THIS REPORT IS NOT A FINAL ORDER OF DISCIPLINE*

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

Issued
March 4, 2019

In the Matter of:	:	
	:	
PAUL J. MANAFORT, JR.,	:	
	:	D.C. App. No. 18-BG-1317
Respondent.	:	Board Docket No. 18-BD-106
	:	Disc. Docket No. 2018-D288
A Suspended Member of the Bar of the District of Columbia Court of Appeals (Bar Registration No. 247486)	:	

REPORT AND RECOMMENDATION
OF THE BOARD ON PROFESSIONAL RESPONSIBILITY

This matter is before the Board on Professional Responsibility (the "Board") following Respondent's September 14, 2018 guilty plea in the United States District Court for the District of Columbia to a two-count Superseding Criminal Information that charged Respondent with conspiring to obstruct justice by tampering with witnesses (in violation of 18 U.S.C. § 1512(b)(1)), as well as other federal crimes.

BACKGROUND

Respondent was admitted to the District of Columbia Bar on January 20, 1979, and assigned Bar Number 247486. On September 14, 2018, in the United States District Court for the District of Columbia, Respondent pleaded guilty to a two-count Superseding Criminal Information that charged him with

* Consult the 'Disciplinary Decisions' tab on the Board on Professional Responsibility's website (www.dcattorneydiscipline.org) for more information about this case.

conspiring to obstruct justice by tampering with witnesses while on pretrial release (in violation of 18 U.S.C. § 1512(b)(1)), in addition to other federal crimes. Respondent is awaiting sentencing.

On December 17, 2018, Disciplinary Counsel reported Respondent's guilty plea to the District of Columbia Court of Appeals (the "Court"). On January 10, 2019, the Court suspended Respondent and directed the Board to institute a formal proceeding to determine the nature of Respondent's offenses and whether the crimes involve moral turpitude within the meaning of D.C. Code § 11-2503(a) (2001).[1] On February 6, 2019, Disciplinary Counsel filed a statement with the Board recommending Respondent's disbarment based on his conviction of a crime involving moral turpitude *per se*. Respondent did not file a response to Disciplinary Counsel's statement, the time for doing so having expired.

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.*

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. The legal

[1] On February 28, 2019, Respondent filed the affidavit required by D.C. Bar R. XI, § 14(g).

standard for moral turpitude was established in *In re Colson,* 412 A.2d 1160 (D.C. 1979) (en banc). In *Colson,* the Court held that a crime involves moral turpitude if "the act denounced by the statute offends the generally accepted moral code of mankind," if it involves "baseness, vileness or depravity in the private and social duties which a man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man," or if the act is "contrary to justice, honesty, modesty, or good morals." *Id.* at 1168 (internal citations omitted). Once the Court determines that a particular crime involves moral turpitude *per se*, the Board must adhere to that ruling and disbarment must be imposed. *Id.* at 1165.

Respondent pleaded guilty to violating 18 U.S.C. § 1512(b)(1). The Court has not yet considered whether a violation of § 1512(b)(1) is a crime of moral turpitude *per se.* However, the Court has already found that convictions under subsections (b)(2) and (b)(3) are crimes of moral turpitude *per se. In re Johnson,* 48 A.3d 170, 173 (D.C. 2012) (per curiam) (18 U.S.C. § 1512(b)(2)); *In re Blair,* 40 A.3d 883, 884 (D.C. 2012) (per curiam) (18 U.S.C. § 1512(b)(3)). *Johnson* explained that "witness and evidence tampering 'is similar to the offense of obstruction of justice, which we have held to involve moral turpitude in that the offender knowingly or intentionally disregards the system of law and due process that defines our civilized society.'" *Johnson,* 48

A.3d at 174 (quoting *In re Luvara,* 942 A.2d 1125, 1127 (D.C. 2008)); *see Colson,* 412 A.2d at 1165 (obstruction of justice inherently involves moral turpitude). We see no significant difference between subsections (b)(1), (b)(2) or (b)(3),[2] because all require proof of a knowing interference with the

---

[2] 18 U.S.C. § 1512 provides in relevant part that

> (b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—
>
> (1) influence, delay, or prevent the testimony of any person in an official proceeding;
>
> (2) cause or induce any person to—
>
> (A) withhold testimony, or withhold a record, document, or other object, from an official proceeding;
>
> (B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;
>
> (C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
>
> (D) be absent from an official proceeding to which such person has been summoned by legal process; or
>
> (3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation supervised release, parole, or release pending judicial proceedings;

enforcement of law, and we thus conclude that witness tampering under 18 U.S.C. § 1512(b)(1) constitutes a crime of moral turpitude *per se*.

"[W]here, as here, the object of the conspiracy is a crime involving moral turpitude, a conviction for conspiracy to commit the underlying offense is itself a crime inherently involving moral turpitude." *In re Lobar,* 632 A.2d 110, 111 (D.C. 1993) (per curiam). *In re Gormley,* 793 A.2d 469, 470 (D.C. 2002) (per curiam) ("conspiracy to commit obstruction of justice is a crime of moral turpitude *per se*.").

"When an attorney is convicted of multiple offenses, disbarment is imposed if any one of them involves moral turpitude *per se*," and thus, we need not analyze the other offenses covered by Respondent's guilty plea. *See In re Hoover-Hankerson,* 953 A.2d 1025, 1026 (D.C. 2008) (per curiam).

Disciplinary Counsel represents that Respondent's sentencing is scheduled for March, 2019. Disciplinary Counsel should file a certified copy of the final judgment of conviction with the Court following Respondent's sentencing so that the Court may take final action in this matter. *See, e.g.*, *In re Allison,* Bar Docket No. 388-08, at 3 n.1 (BPR June 30, 2009),

---

shall be fined under this title or imprisoned not more than 20 years, or both.

recommendation approved, 990 A.2d 467 (D.C. 2010) (per curiam); *see also In re Hirschfeld,* 622 A.2d 688, 689 n.1 (D.C. 1993).

CONCLUSION

For the foregoing reasons, the Board recommends that, upon receipt of a certified copy of the final judgment of conviction, 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: David Bernstein
David Bernstein

All members of the Board concur in this Report and Recommendation except Ms. Soller and Mr. Kaiser, who are recused.