

**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**

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**In the Matter of**

**SYLVIA ROLINSKI, ESQUIRE,**

**Respondent**

**Member of the Bar of the  
District of Columbia Court of Appeals  
Bar Number: 430573  
Date of Admission: November 5, 1991**

**Bar Docket No. 2015-D231**



**SPECIFICATION OF CHARGES**

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar Rule X and D.C. Bar Rule XI, § 2(b).

Jurisdiction for these disciplinary proceedings is prescribed by D.C. Bar Rule XI. Pursuant to D.C. Bar Rule XI, § 1(a), jurisdiction is found because:

1. Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on November 5, 1991, and assigned Bar Number 430573.

2. Beginning in 1996, Respondent began accepting appointments as a member of the Fiduciary Panel for the Superior Court of the District of Columbia Probate Division (Probate Division).

3. Respondent is the founding partner of Rolinski & Suarez and practices international, immigration, personal injury and trusts and estates law.

The conduct and standards that Respondent has violated are as follows:

**I. In re: Estate of Ruth M. Toliver-Woody, 1999 INT 257**

4. In October 1999, Ruth M. Toliver-Woody became a Ward in the District of Columbia. Ms. Toliver-Woody suffered from dementia, insulin dependent diabetes mellitus, and anemia.

5. Ms. Toliver-Woody's niece, Shirley Riley, was initially appointed to serve as Permanent General Guardian and Permanent General Conservator. In February 2002, the court removed Ms. Riley as conservator and appointed Respondent in her place. Ms. Riley remained Ms. Toliver-Woody's guardian.

6. In October 2004, Ms. Toliver-Woody was moved to a nursing home in the District of Columbia.

7. On January 12, 2005, the court removed Ms. Riley as guardian and appointed Respondent as Successor Guardian.

8. On June 29, 2007, Respondent filed a Petition for Extraordinary Compensation for Fees and Costs from Subject Assets and the Guardianship Fund. This was the first petition for fees and reimbursement of expenditures filed by Respondent and covered the period of September 6, 2001 to May 2007.

9. Although Respondent claimed in her First and Second Successor Guardian Reports<sup>1</sup> that she had visited Ms. Tolliver-Woody on January 24, 2005 and August 4, 2005, respectively, Respondent's petition did not seek any fees for Respondent's time during these alleged visits. The nursing home visitors' sign-in sheets also did not reflect any visit from Respondent to Ms. Tolliver-Woody during that time. Nor did the staff recall seeing Respondent visit Ms. Tolliver-Woody in person from 2004 until 2010. Respondent's petition sought \$10,088.50 in fees and \$2,138.80 in costs.

10. Respondent had no contact with Ms. Toliver-Woody's case until her appointment in February 2002. In the petition, however, Respondent included claims for services performed on September 6, 2001 and September 9, 2001. The claims were approved but at the time the court did not realize Respondent had not yet entered the case.

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<sup>1</sup> The first Guardian Report usually is due six months from the date of appointment of the guardian with each succeeding report due at six months intervals. The Final Guardian Report is due within 60 days of the termination of the guardianship or the death of the ward.

11. On July 17, 2007, the court approved the fees but requested an additional explanation of the expenses itemized by Respondent. The court determined that a reasonable compensation for the services Respondent provided was \$9,800 (computed at \$80 per hour for 122.50 hours), and that the expenses needed further explanation as they appeared high.

12. On August 8, 2007, Respondent filed her 5th Guardian Report and disclosed that she had not visited Ms. Tolliver-Woody during the reporting period.

13. On November 23, 2007, Respondent filed a supplement to her petition for expenses.

14. On December 21, 2007, the Court granted reimbursement for expenses of \$249 and ordered Respondent to explain the charges for services provided before her appointment.

15. On February 12, 2008, Respondent filed her 6th Guardian Report and disclosed that she had visited Ms. Tolliver-Woody once by telephone during the reporting period.

