

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

In the Matter of

GEORGE A. TEITELBAUM, ESQUIRE

Respondent,

**Member of the Bar of the District
of Columbia Court of Appeals**

Bar Number: 370926

Date of Admission: June 20, 1983

Disciplinary Docket No. 2019-D161

**AMENDED
PETITION FOR NEGOTIATED DISCIPLINE**

Pursuant to District of Columbia Court of Appeals Rules Governing the Bar as prescribed by Rule X and Rule XI, §12.1 (D.C. Bar R.) and Board Rule 17.3, Disciplinary Counsel and Respondent respectfully submit this petition for negotiated discipline in the above-captioned matter. Pursuant to D.C. Bar R. XI, §1(a), jurisdiction is found because Respondent is a member of the District of Columbia Bar.

**I. STATEMENT OF THE NATURE OF MATTERS
BROUGHT TO DISCIPLINARY COUNSEL’S ATTENTION**

Disciplinary Counsel received a complaint from Respondent’s former client alleging, among other things, that Respondent failed to handle a probate matter

appropriately.

II. STIPULATION OF FACTS AND CHARGES

Disciplinary Counsel and Respondent stipulate to the following:

The Facts

1. José Morgan was one of multiple legatees of the *Estate of Ora Lee Workman*. He initially served as the sole personal representative until the D.C. Superior Court also appointed Respondent. Respondent and Mr. Morgan served as co-personal representatives and shared administrative duties.

2. Administering the estate was not a straightforward process. There was discord among the legatees, including landlord-tenant litigation involving one legatee, as well as the need to undertake the usual probate process.

3. Respondent prepared all Probate Division accountings based on information provided by Mr. Morgan, and submitted them for Mr. Morgan's review and approval, relying on Mr. Morgan to provide the information necessary to reconcile the estate account.

4. Mr. Morgan approved all Respondent's accountings, relying on Respondent's expertise.

5. Respondent admits that he never received monthly bank statements, other than the occasional statement that Mr. Morgan provided at Respondent's request, despite having been added as a signatory to the estate's bank account after

his (Respondent's) Superior Court appointment. As co-personal representative, Respondent was responsible for the estate funds.

6. Mr. Morgan and Respondent were both present at the meeting during which Respondent was added to the estate account, and the bank officer confirmed that both Mr. Morgan and Respondent would be receiving monthly statements.

7. Mr. Morgan provided Respondent whatever information and documents Respondent asked for, but directed Respondent more than once to contact the bank and arrange to obtain monthly statements in order to properly track and manage the estate's assets.

8. Respondent states that he made an effort to do so but was unsuccessful and stopped trying. He was principally focused on ensuring that he knew what funds were being spent from the estate account and retained control of the check book. As a result, Respondent was unconcerned that funds might be improperly disbursed. However, he failed to account for the bank fees because he was not receiving the monthly statements.

9. After Respondent filed a final accounting approved by the Superior Court, and after Respondent disbursed the last check to the final legatee, Mr. Morgan received notice from the bank that the estate account was overdrawn by \$256.81.

10. Mr. Morgan notified Respondent and inquired what had happened.

11. Respondent was unable to explain why the overdraft had occurred at

the time. He advised Mr. Morgan to ignore the overdraft because all the interested parties had received their disbursements, including the legatee whose check had caused the overdraft, and the bank had paid the check and closed the account.

12. Respondent was contemporaneously unable to explain and made no effort to investigate what had caused the overdraft. He did not review all the bank statements and other relevant financial records or take other steps to get to the bottom of the problematic closure of the estate account until Disciplinary Counsel obtained and forwarded the records to Respondent for his explanation.

13. Respondent eventually explained that he believed the bank had agreed not to charge the estate monthly fees or fees to order checks but did so anyway. Because Respondent had not been receiving bank statements, he was unaware of the charges and therefore, did not account for these charges when he wrote checks against the account, causing the overdraft. The bank wrote off the overdraft.

14. Disciplinary Counsel's investigation does not reveal evidence that the overdraft involved misappropriation.

The Charges

15. Respondent violated District of Columbia Rule of Professional Conduct 1.15(a), because Respondent failed to maintain complete records of his handling of entrusted funds to identify why the estate account was overdrawn.

III. STATEMENT OF PROMISES MADE BY DISCIPLINARY COUNSEL

Disciplinary Counsel agrees not to pursue any charges arising out of the conduct described in Section II other than those set forth above, or any sanction other than that set forth below.

IV. AGREED UPON SANCTION AND RELEVANT PRECEDENT

The agreed-upon sanction in a negotiated discipline case must be (a) justified; and (b) not unduly lenient, taking into consideration the record as a whole, including the nature of the misconduct, any charges or investigations that Disciplinary Counsel has agreed not to pursue, the strengths or weaknesses of Disciplinary Counsel's evidence, any circumstances in aggravation and mitigation (including Respondent's cooperation with Disciplinary Counsel and acceptance of responsibility), and relevant precedent, Board Rule 17.5; D.C. Bar R. XI, §12.1(b)(1)(iv). A justified sanction does not have to comply with the comparability standard set forth in D.C. Bar R. XI, §9(h). Board Rule 17.5(a)(iii).

