

THIS REPORT IS NOT A FINAL ORDER OF DISCIPLINE*

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY



Issued

January 30, 2023

In the Matter of: :
: MARLON G. MEADE, :
: Respondent. : D.C. App. No. 22-BG-826
: Board Docket No. 22-BD-078
: Disc. Docket No. 2022-D150
A Suspended Member of the Bar of the :
District of Columbia Court of Appeals :
(Bar Registration No. 981550) :

REPORT AND RECOMMENDATION
OF THE BOARD ON PROFESSIONAL RESPONSIBILITY

This matter is before the Board to determine whether Respondent’s criminal convictions involve moral turpitude within the meaning of D.C. Code § 11-2503(a). For the reasons that follow, the Board recommends that the Court disbar Respondent pursuant to D.C. Code § 11-2503(a) based on his conviction of a crime involving moral turpitude *per se*.

BACKGROUND

Respondent was admitted to the District of Columbia Bar on June 16, 2008. On October 1, 2021, Respondent pled guilty to conspiracy to commit mail fraud, and monetary transactions in criminally derived property, in violation of 18 U.S.C. §§ 371, 1341, and 1957.

On October 26, 2022, Disciplinary Counsel filed a copy of the “Judgment in a Criminal Case” reflecting Respondent’s guilty plea. On

* Consult the ‘Disciplinary Decisions’ tab on the Board on Professional Responsibility’s website (www.dcattorneydiscipline.org) to view any prior or subsequent decisions in this case.

October 28, 2022, the Court of Appeals suspended Respondent pursuant to D.C. Bar R. XI, § 10(c), and directed the Board to institute a formal proceeding to determine whether any of Respondent's offenses involve moral turpitude within the meaning of D.C. Code § 11-2503(a). Order, *In re Meade*, No. 22-BG-826 (D.C. Oct. 28, 2022).

On November 28, 2022, Disciplinary Counsel filed a statement with the Board recommending Respondent's disbarment because Respondent pled guilty to crimes involving moral turpitude *per se*.¹ Respondent requested an extension of time to respond to Disciplinary Counsel's statement, and that the Board compensate his counsel based on financial hardship. Respondent's motion for an extension of time was granted, and his brief was due on January 17, 2023. His motion for compensation of counsel was denied. Despite the extension, Respondent did not file a brief, or otherwise respond to Disciplinary Counsel's statement.

¹ Disciplinary Counsel argues in the alternative that by pleading guilty, Respondent admitted facts that constitute moral turpitude, and that the Board should summarily determine that Respondent's conduct involved moral turpitude on the facts. *See* Board Rule 10.2 (“[A]fter viewing the record in the light most favorable to respondent, the Board determines that there is no genuine issue as to any material fact, and Disciplinary Counsel has proven by clear and convincing evidence that the conduct underlying respondent's offense involves moral turpitude, the Board shall grant Disciplinary Counsel's motion and recommend to the Court that respondent be disbarred pursuant to D.C. Code Section 11 2503(a).”).

ANALYSIS

D.C. Code § 11-2503(a) requires the disbarment of a member of the District of Columbia Bar convicted of a crime of moral turpitude. Once the Court has determined that a particular crime involves moral turpitude *per se*, disbarment must be imposed. See *In re Colson*, 412 A.2d 1160, 1165 (D.C. 1979) (en banc).

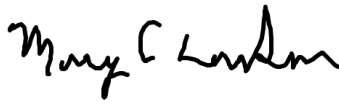
The Court has previously held that conspiracy to commit mail fraud is a crime of moral turpitude *per se*. See *In re Allison*, 990 A.2d 467, 468 (D.C. 2010) (per curiam) (conspiracy to commit mail fraud); *In re Schainker*, 871 A.2d 1206, 1206 (D.C. 2005) (per curiam) (conspiracy to commit mail and wire fraud). Relying on *In re Lee*, 755 A.2d 1034 (D.C. 2000) (per curiam), Disciplinary Counsel argues that the Court has already determined that a violation of 18 U.S.C. § 1957 is a crime of moral turpitude. However, *Lee* determined that the facts of Lee's conviction constituted moral turpitude, not that all § 1957 convictions involve moral turpitude. We need not decide this question because Respondent's conviction of conspiracy to commit mail fraud requires his disbarment under D.C. Code § 11-2503(a).²

² Because Respondent was convicted of a crime involving moral turpitude *per se*, we need not reach Disciplinary Counsel's alternative argument that the Board should summarily adjudicate the moral turpitude issue pursuant to Board Rule 10.2.

CONCLUSION

For the foregoing reasons, the Board recommends that the Court disbar Respondent pursuant to D.C. Code § 11-2503(a) based on his conviction of a crime involving moral turpitude *per se*.

BOARD ON PROFESSIONAL RESPONSIBILITY

By: 

Mary C. Larkin, Public Member

All members of the Board concur in this Report and Recommendation, except Mr. Hora, who did not participate.