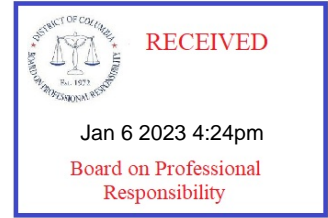


**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**



In the Matters of	:	
	:	
CHRISTOPHER LIBERTELLI,	:	Disciplinary Docket No. 2021-D175
and	:	
DARRYL FELDMAN,	:	Disciplinary Docket No. 2021-D229
	:	
Respondents	:	
	:	
Members of the Bar of the D.C.	:	
Court of Appeals	:	

**RESPONDENT DARRYL FELDMAN’S
ANSWER TO THE SPECIFICATION OF CHARGES**

I. Preliminary Statement

Darryl Feldman is a highly respected family law lawyer and the cofounder and name partner of Feldman Jackson, PC (“Feldman Jackson”), a family law firm in Bethesda, Maryland. Mr. Feldman graduated from the University of Baltimore Law School in 1994, and has practiced law for 28 years following his admission to the Maryland Bar in 1994 and the District of Columbia Bar in 1996. Mr. Feldman also passed the Maryland CPA exam, allowing him to provide sophisticated financial and accounting advice to his clients in family law cases. Prior to forming Feldman Jackson with Anne-Marie Jackson, both he and Ms. Jackson were partners at Ain & Bank, PC in the District of Columbia.

John Dame, an associate at Feldman Jackson who is referred to in the Specification of Charges, is a 2014 graduate of Tufts University and received his JD in 2017 from the Georgetown University Law Center. Prior to joining Feldman Jackson in 2018, Mr. Dame clerked for one year with the Honorable Cynthia Callahan of the Circuit Court for Montgomery

County, Maryland, who was in charge of the Family Division of that Court during Mr. Dame's clerkship. Mr. Dame is a member of the Maryland and District of Columbia bars.

The charges against Mr. Feldman arise from his representation of Respondent Christopher Libertelli in a highly contested divorce and custody case that was litigated for years in the Circuit Court for Montgomery County, Maryland before The Honorable Harry C. Storm. Mr. Feldman took over Mr. Libertelli's representation after Mr. Libertelli's prior attorneys withdrew from that representation upon learning that Mr. Libertelli had falsified drug test results which they had submitted to Judge Storm, and of false statements Mr. Libertelli had made to Judge Storm in connection with those drug tests. Mr. Libertelli is an attorney who is licensed to practice only in the District of Columbia, and had a history of substance abuse.

Following the initial resolution of the divorce case, Judge Storm referred Mr. Libertelli to the ODC, which then prosecuted Mr. Libertelli. Following a hearing in 2021, a Hearing Panel issued a lengthy opinion and recommended that Mr. Libertelli be disbarred. Mr. Feldman understands that Mr. Libertelli has challenged that recommendation, and the matter is currently pending before the Board of Professional Responsibility.

At issue here is the substance of a Motion to Alter or Amend that Mr. Feldman filed on Mr. Libertelli's behalf in the Montgomery County Circuit Court in March 2021, and testimony provided by Mr. Libertelli at the July 2021 hearing on the motion. The motion was intended to address legal errors made by Judge Storm when he denied Mr. Libertelli's initial motion to modify child support in February 2021. Principally, the Motion to Alter or Amend argued that Judge Storm had the ability to modify the child support conditions the parties had originally agreed to in a 2018 term sheet, that modification was necessary because Mr. Libertelli had suffered significantly diminished income, that his child support obligations under the term sheet

exceeded his childrens' reasonable and actual expenses, and that Ms. Noguchi, Mr. Libertelli's ex-wife, had not fulfilled her own duty to provide financial support to their children. At the same time Mr. Libertelli insisted that Mr. Feldman and Mr. Dame place before Judge Storm evidence of his progress in recovery in the nature of certified drug test results which established that for some specific and identified periods of time he had not been using illicit drugs. This evidence was relevant for the limited purpose of partially rebutting his ex-wife's evidence and the summary financial exhibits she had been permitted to introduce at the February 2021 hearing, and which had provided the basis for a finding by Judge Storm that Mr. Libertelli had continued to use and spend money on the purchase of illicit drugs.

