

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



In the Matter of :
 :
William F. Burton, Esquire, :
 :
 :
Respondent :
 :
A Member of the Bar of the :
District of Columbia Court of Appeals. :
Bar Number: 431812 :
Date of Admission: January 24, 1992 :
 :

**Disciplinary Docket Nos. 2017-D190,
2018-D189, 2018-D342, 2018-D348,
and 2018-D349**

SPECIFICATION OF CHARGES

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar R. X and XI, § 2(b).

1. Pursuant to D.C. Bar R. XI, § 1(a), Disciplinary Counsel has jurisdiction because Respondent is member of the District of Columbia Bar, admitted on January 24, 1992, and assigned Bar number 431812.

COUNT I:

Disciplinary Docket No. 2018-D189

2. On June 26, 2018, Disciplinary Counsel sent a letter to Respondent, informing him that an investigation of his conduct had been opened based upon an Interim Suspension Order issued by the Virginia State Bar Disciplinary Board suspending him from the practice of law in Virginia. A copy of the VSB order was enclosed. Respondent was subsequently reinstated. In the letter, Respondent was asked to provide a substantive written response to each allegation of misconduct on or before July 6, 2018 and cautioned that his failure to comply with the request may

constitute a violation of Rule 8.4(d) (conduct that seriously interferes with the administration of justice).

3. Respondent did not submit a response as requested.

4. On July 18, 2018, Disciplinary Counsel sent another letter enclosing the VSB complaint to Respondent by first-class and certified mail, asking him to respond by July 30, 2018. This letter also cautioned Respondent that his failure to comply with the request may constitute a violation of Rules 8.1(b) (failure to respond to a disciplinary authority) and 8.4(d).

5. Respondent did not submit a response as requested.

6. On September 13, 2018, Disciplinary Counsel filed with the Board of Professional Responsibility, and served upon Respondent, a motion to compel his response to the investigation.

7. Respondent did not submit a response to Disciplinary Counsel's motion.

8. On October 1, 2018, the Board issued an order granting the motion and ordered that Respondent provide a response to Disciplinary Counsel's inquiries within ten (10) calendar days.

9. Respondent did not submit a response to Disciplinary Counsel's inquiries as ordered by the Board.

10. On March 12, 2019, Respondent was personally served with a copy of the Board's order. Respondent did not submit a response.

11. Respondent's conduct violated that following District of Columbia Rules of Professional Conduct:

- a. Rule 8.1(b), in that Respondent failed to respond reasonably to a lawful demand for information from a disciplinary authority; and
- b. Rule 8.4(d), in that Respondent engaged in conduct that seriously interferes

with the administration of justice.

- c. Respondent's conduct also violated D.C. Bar Rule XI § 2(b) (3), in that he failed to comply with an order of the Board.

COUNT II

Disciplinary Docket No. 2017-D190

12. On July 31, 2017, Disciplinary Counsel sent a letter to Respondent informing him that an investigation of his conduct had been opened based upon an ethical complaint filed against him by Brigette D. Dunn. A copy of Mr. Dunn's complaint was enclosed. Respondent was asked to provide a substantive response to each allegation of misconduct on or before August 10, 2017 and cautioned that his failure to comply with the request may constitute a violation of Rule 8.4(d).

13. Respondent did not submit a response as requested.

14. On August 28, 2017, Disciplinary Counsel sent another letter enclosing Ms. Dunn's ethical complaint to Respondent by first-class and certified mail, asking him to respond by September 8, 2017. The letter also cautioned Respondent that his failure to comply may constitute violation of Rules 8.1(b) and 8.4(d).

15. Respondent did not submit a response as requested.

16. On May 22, 2018, Disciplinary Counsel sent a third letter enclosing Ms. Dunn's ethical complaint to Respondent, asking him to respond to the letter by June 1, 2018. The letter was sent by first-class and certified mail.

17. On May 24, 2018, Disciplinary Counsel issued a subpoena to Respondent requesting that he produce documents relevant to Ms. Dunn's ethical complaint by June 4, 2018. The subpoena was sent to Respondent by certified mail.

19. On June 27, 2018, an Assistant Disciplinary Counsel spoke with Respondent by telephone regarding his overdue response to the investigation. Following the conversation, the ADC sent copies of Disciplinary Counsel's July 31, 2017 letter and Ms. Dunn's ethical complaint to Respondent by electronic mail. Respondent acknowledged receipt of the correspondence and promised the ADC he would respond immediately.

20. Respondent did not submit a response.

21. On September 13, 2018, Disciplinary Counsel filed with the Board of Professional Responsibility, and served upon Respondent, a motion to compel a response to the investigation.

22. Respondent did not submit a response to Disciplinary Counsel's motion.

23. On October 1, 2018, the Board issued an order granting the motion and ordered that Respondent provide a response to Disciplinary Counsel's inquiries within ten (10) calendar days.

24. Respondent did not submit a response to Disciplinary Counsel's inquiries as ordered by the Board.

25. On March 12, 2019, Respondent was personally served with a copy of the Board's order. Respondent did not submit a response.

26. Respondent's conduct violated the following Rules:

- a. Rule 8.1(b), in that Respondent failed to respond reasonably to a lawful demand for information from a disciplinary authority; and
- b. Rule 8.4(d), in that Respondent engaged in conduct that seriously interferes with the administration of justice.
- c. Respondent's conduct also violated D.C. Bar Rule XI § 2(b) (3), in that he failed to comply with an order of the Board.

