

DISTRICT OF COLUMBIA COURT OF APPEALS

In re Christopher D. Libertelli

In re Christopher D. Libertelli · No. 23-BG-0243 · Decided June 8, 2023

SUMMARY

The District of Columbia Court of Appeals adopted the Board on Professional Responsibility’s recommendation and disbarred Christopher D. Libertelli for flagrant dishonesty. The court concluded that Libertelli had not established the requirements for mitigation under In re Kersey and had filed no exceptions to the Board’s report.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Per Curiam; Beckwith, Associate Judge; Easterly, Associate Judge; McLeese, Associate Judge
JURISDICTION	District of Columbia
DECIDED	June 8, 2023
DOCKET	23-BG-0243
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on the Board on Professional Responsibility’s report and recommendation that respondent be disbarred.
STANDARD OF REVIEW	The court applies a deferential standard of review to the Board’s report and recommendation, with the deference becoming even greater when no exceptions are filed.
PRECEDENTIAL VALUE	Published opinion; precedential value is not otherwise specified in the source.
PARTIES	Christopher D. Libertelli

TOPICS

- appellate procedure
- standard of review
- remedies

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility
- appellate procedure

QUESTIONS PRESENTED

1. Whether disbarment was the appropriate sanction for respondent's flagrant dishonesty.
2. Whether respondent established the requirements for mitigation under the Kersey doctrine.
3. Whether the court should accept the Board on Professional Responsibility's report and recommendation when respondent filed no exceptions.

HOLDINGS

1. Disbarment is the appropriate sanction for an attorney's flagrant dishonesty.
2. Respondent was not entitled to a reduced sanction under the Kersey doctrine because he failed to establish two of the three required factors.
3. When no exceptions are filed to the Board's report and recommendation, the court will impose the recommended discipline after the time for filing exceptions expires, subject to the court's deferential review.

KEY QUOTATIONS

“Because no exceptions have been filed, disbarment is the appropriate sanction for flagrant dishonesty, and respondent did not carry his burden to establish the requirements for Kersey mitigation, we accept the recommendation that respondent be disbarred.”

FACTUAL BACKGROUND

The disciplinary matter involved respondent's flagrant dishonesty as an attorney. Respondent sought mitigation under the Kersey doctrine, but the Board concluded that he failed to establish two of the three required mitigation factors. Respondent filed no exceptions to the Board's recommendation.

PROCEDURAL HISTORY

The Board on Professional Responsibility recommended disbarment for flagrant dishonesty. Respondent filed no exceptions to the Board's report and recommendation and did not file the required affidavit after the court imposed an interim suspension. The District of Columbia Court of Appeals accepted the recommendation and ordered respondent disbarred.

DISPOSITION

other

CASES CITED

- In re White, 11 A.3d 1226, 1233 (D.C. 2011)
- In re Howes, 52 A.3d 1, 15 (D.C. 2012)
- In re Corizzi, 803 A.2d 438, 443 (D.C. 2002)
- In re Goffe, 641 A.2d 458, 464 (D.C. 1994)

- In re Kersey, 520 A.2d 321 (D.C. 1987)
- In re Schuman, 251 A.3d 1044, 1055 (D.C. 2021)
- In re Viehe, 762 A.2d 542, 543 (D.C. 2000)

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