The full record in this matter will establish that in light of Mr. Libertelli's checkered history with Judge Storm, and the pending disciplinary action against him, Mr. Feldman carefully considered and was acutely sensitive to the ethical issues and obligations attendant to his representation of Mr. Libertelli. The record will further show that Mr. Feldman at all times acted honestly, ethically and consistently with the standards of care required in this challenging representation; that the representations he made to Judge Storm in writing, and during the July 2021 motions hearing, were accurate and truthful, and were not intended to mislead Judge Storm; that Judge Storm was not misled; and that the issue of Mr. Libertelli's drug use was, as Mr. Feldman had believed, of minimal probative value to Judge Storm's consideration of Mr. Libertelli's child support obligations. The investigation which led to the instant charges was not initiated by a referral from Judge Storm, but rather, by a referral from Ms. Noguchi's former divorce counsel.

II. Responses to Specifically Enumerated Charges

1. Respondent Christopher Libertelli was admitted to the Bar of the District of Columbia Court of Appeals on June 3, 1996, and assigned Bar number 451351.

Response to No. 1: Mr. Feldman neither admits nor denies this allegation as it solely relates to Respondent Libertelli.

2. Respondent Darryl Feldman was admitted to the Bar of the District of Columbia Court of Appeals on February 7, 1997, and assigned Bar number 446093. Respondent Feldman is also a member of the Maryland Bar.

Response to No. 2: Admitted.

3. Ms. Noguchi and Mr. Libertelli are parties in a divorce and child custody matter before the Circuit Court for Montgomery County, Maryland.

Response to No. 3: Admitted.

4. On December 1, 2017, Mr. Libertelli and Ms. Noguchi signed a Term Sheet that provided, among other things, how much Mr. Libertelli would pay in child support. On January 19, 2018, the Maryland court incorporated the Term Sheet into the Judgment of Absolute Divorce.

Response to No. 4: Admitted.

5. Beginning in January 2018 and continuing through December 2021, Mr. Feldman, together with John Dame, an associate in the Feldman firm, represented Mr. Libertelli in the Maryland divorce and custody proceedings.

Response to No. 5: Admitted.

6. On November 15, 2019, Ms. Noguchi, through counsel, filed a motion to hold Mr. Libertelli in contempt or alternatively for enforcement based on Mr. Libertelli's failure to pay child support and make other payments required under the Term Sheet.

Response to No. 6: Admitted.

7. Mr. Feldman filed an opposition on behalf of Mr. Libertelli. After holding a hearing, the Maryland court entered an order denying Ms. Noguchi's request to have Mr. Libertelli held in contempt, but granting Ms. Noguchi's motion for enforcement. The court ordered Mr. Libertelli to pay Ms. Noguchi \$104,241.76, and found that, pursuant to the Term Sheet and based on Mr. Libertelli's total employment income, Mr. Libertelli's monthly child support obligations should be increased to \$19,924.98, effective June 1, 2020.

Response to No. 7: Admitted.

8. On or about October 2, 2020, Mr. Feldman filed a motion that Mr. Libertelli verified asking the Maryland court to modify his child support and to receive additional evidence based on Mr. Libertelli's changed financial circumstances.

Response to No. 8: Admitted.

9. The Maryland court scheduled a hearing on Mr. Libertelli's motion for February 25, 2021.

Response to No. 9: Admitted.

10. At the February 25, 2021 hearing, Ms. Noguchi, proceeding *pro se*, offered evidence about Mr. Libertelli's finances including the payments that Mr. Libertelli made to two people whom he previously identified as his drug suppliers and large cash withdrawals between January through December 2020. Mr. Feldman, on behalf of Mr. Libertelli, objected to the admission of the Ms. Noguchi's evidence relating to the payments and cash withdrawals.

Response to No. 10: Admitted.

