

# DISTRICT OF COLUMBIA COURT OF APPEALS

## In re Douglas R. Arntsen

85 A.3d 852 (D.C. 2014) · No. 13-BG-449 · Decided February 27, 2014

### SUMMARY

The District of Columbia Court of Appeals held that Douglas R. Arntsen's New York convictions for first-degree grand larceny involved moral turpitude per se. The court ordered his mandatory disbarment under D.C. Code § 11-2503(a), effective immediately, with the disbarment period for reinstatement purposes beginning upon filing the required affidavit.

### CASE DETAILS

|                       |                                                                                                                                                     |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | District of Columbia Court of Appeals                                                                                                               |
| WRITING FOR THE COURT | Per Curiam; Washington, Chief Judge; Blackburne-Rigsby, Associate Judge; Farrell, Senior Judge                                                      |
| JURISDICTION          | District of Columbia                                                                                                                                |
| DECIDED               | February 27, 2014                                                                                                                                   |
| DOCKET                | 13-BG-449                                                                                                                                           |
| DISPOSITION           | other                                                                                                                                               |
| PROCEDURAL POSTURE    | Attorney-discipline proceeding on the Board on Professional Responsibility's report and recommendation following respondent's criminal convictions. |
| STANDARD OF REVIEW    | The court reviewed the Board on Professional Responsibility's report and recommendation in the attorney-discipline proceeding.                      |
| PRECEDENTIAL VALUE    | published and precedential                                                                                                                          |

### TOPICS

[appellate procedure](#) [remedies](#) [restitution](#)

### PRACTICE AREAS

[legal ethics and professional responsibility](#) [attorney discipline](#) [appellate procedure](#)

### QUESTIONS PRESENTED

1. Whether respondent's first-degree grand-larceny convictions under New York law involved moral turpitude per se.
2. Whether disbarment was mandatory under D.C. Code § 11-2503(a).
3. Whether the court needed to decide whether respondent's first-degree scheme-to-defraud conviction inherently involved moral turpitude.

#### HOLDINGS

1. A conviction for first-degree grand larceny under New York Penal Law § 155.42 involves moral turpitude per se because it is a theft offense.
2. Disbarment is mandatory under D.C. Code § 11-2503(a) when an attorney is convicted of an offense involving moral turpitude.
3. The court did not need to decide whether first-degree scheme to defraud inherently involves moral turpitude because the first-degree grand-larceny convictions independently required disbarment.

#### KEY QUOTATIONS

*““Disbarment for conviction of an offense reached by § 11-2503 (a)—i.e., involving moral turpitude—is mandatory.”” (85 A.3d at 853)*

*““[I]f an offense ‘manifestly involve[s] moral turpitude by virtue of [its] underlying elements,’ disbarment is mandatory without inquiry into the specific conduct that led to the conviction.”” (85 A.3d at 853)*

#### FACTUAL BACKGROUND

Douglas R. Arntsen, a member of the District of Columbia Bar, pleaded guilty in New York to three counts of first-degree grand larceny and one count of first-degree scheme to defraud. He received prison sentences and was ordered to pay \$10,781,185 in restitution. Bar Counsel filed certified copies of the convictions, and the Board determined that the grand-larceny convictions involved moral turpitude per se.

#### PROCEDURAL HISTORY

Respondent pleaded guilty in New York to three counts of first-degree grand larceny and one count of first-degree scheme to defraud. After Bar Counsel filed certified copies of the convictions, the District of Columbia Court of Appeals suspended respondent and directed the Board on Professional Responsibility to determine whether the offenses involved moral turpitude. The Board found moral turpitude per se and recommended mandatory disbarment; the recommendation was unopposed.

#### DISPOSITION

other

#### CASES CITED

- In re Zodrow, 43 A.3d 943, 944 (D.C. 2012)

- In re Patterson, 833 A.2d 493, 493 (D.C. 2003)
- In re Colson, 412 A.2d 1160, 1164 (D.C. 1979) (en banc)
- In re Saad, 41 A.3d 716 (D.C. 2012) (per curiam)
- In re McCoolle, 791 A.2d 910 (D.C. 2002) (per curiam)
- In re Slosberg, 650 A.2d 1329, 1331 (D.C. 1994)

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