

COURT OF APPEALS OF MARYLAND

Attorney Grievance Commission of Maryland v. Robin Keith Annesley Ficker

Attorney Grievance Commission of Maryland v. Robin Keith Annesley Ficker · No. Misc. Docket AG No. 17,
September Term, 2020 · Decided March 3, 2022

SUMMARY

The Maryland Court of Appeals held that Robin Keith Annesley Ficker violated rules governing competence, diligence, candor toward a tribunal, supervision of a non-lawyer assistant, and professional misconduct. The violations arose from his failure to appear for a client's scheduled trial, false or misleading statements concerning a continuance motion, and related misrepresentations. In light of Ficker's extensive disciplinary history and repeated similar misconduct, the Court ordered disbarment.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	McDonald; Getty, C.J.; Watts; Hotten; Booth; Biran; Gould
JURISDICTION	Maryland
DECIDED	March 3, 2022
DOCKET	Misc. Docket AG No. 17, September Term, 2020
DISPOSITION	other
PROCEDURAL POSTURE	The Attorney Grievance Commission petitioned for disciplinary or remedial action. After an evidentiary hearing before a designated hearing judge, the hearing judge found by clear and convincing evidence that Ficker violated all charged rules and identified aggravating and mitigating factors. Ficker filed exceptions, which the Court reviewed de novo as to the conclusions of law and under the clearly erroneous standard as to factual findings.
STANDARD OF REVIEW	The Court accepts the hearing judge's factual findings unless clearly erroneous and reviews the hearing judge's conclusions of law de novo. Maryland Rule 19-740(b)(1), (b)(2)(B).
PRECEDENTIAL VALUE	Published precedential opinion of the Court of Appeals of Maryland concerning attorney discipline and sanctions.

PARTIES

Attorney Grievance Commission of Maryland v. Robin Keith
Annesley Ficker

TOPICS

administrative law

remedies

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

administrative law

remedies

QUESTIONS PRESENTED

1. Whether clear and convincing evidence established that Ficker violated the competence and diligence rules by failing to monitor the Sauls case, appear for trial, and adequately prepare to address the continuance motion and the client's absence.
2. Whether Ficker violated the candor and dishonesty rules by making false or knowingly unsupported statements to the trial court concerning his signature on the continuance motion and whether his office had contacted Sauls.
3. Whether Ficker violated the supervision rule by permitting a non-lawyer, disbarred former attorney to prepare and file an unreviewed continuance motion bearing Ficker's name.
4. Whether Ficker was responsible under Rule 5.3(c) for the false consent statement in the motion.
5. Whether disbarment was the appropriate sanction in light of the misconduct, aggravating factors, mitigating factors, and Ficker's lengthy disciplinary history.

HOLDINGS

1. Ficker violated Rules 19-301.1 and 19-301.3 by failing to keep informed about the status of the Sauls case, failing to appear for the scheduled trial, and appearing later unprepared to address the continuance motion and the client's absence.
2. Ficker violated Rule 19-303.3(a)(1) by knowingly misrepresenting to the trial judge that he had signed the continuance motion and by asserting without a reasonable basis that someone in his office had contacted Sauls. He also violated Rule 19-308.4(c) by making those knowing misrepresentations and failing to correct them.
3. Ficker violated Rule 19-305.3(b) by permitting his non-lawyer office manager, a disbarred former attorney, to prepare and file a continuance motion bearing Ficker's name without Ficker's review or approval.
4. The Court did not find clear and convincing evidence that Ficker violated Rule 19-305.3(c) based on Robin's false consent statement because the evidence did not establish that Ficker ordered the specific misconduct, ratified it with knowledge, or knew of it at a time when its consequences could have been avoided or mitigated.

5. Ficker violated Rule 19-308.4(d) by failing to appear when the Sauls case was called and by making repeated misrepresentations to the District Court.
6. Disbarment was the appropriate sanction for Ficker's intentional dishonest conduct and repeated competence, diligence, supervision, and administration-of-justice violations, given his extensive prior disciplinary history and the likelihood that the misconduct would recur.

KEY QUOTATIONS

“Mr. Ficker has forfeited the privilege of practicing law in Maryland and will be disbarred.” (2)

“Such unsupervised delegation is precisely the conduct proscribed by Rule 5.3(b).” (29)

“For the reasons set forth above, disbarment is the appropriate sanction.” (36)

FACTUAL BACKGROUND

Ficker represented Stephon Sauls in a District Court traffic case scheduled for trial on February 7, 2019. Ficker had a scheduling conflict and directed his disbarred office manager, Robin Kobin, to prepare and file a continuance motion; Kobin used an outdated template, falsely stated that a prosecutor had consented, and signed Ficker's name without Ficker's review or approval. Ficker failed to appear when the case was called and later made false or unsupported statements to the trial judge about signing the motion and contacting Sauls. The Court considered this conduct against Ficker's extensive history of similar disciplinary violations and prior sanctions.

PROCEDURAL HISTORY

On June 24, 2020, Bar Counsel filed a petition alleging violations arising from Ficker's representation of Stephon Sauls. The Court designated Senior Judge Dwight D. Jackson to conduct an evidentiary hearing under Maryland Rule 19-722(a). The hearing judge issued findings and conclusions against Ficker after a May 20, 2021 hearing. The Court heard argument on December 2, 2021, overruled or sustained Ficker's exceptions in part, found multiple rule violations, and ordered disbarment.

DISPOSITION

other

CASES CITED

- Attorney Grievance Comm'n v. Ficker, 349 Md. 13, 32 (1998)
- Attorney Grievance Comm'n v. Ficker, 319 Md. 305 (1990)
- Attorney Grievance Comm'n v. Ficker, 399 Md. 445 (2007)
- Attorney Grievance Comm'n v. Ficker, 454 Md. 76 (2017)
- In re Reinstatement to Practice of Law of Ficker, 406 Md. 577 (2008)
- In re Ficker, 2018 WL 9600450 at *5-6 (D. Md. Aug. 29, 2018)
- In re Ficker, 2018 WL 9597499 at *1 (D. Md. Sept. 7, 2018)
- Attorney Grievance Comm'n v. Harris, 366 Md. 376, 403 (2001)

- Attorney Grievance Comm’n v. McDonald, 437 Md. 1, 39 (2014)
- Attorney Grievance Comm’n v. Dore, 433 Md. 685, 707 (2013)
- Attorney Grievance Comm’n v. Glenn, 341 Md. 448, 479 (1996)
- Attorney Grievance Comm’n v. Smith, 443 Md. 351, 367 (2015)
- Attorney Grievance Comm’n v. Smith, 443 Md. 351, 378-79 (2015)
- Attorney Grievance Comm’n v. Thomas, 440 Md. 523, 555-56 (2014)
- Attorney Grievance Comm’n v. Trye, 444 Md. 201, 223, 225 (2015)
- Attorney Grievance Comm’n v. Yi, 470 Md. 464, 500 (2020)
- Attorney Grievance Comm’n v. Blatt, 463 Md. 679, 707-08 n.19 (2019)

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