

DISTRICT OF COLUMBIA COURT OF APPEALS

In re John R. Fuchs

905 A.2d 160 (D.C. 2006) · No. No. 04-BG-882 · Decided July 27, 2006

SUMMARY

The District of Columbia Court of Appeals imposed reciprocal discipline on John R. Fuchs based on prior disciplinary action by the Supreme Court of California. The court ordered a one-year suspension, stayed in favor of two years of unsupervised probation, and required proof of compliance with the California probation conditions.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Per curiam; Ruiz, Associate Judge; Fisher, Associate Judge; Nebeker, Senior Judge
JURISDICTION	District of Columbia
DECIDED	July 27, 2006
DOCKET	No. 04-BG-882
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding arising from a one-year stayed suspension and probation imposed by the Supreme Court of California. The Board on Professional Responsibility recommended identical reciprocal discipline in the District of Columbia, and respondent filed an exception.
STANDARD OF REVIEW	Reciprocal discipline is presumptively imposed unless the attorney demonstrates by clear and convincing evidence one of the exceptions in D.C. Bar Rule XI, section 11(c).
PRECEDENTIAL VALUE	Published opinion; precedential District of Columbia Court of Appeals decision.
PARTIES	Office of Bar Counsel

TOPICS

- appellate procedure
- administrative law
- standard of review
- preservation of error

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

appellate procedure

administrative law

QUESTIONS PRESENTED

1. Whether the District of Columbia should impose reciprocal discipline identical to the discipline imposed by California.
2. Whether respondent established an exception to reciprocal discipline under D.C. Bar Rule XI, section 11(c), particularly the grave-injustice exception.
3. Whether respondent could relitigate the underlying California misconduct or challenge the foreign disciplinary proceeding in the reciprocal-discipline proceeding.

HOLDINGS

1. The court imposed identical reciprocal discipline: a one-year suspension from the practice of law in the District of Columbia, stayed, with two years of unsupervised probation subject to the California probation conditions and a proof-of-compliance requirement.
2. Respondent waived his right to show cause why reciprocal discipline should not be imposed by failing to raise his objections before the Board on Professional Responsibility.
3. A reciprocal disciplinary proceeding is not a forum to relitigate or collaterally attack the findings or judgment of the foreign jurisdiction.

KEY QUOTATIONS

“Reciprocal discipline shall be imposed unless the attorney demonstrates, by clear and convincing evidence, that:” (163)

“However, reciprocal disciplinary proceedings are not a forum to reargue the foreign discipline.” (164)

“It is ORDERED that respondent, John R. Fuchs, be suspended from the practice of law in the District of Columbia for a period of one year, and that suspension be stayed, and respondent be placed on unsupervised probation for a period of two years.” (164)

FACTUAL BACKGROUND

John R. Fuchs stipulated in California to violating a professional duty provision after filing a civil claim against a former client despite having signed a settlement and release agreement. California imposed a one-year suspension, stayed, and three years of probation, later modified to two years, with additional conditions. Fuchs completed the California probation but failed to report the discipline to District of Columbia Bar Counsel and did not participate in the District of Columbia reciprocal-discipline proceedings until after the Board issued its recommendation.

PROCEDURAL HISTORY

The Supreme Court of California suspended respondent for one year, stayed the suspension, and placed him on probation based on a stipulated violation of California Business and Professions Code section 6068(c).

Respondent did not timely report the California discipline to District of Columbia Bar Counsel, and the District of Columbia proceedings began after Bar Counsel received notice through the American Bar Association's National Lawyers Regulatory Bank. The Board recommended a one-year suspension stayed in favor of two years of unsupervised probation; respondent objected after failing to participate before the Board.

DISPOSITION

other

CASES CITED

- In re Demos, 875 A.2d 636, 640 (D.C. 2005)
- In re Harper, 785 A.2d 311, 316 (D.C. 2001)
- In re Spann, 711 A.2d 1262, 1263, 1265 (D.C. 1998)
- In re Sheridan, 680 A.2d 439, 440 (D.C. 1996)
- In re Aldridge, 664 A.2d 354, 355 (D.C. 1995)
- In re Goldsborough, 654 A.2d 1285, 1288 (D.C. 1995)
- In re Zdravkovich, 831 A.2d 964, 968-969 (D.C. 2003)
- In re Gardner, 650 A.2d 693, 695 (D.C. 1994)
- In re Zilberberg, 612 A.2d 832, 834-35 (D.C. 1992)
- In re Velasquez, 507 A.2d 145, 147 (D.C. 1986)
- In re Childress, 811 A.2d 805, 807 (D.C. 2002)
- In re Richardson, 692 A.2d 427, 434 (D.C. 1997)