16. On July 25, 2008, Respondent filed her 7th Guardian Report and again disclosed that she had visited Ms. Toliver-Woody only once in the last reporting period, and that visit was by telephone on July 21, 2008. Although in her June 25, 2009 petition for compensation, Respondent sought compensation only for

one four-hour meeting with Ms. Tolliver-Woody that allegedly occurred on January 24, 2008, Respondent did not claim in her 7th Guardian Report that such a visit occurred. The nursing home visitors' sign-in sheets also did not reflect any visit from Respondent to Ms. Tolliver-Woody during that time. Nor did the staff recall seeing Respondent visit Ms. Tolliver-Woody in person from 2004 until 2010.

17. On July 30, 2008, Judge Burgess wrote Respondent a letter after his review of the Respondent's Guardian Report, saying;

I would think that more frequent visitation would be necessary, particularly when the ward is in an institution like a nursing home.

18. Respondent replied to Judge Burgess, that she had "been in touch with the ward by telephone and/or the institution virtually weekly'[,]" and--referring to a staff member at the nursing home-- reported: "we agreed that a visit would be redundant," because of Respondent's other telephone calls to the institution about financial matters and other issues.

19. In a letter dated August 11, 2008, Judge Burgess wrote Respondent back and stated:

I do not agree that one visit is redundant. I am of the opinion that at least three and probably four visits are necessary to assure that the ward is well cared for. Please assure that this is done.

20. On January 7, 2009, Respondent filed her 8th Guardian Report and claimed that she had visited Ms. Tolliver-Woody three times during the reporting

period. However, Respondent's June 25, 2009 petition for compensation only acknowledged and sought compensation for one visit to Ms. Tolliver-Woody by Ms. Danielle Espinet, Esquire, Respondent's partner. The visitors' sign-in sheet at the nursing home did not reflect any visits from Respondent or Ms. Espinet during this time. Nor did the staff recall Respondent or Ms. Espinet visiting Ms. Tolliver-Woody in person from 2004 to 2010.

21. On July 10, 2009, Respondent filed her 9th Guardian Report and again claimed that she had visited Ms. Tolliver-Woody three times during the reporting period. Neither Respondent's June 25, 2009 nor her April 19, 2010 petition for compensation acknowledged or sought compensation for any visits to Ms. Tolliver-Woody during this time frame. The visitors' sign-in sheet at the nursing home did not reflect any visits from Respondent during this time. Nor did the staff recall Respondent visiting Ms. Tolliver-Woody in person from 2004 to 2010.

22. On September 14, 2009, the court filed an order appointing a student visitor to investigate the fiduciary work of Respondent at the behest of the court. On September 30, 2009 the nursing home reminded Respondent in writing that, as guardian, she may want to visit Ms. Tolliver-Woody occasionally.

23. On November 10, 2009, the student visitor filed her report.

24. On August 20, 2010, Judge Campbell conducted a hearing to discuss

concerns with Respondent's accessibility. One of the concerns raised again at the hearing was Respondent's failure to visit Ms. Toliver-Woody. Judge Campbell decided to appoint a professional visitor for a more in-depth review of the Respondent's performance.

25. At the hearing, the nursing home social worker, Ms. Ruth Mukami, testified that the home's visitor log contained only one personal visit to Ms. Toliver-Woody by Respondent, on July 12, 2010. Ms. Mukami added that everyone who entered the nursing home was required to sign the visitor log located at the security guard's desk.

26. Respondent contended that she often did not sign the visitor log. Respondent also claimed that her partner Ms. Espinet, visited Ms. Toliver-Woody when Respondent was unable to do so.

27. Ms. Mukami disputed this statement pointing out there was no entry of Ms. Espinet's signature for any day in the visitor log.

28. Judge Campbell assigned a court-appointed attorney visitor to investigate these and other issues further and scheduled a follow up hearing with the parties.

