DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

In the Matter of Sylvia J. Rolinski	:	
	:	No. 2015-D231
Member of the Bar of the District of Columbia Court of Appeals	:	

RESPONDENT'S ANSWER TO SPECIFICATION

COMES NOW Respondent Sylvia J. Rolinski, by and through undersigned counsel, and pursuant to Rule XI(e) of the Rules of the District of Columbia Board on Professional Responsibility (the "Rules"), responds to the Specification of Charges (the "Specification") as follows:

GENERAL RESPONSE

1. Allegations which are not specifically admitted are denied, and strict proof demanded thereof. To the extent that more specific or more qualified responses or denials were asserted in response to allegations in the Specification, denials to allegations in the Specification are or may be shortened for pleading simplicity, without altering prior responses. Denials of specific allegations include or are based on one or more of the following: the statement is inaccurate; the statement is incomplete; the statement is misleading; the statement is based on Judge Long's Order; the statement is based on Judge Christian's Order; the statement is based on the claims of a witness or witnesses known to be unreliable or untruthful, or on hearsay; the statement disregards the findings and conclusions of the District of Columbia Court of Appeals; the statement ignores the undisputed and serious errors which disregarded the transcript of

proceedings before the court; or, Respondent lacks sufficient information to admit or deny the allegation. The response that a document speaks for itself includes the objection that the allegation is incomplete.

2. Allegations which refer to proceedings for which a transcript is available should be deemed denied as incomplete, if material portions of the transcript are ellipsized, excluded, or omitted, and Respondent reserves evidentiary objections.

3. Allegations which refer to the content of documents should be deemed denied to the extent that they do not fully restate the material content of the document, and Respondent reserves evidentiary objections.

4. Allegations which purport to state, summarize, state in part or otherwise attribute to others the assertion of facts, findings, opinions or conclusions are denied.

5. Allegations which refer to or which incorporate an order of Judge Long or Judge Christian are denied for the failure to apply the decision of the District of Columbia Court of Appeals, and the failure to apply the undisputed conclusion that the allegations of false or inaccurate statements have been abandoned.

6. Allegations which contain legal conclusions are denied, and Respondent reserves the right to challenge such conclusions.

7. Allegations which contain hearsay are denied as to the content of the hearsay statement.

Characterizations of the decision of the District of Columbia Court of Appeals are denied.

AFFIRMATIVE DEFENSES

1. Claims identical to allegations in the Specification were expressly rejected by the District of Columbia Court of Appeals in *In re Williams*, 171 A.3d 185 (D.C. 2017) entered by memorandum opinion on July 7, 2017 (the "*Williams* Decision"). The Board of Professional Responsibility lacks the jurisdiction to review decisions of the District of Columbia Court of Appeals. Claims, Specifications and Charges on which the District of Columbia Court of Appeals has entered a final decision or judgment are barred by principles of *res judiciata*, issue preclusion and fact preclusion, and identical or related Claims, Specifications and Charges are or may be barred by collateral estoppel.

2. Allegations identical to claims made in the order of Judge Long and the Order of Judge Christian are barred by the abandonment by the Office of Disciplinary Counsel and the erroneous findings, abandoned by the Office of Disciplinary Counsel, on which the order of Judge Long and the Order of Judge Christian were explicitly based.

3. Allegations which were not included in the Specification are untimely and are precluded by principles of laches, equity and due process.

4. Allegations related to the Toliver Woody case are untimely and are precluded by principles of laches, equity and due process.

5. The failure to provide Respondent and counsel with sufficient time to prepare for a hearing on new allegations is an abuse of discretion and a violation of due process.

6. The conduct of these proceedings warrants dismissal, and constitutes a violation of due process.

7. The Specification is vague, and the allegations are improperly implied or otherwise inspecific. The Specification fails to identify with any specificity the claims of misconduct or the alleged rule violation of the alleged misconduct, prejudicing respondent's ability to prepare a defense.

SPECIFIC RESPONSES TO SPECIFICATIONS

Respondent responds in like-numbered paragraphs to the specifications as follows:

1. Admitted.

2. Respondent admits membership in the panel but neither admits nor denies the date on which Respondent "began accepting appointments."

