

DISTRICT OF COLUMBIA COURT OF APPEALS

In re Fritz H. Schneider

951 A.2d 798 (D.C. 2008) · No. 07-BG-885 · Decided July 3, 2008

SUMMARY

The District of Columbia Court of Appeals imposed reciprocal disbarment on Fritz H. Schneider following his consent disbarment in Maryland. The court adopted the Board on Professional Responsibility's recommendation because no exceptions were filed and the presumption favoring identical reciprocal discipline was un rebutted.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Per curiam; Washington, Chief Judge; Reid, Associate Judge; Fisher, Associate Judge
JURISDICTION	District of Columbia
DECIDED	July 3, 2008
DOCKET	07-BG-885
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding arising from respondent's disbarment by consent in Maryland. The Board on Professional Responsibility recommended identical reciprocal discipline, and no exceptions were filed.
STANDARD OF REVIEW	The court applied the rebuttable presumption favoring identical reciprocal discipline and accorded heightened deference to the Board on Professional Responsibility's recommendation because no exceptions were filed.
PRECEDENTIAL VALUE	Published opinion; precedential

TOPICS

- appellate procedure
- administrative law

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether the District of Columbia should impose identical reciprocal discipline after Schneider was disbarred by consent in Maryland.
2. Whether the court should adopt the Board on Professional Responsibility's recommendation of disbarment when no exceptions were filed.

HOLDINGS

1. The District of Columbia Court of Appeals imposed identical reciprocal discipline and disbarred Schneider from the practice of law in the District of Columbia.
2. For purposes of seeking reinstatement, the disbarment runs from the date Schneider files an affidavit complying with D.C. Bar Rule XI, § 14(g).

KEY QUOTATIONS

“Because of the rebuttable presumption favoring identical reciprocal discipline, see In re Goldsborough, 654 A.2d 1285, 1287 (D.C.1995), and the heightened deference this court gives to the Board's recommendation in cases such as this where no exceptions have been filed, see In re Delaney, 697 A.2d 1212, 1214 (D.C.1997), we adopt the Board's recommendation.” (799)

“Accordingly, it is ORDERED that Fritz H. Schneider is hereby disbarred from the practice of law in the District of Columbia.” (799)

FACTUAL BACKGROUND

Schneider was disbarred by consent in Maryland after admitting violations involving scope of representation, diligence, communication, conflicts of interest, termination of representation, criminal conduct, dishonesty, and conduct prejudicial to the administration of justice. The violations arose from his failure to timely file a client's complaint and his efforts to conceal the neglect by falsely claiming that the matter had settled and paying the client from personal funds.

PROCEDURAL HISTORY

The Maryland Court of Appeals disbarred Fritz H. Schneider by consent after he stipulated to multiple professional-conduct violations. After being notified of the Maryland disbarment, the District of Columbia Court of Appeals suspended Schneider on an interim basis under D.C. Bar Rule XI, § 11(d). The Board on Professional Responsibility recommended reciprocal disbarment, Bar Counsel took no exception, and Schneider filed no exceptions; the court adopted the recommendation.

DISPOSITION

other

CASES CITED

- In re Goldsborough, 654 A.2d 1285, 1287 (D.C. 1995)

- In re Delaney, 697 A.2d 1212, 1214 (D.C. 1997)
- In re Blum, 859 A.2d 633 (D.C. 2004)
- Attorney Grievance Comm'n of Maryland v. Schneider, 399 Md. 679, 926 A.2d 198 (2007)
- In re Slosberg, 650 A.2d 1329, 1331 (D.C. 1994)

OPINION

PER CURIAM.

951 A.2d 798 (2008) In re Fritz H. SCHNEIDER, Respondent. A Member of the Bar of the District of Columbia Court of Appeals (Bar Registration No. 391941). No. 07-BG-885. District of Columbia Court of Appeals. Submitted June 30, 2008. Decided July 3, 2008. *799 Before WASHINGTON, Chief Judge, and REID and FISHER, Associate Judges. PER CURIAM: This reciprocal disciplinary matter follows respondent Fritz H. Schneider's disbarment by consent in the State of Maryland.

On June 19, 2007, the Court of Appeals of Maryland disbarred respondent[1] after he stipulated to violating Maryland Rules of Professional Conduct 1.2 (scope of representation); 1.3 (diligence); 1.4 (communication); 1.7(a)(2) (conflict of interest); 1.16(a)(1) (declining or terminating representation); 8.4(b) (criminal act reflecting adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); 8.4(c) (dishonesty, fraud, deceit or misrepresentation); and 8.4(d) (conduct prejudicial to the administration of justice).

These violations stemmed from respondent's failure to file a timely complaint on behalf of his client and his attempts to conceal that neglect by misrepresenting that the case had settled and paying the client out of his personal funds. When Bar Counsel discovered, and notified this court of, respondent's disbarment, we issued an order suspending respondent on an interim basis pursuant to D.C.

Bar R. XI, § 11(d).[2] The Board on Professional Responsibility ("Board") has now recommended that identical reciprocal discipline of disbarment be imposed. Bar Counsel has informed the court that he takes no exception to the Board's report and recommendation; respondent has not filed any exceptions of his own.

Because of the rebuttable presumption favoring identical reciprocal discipline, see In re Goldsborough, 654 A.2d 1285, 1287 (D.C.1995), and the heightened deference this court gives to the Board's recommendation in cases such as this where no exceptions have been filed, see In re Delaney, 697 A.2d 1212, 1214 (D.C.1997), we adopt the Board's recommendation. See, e.g., In re Blum, 859 A.2d 633 (D.C.

2004) (imposing reciprocal discipline of disbarment for failing to return funds to a former client in a timely fashion and falsifying evidence to cover up that fact). Accordingly, it is ORDERED that

Fritz H. Schneider is hereby disbarred from the practice of law in the District of Columbia.

For the purposes of seeking reinstatement, the disbarment shall be deemed to run from the date that respondent files an affidavit in compliance with D.C. Bar R. XI, § 14(g). See *In re Slosberg*, 650 A.2d 1329, 1331 (D.C. 1994). So ordered. NOTES [1] *Attorney Grievance Comm'n of Maryland v. Schneider*, 399 Md. 679, 926 A.2d 198 (2007).

[2] Respondent was admitted to the Bar of this court in 1985, but he was administratively suspended on December 31, 2001, for failure to pay dues "and for failure to satisfy the Bar's annual reporting requirements."