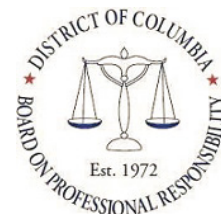


THIS REPORT IS NOT A FINAL ORDER OF DISCIPLINE*



Issued

April 1, 2025

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

| | | |
|---------------------------------------|---|-----------------------------------|
| In the Matter of: | : | |
| | : | |
| ROBERT H. BIDEN, | : | |
| | : | D.C. App. No. 24-BG-553 |
| Respondent. | : | Board Docket No. 24-BD-035 |
| | : | Disciplinary Docket No. 2024-D103 |
| A Temporarily Suspended | : | |
| Member of the Bar of the | : | |
| District of Columbia Court of Appeals | : | |
| (Bar Registration No. 973866) | : | |

CORRECTED REPORT AND RECOMMENDATION
OF THE BOARD ON PROFESSIONAL RESPONSIBILITY¹

This matter is before the Board on Professional Responsibility (the “Board”) on Disciplinary Counsel’s Amended Motion to Accept Respondent’s Consent to Disbarment pursuant to D.C. Bar R. XI, § 12(a) and Board Rule 16.1. Respondent’s affidavit declaring consent to disbarment, executed on March 24, 2025, is attached to Disciplinary Counsel’s motion. Disciplinary Counsel’s Amended Motion and Respondent’s affidavit have been filed with the Court under seal pursuant to Board Rule 16.3, which provides that “Respondent’s affidavit and any substantive references to its contents shall be confidential.” *See also* D.C. Bar R. XI, § 12(c)

¹ This Report corrects a typographical error in Respondent’s Bar Registration Number.

* 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.

(“the affidavit required under [§ 12(a)] shall not be publicly disclosed or made available for use in any other proceeding except by order of the Court or upon written consent of the attorney.”).

The Board, acting through its Chair, and pursuant to D.C. Bar R. XI, § 12(b) and Board Rule 16.2, has reviewed Respondent’s affidavit declaring his consent to disbarment and recommends that the Court enter an order disbarring Respondent on consent pursuant to D.C. Bar R. XI, § 12(b).²

Respondent was suspended on June 25, 2024, after he was found guilty in the United States District Court for the District of Delaware of three felony counts. Order, *In re Biden*, D.C. App. No. 24-BG-0553 (June 25, 2024). The Court’s June 25 Order directed the Board “to institute a formal proceeding to determine the nature of the offense and whether it involves moral turpitude within the meaning of D.C. Code § 11-2503(a)(2001).” *Id.*

We take judicial notice of the docket in the Delaware criminal case, which shows that the case was terminated prior to sentencing, after Respondent received a full and unconditional Presidential pardon. *See* Docket Entry No. 277 in *United States v. Biden*, Case No. 1:23-cr-00061-MN (D. Del. Dec. 3, 2024) (terminating all proceedings in the case). This precludes the imposition of a sanction pursuant to

² Pursuant to Board Rule 9.8(a), Disciplinary Counsel’s motion has provided Respondent with notice of Disciplinary Counsel’s intent to present evidence of unadjudicated acts at any future reinstatement hearing.

D.C. Code § 11-2503(a) because the record does not contain a certified copy of Respondent’s conviction. *See In re Gardner*, 625 A.2d 293, 297 (D.C. 1993) (appended Board Report) (“a defendant is not convicted until the sentence is imposed.”); *see also In re Abrams*, 689 A.2d 6, 11 (D.C. 1997) (en banc) (a pardon precludes the imposition of discipline based on a criminal conviction, but does not prevent sanction based on the underlying misconduct). Even if there had been a final judgment of conviction, the Board would recommend dismissal of the § 11-2503(a) proceeding if the Court accepts Respondent’s consent to disbarment. *See In re Schulman*, 960 A.2d 617, 617 (D.C. 2008) (per curiam) (following disbarment on consent, a separate disciplinary proceeding arising out of a criminal conviction was dismissed as moot).

Respondent’s attention should be drawn to the requirement to demonstrate compliance with the provisions of D.C. Bar R. XI, §§ 14 and 16. Disciplinary Counsel represents in its motion that “[o]n July 2, 2024, Respondent filed an affidavit in compliance with D.C. Bar Rule XI, § 14.”

BOARD ON PROFESSIONAL RESPONSIBILITY

By: *Bernadette C. Sargeant*
Bernadette C. Sargeant
Chair