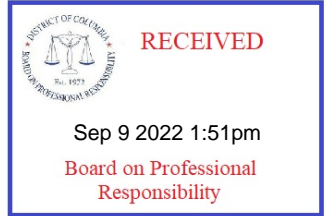


**BEFORE THE DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**



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In the Matter of	:	
	:	
James Bailey,	:	<b>Disc. Docket No. 2020-D006</b>
	:	
Respondent	:	<b>Filed: 9 Sept 2022</b>
	:	
<b>A Member of the Bar of the District</b>	:	
<b>Of Columbia Court of Appeals</b>	:	
<b>Bar Number: 462391</b>	:	
<b>Date of Admission: March 8, 1999</b>	:	

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**ANSWER AND DEFENSES**

1. Admitted.
2. Admit that Respondent was a partner of the firm, denies he was sole partner responsible for handling funds entrusted the firm. Deny that Rosenberg was a partner. He was an independent contractor with sole responsibility for his own clients.
3. Admit that Rosenberg opened an IOLTA account at Eagle Bank and that, later, Bailey and Ehrenberg became signatories at Rosenberg's request.
4. Admitted.
5. The averments in paragraphs 5 through 15 of the Complaint relate to a matter that is of public record and relate to a matter to which Respondent was not a counsel, for a client to which Respondent was not privy, and thus he is unable to admit or deny.
16. Denied.

17. The averments in paragraph 17 through 19 of the Complaint are allegedly set forth in documents, which speak for themselves. Respondent has no current independent recollection of these transactions.

20. Respondent admits Mr. Rosenberg asked for a report of the IOLTA balance. Respondent is without information necessary to admit or deny the remaining averments in paragraph 20 of the Complaint, and therefore denies them.

21. – 22. The averments in paragraphs 21 through 22 are allegedly based on documents, which speak for themselves. Respondent has no current independent recollection of these transactions.

23. Respondent admits that he confirmed the balance of the IOLTA account to Rosenberg. Respondents denies the remainder of the averments in this paragraph.

24. On January 22, 2018, the operating account again went into overdraft status.

The records speak for themselves.

25. The averments in paragraph 25 are allegedly based on documents, which speak for themselves. 26. Respondent admits that, as reflected in records, Rosenberg had his client wire transfer \$10,000 to the IOLTA account.

27 - 29. The averments in paragraphs 27 to 29 are allegedly based on documents, which speak for themselves. Respondent has no current independent recollection of these transactions.

30. Respondent admits that, as reflected in records, Rosenberg had his client wire transfer \$15,000 to the IOLTA account.

31 – 34. The averments in paragraphs 31 to 34 are allegedly based on documents, which speak for themselves. Respondent has no current independent recollection of these transactions.

35. The averments in paragraph 35 are allegedly based on documents, which speak for themselves. Respondent admits that he made his best efforts under the entirety of the circumstances.

36 and 38. The averments in paragraphs 5 through 15 of the Complaint relate to a matter that is of public record and relate to a matter to which Respondent was not a counsel, for a client to which Respondent was not privy, and thus he is unable to admit or deny.

39. Admitted.

40. Admitted.

41. Denied. The Office of Disciplinary Counsel did not inform Respondent that it was conducting an informal inquiry into the overdraft until 2020.

42. Denied. The Office of Disciplinary Counsel did not inform Respondent until 2020.

43 - 46. The averments in paragraphs 43 through 46 relate to actions relating to Mr. Ehrenberg for which Respondent lacks knowledge.

47. Admitted.

All matters herein and above not expressly admitted are denied.

Respectfully, Submitted:

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571-252-4124

**CERTIFICATE OF SERVICE**

I certify that on 09 September 2022, I electronically filed this **Answer by the Respondent**, with the Case Manager for the Board of Professional Responsibility with electronic copy to disciplinary counsel.

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*//s//*  
WALTER B. RUIZ  
Counsel for Respondent