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DISTRICT OF COLUMBIA COURT OF APPEALS

No. 24-BG-0854

In re DUNCAN K. BRENT,
Respondent.

DDN: 2024-D086

A Suspended Member of the Bar of the
District of Columbia Court of Appeals
Bar Registration No. 445234

BEFORE: Beckwith and Shanker, Associate Judges, and Ruiz, Senior Judge.

ORDER

(FILED—December 27, 2024)

On consideration of an accurate copy of an order of the Virginia State Bar Disciplinary Board suspending respondent for three years, to run consecutive to an earlier-imposed suspension; this court's February 1, 2024, order in No. 23-BG-0764, reciprocally suspending respondent in response to the first Virginia suspension with the added conditions for reinstatement of a showing of fitness and reinstatement in Virginia; this court's October 9, 2024, order maintaining respondent's suspension and directing him to show cause why reciprocal discipline should not be imposed in response to the second Virginia suspension; and the statement of Disciplinary Counsel requesting the imposition of substantially different discipline in the form of a three-year suspension with a fitness requirement and reinstatement contingent on reinstatement in Virginia; and it appearing that respondent has not filed a response to this court's order or Disciplinary Counsel's request and has not filed his D.C. Bar R. XI, § 14(g) affidavit, it is

ORDERED that Duncan K. Brent is hereby suspended from the practice of law in the District of Columbia for three years, to be served consecutive to his suspension in No. 23-BG-0764, with reinstatement conditioned upon a showing of fitness and reinstatement in Virginia. Disciplinary Counsel has established by clear and convincing evidence that the facts found by Virginia would result in substantially different discipline in this jurisdiction. *See In re Sibley*, 990 A.2d 483, 487-88 (D.C. 2010) (explaining that there is a rebuttable presumption in favor of imposition of identical discipline and exceptions to this presumption should be rare); *In re Jacoby*, 945 A.2d 1193, 1199-1200 (D.C. 2008) (describing the two-step

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inquiry for concluding whether the “substantially different discipline” exception applies as determining whether the misconduct would have resulted in the same punishment and if the discipline would be different, whether the difference is “substantial”); *see also In re Gonzalez*, 318 A.3d 1208, 1219 (D.C. 2024) (where respondent acquiesced, imposing requirement of reinstatement in New Jersey in addition to proof of fitness in the District of Columbia). Respondent failed to comply with the terms of a Virginia disciplinary order requiring him to provide trust account records to address his noncompliance with liens, and thereafter failed to respond to Virginia Bar Counsel. As we noted in the order suspending respondent in No. 23-BG-0764, in this jurisdiction repeated failure to cooperate with disciplinary investigations would require a showing of fitness prior to reinstatement. Therefore, we find that Disciplinary Counsel has met the requirement of D.C. Bar R. XI, § 11(c)(4). *See In re Burton*, 236 A.3d 372, 373 (D.C. 2020) (imposing an additional fitness requirement as substantially different discipline in a Virginia reciprocal matter involving client neglect, dishonesty, and failure to cooperate with the disciplinary investigation); *In re Shedlick*, 267 A.3d 1018, 1019 (D.C. 2022) (imposing a fitness requirement where the respondent failed to comply with condition that he hire an accountant to address his failures to protect entrusted funds). It is

FURTHER ORDERED that, for purposes of reinstatement, respondent’s suspension will not begin to run until such time as he files an affidavit that fully complies with the requirements of D.C. Bar R. XI, § 14(g).

PER CURIAM