

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

In the Matter of:	:	
	:	
SAMUEL R. BERGER,	:	
	:	
Respondent.	:	D.C. App. No. 05-BG-482
	:	Bar Docket No. 126-05
	:	
A Member of the Bar of the	:	
District of Columbia Court of Appeals	:	
(Bar Registration No. 167452)	:	

REPORT AND RECOMMENDATION OF THE
BOARD ON PROFESSIONAL RESPONSIBILITY

This matter is before the Board on Bar Counsel's motion to accept Respondent's consent to disbarment filed pursuant to D.C. Bar R. XI, § 12(a) and Board Rule 15.1. Respondent's affidavit of consent to disbarment, executed on April 27, 2007, is attached to Bar Counsel's motion.

D.C. Bar R. XI, § 12(a) provides that an attorney who is the subject of an investigation or pending proceeding based on allegations of misconduct may consent to disbarment by delivering to Bar Counsel an affidavit declaring the attorney's consent to disbarment and stating:

- (1) That the consent is freely and voluntarily rendered, that the attorney is not being subjected to coercion or duress, and that the attorney is fully aware of the implication of consenting to disbarment;
- (2) That the attorney is aware that there is currently pending an investigation into, or a proceeding involving, allegations of misconduct, the nature of which shall be specifically set forth in the affidavit;
- (3) That the attorney acknowledges that the material facts upon which the allegations of misconduct are predicated are true; and

- (4) That the attorney submits the consent because the attorney knows that if disciplinary proceedings based on the alleged misconduct were brought, the attorney could not successfully defend against them.

The Board, acting through its Chair, has reviewed Respondent's affidavit of consent to disbarment pursuant to D.C. Bar R. XI, § 12(b) and Board Rule 15.2. Based on that review, the Board approves Respondent's affidavit and recommends that the Court enter an order disbarring Respondent on consent pursuant to D.C. Bar R. XI, § 12(b). Respondent's attention should be directed to the requirements of D.C. Bar R. XI, § 14(g), and their effect on his eligibility for reinstatement. *See* D.C. Bar R. XI, § 16(c).

BOARD ON PROFESSIONAL RESPONSIBILITY

By: 
Martin R. Baach
Chair

Dated: **MAY 11 2007**