11. On March 15, 2021, the Maryland court issued a Memorandum Opinion denying Mr. Libertelli's motion to modify child support. The court described the provisions of the Term Sheet and noted that, "while [Mr. Libertelli] claims difficulty in meeting his obligations, the evidence showed that he continues to make large cash withdrawals and payments to individuals previously identified as supplying him drugs. In 2020, these cash withdrawals and payments totaled \$104,810.78."

Response to No. 11: Mr. Feldman admits that Judge Storm issued a Memorandum Opinion denying Mr. Libertelli's Motion to Modify Child Support, and that the quoted excerpt from that opinion is accurate.

12. On March 29, 2021, Mr. Feldman on behalf of Mr. Libertelli filed a motion to alter or amend the court's order and to receive additional evidence. Mr. Libertelli edited and approved the contents of the motion, and approved the exhibits that were attached to the motion.

Response to No. 12: Mr. Feldman admits that he and Mr. Dame prepared the motion, that Mr. Libertelli edited and approved the contents of the motion, and that Mr. Libertelli had been provided with a copy of the exhibits attached to the motion before he approved the filing.

13. In the motion, Mr. Libertelli requested, among other things, that since the court had admitted Ms. Noguchi's evidence of his spending and the court made statements about his spending in its March 2021 order, the court should receive additional evidence concerning Mr. Libertelli's progress in recovery.

Response to No. 13: Mr. Feldman states that the content of the Motion to Alter or Amend speaks for itself.

14. In the motion, Respondents represented that "[d]espite being under no obligation to do so, [Mr. Libertelli] submitted to drug tests on more than one occasion over the past year." They went on to say: "Of particular significance, on September 30, 2020, [Mr. Libertelli] submitted himself for a hair follicle test with a twelve (12) month look-back. This test found no evidence of [Mr. Libertelli's] use of fentanyl or numerous other opiates." They attached the result of the hair follicle test taken on September 28, 2020, and stated that Mr. Libertelli had not used opiates since January 7, 2018.

Response to No. 14: Mr. Feldman admits that the quoted excerpts are accurate, but states that the content of the Motion to Alter or Amend speaks for itself and provides the necessary and proper context for those excerpts. Mr. Feldman further states that the Motion to Alter or Amend stated that Mr. Libertelli had not used opiates since January 7, 2019, not January 7, 2018 as stated above.

15. Respondents further represented in the motion that on January 13, 2021, as part of his matter before the D.C. Board on Professional Responsibility, Mr. Libertelli agreed to submit

to bi-monthly drug testing for opioids, cocaine, and other drugs. They further said that Mr. Libertelli had since tested negative for opiates, cocaine, and all other illegal drugs on the panel on January 28, February 10, March 4, and March 24.

Response to No. 15: Admitted. Mr. Feldman further states that the content of the Motion to Alter or Amend speaks for itself, and provides the necessary and proper context for the above representations.

16. On September 28, 2020, the day of the hair follicle test, Mr. Libertelli tested positive for cocaine in a separate urine test. Respondents did not disclose these results in the motion to alter or amend. Nor did they disclose that Mr. Libertelli had tested positive for cocaine on other occasions in 2020.

Response to No. 16: Mr. Feldman admits that Mr. Libertelli tested positive for cocaine on September 28, 2020, and on three other occasions in the Fall of 2020. The remainder of this specification is denied to the extent that it suggests or implies that Mr. Feldman had a duty to disclose that information in the motion. Exhibit 1 included two hair follicle drug tests reflecting that Mr. Libertelli had not used opioids, including Fentanyl, in the year prior to September 2020, and four drug screens from Arcpoint Labs establishing he had not used cocaine or opioids from January 11, 2021 through March 24, 2021. Mr. Feldman further states that he and Mr. Dame submitted six additional tests to the court at the July hearing, which taken together with the tests in Exhibit 1, established that Mr. Libertelli had tested negative for opioids and cocaine *consecutively* from December 11, 2020 through June 16, 2021.

