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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. 14-C-05375
)	
DAVID WYSER,)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 154190.)	
_____)	

On May 3, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) transmitted respondent's record of conviction and filed a Motion for Summary Disbarment based on respondent's felony conviction. Respondent did not respond. We grant the Motion and recommend that respondent be summarily disbarred.

On July 2, 2013, respondent pled guilty to a violation Title 18 United States Code section 666(a)(1)(B) (accepting a bribe). No party filed a notice of appeal within the statutory time period after the filing of the judgment (Fed. Rules App. Proc., rule 4(b)), thus the conviction is final for the purposes of attorney discipline (Bus. & Prof. Code § 6102(c)). As a result of respondent's felony conviction, we placed him on interim suspension, effective June 20, 2016.

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.

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First, his offense is a felony. (18 U.S.C. § 3559(a) [classifying offenses based on sentencing ranges]; see 18 U.S.C. § 666 [accepting a bribe is punishable with imprisonment up to 10 years].)

Second, respondent's bribery conviction necessarily involves moral turpitude. (*In re Rothrock* (1940) 16 Cal.2d 449, 454 ["In cases such as those involving convictions of murder, forgery, extortion, bribery, perjury, robbery, embezzlement and other forms of theft, no difficulty would attend the determination of the question of moral turpitude from a consideration of the record of conviction alone"].)

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 Wyser, State Bar number 154190, 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 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 Los Angeles, on June 3, 2016, I deposited a true copy of the following document(s):

RECOMMENDATION ON SUMMARY DISBARMENT FILED JUNE 3, 2016

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

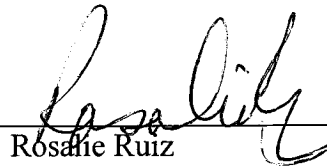
- X by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID WYSER
14210 E WINDRIVER LN
RENO, NV 89511

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

CHARLES MURRAY, Enforcement, Los Angeles

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



Rosalie Ruiz
Case Administrator
State Bar Court