3. Admitted as to the first half of the sentence. The remainder of the sentence is denied.

In re Ruth Toliver-Woody 1999 INT 257:

Respondent avers as follows with respect to *In re Ruth Toliver-Woody* 1999 INT 257 (the "Toliver-Woody Proceeding"). The (first) Declaration of Shirley Riley states as follows:

> 1. I am a life-long resident of the District of Columbia having lived here since March 22, 1942, almost 73 years. I am the eldest of 9 children and consequently, in my senior years have served as the matriarch of the family. I am the former Guardian and Conservator for my aunt's case in the D.C. Superior Court of the District of Columbia Probate Division: *In re: Ruth M. Toliver–Woody,* 1999 INT 257 (hereinafter "Aunt Ruth");
>
> 2. In 1999, I filed the initial Petition for Guardianship and Conservatorship. I served in that role until I was removed as I was unable to keep up with the demands of reporting required by the Court since my Aunt Ruth was residing with me at my home; my husband (Earl Riley) was actively dying from cancer and I was monitoring the care of my other aunt, Elizabeth Adams, who lived in Massey Mill VA, her home town. I made personal visits to her in Massey Mill VA at least 2 times per month and monitored her care by telephone during the week;

3. I had the pleasure of working with Sylvia Rolinski in her capacity as Guardian and Conservator for my Aunt Ruth. While Aunt Ruth lived with me at my home at 3800 First Street, S.E. for approximately 6 years through 2004, Ms. Rolinski advocated very strongly on behalf Aunt Ruth on all financial matters. She visited very frequently all the locations where Aunt Ruth spent her time with me, for example, at my home, my flower shop and the day care. Ms. Rolinski made sure Aunt Ruth had all needs met while residing with me and her financial matters were in order to the penny;

4. After Aunt Ruth was hospitalized at the Washington Hospital Center with very high blood sugar and a blood clot to her leg, she was placed in a nursing home for rehabilitation. Thereafter, Ms. Rolinski and I worked to find a place convenient to my home yet which could still meet Aunt Ruth's needs for long-term care;

5. Ms. Rolinski attended the interdisciplinary care plan meetings regularly and participated in the discussions of any adjustment to Aunt Ruth's overall care plan while at the nursing home and would advise me of the updates. Although I was Aunt Ruth's closest next of kin, the nursing home would not share all the medical information with me, as I was not guardian. Therefore, Ms. Rolinski provided the full medical details. As the health of Aunt Ruth deteriorated, Ms. Rolinski and I were in very regular contact, sometimes daily updating on the medical status, the concerns, issues and observations after our respective visits to Aunt Ruth;

6. There were many criticisms Ms. Rolinski and I had of the Health Care Institute facility in terms of the care for Aunt Ruth, lack of cleanliness, poor lighting, lack of social interaction and activities, loss of Aunt Ruth's clothes, the deteriorated state of clothes that were in her room though not even hers, and the broken furniture;

7. I was appalled that the social worker, Ms. Ruth Mukami, and Mr. Rogers Morgan from the collections department of the Nursing Home, Health Care Institute, came into court and lied that I had taken the personal funds from Aunt Ruth without authorization; that Ms. Rolinski had misappropriated funds; that I did not buy Aunt Ruth clothes with her personal funds; and that we did not visit Aunt Ruth. I was so shocked and upset at these lies that I asked Ms. Rolinski to put the receipts from the purchase of the clothes into the court record at the second status hearing on October 22, 2010, so as to shut them off from ever making further false accusations about myself or Ms. Rolinski. They were simply mad because we raised issues with them to improve care and prevent theft of Aunt Ruth's personal effects. They did not want Aunt Ruth to have any personal money. Their primary concern was to get their money and Ms. Rolinski advocated and insisted on better care of Aunt Ruth while protecting Aunt Ruth's few assets. For example, Ms. Rolinski secured for Aunt Ruth a pre-paid funeral arrangement contract with Stewart Funeral Home without which we would not have been able to honor and bury Aunt Ruth properly;

8. This social worker also raised issues in court that Ms. Rolinski and/or Ms. Espinet did not sign in at the Health Care Institute Nursing Home and tried to say they did not visit. That is simply not true. Ms. Rolinski and I both visited Aunt Ruth at the facility many times separately and together. Also, I don't recall signing in at the facility and I frequently went there multiple times a week;