17. The Maryland court scheduled a hearing on Mr. Libertelli's motion to alter or amend for July 15, 2021.

Response to No. 17: Admitted

18. On July 8, 2021, Dimitrina Barzachka, the director of the laboratory where Mr. Libertelli went for testing emailed Mr. Dame the results of 17 drug tests based on urine samples, together with a Certification of Custodian of Records dated July 7, 2021.

Response to No. 18: Admitted.

19. Respondents knew that the evidence of Mr. Libertelli's drug use and his use of funds to buy illicit drugs was relevant to the proceeding and planned to offer evidence about his drug test results at the July 15, 2021 hearing.

Response to No. 19: Mr. Feldman can neither admit nor deny this specification as it is framed. Mr. Feldman further reiterates that he believed the drug tests described in the Motion to Alter or Amend, which were included in Exhibit 1 to the Motion, were relevant to partially rebut Judge Storm's earlier finding that Mr. Libertelli had been spending money on illegal drugs, and that it was appropriate to provide that information to the Court; however, Mr. Feldman also states that he believed the evidence of Mr. Libertelli's drug use and test results was minimally probative, if not immaterial, to the dispositive issues raised by Mr. Libertelli in the Motion to Alter or Amend, *i.e.* the impact of Mr. Libertelli's significantly reduced income on his child support obligations; that those obligations exceeded his children's actual expenses; and that Ms. Noguchi had failed to fulfill her own obligations to provide financial support for their children.

Mr. Feldman further states that at the July 15, 2021 hearing Ms. Noguchi argued that the issues of Mr. Libertelli's drug use "are irrelevant to child support."

20. Respondents removed or caused to be removed six of the 17 test results that Ms. Barzachka had sent with her email and added or caused to be added two other results of hair follicle tests that Ms. Barzachka had provided separately without a certification, to create Defendant's Exhibit 1, captioned "Defendant's Drug Testing History."

Response to No. 20: Mr. Feldman denies the specification as framed, and in particular denies that he or Mr. Dame "removed or caused to be removed" six of 17 test results in order to create Defendant's Exhibit 1. As set forth above, Mr. Feldman and Mr. Dame selected for that exhibit the test results which established Mr. Libertelli had not used opioids for a one-year period prior to September 2020, and that he had not used cocaine or opioids from January 2021 through March 2021. Those tests included two hair follicle tests that Ms. Barzachka had provided to Mr. Dame the day after she had provided the 17 drug screens, within 10 minutes after Mr. Dame inquired why the hair follicle tests had not been included with the drug screens. When she sent the hair follicle tests to Mr. Dame, Ms. Barzachka used the identical file transfer software she had used the day before in sending him the 17 drug screens. Mr. Feldman and Mr. Dame understood that Ms. Barzachka had inadvertently not included the hair follicle tests with the drug screen tests, and that her initial certification was intended to cover those test results.

21. The exhibit excluded all the drug test results based on urine samples from August through October 2021, including four test results showing that Mr. Libertelli had tested positive for cocaine on August 8, September 28, and October 23, and 27, 2020.

Response to No. 21: Mr. Feldman states that Exhibit 1 speaks for itself, but denies this specification as it is framed. As set forth above, in putting the exhibit together, Mr. Feldman and Mr. Dame included drug test results they had received from Ms. Barzachka for the specific and limited purpose of establishing that in the time period reflected in those tests, Mr. Libertelli had not used illegal drugs, and therefore had not been spending money to purchase illegal drugs in that time period.

22. On July 14, 2021, Respondent Feldman or his associate Mr. Dame sent Ms. Noguchi copies of Mr. Libertelli's exhibits for the hearing. There was no disclosure that the first exhibit excluded some of Mr. Libertelli's drug test results that the lab had produced with the business records certification, including those in which he tested positive for cocaine.

