

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

In the Matter of)
)
Robert Schulman,)
)
Respondent)
)
Bar Number: 376111)
Date of Admission: December 19, 1983)
Effective Date of)
Suspension: February 5, 2018)
_____)

**DCCA No.: 18-BG-065
Disciplinary Docket No.:
2017-D108**

PETITION FOR REINSTATEMENT PURSUANT TO D.C. BAR TITLE XI § 16(c)

The undersigned petitioner, Robert M. Schulman, respectfully requests reinstatement as an active member of the bar of the District of Columbia, pursuant to D.C. Bar Title XII § 16(c). As set forth in the Statement of Material facts below, the undersigned attorney believes (a) That he has the moral qualifications, competency, and learning in law required for readmission; and (b) That the resumption of the practice of law by the attorney will not be detrimental to the integrity and standing of the Bar, or to the administration of justice, or subversive to the public interest. Attached to this Petition is the Reinstatement Questionnaire (Form 9.1(b)).

Statement of Material Facts

- (i) Nature and Circumstances of the misconduct for which the attorney was disciplined.
 1. The offense for which petitioner was convicted involved a single incident of misconduct spanning a career of 35 years.

2. The misconduct involved an unfortunate disclosure regarding King Pharmaceuticals during a dinner at petitioner's house with the petitioner's financial planner which, unknown to the petitioner at the time, resulted in that financial planner buying stock for himself, petitioner, and many of the planner's clients. The financial planner also informed one of his close friends about the stock, resulting in the purchase of King Pharmaceutical stock options by that friend.
3. Petitioner only recalled bringing King Pharmaceuticals to the financial planner's attention based on petitioner's knowledge that patent counsel for Pfizer and patent counsel for King met to discuss an ongoing patent litigation in which petitioner was involved. Petitioner did not personally attend the meeting between King and Pfizer but rather heard about it from an associate. The prosecutors alleged that petitioner specifically mentioned Pfizer and a potential merger, though petitioner has no independent recollection of having made such a disclosure.
4. Well after the one-time disclosure, petitioner learned that diligence activities were ongoing regarding a possible merger, though petitioner was walled off from such activities at the time.
5. Petitioner did not learn of any of the King trades until approximately eight months after their occurrence.
6. Petitioner earned about \$15,000 from the sale of the stock. Because the transaction was carried out in the petitioner's retirement account, petitioner did not derive any immediate benefit from the sale. Petitioner has disgorged the entire amount of the

profit made from the sale as part of the final sentence imposed by the judge. Petitioner also paid a \$50,000 fine.

7. Relative to the amount that petitioner was earning at the time, the profit from the sale of the shares of King amounted to a very small fraction of the petitioner's income.
8. The Securities and Exchange Commission ("SEC") investigated petitioner's involvement in the trades and concluded that petitioner's disclosure was not made with the intent to trade.
9. In the criminal proceeding, the district court judge refused, despite repeated requests, to allow petitioner's counsel to reveal the SEC's conclusions to the jury. The judge excluded other exculpatory evidence as well.
10. In addition to the disgorgement and the fine, the court also sentenced petitioner to three years probation with a requirement of 2,000 hours of community service.
11. Although petitioner believed the district court to have been in error in its evidentiary rulings during the trial, petitioner limited its appeal to the question of whether the evidence of record supported the jury's finding, as the petitioner did not want to risk a remand and a second trial which would have put a great emotional strain on petitioner and his family.
12. The Court of Appeals upheld the jury's verdict based on the limited arguments presented.

(ii) Recognition of Seriousness of Misconduct

13. Petitioner recognizes the seriousness of the misconduct that led to the criminal conviction;

14. Petitioner's conduct had consequences far beyond the petitioner's own practice of law.

15. Petitioner's conduct caused embarrassment to professional colleagues and to petitioner's firm at the time, Hunton & Williams LLP as well as to petitioner's later firm, Arent Fox LLP. It caused a great deal of disruption to a lot of people at both firms and caused an onslaught of unwanted negative publicity from the legal press.

16. Petitioner's conduct created difficulties with clients who questioned whether they could trust petitioner in particular and the firms in general.

17. Petitioner's conduct caused a lot of pain to friends and family, including very elderly parents, petitioner's spouse, children and other family members. This may have been the hardest part of it.

18. Petitioner's conduct reflected badly on the reputation of the bar as a whole, which petitioner highly regrets.

(iii) Post-discipline conduct, including steps taken to remedy past wrongs and prevent future ones;

19. Petitioner fulfilled the 2,000-hour community service requirement by teaching ESL classes and by engaging in a large amount of vegetable gardening to provide fresh produce to local food pantries such as the Capital Area Food Bank and several religious institutions. Petitioner also established a vegetable garden at a religious institution, resulting in the provision of thousands of pounds of food to those in need. Although petitioner fulfilled the 2,000-hour community service requirement as of the summer of 2020, petitioner continues to volunteer at gardens to provide food to food pantries.

