DISTRICT OF COLUMBIA COURT OF APPEALS

In re Sylvia A. Ryan

823 A.2d 509 (D.C. 2003) · No. 01-SP-1035 · Decided May 15, 2003

SUMMARY

The District of Columbia Court of Appeals affirmed Sylvia Ryan's conviction for criminal contempt arising from her unauthorized practice of law while suspended. The court held that evidence showing Ryan represented herself as an attorney and provided immigration-related legal services was sufficient to establish willful disobedience of the suspension order. The court rejected her argument that she was acting as an employer or employer's agent under federal labor regulations.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Ferren, Senior Judge; Schwelb, Associate Judge; Glickman, Associate Judge
JURISDICTION	District of Columbia
DECIDED	May 15, 2003
DOCKET	01-SP-1035
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed from her conviction in the Superior Court of the District of Columbia for one count of criminal contempt based on unauthorized practice of law in violation of a suspension order. She challenged the sufficiency of the evidence and the denial of her motion for judgment of acquittal.
STANDARD OF REVIEW	The denial of a motion for judgment of acquittal is reviewed de novo. The court determines whether, viewing the evidence in the light most favorable to the government, a reasonable juror could find guilt beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published opinion; precedential value under District of Columbia law.
PARTIES	Sylvia A. Ryan v. Board on Professional Responsibility

TOPICS

criminal procedure · appellate procedure · standard of review · immigration · evidence

PRACTICE AREAS

criminal contempt | legal ethics and professional responsibility | unauthorized practice of law | immigration-related legal services | appellate review of sufficiency of the evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Ryan's conviction for criminal contempt based on practicing law while suspended.
2. Whether Ryan's asserted status as an employer or an employer's agent brought her conduct within an exemption from the District of Columbia licensing requirement.

HOLDINGS

1. The evidence was sufficient for a reasonable juror to find beyond a reasonable doubt that Ryan willfully disobeyed the suspension order by holding herself out as a licensed attorney and providing legal services.
2. Ryan did not establish that she acted for an employer or employer's agent, and the regulatory and rule-based exemption did not apply because she failed to provide the required notice of her bar status and limitations on her practice.
3. Criminal contempt requires willful disobedience of a court order causing an obstruction of the orderly administration of justice, and practicing law despite an order suspending or disbarring an attorney satisfies that framework when the requisite willfulness is proven.

KEY QUOTATIONS

> *“We review denial of a motion for judgment of acquittal de novo and, "like the trial court, determine whether the evidence, viewed in the light most favorable to the government, was such that a reasonable juror could find guilt beyond a reasonable doubt.""* (511)

> *“Absent availability of the exemption on which appellant relies, the evidence was more than sufficient to sustain the trial court's ruling.”* (512)

> *“All of this, when taken in conjunction with appellant's reference to the witnesses as "clients" and when coupled with the amount of the fees that appellant chargedis evidence more than sufficient to support the trial court's finding that appellant had, in fact, held herself out as a licensed attorney and provided legal services in contravention of the court order suspending her license to practice law in the District of Columbia.”* (513)

FACTUAL BACKGROUND

Ryan had been suspended from the practice of law and had not been reinstated. She entered agreements with three individuals to provide immigration-related legal services, represented that she was an attorney or immigration lawyer, used Ryan & Webster letterhead, charged substantial fees, and accepted down payments. The clients did not receive the promised immigration benefits, and Ryan either refunded little or none of the money. At trial, she argued that she acted only as an employer or an employer's agent rather than as an attorney.

PROCEDURAL HISTORY

The District of Columbia Court of Appeals had previously suspended Ryan from practicing law for four months and required a showing of fitness for reinstatement. After Bar Counsel sought a show-cause order concerning her alleged unauthorized practice of law, Ryan failed to appear, was arrested on a bench warrant, and proceeded to trial. The Superior Court denied her motion for judgment of acquittal, found her guilty of criminal contempt, and ordered a sentencing hearing. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Ryan, 670 A.2d 375 (D.C. 1996)
- Harris v. United States, 756 A.2d 458, 461 (D.C. 2000)
- Smith v. United States, 677 A.2d 1022, 1030 (D.C. 1996)
- In re Burton, 614 A.2d 46 (D.C. 1992)
- Swisher v. United States, 572 A.2d 85, 89 (D.C. 1990)
- In re Thompson, 454 A.2d 1324, 1326 (D.C. 1982) (per curiam)