9. Shortly after the October 22, 2010, court hearing Ms. Rolinski told me that while attempting to follow up with the social worker, Ms. Mukami, the facility informed her that Ms. Mukami was no longer at the facility and that she was fired for lying and creating a disruptive work environment;

10. Ms. Rolinski and I visited Aunt Ruth together on multiple occasions not only at this nursing home, but also at hospitals and all the facilities where Aunt Ruth was situated. Ms. Rolinski and I worked together to insure Aunt Ruth was properly taken care of. This was especially true when Aunt Ruth became dependent on a ventilator after she coded in the ambulance and was revived. She was ultimately transferred to a special facility that handled patients on ventilators, St. Thomas More Nursing & Rehabilitation Center, where she died on June 20, 2011. The medical director and doctors at this facility were raising the issue of terminating care (pulling the plug) of Aunt Ruth. Ms. Rolinski spent countless hours working with me and the medical staff on behalf of Aunt Ruth, in the context of religious beliefs and ethical considerations on this case;

11. Ms. Rolinski investigated the ethical issues of ceasing medical intervention, literally turning off the ventilator and stopping all medical care, so gracefully and respectfully while at the same time advocating for Aunt Ruth that I often cried when we departed our meetings, grateful for such a competent compassionate person to be helping our family;

12. My family and I are indebted to Ms. Rolinski for her excellent legal representation and strong advocacy of the medical and personal needs of Aunt Ruth. I am grateful that the Court appointed her in Aunt Ruth's case; and

13. I think so highly of Ms. Rolinski. She is a true professional who does outstanding work. She cares for her clients, actively makes their lives better and respects them. I have such respect for her skill as an attorney that I have referred family and close friends to her for legal representation no less than 9 times since my Aunt Ruth's case. Over the years she has shown that I can trust her as a lawyer and that she does very thorough and considerate work. It was always a pleasure working with Ms. Rolinski; I am grateful to her for her service and thankful for her kindness while she remains an outstanding professional who has been so supportive at crucial times.

The Supplemental Declaration of Shirley Riley, states as follows:

6. After Aunt Ruth was hospitalized for high sugar and had an embolism she was placed in rehabilitation at Carolyn Boone Lewis Health Care Center ....

Sylvia and I met many times in the parking lot, in the main entrance, and in Aunt Ruth's room at Carolyn Boone Lewis Health Care Center. We visited her together many times as it was easy for me to get there when Sylvia was visiting. We even sat together and wrote Aunt Ruth's name on her clothes because the nursing home stole her clothes and I was compelled to buy new ones. We visited both on weekdays and on Saturdays, as Sundays I go to religious services. Routinely we walked right in like everyone else and no one asked for us to sign in;

7. The nursing home did not provide the best care and was only interested in money. They tried to block Aunt Ruth from using her own funds to purchase new clothes or pay her phone bill. Sylvia sent her assistants to bring clothes to Aunt Ruth which Sylvia donated from her own wardrobe until Sylvia could negotiate the release of Aunt Ruth's own personal money from the nursing home;

8. *In court on August 20, 2010, Ms. Mukami, the new social worker, made false statements about me and Ms. Rolinski. She stated we did not visit, that Sylvia did not visit, and that we stole money from Aunt Ruth. I was revolted by her false statements. She made these false statements to retaliate against me and Sylvia, in particular for advocating for better care, attention, and programing for Aunt Ruth, and for raising the theft and loss of Aunt Ruth's personal effects.* We were vocal about the conditions of the facility: it was dirty, very dimly lighted, and lacked social and physical programs relevant to Aunt Ruth. They blocked me from taking my own Aunt to have her hair done and visit with our family in our home where she had lived for years. Sylvia fought against them on all these points. They were unreasonable, and very often unprofessional and rude. They always circled back to saying the same thing: that we would get what we advocated for only if the bill was paid;

9. To address the false statements, Sylvia and I at the October 22, 2010 hearing submitted on the record the receipts of the clothes purchased with $500 of Aunt Ruth's personal money and a residual cash balance of $60. This proved that the representations made in court by Ms. Mukami of Carolyn Boone Lewis Health Care Center were completely false;

