

DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| In the Matter of:                     | : |                       |
|                                       | : |                       |
| DAVID H. SAFAVIAN,                    | : | Bar Docket No. 339-05 |
| (D.C. Bar No. 448540)                 | : |                       |
|                                       | : |                       |
| Respondent.                           | : |                       |
|                                       | : |                       |
| A Member of the Bar of the            | : |                       |
| District of Columbia Court of Appeals | : |                       |

REPORT AND RECOMMENDATION OF  
THE BOARD ON PROFESSIONAL RESPONSIBILITY

Respondent was convicted in the United States District Court for the District of Columbia of two felony offenses: obstruction of justice (in violation of 18 U.S.C. § 1505) and false statements (in violation of 18 U.S.C. § 1001). Bar Counsel reported Respondent's conviction to the District of Columbia Court of Appeals ("Court") by letter dated July 7, 2006.

By Order dated August 8, 2006, the Court suspended Respondent and directed the Board to institute a formal proceeding to determine the nature of the offenses for the purpose determining whether the crimes of which Respondent was convicted involve moral turpitude within the meaning of D.C. Code § 11-2503(a). Respondent's conviction involves a serious crime as defined by D.C. Bar R. XI, § 10(b). *In re Safavian*, No. 06-BG-781 (Aug. 8, 2006).

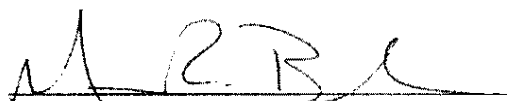
By letter dated September 11, 2006, from the Office of the Board's Executive Attorney the Respondent was notified of this proceeding and the procedure to be followed, including Respondent's right to file a response to Bar Counsel's statement. Respondent has filed nothing in this matter.

Crimes involving moral turpitude require disbarment under D.C. Code § 11-2503(a). The Court has determined that obstruction of justice is a crime of moral turpitude *per se*. *See In re*

*Colson*, 412 A.2d 1160, 1168 (D.C. 1979) (en banc). Mr. Colson was convicted of violating 18 U.S.C. § 1503, but in a later decision the Court determined that obstruction of justice in violation of § 1505 is also a crime of moral turpitude *per se*. See *In re Schwartz*, 619 A.2d 39 (D.C. 1993) (per curiam); *In re Larins*, 576 A.2d 1351 (D.C. 1990) (per curiam). Therefore Respondent has been convicted of a crime of moral turpitude *per se*. Accordingly, the Board recommends that Respondent be disbarred pursuant to D.C. Code § 11-2503(a), because he was convicted of a crime of moral turpitude *per se*. For purposes of reinstatement, Respondent's disbarment should begin to run from the date that he files an affidavit pursuant to D.C. Bar R. XI, § 14(g). See *In re Slosberg*, 650 A.2d 1329, 1331 (D.C. 1994).

BOARD ON PROFESSIONAL RESPONSIBILITY

By:

  
Martin R. Baach  
Chair

Dated: NOV - 3 2006

All members of the Board concur in this Report and Recommendation.