29. On October 22, 2010, Judge Campbell reconvened the parties to discuss the court-appointed attorney visitor's findings about Respondent's visits to the ward.

30. The court-appointed attorney visitor reported that “it’s clear from the record at the nursing home that the visits have been infrequent, as I stated . . . the interviews that I had with staff members who attend to Ms. Woody that they rarely saw Ms. –the guardian here, Ms. Rolinski. . . . The sign-in sheets did not show her name but one or two times.”

31. The court-appointed attorney visitor noted that Respondent included dates on her fee petition to reflect visits to the ward, but upon reviewing the nursing home records, those visits did not occur.

32. Meanwhile, after the student visitor’s report was filed on November 10, 2009, Respondent began to report three visits to Ms. Tolliver-Woody during the reporting period on her Guardian Reports, and began to claim even more visits to Ms. Tolliver-Woody for 3 to 5.2 hours per visit on her petitions for compensation. Even when the number of visits Respondent claimed on her Guardian Reports began to match the number on her petition for compensation, Respondent continued to claim that she had meetings with Ms. Tolliver-Woody that lasted 3.5 to 5.9 hours per visit, including nine visits when Ms. Tolliver-Woody was on a ventilator. Respondent also submitted “excessive” charges of .3 or .4 of an hour for telephone calls providing her with status updates that she received from United Medical Center and the St. Thomas Moore facility.



33. Ms. Toliver-Woody died on June 20, 2011. Respondent failed to notify the court of Ms. Toliver-Woody's death at that time. Respondent failed to timely file the suggestion of death form required by Probate Rule SCR-PD 328(d).

34. Respondent did not advise the Superior Court of Ms. Toliver-Woody's death until after the court had issued a delinquency notice in July 2011 for Respondent's failure to timely file a guardian report, and after the court scheduled a hearing date because of Respondent's continued delinquency. Indeed, Respondent did not notify the court of Ms. Tolliver-Woody's death until August 10, 2011, when she filed her 12th Guardian Report.

35. Given the date of Ms. Tolliver-Woody's death, Respondent's deadline to file her fee petition was August 21, 2011. Respondent filed her fee petition several months late, on January 11, 2012 and did not move for leave to "late file" her petition in violation of SCR-PD 308(c)(1).

36. SCR-PD 308(c)(1)-provides,

A guardian's petition for compensation shall be filed no later than 30 days from the anniversary date of the guardian's appointment, except that a guardian's final petition for compensation shall be filed no later than 60 days after termination of the guardianship.

37. On January 23, 2012, Judge Campbell entered an order terminating the guardianship and specified the very limited duties that Judge Campbell authorized

for the closure of the estate.

38. Respondent's January 11, 2012 fee petition sought compensation in the amount of \$19,315.00, of which \$555 was a claim for reimbursement of expenses. The petition covered the period of January 7, 2011 to August 25, 2011.

39. In her petition, Respondent sought compensation of \$3,688.00 for multi-hour "client meetings". She billed nine or more in-person meetings each purportedly lasting between 4 hours and 5.9 hours, during a period when Ms. Toliver-Woody was on a ventilator.

40. Respondent claimed compensation of \$2,248.00 for time expenditures after Ms. Toliver-Woody's death. Judge Long found that the authorized fiduciary activities outlined in Judge Campbell's Order terminating the Guardianship did not extend to the claimed expenditures listed by Respondent, such as telephone calls and reviewing correspondence from the nursing home. Judge Long found that "much of the fee request did not withstand scrutiny." For example:

a. Respondent claimed excessive and unexplained phone calls to nurses. From mid-April to June 11, 2011, she billed for calls almost daily, and sometimes more than once in a 24-hour period. For each call she billed precisely the same time charge, .30 hours and later .40 hours, with a subject matter of "status".

b. Respondent claimed 8.3 hours to prepare a draft motion for court authorization, that she never filed.

