

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY



Issued
April 7, 2021

In the Matter of: :
: :
WILLIAM F. BURTON, :
: Board Docket Nos.19-BD-046 & 19-
Respondent. : BD-054
: Disciplinary Docket Nos. 2017-D190,
A Disbarred Member of the Bar of the : 2018-D189, 2018-D342, 2018-D348,
District of Columbia Court of Appeals : 2018-D349, & 2019-D099
(Bar Registration No. 431812) :

ORDER OF THE BOARD ON PROFESSIONAL RESPONSIBILITY

The above-referenced matter is pending before the Board following the issuance of the Ad Hoc Hearing Committee's Report recommending that Respondent be suspended for failing to respond to Disciplinary Counsel's inquiry letters and failing to comply with a Board order compelling him to respond. During the pendency of the matter before the Hearing Committee, Respondent was suspended with a fitness requirement in the District of Columbia based upon a prior unrelated reciprocal matter from Virginia. *In re Burton*, 236 A.3d 372 (D.C. 2020) (suspending Respondent for one year and one day with reinstatement conditioned upon showing of fitness). In yet a third proceeding, on February 25, 2021, the D.C. Court of Appeals disbarred Respondent as reciprocal discipline following his Maryland disbarment for misconduct unrelated to the above-captioned matter. Order, *In re Burton*, D.C. App. No. 20-BG-725.

In light of the reciprocal discipline disbarring Respondent, Disciplinary Counsel has filed a motion to dismiss this matter without prejudice. Disciplinary

Counsel argues “[w]hatever other sanction the Board might recommend and the Court might adopt in this proceeding would be subsumed by the already-ordered disbarment sanction. Therefore, further litigation in this proceeding would seem futile. A dismissal would also conserve the resources of the Board and the Court.” Mot. at 2. Additionally, the motion states that, in the event Respondent seeks readmission to the D.C. Bar,

Disciplinary Counsel hereby puts Respondent on notice that it reserves the right to introduce in any reinstatement proceedings, the facts and circumstances of these acts of misconduct which occurred prior to the Court’s order of disbarment and have not been adjudicated by the Board or the Court, which the Hearing Committee found by clear and convincing evidence in this proceeding.

Id. Respondent has not filed any opposition to the motion to dismiss, the time for doing so having expired.

Disciplinary Counsel originally filed two separate Specifications of Charges (on June 6, 2019 and August 6, 2019 respectively), collectively charging Respondent with multiple violations of District of Columbia Rules of Professional Conduct 8.1(b) (knowingly failing to respond reasonably to a lawful demand for information in connection with a disciplinary matter) and 8.4(d) (conduct seriously interfering with the administration of justice).¹ Disciplinary Counsel also charged Respondent with violations of D.C. Bar R. XI, § 2(b)(3) (failing to comply with a Board order). After a hearing on the merits, the Ad Hoc Hearing Committee issued its Report and

¹ The Specifications were consolidated for all purposes by the Board on August 20, 2019.

Recommendation on January 19, 2021, finding that Respondent violated each of the charged Rule violations and recommending that Respondent receive a suspension of his license to practice for 30 days with a requirement that Respondent demonstrate his fitness to practice law before reinstatement. Neither party filed an exception to the Hearing Committee Report.²

For the reasons identified in Disciplinary Counsel’s motion, the Board agrees that dismissal of this matter without prejudice is appropriate. Although the misconduct alleged in this matter has not been adjudicated by the Court, Board Rule 9.8 allows a Hearing Committee in a reinstatement matter to consider “[e]vidence of unadjudicated acts of misconduct occurring prior to the Court’s order of disbarment,” provided certain conditions are met, including notice that Disciplinary Counsel intends to raise the unadjudicated misconduct in a future reinstatement proceeding. Disciplinary Counsel’s motion provides such notice of its intent to present evidence regarding “the facts and circumstances of these acts of misconduct which occurred prior to the Court’s order of disbarment and have not been adjudicated by the Board or the Court, which the Hearing Committee found by clear and convincing evidence in this proceeding.” Mot. at 2.

² Disciplinary Counsel submitted a letter advising the Board that, while it would not take formal exception to the Hearing Committee Report, it did not agree with the Hearing Committee’s recommended sanction.

Upon consideration of the foregoing, and it appearing that dismissal of the above-captioned matter, without prejudice, is in the interest of justice and promotes judicial economy; it is hereby

ORDERED that Disciplinary Counsel's motion to dismiss without prejudice is granted.

BOARD ON PROFESSIONAL RESPONSIBILITY

By: Matthew G. Kaiser
Matthew G. Kaiser, Chair

All members of the Board concur in this Order.