COUNT III

Disciplinary Docket No. 2018-D348

27. On December 11, 2018, Disciplinary Counsel sent a letter to Respondent informing him that an investigation of his conduct had been opened based upon an ethical complaint filed against him by Baha Hamideh. A copy of the complaint was enclosed. In the letter, Respondent was asked to provide a substantive response on or before December 21, 2018, and cautioned that his failure to comply with the request may constitute a violation of Rule 8.4(d).

28. Respondent did not submit a response as requested.

29. On January 17, 2019, Disciplinary Counsel sent Respondent another letter enclosing Mr. Hamideh's ethical complaint to Respondent asking him to respond by January 28, 2019. The letter also cautioned Respondent that his failure to comply with the request may constitute a violation of Rules 8.1(b) and 8.4(d).

30. Respondent did not submit a response as requested.

31. On March 12, 2019, Respondent was personally served with a copies of Disciplinary Counsel's letters dated December 11, 2018 and January 17, 2019 along with Mr. Hamideh's ethical complaint.

32. Respondent did not submit a response to Mr. Hamideh's ethical complaint.

33. Respondent's conduct violated the following Rule:

- a. Rule 8.1(b), in that Respondent failed to respond reasonably to a lawful demand for information from a disciplinary authority; and
- b. Rule 8.4(d), in that Respondent engaged in conduct that seriously interferes with the administration of justice.

COUNT IV

Disciplinary Docket No. 2018-D342

34. On December 4, 2018, Disciplinary Counsel sent a letter to Respondent informing him that an investigation of his conduct had been opened based upon the ethical complaint filed against him by Daryl M. Davis. A copy of Mr. Davis's complaint was enclosed. In the letter, Respondent was asked to provide a substantive written response to each allegation of misconduct on or before December 17, 2018 and cautioned that his failure to comply with the request may constitute a violation of Rule 8.4(d).

35. Respondent did not submit a response as requested.

36. On March 12, 2019, Respondent was personally served with copies of Disciplinary Counsel's letters dated December 4, 2018 and January 17, 2019, and another copy of Mr. Davis's ethical complaint. Disciplinary Counsel requested his response by March 22, 2019.

37. Respondent did not submit a response to Mr. Davis's complaint.

38. Respondent conduct violated the following Rule:

- a. Rule 8.1(b), in that Respondent failed to respond reasonably to a lawful demand for information from a disciplinary authority; and
- b. Rule 8.4(d), in that Respondent engaged in conduct that seriously interferes with the administration of justice.

COUNT V

Disciplinary Docket No. 2018-D349

39. On December 11, 2018, Disciplinary Counsel sent a letter to Respondent informing him that we had opened an investigation of his conduct based upon the ethical complaint filed against him by Ahmad Harb. A copy of Mr. Harb's complaint was enclosed. In the letter,

Respondent was asked to provide a substantive written response on or before December 21, 2018 and cautioned that his failure to comply with the request may constitute a violation of Rule 8.4(d).

40. Respondent did not submit a response as requested.

41. On January 17, 2019, Disciplinary Counsel sent another letter to Respondent concerning Mr. Harb's complaint, asking him to submit a response by January 28, 2019. This letter also cautioned Respondent that his failure to comply with the request may constitute a violation of Rules 8.1(b) and 8.4(d).

42. Respondent did not submit a response as requested.

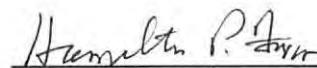
43. On March 12, 2019, Respondent was personally served with copies of Disciplinary Counsel's letters dated December 11, 2018 and January 17, 2019, and another copy of Mr. Harb's ethical complaint. Disciplinary Counsel requested his response by March 22, 2019.

44. Respondent did not submit a response.

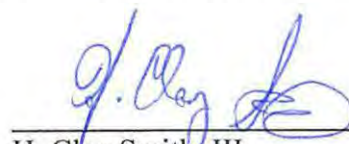
45. Respondent's conduct violated the following Rule:

- a. Rule 8.1(b), in that Respondent failed to respond reasonably to a lawful demand for information from a disciplinary authority; and
- b. Rule 8.4(d), in that Respondent engaged in conduct that seriously interferes with the administration of justice.

Respectfully submitted,



Hamilton P. Fox, III
Disciplinary Counsel




H. Clay Smith, III
Assistant Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL
515 Fifth Street, N.W.
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(202) 638-1501

VERIFICATION

I do affirm that I verily believe the facts stated in the Specification of Charges to be true.



H. Clay Smith, III
Assistant Disciplinary Counsel

Subscribed and affirmed before me in the District of Columbia this 17th day of May 2019.

My Commission Expires: 03-31-2022





Notary Public

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

In the Matter of	:	
	:	
WILLIAM F. BURTON, ESQUIRE,	:	Disciplinary Docket No. 2017-D190,
	:	2018-D189, 2018-D342, 2018-D348,
Respondent,	:	and 2018-D349
	:	

PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS

A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals' Rules Governing the Bar (D.C. Bar R.).

B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has approved the institution of these disciplinary proceedings.

D. **Procedures**

(1) **Referral to Hearing Committee** – When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** – Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** – The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not answered by Respondent may be deemed established as provided in Board Rule 7.7.

(4) **Mitigation** – Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** – Respondent is entitled to fifteen days' notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are

applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

WHEREFORE, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.



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Disciplinary Counsel

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