10. *Just as with the false statements about the money and expenses, the statements made by Ms. Mukami about visits were also false. My experience is that there was not always a security guard at the entrance, I was not always asked to sign a sign-in log, and I would walk in straight up to my Aunt's room just like everybody else was doing*;

11. Shortly after the Oct 22, 2010 hearing I was informed by a Carolyn Boone Lewis Health Care Center employee at the nursing home while visiting Aunt Ruth, that the social worker, Ms. Mukami was fired for creating staff disruption,

intrigue and lying. Sylvia stated that the nursing home had stated the same thing to her after she wrote a letter to Ms. Mukami which went unanswered;

12. *After a medical episode where my Aunt Ruth died, they brought her back to life but she required being on life support and a ventilator. She was transferred to St. Thomas More Nursing's ventilation facility at 4922 Lasalle Road, Hyattsville, MD 20782. Sylvia and I met on multiple occasions at St. Thomas More Nursing's facility in Hyattsville, MD.* St. Thomas More Nursing is about 12 miles away from my home and 45 minutes away from Sylvia's office. This was one of the few facilities in the area that handled life support patients;

13. *Sylvia and I many meetings with the medical staff at St. Thomas More Nursing's facility during the course of my Aunt Ruth's stay due to her critical medical condition. In particular, we had three long meetings with the medical staff because they wanted us to terminate Aunt Ruth's life support. The meetings were in the conference room down the hall from Aunt Ruth's room with the doctors, nurses, and medical staff team members to discuss ethical and legal issues of withdrawing life support. At the first meeting, where the issue of terminating life support was discussed, they asked Sylvia to do the legal research. Sylvia asked that their counsel do the legal research, which the facility declined.*

At the second meeting Sylvia discussed that legal research she had done and the fact that the guardianship was in D.C. but Aunt Ruth was in the State of Maryland where the removal of life support would take place, which state court had the authority to order termination of life support, as well as religious considerations for Aunt Ruth . At this meeting the doctor said they would take our discussion to their ethics board. At the third meeting, it was decided that Sylvia would file a motion in the D.C. guardianship case seeking an order of the court to withdraw life support. Aunt Ruth died shortly thereafter on June 20, 2011 without life support being removed;

14. *Sylvia and I regularly met with the medical staff to go over Aunt Ruth's condition. We examined her body for bed sores and any physical issues. We spoke with and received medical updates from the facility almost daily due to the critical medical state of Aunt Ruth.* Sylvia was diligent about advising me of status updates and any changes or issues; …

16. Sylvia treated both Aunt Ruth and later my daughter with empathy and care and an exceptional degree of professionalism that I haven't witnessed with any other attorney, not even the D.C. attorney I had previously been using for decades. She went above and beyond, showing compassion and strong advocacy for Aunt Ruth, which is probably the reason that we were falsely attacked by Ms. Mukami. Fortunately for me and Aunt Ruth, Sylvia did not back down or treat Aunt Ruth as a minor matter requiring only minimal effort;

> 17. I again turned to Sylvia for help when my daughter was dying of cancer which was the subject of a medical malpractice procedure. Sylvia agreed to help, even though other medical malpractice lawyers told me that they would not take the case. As always, she poured her time and her heart into the fight, and she went on and won a fantastic settlement for the family. This had a tremendous impact on my daughter's three children, who had no place else to turn after the loss of their beloved mom; and
>
> 18. I will always be grateful to Sylvia for her devotion to Aunt Ruth and to me and my family (emphasis added).

Ms. Riley's testimony goes to the heart of any guardian's work: the relentless concern for the best interests of a ward without the resources or ability to advance those interests himself or herself. The Riley declaration also directly addresses the frivolous—and ultimately rejected—claims made by Ms. Mukami, and it debunks any challenge to the accuracy of billings related to meetings and visits. Those statements address, among other matters, the averments in paragraphs 20-22, 29 and 30 of the Specification.

These issues were presented in considerable detail to the District of Columbia Court of Appeals in the *Williams* appeal, which rejected them and ruled in favor of Respondent.

The District of Columbia Court of Appeals addressed all of Judge Christian's erroneous candor findings, including her derivative findings adopting Judge Cheryl Long's order.

