	SUMMARY DISBARMENT
A Member of the State Bar, No. 69086.	)	
_____	)	

On September 28, 2015, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a Motion for Summary Disbarment based on respondent Gary Edward Kovall's felony conviction. Kovall did not respond. We grant the motion and recommend that Kovall be summarily disbarred.

In February 2014, Kovall plead guilty to violating title 18 United States Code section 371 (conspiracy to commit bribery). Effective July 9, 2014, Kovall was placed on interim suspension from the practice of law. On September 28, 2015, OCTC submitted evidence that the conviction had become final and requested Kovall'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.

First, Kovall's offense is a felony. (18 U.S.C. § 3559(a) [classifying offenses based on sentencing ranges]; see 18 U.S.C. §§ 371, 666 [conspiracy punishable with imprisonment up to 5 years].)

Second, Kovall's conviction involves moral turpitude. The moral turpitude classification of the crime of conspiracy depends upon the object of the conspiracy. (*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].) The object of Kovall's conspiracy conviction was bribery in violation of title 18 United States Code sections 666(a)(1)(B) and (a)(2).<sup>\*</sup> "[C]onvictions of crimes inherently involving moral turpitude, including . . . bribery, . . . necessarily establish an attorney's culpability by the very fact of the conviction and do not require any evidentiary hearing or showing beyond the certified evidence of the conviction itself." (*In the Matter of Miller* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 110, 114.) As such, the object of the conspiracy involves moral turpitude, therefore, the conspiracy conviction qualifies Kovall for summary disbarment under the statute. (Bus. & Prof. Code, § 6102, subd. (c).)

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.)

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<sup>\*</sup> Section (a)(1)(B) is violated when a defendant "corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government or agency involving anything of value of \$5,000 or more." Section (a)(2) is violated when a defendant "corruptly gives, offers, or agrees to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more."

We therefore recommend that Gary Edward Kovall, State Bar number 69086, 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.

**HONN**

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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 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 November 2, 2015, I deposited a true copy of the following document(s):

### RECOMMENDATION OF SUMMARY DISBARMENT FILED NOVEMBER 2, 2015

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

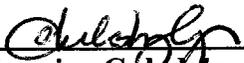
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**GARY E. KOVALL**  
**535 E BOUNDARY ST**  
**ELY, MN 55731**

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

**CHARLES A. MURRAY, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 2, 2015.

  
\_\_\_\_\_  
Jasmine Guladzhyan  
Case Administrator  
State Bar Court