

DISTRICT OF COLUMBIA COURT OF APPEALS

In re George Edelstein

892 A.2d 1153 (D.C. 2006) · No. 02-BG-71 · Decided February 23, 2006

SUMMARY

The District of Columbia Court of Appeals imposed reciprocal disbarment on George Edelstein based on his disbarment by the United States District Court for the Southern District of New York. The court rejected his claims that the New York disciplinary process denied due process and involved an infirmity of proof. The court ordered that his disbarment in the District of Columbia take effect under the applicable reinstatement and affidavit requirements.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Reid, Associate Judge; Wagner, Senior Judge; Nebeker, Senior Judge
JURISDICTION	District of Columbia
DECIDED	February 23, 2006
DOCKET	02-BG-71
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding in which the Board on Professional Responsibility recommended disbarment based on disbarment imposed in New York and federal courts. The respondent took exception to reciprocal discipline on due-process and infirmity-of-proof grounds but did not challenge the recommended sanction.
STANDARD OF REVIEW	The court reviewed the Board's recommendation in the reciprocal-discipline proceeding and determined whether the respondent established by clear and convincing evidence either a due-process deprivation in the foreign proceeding or such an infirmity of proof that the foreign misconduct finding could not be accepted.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the District of Columbia Court of Appeals
PARTIES	George Edelstein v. Office of Bar Counsel

TOPICS

procedural due process

due process

appellate procedure

constitutional law

standard of review

PRACTICE AREAS

legal ethics

attorney discipline

reciprocal discipline

constitutional due process

appellate procedure

QUESTIONS PRESENTED

1. Whether reciprocal discipline should be denied because the foreign disciplinary proceeding lacked adequate notice or a meaningful opportunity to be heard, thereby violating due process.
2. Whether there was such an infirmity of proof supporting the foreign misconduct findings that the District of Columbia Court of Appeals could not accept them in a reciprocal-discipline proceeding.
3. Whether the court should impose reciprocal disbarment recommended by the Board on Professional Responsibility.

HOLDINGS

1. Reciprocal discipline was not barred by due process because Edelstein received adequate notice of the specific ethical charge and the conduct underlying it, and he had a meaningful opportunity to be heard but chose not to participate in the hearings.
2. Edelstein failed to demonstrate an infirmity of proof sufficient to prevent acceptance of the New York misconduct findings in the reciprocal-discipline proceeding.
3. The court accepted the Board's recommendation and disbarred Edelstein from the practice of law in the District of Columbia.

KEY QUOTATIONS

“Put simply, reciprocal discipline proceedings are not a forum to reargue the foreign discipline.” (892 A.2d at 1158)

“Under principles of collateral estoppel, in reciprocal discipline cases we generally accept the ruling of the original jurisdiction.” (892 A.2d at 1159)

FACTUAL BACKGROUND

Edelstein represented a criminal defendant who became a confidential government informant and made personal loans totaling \$20,000 to that client. While representing another criminal defendant, Bartolome Moya, Edelstein sought to obtain money from the government through the informant in exchange for information about Moya's whereabouts, intending in part to recover the loan and fund Moya's defense. The conversation was recorded, and a federal district judge disqualified Edelstein because his personal stake created a conflict of interest. New York disciplinary authorities later found multiple ethical violations, including conduct prejudicial to the administration of justice, after Edelstein received notice of the charges but declined to attend the disciplinary hearings.

PROCEDURAL HISTORY

New York disciplinary authorities found that Edelstein committed multiple ethical violations arising from his representation of criminal defendants, including conduct prejudicial to the administration of justice, and he was disbarred in the Southern District of New York, the Second Circuit, and New York. The District of Columbia Court of Appeals temporarily suspended him and referred the matter to the Board on Professional Responsibility. The Board recommended reciprocal disbarment, which the court accepted.

DISPOSITION

other

CASES CITED

- In re Day, 717 A.2d 883, 886 (D.C. 1998)
- In re Ruffalo, 390 U.S. 544, 550 (1968)
- In re Richardson, 692 A.2d 427, 433-34 (D.C. 1997)
- In re Goldsborough, 654 A.2d 1285, 1287 (D.C. 1995)
- In re Gardner, 650 A.2d 693, 695 (D.C. 1994)
- In re Bielec, 755 A.2d 1018, 1024 (D.C. 2000)
- In re Zdravkovich, 831 A.2d 964, 969 (D.C. 2003)
- In re Shearin, 764 A.2d 774, 777 (D.C. 2000)
- In re Balsamo, 780 A.2d 255, 259 (D.C. 2001)
- In re Bolding, No. SB-02-0134-D, 2002 Ariz. Lexis 224 (Dec. 5, 2002)
- In re Velasquez, 507 A.2d 145 (D.C. 1986)