41. Judge Long imposed a 75% percentage “discount” on Respondent’s fee petition because “the problems with this fee request are so serious...”

42. On June 11, 2012, the court approved the petition as follows: Respondent was awarded the sum of \$3,768.00 for professional services and \$475.00 as reimbursement for expenses for a total fee award of \$4,243.00.

43. Respondent violated the following Rules of Professional Conduct:

- a. Rule 1.5 (a), in that Respondent charged an unreasonable fee;
- b. Rule 3.3(a)(1), in that Respondent knowingly made a false statement of fact to a tribunal;
- c. Rule 8.4(c), in that Respondent engaged in conduct involving dishonesty, deceit or misrepresentation; and
- d. Rule 8.4(d), in that Respondent engaged in conduct that seriously interferes with the administration of justice.

## **II. In re: James H. Williams, 2013 INT 208**

44. On May 28, 2013, The George Washington University Hospital filed a petition for the appointment of a temporary health care guardian for James H. Williams, a patient at the hospital. Mr. Williams had dementia and lacked

the capacity to make decisions regarding his medical care.

45. On that same date, Judge Gregory Mize appointed Respondent to serve as Mr. Williams' guardian ad litem. Respondent submitted a petition for compensation to the court that falsely claimed she conducted meetings with Mr. Williams on three separate days, from May 30th to June 2d, for 2.8 to 3.8 hours each visit, during a time when Mr. Williams was suffering from severe dementia, was "nonsensical," was "unable to communicate his own status," and may have been unconscious.

46. On June 3, 2013, after a hearing, Judge Alprin appointed Respondent as Temporary Guardian ending her role as guardian ad litem. Respondent billed three hours for the hearing, even though it lasted 11 minutes, claiming that the parties met before and after the hearing, and waited for the hearing to start.

47. On or about June 10, 2013, Mr. Williams was transferred to Brinton Woods Nursing and Rehabilitation Facility in the District of Columbia.

48. On July 19, 2013, The George Washington University Hospital filed a petition for an appointment of a permanent general guardian and conservator for Mr. Williams.

49. On August 28, 2013, Judge Fisher appointed Respondent as Mr. Williams' general guardian but declined to appoint her as his conservator. At

this hearing, Respondent appeared by telephone and was advised to file her acceptance of the guardian appointment by September 11, 2013. Although the hearing lasted only seven minutes, and Respondent appeared by telephone, she billed three hours for her attendance. She claimed that a particularly long wait time “allowed the parties to confer” in advance of the hearing.

50. Respondent did not file her acceptance by the due date. As a result, on September 18, 2013, the court issued a summary hearing notice directing her to appear before Judge Gardner on October 11, 2013 to address her failure to file the form.

51. Respondent was not prompted to file the form and did not appear at the October 11th hearing. The court reached her by telephone and Respondent advised the court that she was unable to appear in court because there were trees down and roads were blocked in her area. The hearing lasted a total of four minutes; once again Respondent billed 3 hours for the hearing. Respondent falsely advised the court that she had already filed the Acceptance and Consent Form and the Clerk’s office must have made an error. Respondent stated that she would “bring it down on Monday and [the Clerk’s Office] can update their records.”

52. Judge Gardner continued the matter for a week and ordered that Respondent appear on October 18, 2013, unless the acceptance form was filed prior

to that. On October 15, 2013, Respondent filed the acceptance form. Although Respondent had falsely claimed during the October 11th hearing that she had previously filed her acceptance with the court, she billed one hour on the day of the hearing to “rewrite” the pre-printed court form.

53. On December 2, 2013, the court issued a delinquency notice to Respondent for failing to file the Guardianship Plan by its due date on November 26, 2013. Respondent did not file the Guardianship Plan until December 20, 2013. Respondent billed for meetings with Mr. Williams, including over ten meetings with him that each lasted 3 hours or more. One of the 3-hour meetings allegedly occurred on a day that Respondent also spent 15 hours attending a trial and preparing jury instructions. Respondent filed her first Guardian Report, a three-page document, and billed 3 hours for preparing the form document.