Agreed-Upon Sanction

Disciplinary Counsel and Respondent agree that: (a) beginning 30 days after the Court issues its Order (or on a date otherwise specified by the Court), and (b) ending one year from the date that Respondent is reinstated, the sanction to be imposed is:

1. a 30-day suspension, stayed in favor of probation;

2. one year's unsupervised probation on the condition that Respondent not be the subject of a disciplinary complaint that results in a finding that he violated the ethics rules of any jurisdiction in which he is licensed to practice during the probationary period;

3. that Respondent will notify Disciplinary Counsel promptly of any disciplinary complaint filed against him and its disposition;

4. that Respondent will consult with the D.C. Bar's Practice Management Advisory Service to conduct a review of his practices around the handling of entrusted funds, and waive confidentiality regarding all aspects of the review and any follow-up, including measurement of the success of corrective measures taken;

5. that Respondent will submit to Disciplinary Counsel the results of his successful completion of corrective measures at least 90 days before his probation expires, including descriptions of steps implemented and training materials used;

6. that Respondent need not show fitness, provided that he successfully completes probation.¹

If Respondent fails to meet any of the conditions set forth above, he agrees that the Court should suspend him for 30 days and require that he demonstrate his fitness to practice law before he can be reinstated.

¹ Because Respondent's suspension is stayed, he would not be required to file a Rule XI, §14(g) affidavit.

Relevant Precedent
30 Days' Stayed Suspension Falls Within the Range
of Sanctions for Lack of Complete Recordkeeping

Disciplinary Counsel and Respondent agree that the foregoing sanction is justified under our jurisprudence for his misconduct. The range of sanctions for prosecutions involving a failure to maintain complete financial records of entrusted funds is from public censure to suspension. *See, e.g., In re Millstein*, 855 A. 2d 1137 (D.C. 2004) (public censure); *In re Toppelberg*, 906 A.2d 881 (D.C. 2006) (60-day suspension, 30 days stayed in favor of training). A 30-day stayed suspension falls within that range. *In re Ukwu*, 712 A.2d 502 (D.C. 1998) (30-day stayed suspension plus training for failure to maintain records).

The Sanction is Justified Considering
Relevant Precedent and the Record as a Whole

A 30-day stayed suspension is justified on this record. Neither Respondent's client nor the estate's beneficiaries were harmed by his failure to fully track and document disbursements of entrusted funds when concluding the estate's administration. Respondent otherwise discharged his obligations as co-personal representative as reflected by the Superior Court's ultimate approval of the final accounting he filed with the Probate Division.

Further, Respondent agrees to serve the full suspension and demonstrate fitness to resume the practice of law if he fails to comply with his probation.

A. Evidence in Aggravation to Be Considered

An aggravating factor is that Respondent's misconduct involved handling of entrusted funds and he has significant prior discipline.²

B. Evidence in Mitigation to Be Considered

In mitigation, (1) Respondent understands the seriousness of his misconduct and has taken responsibility for it by acknowledging that he violated his ethical obligations as set forth above; (2) he has cooperated fully with Disciplinary Counsel's investigation; (3) no legatees lost money due to Respondent's actions, and (4) Respondent has agreed to undertake the specified corrective measures to ensure that he does not continue to make such errors in the future.

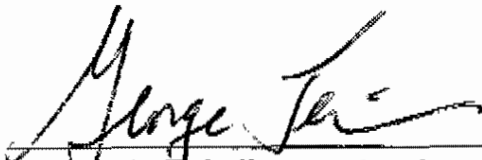
Because Respondent's suspension will be stayed, he will not be required to notify clients of his probation under D.C. Bar R. XI, §14, and Board Rule 9.9. *See In re Mance*, 869 A.2d 339, 343 (D.C. 2009).

² *In re George A. Teitelbaum, Esquire*, Disciplinary Docket Nos. 1990-D206, and 2013-D262 (informal admonitions respectively issued **January 3, 1991** for incompetence in a Title VII matter and **July 1, 2016** for incompetence, excessive fees, and conduct seriously interfering with administration of justice in probate matter); *In re Teitelbaum*, 686 A.2d 1037 (D.C. 1996) (public censure for commingling).

V. RESPONDENT'S AFFIDAVIT

Accompanying this Petition in further support of this negotiated disposition is

Respondent's affidavit pursuant to D.C. Bar R. XI, §12.1(b)(2).



George A. Teitelbaum, Esquire
Respondent



Hamilton P. Fox, III
Disciplinary Counsel



Traci M. Tait
Assistant Disciplinary Counsel