The appellate decision in *Williams* limited its affirmance of Judge Christian to two issues, described by the Court of Appeals as "vagueness" and as "non-compensable work." The Court of Appeals not only reversed Judge Christian, but remanded with instruction to authorize the payments. The Court of Appeals did not remand for further findings or for further explanation, or even for further hearings or proceedings. Instead, the Court ruled:

> The judge also applied an across-the-board discount of eighty-five percent to the amount remaining after the above denials ($5,076 in fees and $76.30 in expenses). The judge explained that this discount—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 District takes no position on this cut. We decline to uphold the final across-the-board discount since *we are not persuaded that this record supports it*, unlike the rest of the judge's disallowances in this case.
>
> First, to the extent the judge relied on appellant's reported lack of candor and history of untimely fee petitions in previous, separate cases to justify the final eighty-five-percent cut, the judge cited no authority justifying the imposition of such a penalty in this case *and we are not persuaded it was justified or appropriate*.
>
> Second, in contrast to the extensive analysis and justification the judge provided for her initial round of disallowances of many items in appellant's invoice, the judge cited no specific factual support for concluding that the remaining time entries were —excessive and ambiguous,‖ or that appellant's work only minimally benefited Mr. Williams. In fact, it seems from the record properly before us at this point in the case that appellant put in a significant amount of time and effort as Mr. William's guardian and achieved some results of substantial benefit to him, including the placement at Brinton Woods.
>
> For the foregoing reasons, we affirm in part and reverse in part the order of the Superior Court, and remand for the court to grant appellant's fee petition in part, in the amount of $5,152.30 (emphasis added).

The Court of Appeals decision left no room for doubt: the claims which served as the basis for the referral to this office lack any support in the extensive record before the Appellate Court, and were neither justified *nor* appropriate.

Counsel appointed to defend Judge Christian's order abandoned entirely those findings pertinent to an alleged lack of candor. The District of Columbia, through the Office of the Solicitor General and the Office of the Attorney General, undertook after an exhaustive review to defend on appeal each passage of the opinions which were either defensible or, at least, arguable. Fulfilling its obligations, the District of Columbia abandoned virtually all of the findings or conclusions which were at the core of Judge Christian's referral to this office. The District of Columbia found nothing which warranted the assertion on appeal of those findings or conclusions.

In particular, the District of Columbia abandoned any claim of lack of candor, as evidenced by the absence of any challenge to appellants' nine-page discussion of that issue, and as further evidenced by the District of Columbia's refusal to defend the 85% across-the-board reduction. *See* Reply Brief, at 8-9, n.16, and 9, n.17. The Office of the Solicitor General reiterated that position at oral argument, declining to defend Judge Christian's findings and conclusions on lack of candor.

The abandonment by the District of Columbia of those issues was not merely warranted—it was mandated—by overwhelming evidence, and the District of Columbia Court of Appeals agreed. The Office of Disciplinary Counsel has now abandoned the claims of lack of candor which were the lynchpin of the flawed orders of Judge Long and Judge Christian, but has failed to withdraw claims based on the withdrawn claims.

To the extent not addressed above, Respondent further responds as follows:

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. The document speaks for itself.

9. Denied.

10. Denied.

11. Denied.

12. The document speaks for itself.

13. The document speaks for itself.

14. The document speaks for itself.

15. The document speaks for itself.

16. Denied.

17. The document speaks for itself.

18. The document speaks for itself.

19. The document speaks for itself.

20. Denied.

21. Denied.

22. The document speaks for itself.

23. The document speaks for itself.

24. Denied.

25. Denied.

26. The transcript speaks for itself.

27. Denied.

28. The transcript speaks for itself.

29. The transcript speaks for itself.

30. Denied.

31. The document and transcript speak for themselves.

32. Denied.

33. Denied.

34. The document speaks for itself.

35. Denied.

36. Calls for a legal conclusion.

37. The document speaks for itself.

38. The document speaks for itself.

39. Denied.

40. Denied.

41 Denied.

42. Denied.

43. Denied.

In Re James H. Williams 2013 INT 208

Respondent avers as follows with respect to In Re James H. Williams 2013 INT 208 (the "Williams Proceeding"):

Respondent was appointed by the court to serve in three successive capacities: (a) Guardian *ad litem* by court order dated May 28, 2013; (b) 90 day Health Care Guardian by court order dated June 3, 2013; and (c) General Guardian by court order dated August 28, 2013.

