

DISTRICT OF COLUMBIA COURT OF APPEALS

In re Mabry

11 A.3d 1292 (D.C. 2011) · Decided January 27, 2011

SUMMARY

The District of Columbia Court of Appeals disbarred Ralph T. Mabry, Jr. for intentional misappropriation of estate funds and multiple related violations of the Rules of Professional Conduct. The court accepted the Board on Professional Responsibility's findings and required reimbursement of \$12,083.66 plus accrued interest as a condition of reinstatement.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Blackburne; Farrell; Rigsby; Terry
JURISDICTION	District of Columbia
DECIDED	January 27, 2011
DISPOSITION	other
PROCEDURAL POSTURE	The District of Columbia Court of Appeals reviewed the Board on Professional Responsibility's findings and recommendation that respondent Ralph T. Mabry, Jr. be disbarred and that reinstatement be conditioned on restitution.
STANDARD OF REVIEW	The court accepts the Board's findings if supported by substantial evidence in the record and imposes the Board's recommended sanction unless doing so would create inconsistent dispositions for comparable conduct or otherwise be unwarranted.
PRECEDENTIAL VALUE	Published precedential opinion

TOPICS

estate administration probate probate procedure accounting remedies

PRACTICE AREAS

legal ethics and professional responsibility probate and estate administration attorney discipline

QUESTIONS PRESENTED

1. Whether substantial evidence supported the Board's finding that Mabry intentionally misappropriated estate funds in violation of Rule 1.15(a).
2. Whether the Board's recommended sanction of disbarment, conditioned on restitution, was warranted and consistent with sanctions imposed for comparable intentional misappropriation.
3. Whether the court should accept the Board's findings and recommendation where neither Bar Counsel nor respondent opposed them.

HOLDINGS

1. Substantial evidence supported the finding that Mabry intentionally misappropriated estate funds, except for the \$75.00 used to pay the premium on his surety bond.
2. Disbarment was the appropriate sanction for Mabry's intentional misappropriation and other serious violations, and the court would impose the Board's recommended sanction.
3. Reinstatement must be conditioned on Mabry's demonstrating reimbursement of the Estate, its beneficiaries, and/or the Clients' Security Fund in the amount of \$12,083.66 plus accrued interest.

KEY QUOTATIONS

"This court will accept the Board's findings as long as they are supported by substantial evidence in the record." (1294)

"We therefore accept the Board's findings and recommendation and it is, accordingly, ORDERED that Ralph T. Mabry, Jr., Esquire, is hereby disbarred from the practice of law in the District of Columbia." (1294)

FACTUAL BACKGROUND

Mabry was appointed successor personal representative of the Estate of Norvel Lee in 1998. He filed one report identifying an estate bank account containing \$21,481.80, but filed no inventory or accounting and wrote checks on the account both before and after his removal. He failed to turn over estate files and financial records, and when the successor personal representative took over, only \$9,395.57 remained; an auditor master's reconstructed accounting led to judgments against Mabry.

PROCEDURAL HISTORY

Mabry served briefly as successor personal representative of the Estate of Norvel Lee. After allegations concerning missing estate funds and failures to file inventories and accountings, the trial court appointed an auditor master and entered two judgments against Mabry. The matter was later referred to Bar Counsel, and an Ad Hoc Committee of the Board on Professional Responsibility conducted a hearing, found multiple violations of the Rules of Professional Conduct, and recommended disbarment with restitution. The Board adopted that recommendation, and neither Bar Counsel nor Mabry opposed it before the Court of Appeals.

DISPOSITION

other

CASES CITED

- In re Addams, 579 A.2d 190 (D.C. 1990) (en banc)
- In re Delaney, 697 A.2d 1212, 1214 (D.C. 1997)
- In re Wilson, 953 A.2d 1052 (D.C. 2008)
- In re Mabry, 851 A.2d 1276 (D.C. 2004)

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