54. Mr. Williams died on July 23, 2014. Given the date of Mr. Williams’ death, Respondent’s fee petition was due no later than September 23, 2014.

55. Respondent billed 0.8 hours for a care conference that allegedly occurred after Mr. Williams had died.

56. On December 23, 2014, Respondent filed her initial fee petition for work performed during the three appointments. Although, the petition was filed late, Respondent did not include a motion for leave to “late file.”

57. On February 27, 2015, the petition was denied for Respondent's failure to serve the appropriate parties.

58. On March 23, 2015, Respondent filed an Amended Petition for Compensation.

### **Fee Petition**

59. In her fee petition submitted to the Court, Respondent billed three hours for the October 11, 2013 hearing at which she appeared by telephone and stated to the court there were trees down and roads were blocked. The court reviewing the petition, because of concerns about Respondent's billing entries, took the time to listen to the hearings in the case. The court discovered that the October 11th hearing itself lasted four minutes.

60. Respondent billed one hour on October 11, 2013, for "rewrit[ing] the consent form," a boilerplate pre-printed document, the same document she advised Judge Gardner she had already filed.

61. Respondent billed 12.5 hours of court hearings; but was only physically present in court for a total of twelve minutes and appeared by telephone for a total of fifteen minutes.

62. Respondent billed three hours for attending a hearing on June 3, 2013, that lasted 11 minutes.

63. Respondent billed three hours for each of two hearings on August 28, 2012, and October 11, 2013. Respondent participated by telephone for the hearings, which lasted seven minutes and four minutes, respectively.

64. The court described Respondent's entries as gross and intentional overbilling that put into question the validity of all of Respondent's time entries.

65. In her petition, Respondent billed 3.8 hours for a June 1, 2013 visit and 2.8 hours for a June 2, 2013 visit with Mr. Williams, who, according to the Guardianship Report, was unconscious at the time. Furthermore, Respondent did not reveal the subject matter of any meetings with Mr. Williams on her invoices.

66. Respondent invoiced for e-filings on March 4, 2014; August 15, 2014; and November 19, 2014 when in fact Respondent did not actually file documents with the Court on these dates.

67. Respondent invoiced for a "care conference" on August 18, 2014, for approximately 40 minutes, almost three weeks after the Ward passed away.

68. Respondent invoiced 1.1 hours for drafting and filing Mr. Williams' Notice of Death on August 20, 2014, which the Court found unreasonable given the fact that the notice was a two-sentence document.

69. Respondent invoiced 4.5 hours for "prepar[ing] [a] motion and compil[ing] data." on November 18, 2014. Respondent did not file any motion with



the Court on November 18, 2014 or anytime thereafter.

70. Respondent attempted to invoice for post-death claims notwithstanding that she received notice from Judge Long in Estate of Ruth M. Toliver-Woody, that post-death claims were not compensable.

71. On July 28, 2015, the court reviewed the fee petition and imposed an 85% percentage discount on the fee petition claimed by Respondent. “The Court takes into account Ms. Rolinski’s previous misleading interactions with the Court in Estate of Ruth M. Toliver-Woody, her unprofessional pattern of tardy fee petition submissions to the Court; the excessive and ambiguous nature of remaining time entries, and the minimal benefit to the Ward for many of the time claims . . .the problems and overall general questionable nature of this fee petition are so serious that the Court will impose a discount of 85% across-the-board discount.”

72. The court issued an order awarding Respondent the sum of \$761.40 for professional services and \$11.45 as reimbursement for expenses for a total fee award of \$772.85.

73. In its July 28, 2015 Order, the court noted at least six other cases where Respondent had failed to timely file her fee petitions with the court prior to the Williams matter.