In order to assess Mr. Williams' status and needs prior to the initial hearing, Respondent visited Mr. Williams on May 30, 2013, and again on June 1 and 2, 2013. Each of these meetings involved a physical visit with Mr. Williams as well as discussions and meetings with doctors, nurses, caregivers, social workers, and case managers in order to assess all of Mr. Williams' capacities, limitations, needs, opportunities, and physical and mental health. This was necessary as Mr. Williams was unable to communicate his own status.

Respondent worked particularly closely, both in person and via phone and email, with the George Washington Hospital case manager, Daniel Pattendon ("Mr. Pattendon"), attempting to locate potential relatives of Mr. Williams.

Respondent also worked closely with Mr. Pattendon to place Mr. Williams in a long-term rehabilitation facility. This step was particularly difficult because as Mr. Williams was a high-needs patient in a non-communicative and non-ambulatory state. Ultimately, through Respondent's efforts, Mr. Williams was admitted to Brinton Woods Rehabilitation Care Center in Washington, D.C ("Brinton Woods"). Respondent determined that Brinton Woods was an ideal facility for Mr. Williams because, among other reasons, it was located in Washington, D.C. where Mr. Williams was a long-time resident, and his D.C. Medicaid would pay for a portion of the expense, and significantly, Brinton Woods has a unit dedicated to stroke and Alzheimer's patients.

Though openings are not readily available, Respondent succeeded in securing Mr. Williams' admission to that unit in May 2013. The placement of Mr. Williams in a specialized facility so well suited to his needs proved enormously beneficial to Mr. Williams. Under the care of Dr. Sharon Horowitz Mr. Williams began to recover remarkably well. He resumed a degree of speech, became oriented, recognized Appellant and the staff at Brinton Woods, and sought out social interaction. He ultimately regained his ability to walk and care for his personal hygiene. He began eating in the cafeteria and could walk around the multi-floor facility. Ultimately, he was able to shower and dress himself in the clothes the Appellant brought to him from his home at his request.

Handling Mr. Williams' guardianship had its challenges because, as his condition improved, he wanted to return to his apartment. He tried to abscond from Brinton Woods several times and frequently requested personal items from his home. In order to help him settle into his new living situation, the facility explicitly requested that Respondent spend substantial time with Mr. Williams, explain to him why he was at Brinton Woods, and note all of the benefits of the

facility. Also at the facility's request, Respondent encouraged Mr. Williams to become social with the staff and residents, eat in the cafeteria, and enjoy the outdoor terrace, which he eventually began to do with regularity. The July 28 Order conceded that "[Respondent] appears to have maintained regular contact with Mr. Williams...." There is no reason to assume that the July 28 Order viewed regular contact as anything other than "monthly" contact.

The Declaration of Brinton Woods' Obi Agusiobo states as follows:

> Ms. Rolinski was in touch with the Brinton Woods staff and medical professionals on a regular and routine basis throughout the time she was Mr. Williams Guardian. She came to Brinton Woods no less than once a month though on some occasion more often as the needs mandated. She was easily accessible by telephone or email whenever I needed to communicate with her. When she came to Britton Woods she would meet with me, the in-house billing personnel, the in-house Medicaid/Medicare coordinators located on the first floor; the social worker (Kim Schwiger), the medical professional staff and of course Mr. Williams;
>
> Ms. Rolinski attended the interdisciplinary meeting care plan meetings regularly and participated in the discussions of any adjustment to Mr. Williams overall care plan and medical and social needs;
>
> In addition to advocating for Mr. Williams, at our request she spent additional time with Mr. Williams helping him adjust to the facility and due to his absconding issues. Ms. Rolinski walked the facility with Mr. Williams; went to the cafeteria with him; sat with him outside on the O St patio; and sat with him in his room and talked with him;
>
> Ms. Rolinski advocated very actively and strongly on Mr. Williams behalf especially during the hospice and end of life time period;
>
> Myself and other professionals at Brinton Woods had extensive conversation with Mr. Rolinski about advance directive and do not resuscitate (DNR) issues;
>
> Ultimately when Mr. Williams met his demise, Ms. Rolinski had previously made arrangement in anticipation of his demise with Stewart Funeral Home who came to Britton Woods. She also came to the Brinton Woods to thank everyone and donate his personal effects to those in need at the facility....

