

DISTRICT OF COLUMBIA COURT OF APPEALS

In re: Emerson V. Briggs, III

108 A.3d 1248 (D.C. 2015) · No. Nos. 12-BG-1889 & 14-BG-1221 · Decided February 5, 2015

SUMMARY

The District of Columbia Court of Appeals imposed reciprocal discipline and disbarred Emerson V. Briggs, III, nunc pro tunc to December 28, 2012, based on his disbarment by the Supreme Court of New York, Appellate Division, Third Judicial Department. The court consolidated the related proceedings and dismissed the original disciplinary matter.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Per Curiam; Thompson; Ferren; Farrell
JURISDICTION	District of Columbia
DECIDED	February 5, 2015
DOCKET	Nos. 12-BG-1889 & 14-BG-1221
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding arising from a New York disbarment order. The court consolidated two disciplinary matters, considered respondent's opposition and request for alternate discipline, and imposed reciprocal disbarment in the District of Columbia.
PRECEDENTIAL VALUE	published and precedential

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics attorney discipline reciprocal discipline

QUESTIONS PRESENTED

1. Whether the District of Columbia should impose reciprocal discipline based on respondent's New York disbarment.

2. Whether respondent could relitigate the merits of the New York discipline or obtain a lesser sanction based on mitigating circumstances.

HOLDINGS

1. A reciprocal disciplinary proceeding is not a forum for rearguing the discipline imposed by the originating jurisdiction.
2. The District of Columbia imposed reciprocal disbarment based on respondent's New York disbarment, nunc pro tunc to December 28, 2012.

KEY QUOTATIONS

"Put simply, reciprocal discipline proceedings are not a forum to reargue the foreign discipline" (108 A.3d at 1248)

FACTUAL BACKGROUND

Respondent was disbarred from practicing law in New York after entering a plea in a criminal case. He submitted evidence and argument concerning the appropriate discipline and mitigating circumstances in the originating jurisdiction, but that court rejected those circumstances.

PROCEDURAL HISTORY

The Supreme Court of New York, Appellate Division, Third Judicial Department disbarred respondent. The District of Columbia Court of Appeals previously suspended respondent pending further action and ordered him to show cause why reciprocal discipline should not be imposed; it then consolidated the proceedings, imposed reciprocal disbarment nunc pro tunc to December 28, 2012, and dismissed the earlier disciplinary matter.

DISPOSITION

other

CASES CITED

- In re Zdravkovich, 831 A.2d 964, 969 (D.C. 2003)

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