20. In addition to the above-enumerated volunteer activities, petitioner enrolled in the Master Gardener's program through the Virginia Cooperative Extension and became a Master Gardener in 2017. Petitioner continues to engage in numerous volunteer activities through the Master Gardener program.

21. In Spring of 2018, Petitioner enrolled in Virginia Tech's on-line program to earn a Masters degree in Agriculture and Life Sciences, with graduation expected in May, 2021. The education has been helpful to the volunteer work discussed above.

22. Although Petitioner discontinued the practice of law in August of 2016, petitioner continues to mentor former colleagues.

23. Although Petitioner is not currently practicing law and therefore has no access to any material confidential information regarding a company, petitioner does not engage in the purchase of any individual stocks. In the event of reinstatement, petitioner will absolutely not engage in the trading of any individual stocks. Petitioner has engaged new financial planners who are also members of the bar to manage his assets. Because petitioner has apprised the new planners of petitioner's past legal issues, they fully understand the importance of managing petitioner's assets with extreme care.

iv) The attorney's present character.

24. Petitioner believes that his present character qualifies him for reinstatement to the bar.

25. In its Report and Recommendation Approving Petition for Negotiated Discipline dated June 16, 2020, the ad hoc Hearing Committee of the D.C. Bar found that petitioner's conduct did not constitute moral turpitude given that it involved a single isolated act for

a gain that was not considered substantial to petitioner. This finding was approved by the D.C. Court of Appeals on September 10, 2020.

26. At the present time, and for the entirety of the time since the trial, petitioner has tried to use his time to the benefit of others. This included volunteer work both before sentencing and after probation, when such work was not required. As set forth above, petitioner both taught ESL classes and directed the cultivation of gardens to provide food for those in need.

27. In addition, petitioner continues to provide support to elderly parents and a severely disabled sister. This was recognized by the trial court which set petitioner's probation so he could visit his parents and sister without express permission from the probation officer.

28. For the entire time since the indictment, petitioner has continued to pursue his love of learning, taking a class in French, going through the Master Gardener program and pursuing a Master's degree in agriculture and life sciences.

29. Petitioner has been married to the same woman for nearly 38 years and has a close relationship with both his children and grandchildren. It was their support that enabled petitioner to get through the difficulties of the past several years. Beyond petitioner's own moral compass, it is a very strong desire to never cause petitioner's loved ones the pain that they experienced that now forms an indelible part of petitioner's present character.

(v) The attorney's present qualifications and competence to practice law

30. Petitioner believes that he is qualified and competent to practice law.

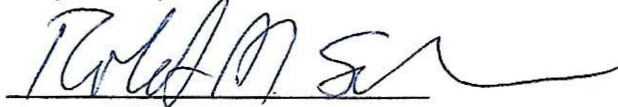
31. Petitioner's suspension was completely unrelated to petitioner's technical competency to practice law.
32. During a 35-year career, petitioner was routinely recognized by his peers as an outstanding lawyer, being named a "Super Lawyer" by the Washington Post and one of the "Legal Elite" by Virginia Business magazine on numerous occasions. Petitioner was routinely asked to speak on intellectual property issues at both bar association meetings as well as for individual clients.
33. The Master's degree in Agriculture and Life Sciences that petitioner is now completing relates directly to one of the principle focuses of petitioner's patent career namely, plant science. Accordingly, petitioner's credentials regarding this practice have been enhanced.
34. During much of the period of petitioner's withdrawal from day-to-day practice, petitioner has continued to keep himself updated on developments in intellectual property law.
35. Petitioner strongly believes in the intellectual property system and believes, if given the chance to practice again, that he can make a difference to the benefit of the innovators essential to solve the myriad of problems facing today's society.
36. The legal difficulties confronted by the petitioner over the past several years have left an indelible mark in ways that have given petitioner a new perspective on the practice of law with regard to both clients and colleagues. Having worked closely with some of the neediest among us in volunteer gardens, food pantries and ESL classes, petitioner has a new appreciation of the extent to which the legal world which petitioner occupied

is a privileged "bubble" where those involved can too easily lose perspective of what is important. Petitioner appreciates that it is not at all a certainty that clients will be willing to entrust their matters to petitioner given the legal record. However, should petitioner be so privileged as to be readmitted to this distinguished bar and have matters entrusted to him once again by clients, petitioner believes that the experiences of the past several years, as harrowing as they have been, will make him a better lawyer.

Conclusion

In view of the foregoing, the undersigned petitioner respectfully requests reinstatement into the District of Columbia bar.

Respectfully submitted.

A handwritten signature in black ink, appearing to read "Robert M. Schulman", written over a horizontal line.

Robert M. Schulman

Bar Number: 376111