Respondent expended substantial time and effort arranging Mr. Williams' financial affairs. Transferring Mr. Williams' pension required many meetings, phone calls, and emails

with multiple banks, the Social Security Administration ("SSA"), and Brinton Woods. Appellant was also frequently contacted by Roni Davis from the Brinton Woods billing department about Mr. Williams' balance, and the progress with the SSA and Medicaid. While Appellant was working to transfer Mr. Williams' pension, Ms. Davis aggressively pursued payment from Appellant because processing the transfer paperwork with the SSA of the District of Columbia ("GDC") was extremely time-consuming. Ms. Davis, in fact, sent letters threatening to terminate Mr. Williams' placement at Brinton Woods. Respondent managed these relationships, and was ultimately successful in transferring Mr. Williams' pension and settling his accounts. This allowed Mr. Williams to remain at Brinton Woods.

Respondent performed exemplary services for Mr. Williams, who enjoyed absolutely no support from any family or friend. Appellant effectively assessed his condition and needs, marshaled excellent medical care, stabilized his financial circumstances, and, most important, under challenging circumstances, ensured that he remained in a professional, safe, stable, and medically supervised living environment. Throughout the pendency of the Williams Proceeding, Respondent sought arrangements that honored the life Mr. Williams lived and put him to rest in a respectful manner. Respondent's commitment to and credentials in social work and psychology, her devotion to the elderly in her charge, and her decades-long insistence as an attorney on pressing forward to accomplish her client's goals combined to benefit Mr. Williams when he was most in need of those attributes.

During what turned out to be Respondent's last visit with Mr. Williams, after his health had begun its final deterioration, Mr. Williams was lying flat and still in his bed. The nurse on shift noted that the elderly man had become non-communicative and non-responsive. But when Respondent entered the room and spoke to Mr. Williams, he immediately became responsive,

opened his eyes, and even placed his hand on Respondent's arm. Mr. Williams passed away that night.

Judge Christian—who had no role in the Williams Proceedings other than review of fee requests—in an order replete with errors, *see, e.g.*, Appellant's Brief in Williams, at 28, n. 27, makes no mention of Respondent's work on Mr. Williams' behalf. Instead, without benefit of a hearing of any kind, Judge Christian made patently erroneous findings on candor.

As noted above, the District of Columbia Court of Appeals in *Williams* rejected Judge Christian's findings on lack of candor, which were the rationale for the across-the board cut in fees. The appellate decision in *Willia*ms limited its affirmance of Judge Christian to two issues, described by the Court of Appeals as "vagueness" and as "non-compensable work." The Court explained its rejection of the only issues relevant to these proceedings as follows:

> We decline to uphold the final across-the-board discount since we are not persuaded that this record supports it, unlike the rest of the judge's disallowances in this case.
>
> First, to the extent the judge relied on appellant's reported lack of candor and history of untimely fee petitions in previous, separate cases to justify the final eighty-five-percent cut, the judge cited no authority justifying the imposition of such a penalty in this case and we are not persuaded it was justified or appropriate.
>
> Second, in contrast to the extensive analysis and justification the judge provided for her initial round of disallowances of many items in appellant's invoice, the judge cited no specific factual support for concluding that the remaining time entries were —excessive and ambiguous,‖ or that appellant's work only minimally benefited Mr. Williams. In fact, it seems from the record properly before us at this point in the case that appellant put in a significant amount of time and effort as Mr. William's guardian and achieved some results of substantial benefit to him, including the placement at Brinton Woods.

The District of Columbia had already declined to support any findings by Judge Christian on lack of candor, writing instead that it "...takes no position on Judge Christian's decision to

apply an additional 85% reduction to the fees that remained." Brief of Appellee, at 34, n.10. According to the District, the judgment should be affirmed "...at least to the reduction in fee to an award of $5,152.30." *Id.*, at 29. Stated otherwise, the District could divine no rationale supportive of that reduction, and properly abandoned that portion of the ruling below.

