

DISTRICT OF COLUMBIA COURT OF APPEALS

In re Bruce D. Blum

859 A.2d 633 (D.C. 2004) · No. 03-BG-389 · Decided September 16, 2004

SUMMARY

The District of Columbia Court of Appeals imposed reciprocal disbarment on Bruce D. Blum based on his disbarment by the Maryland Court of Appeals for misconduct including commingling, dishonesty, falsification, and failure to respond to disciplinary authorities. The court adopted the Board on Professional Responsibility's unopposed recommendation and directed attention to affidavit requirements affecting reinstatement eligibility.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Glickman, Associate Judge; Washington, Associate Judge; Newman, Senior Judge
JURISDICTION	District of Columbia
DECIDED	September 16, 2004
DOCKET	03-BG-389
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal-discipline proceeding arising from respondent's disbarment by the Maryland Court of Appeals.
STANDARD OF REVIEW	The court gives heightened deference to an unopposed recommendation of the Board on Professional Responsibility and applies the rebuttable presumption favoring identical reciprocal discipline.
PRECEDENTIAL VALUE	Published opinion; precedential

TOPICS

- appellate procedure
- remedies

PRACTICE AREAS

- legal ethics and attorney discipline
- appellate procedure

QUESTIONS PRESENTED

1. Whether the District of Columbia Court of Appeals should impose identical reciprocal discipline after respondent was disbarred in Maryland.
2. Whether the record contained anything rebutting the presumption favoring identical reciprocal discipline or otherwise demonstrating that reciprocal discipline was inappropriate.

HOLDINGS

1. The court adopted the Board's unopposed recommendation and imposed identical reciprocal discipline by disbarring Blum from practicing law in the District of Columbia.
2. The court stated that either misappropriation or falsification of documents alone would have been sufficient to warrant disbarment in the District of Columbia.

KEY QUOTATIONS

“[I]n virtually all cases of misappropriation, disbarment will be the only appropriate action[.]” (634)

“Such actions are, as we have said, “unthinkable” for a member of the bar of this court.” (634)

FACTUAL BACKGROUND

The Maryland Court of Appeals disbarred Blum for, among other misconduct, commingling, dishonesty, false representations, conduct prejudicial to the administration of justice, and failure to respond to disciplinary authorities. The underlying misconduct involved failing to timely return approximately \$700 to a former client, falsifying evidence to conceal the failure, and lying to Maryland Bar Counsel and a Maryland circuit judge. Blum filed no exceptions to the Board's reciprocal-discipline recommendation in the District of Columbia proceeding.

PROCEDURAL HISTORY

The Maryland Court of Appeals disbarred Bruce D. Blum on March 10, 2003. The District of Columbia Court of Appeals suspended him pursuant to D.C. Bar Rule XI, § 11(d), referred the matter to the Board on Professional Responsibility, and received the Board's unopposed recommendation of disbarment as reciprocal discipline. The court adopted the Board's recommendation and ordered respondent disbarred in the District of Columbia.

DISPOSITION

other

CASES CITED

- Attorney Grievance Comm'n v. Blum, 373 Md. 275, 818 A.2d 219 (2003)
- In re Goldsborough, 654 A.2d 1285 (D.C. 1995)
- In re Addams, 579 A.2d 190, 191 (D.C. 1990) (en banc)
- In re Marshall, 762 A.2d 530, 536 (D.C. 2000)

OPINION

PER CURIAM.

859 A.2d 633 (2004) *In re Bruce D. BLUM*, Respondent. A Member of the Bar of the District of Columbia Court of Appeals. No. 03-BG-389. District of Columbia Court of Appeals. Submitted September 2, 2004. Decided September 16, 2004.

Before GLICKMAN and WASHINGTON, Associate Judges, and NEWMAN, Senior Judge. PER CURIAM: On March 10, 2003, respondent Bruce D. Blum was disbarred by the Maryland Court of Appeals for, among other things, commingling, dishonesty, conduct prejudicial to the administration of justice, false representation of material facts, and failing to respond to demands for information from Maryland disciplinary authorities.[1] See *Attorney Grievance Comm'n v. Blum*, *634 373 Md. 275, 818 A.2d 219 (2003).

The decision of the Maryland Court of Appeals contains a complete discussion of the underlying facts, see *id.*, but, essentially, respondent has been disbarred in that jurisdiction for failing to return approximately \$700 to a former client in a timely fashion, falsifying evidence to cover up that fact, and then lying to both Maryland Bar Counsel and a Maryland Circuit Court judge about his actions.[2] Respondent's disbarment was reported to this court, and on April 28, 2003, we suspended him pursuant to D.C.

Bar R. XI, § 11(d) and referred the matter to the Board on Professional Responsibility ("Board"). The Board now recommends the respondent be disbarred as reciprocal discipline. Bar Counsel has informed the court that she takes no exception to the Board's report and recommendation, nor has respondent filed any exceptions to the Board's report and recommendation.

Because of the rebuttable presumption favoring identical reciprocal discipline, see *In re Goldsborough*, 654 A.2d 1285 (D.C. 1995); D.C. Bar R. XI, § 11(f), the lack of anything in the record to indicate that reciprocal discipline is inappropriate, see D.C. Bar R. XI, § 11(c), and our heightened deference to the Board when its recommendation is unopposed, see *id.* at § 11(f), we adopt the Board's recommendation.

We note further that either misappropriation or falsifying documents alone would have been sufficient to disbar the respondent in this jurisdiction. See *In re Addams*, 579 A.2d 190, 191 (D.C.1990) (en banc) ("[I]n virtually all cases of misappropriation, disbarment will be the only appropriate action[.]"); *In re Marshall*, 762 A.2d 530 (D.C.2000) (submission of fabricated documents warrants disbarment).

Such actions are, as we have said, "unthinkable" for a member of the bar of this court. *Id.* at 536. Accordingly, it is ORDERED that Bruce D. Blum is disbarred from the practice of law in the District of Columbia. Moreover, since respondent has not filed the affidavit required by D.C. Bar

R. XI, § 14(g), we direct his attention to the requirements of that rule and their effect on his eligibility for reinstatement.

See D.C. Bar R. XI, § 16(c). So ordered. NOTES [1] Bar Counsel advises us that based on his Maryland disbarment, respondent has also been disbarred by the United States Court of Appeals for the District of Columbia Circuit. Respondent has also been administratively suspended from practicing in this jurisdiction since 1998 for non-payment of dues.

[2] In all, respondent was found to have violated Rules 1.15(a), 1.16(d), 3.3.(a)(1), 3.3.(a)(4), 3.4(a)-(b), 8.1(a)-(b), and 8.4(c)-(d) of the Maryland Rules of Professional Conduct, Maryland Court Rules 16-606 and 16-609, and MD. CODE ANN., BUS. OCC. & PROF. §§ 10-304, 10-306 (1989).