

COURT OF APPEALS OF MARYLAND

Attorney Grievance Commission of Maryland v. Lance Butler, III

441 Md. 352 (2015) · No. Misc. Docket AG No. 31, September Term, 2013 · Decided January 27, 2015

SUMMARY

The Maryland Court of Appeals held that Lance Butler, III violated Maryland Lawyers' Rule of Professional Conduct 8.1(b) by failing to respond timely to lawful requests for information from Bar Counsel. The Court concluded that his irrational fear of Bar Counsel did not excuse the delay and imposed a reprimand, while declining to address the Rule 8.4(d) charge because no exception was filed. Judge Watts dissented, concluding that the approximately two-month delay did not constitute a violation under the circumstances.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Greene, J.; Barbera, C.J.; Harrell, J.; Battaglia, J.; Adkins, J.; McDonald, J.; Watts, J.
JURISDICTION	Maryland
DECIDED	January 27, 2015
DOCKET	Misc. Docket AG No. 31, September Term, 2013
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding initiated by the Attorney Grievance Commission of Maryland. After an evidentiary hearing, the circuit court hearing judge found that Butler violated MLRPC 8.1(b) but not MLRPC 8.4(d), and neither party filed exceptions. The Court of Appeals independently reviewed the matter and determined the appropriate sanction.
STANDARD OF REVIEW	The Court independently reviews the record in attorney discipline proceedings; it reviews conclusions of law de novo and may treat unexcepted-to factual findings as established for purposes of determining sanctions. The Court gives deference to the hearing judge's credibility determinations.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Attorney Grievance Commission of Maryland v. Lance Butler, III

TOPICS

appellate procedure

administrative procedure act

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Butler violated MLRPC 8.1(b) by failing to timely respond to Bar Counsel's lawful requests for information.
2. What sanction was appropriate for Butler's violation of MLRPC 8.1(b).

HOLDINGS

1. An attorney violates MLRPC 8.1(b) by failing to timely respond to lawful requests for information from Bar Counsel in a disciplinary matter. Butler violated the rule by failing to respond promptly to the December 2012 notices that he admittedly received.
2. A reprimand is the appropriate sanction for Butler's failure to timely respond to Bar Counsel's lawful requests for information under the circumstances presented.

KEY QUOTATIONS

"MLRPC 8.1(b) requires a lawyer to timely respond to lawful requests for information from Bar Counsel." (441 Md. at 359)

"Failing to respond in a timely manner to Bar Counsel's lawful requests for information is sanctionable conduct. Accordingly, Respondent is hereby reprimanded." (441 Md. at 362-363)

FACTUAL BACKGROUND

Bar Counsel sent numerous letters and made repeated telephone calls seeking Butler's response to a disciplinary complaint. Butler acknowledged receiving certified letters dated December 5 and December 26, 2012, but did not respond promptly; he attributed his delay to an irrational fear of Bar Counsel. After an investigator interviewed Butler on January 28, 2013, Butler submitted a substantive written response on February 12, 2013. The hearing judge found that Butler violated MLRPC 8.1(b), while finding no violation of MLRPC 8.4(d).

PROCEDURAL HISTORY

The Attorney Grievance Commission filed a petition for disciplinary or remedial action alleging violations of MLRPC 8.1 and 8.4(d). The Circuit Court for Prince George's County referred the matter to Judge Beverly J. Woodard, who conducted an evidentiary hearing and found by clear and convincing evidence that Butler violated only MLRPC 8.1(b). Neither party filed exceptions. The Court of Appeals accepted the factual findings, agreed that Butler violated MLRPC 8.1(b), and imposed a reprimand and costs.

DISPOSITION

CASES CITED

- Attorney Grievance Comm'n v. Jarosinski, 411 Md. 432, 448, 983 A.2d 477, 487 (2009)
- Attorney Grievance Comm'n v. Bell, 432 Md. 542, 558, 69 A.3d 1040, 1049 (2013)
- Attorney Grievance Comm'n v. Kremer, 432 Md. 325, 334, 68 A.3d 862, 868 (2013)
- Attorney Grievance Comm'n v. Thomas, 409 Md. 121, 147, 973 A.2d 185, 201 (2009)
- Attorney Grievance Comm'n v. Ugwuonye, 405 Md. 351, 368, 952 A.2d 226, 236 (2008)
- Attorney Grievance Comm'n v. Thomas, 440 Md. 523, 554, 103 A.3d 629, 647 (2014)
- Attorney Grievance Comm'n v. Stein, 373 Md. 531, 537, 819 A.2d 372, 375 (2003)
- Attorney Grievance Comm'n v. Nichols, 405 Md. 207, 217, 950 A.2d 778, 785 (2008)
- Attorney Grievance Comm'n v. Ward, 394 Md. 1, 32-33, 904 A.2d 477, 496 (2006)
- Attorney Grievance Comm'n v. Fezell, 361 Md. 234, 255, 760 A.2d 1108, 1119 (2000)
- Attorney Grievance Comm'n v. Queen, 407 Md. 556, 565, 967 A.2d 198, 203 (2009)
- Attorney Grievance Comm'n v. Oswinkle, 364 Md. 182, 185-91, 772 A.2d 267, 269-72 (2001)
- Attorney Grievance Comm'n v. Gray, 436 Md. 513, 521, 83 A.3d 786, 791 (2014)