To the extent not addressed above, Respondent further responds as follows:

44. The document speaks for itself.

45. Denied.

46. Denied.

47. Admitted.

48. Admitted.

49. Denied.

50. Denied.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

57. Admitted.

58. Admitted.

59. Denied.

60. Denied.

61. Denied.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

71. Denied.

72. Denied.

73. The document speaks for itself.

74. The document speaks for itself.

75. The document speaks for itself.

76. Denied, because it fails to note that the District of Columbia Court of Appeals reversed and remanded with instructions on each issue pertinent to this proceeding.

77. Denied.

MITIGATION FACTORS

Respondent reserves the right to present any mitigation testimony or evidence, including but not limited to the following:

1. Respondent has an exemplary record, with no history of disciplinary proceedings.

2. The person most affected by the Toliver-Woody Proceeding has expressed her gratitude and appreciation for Respondent's effort, commitment and success. The District of Columbia Court of Appeals noted with specificity Respondent's successful efforts in Williams.

3. Respondent has an exemplary personal and professional reputation and character. On completion of law school, Appellant served in the Superior Court of the District of Columbia as a judicial law clerk to the Honorable Nan R. Shuker from 1987-88. She also served as an adjunct professor on the faculty of Northern Virginia Law School during 1990 in the area of torts.

She is the founding partner of Rolinski & Suarez, LLC, and a multi-state international law firm. The firm has practice areas in immigration, international trade, international and U.S. business representation, immigration matters, United Nations affairs, trust and estates management, estate planning, guardianship and conservatorship, reproductive law, and personal injury law. She served as Special Counsel to the Foreign Minister of Bulgaria of the first democratically elected government. In 1992, she became the first American and the first woman to serve as Chef de Cabinet to the President of the General Assembly of the United Nations. In October 1993, she was awarded People Magazine's No Nonsense American Woman of the Month. In 2000, she served as a speechwriter to the Prime Minster of Bulgaria.

Appellant has also served as a Judge for the Philip C. Jessup International Moot Court competition and has been a mentor with Georgetown University Law Center International Law Society, American University School of International Service and the Maryland Court of Appeals. In October 2006, she was selected by her peers as a "Super Lawyer." Respondent is a member in good standing of the state bars of the District of Columbia (admitted 1991), Maryland (admitted 1988) and New York (admitted 2004). Respondent is admitted to and practices law before the United States Supreme Court as well as the highest Courts in the State of Maryland,

the District of Columbia and the State of New York, and the Second, the Fourth, the Ninth and the D.C. Circuit Courts of Appeal.

Respondent sits on numerous boards, including AHEAD, Inc., Humanity, Inc., The Other Bulgaria Foundation, the Syracuse University Art Council, and Cleantech Corridor. Respondent is also actively involved in the Women's Leadership Forum, the Leadership Committee of the National Women's Leadership Initiative, and the Democratic National Committee, serving as a legal counsel for voter integrity for the past three presidential elections.

4. Respondent's international *pro bono* activities warrant commendation and consideration.

5. Respondent has advanced the cause of women in the practice of law, and has managed a small law firm practice for decades while providing the sole support for her son, as well as for her late mother, and her late uncle.

6. Respondent has made timely good faith effort to rectify the unintentional errors. Respondent has expressed remorse and has taken overt steps to remedy matters and prevent recurrence. Respondent instituted new billing procedures to avoid the recurrence of unintentional errors, and Respondent's recovery from vision-related surgeries ensure against recurrence. At the same time, Respondent successfully challenged with decorum and respect in the District of Columbia Court of Appeals Judge Christian's flawed decision. Respondent has cooperated with the ODC throughout the multi-year pendency of this proceeding. Respondent has made full and free disclosure to ODC and the Board and fully cooperated with ODC and the Board during these proceedings.

7. Respondent lacks a dishonest or selfish motive.

Respectfully submitted,

/s/ Philip Musolino

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CERTIFICATE OF SERVICE

I certify that a true copy of this Answer was served by email this 2nd day of December 2019 on the following:

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Board on Professional Responsibility
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Philip M. Musolino