74. On August 7, 2015, Respondent filed a Motion for Reconsideration,

which the court summarily denied on September 14, 2015.

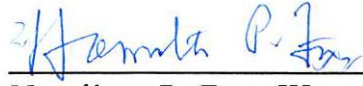
75. On September 25, 2015, Respondent noted an appeal.

76. On July 7, 2017, the Court of Appeals affirmed and reversed in part the order of the Superior Court, and remanded for the court to grant Respondent the amount of \$5,152.30. The Court of Appeals agreed that the judge below acted within her discretion in disallowing much of the amount requested, but reversed the final across-the-board discount.

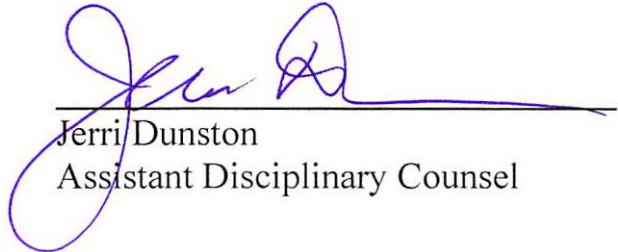
77. Respondent violated the following Rules of Professional Conduct:

- a. Rule 1.5 (a), in that Respondent charged an unreasonable fee;  
and
- b. Rule 3.3(a)(1), in that Respondent knowingly made a false statement of fact to a tribunal; and
- c. Rule 8.4(c), in that Respondent engaged in conduct involving dishonesty, deceit or misrepresentation; and
- d. Rule 8.4(d), in that Respondent engaged in conduct that seriously interferes with the administration of justice.

Respectfully submitted,



Hamilton P. Fox, III  
Disciplinary Counsel

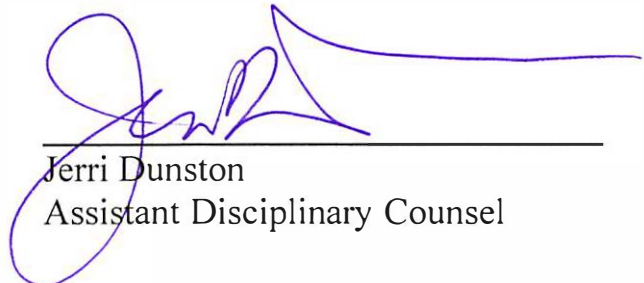


Jerri Dunston  
Assistant Disciplinary Counsel

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**VERIFICATION**

I do affirm that I verily believe the facts stated in the Specification of Charges to be true.

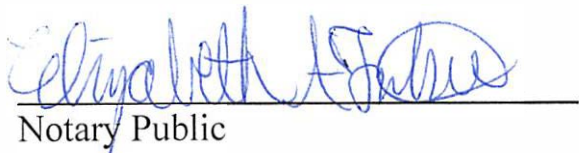


Jerri Dunston  
Assistant Disciplinary Counsel

Subscribed and affirmed before me in the District of Columbia this 8<sup>th</sup> of November 2019.

My Commission Expires: 1/14/22





Notary Public



NOV - 8 2019

**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**

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**In the Matter of**

**SYLVIA J. ROLINSKI, ESQUIRE,**

**Respondent**

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**Bar Docket No. 2015-D231**

**PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS**

A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals' Rules Governing the Bar (D.C. Bar R.).

B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has approved the institution of these disciplinary proceedings.

D. **Procedures**

(1) **Referral to Hearing Committee** - When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** - Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** - The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not answered by Respondent may be deemed established as provided in Board Rule 7.7.

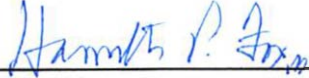
(4) **Mitigation** - Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** - Respondent is entitled to fifteen days' notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

**WHEREFORE**, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

Respectfully submitted,

  
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Hamilton P. Fox, III  
Disciplinary Counsel

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