Response to No. 22: This Specification is denied to the extent that it suggests or implies that Mr. Dame or Mr. Feldman had a duty to disclose that information to Ms. Noguchi. Mr. Feldman states that prior to the July 15th hearing, either he or Mr. Dame sent Ms. Noguchi, by email, a copy of the exhibits they intended to seek to introduce at the hearing. Mr. Feldman further states that he and Mr. Dame had no legal or ethical obligation to provide Ms. Noguchi with documents they did not seek to introduce at the hearing, including all of Mr. Libertelli's drug tests. Ms. Noguchi, had not sought to obtain from Mr. Libertelli any drug tests in her several discovery requests, nor had she subpoenaed them for the hearing. Mr. Feldman further states that the record establishes that Ms. Noguchi in fact had obtained a copy of Mr. Libertelli's drug tests from other sources prior to the July 15, 2021 hearing.

23. At the beginning of the July 15, 2021 hearing, Mr. Feldman said that they wanted to offer Mr. Libertelli's drug test results as evidence because they were relevant to the issue of whether Mr. Libertelli was "spending his money on illicit drugs."

Response to No. 23: The transcript of the hearing is the most accurate reflection of what was said at the hearing, and provides the necessary and proper context for what Mr. Feldman said. As stated above, Mr. Feldman believed that the drug tests in Exhibit 1 were relevant as partial rebuttal evidence regarding the summary financial exhibits Ms. Noguchi had introduced into evidence at the February 25, 2021 hearing, which evidence Judge Storm had referenced in his Memorandum Opinion.

24. Respondents did not disclose to the Maryland court or Ms. Noguchi that they had omitted some drug test results, including those that showed he tested positive for cocaine.

Response to No. 24: Mr. Feldman denies this Specification to the extent it suggests or implies that he had an obligation to disclose to the court or to Ms. Noguchi all of Mr. Libertelli's drug tests. As stated above, Exhibit 1 included drug tests intended to partially rebut evidence introduced by Ms. Noguchi at the prior hearing, and which had been referenced by Judge Storm in his Memorandum Opinion. Mr. Feldman states that he and Mr. Dame also did not provide the court or Ms. Noguchi with Mr. Libertelli's two *negative* drug test screens on October 5 and October 15, 2020, as they were not relevant to the point he and Mr. Dame were seeking to make on Mr. Libertelli's behalf. Mr. Feldman made no representation to Judge Storm that Mr. Libertelli had been entirely abstinent from the use of illegal drugs from September 2019 through the July 2021 hearing.

25. When Mr. Libertelli testified on direct about the drug test results, he talked about his hair follicle test on September 28, 2020, and told the judge it was the "most comprehensive of the tests you can get."

Response to No. 25: Mr. Feldman admits that the above quotation is accurate, and states that the hearing transcript accurately reflects Mr. Libertelli's testimony and the context in which it was provided.

26. In his testimony, Mr. Libertelli agreed with Mr. Feldman that it was important that the drug test results be admitted because they were "necessary to restore custody" and they were relevant to whether Mr. Libertelli was "doing drugs" during the relevant time.

Response to No. 26: Mr. Feldman denies this Specification as it is framed and states that the hearing transcript accurately reflects Mr. Libertelli's testimony and the necessary and proper context in which it was provided. Mr. Feldman denies that he believed or stated to Judge Storm that it was important that Mr. Libertelli's drug test results be admitted because they were "necessary to restore custody," as that was not at issue in the hearing, regardless of what Mr. Libertelli thought or hoped. That was made clear by Mr. Feldman's subsequent question to Mr. Libertelli, and Mr. Libertelli's answer to that question, which is referenced in Specification No. 27.

27. Mr. Libertelli told the Maryland court that he had "worked very hard for these tests and I feel the Court should consider them in the context of the allegations that I was spending money on drugs."

Response to No. 27: Mr. Feldman admits the quote is accurate, and states that the hearing transcript accurately reflects Mr. Libertelli’s testimony as well as the necessary and proper context in which it was provided.

28. Mr. Feldman had previously told the Maryland court that the drug test results were authentic, and they had obtained them “directly from the drug testing people” and they were “verified” through a business record certification.

Response to No. 28: Admitted. Mr. Feldman further states that the hearing transcript accurately reflects what he said and the necessary and proper context of his statements, and further states that those statements were accurate and truthful to the best of his knowledge, information and belief.

29. After Mr. Libertelli’s direct testimony, Respondents did not disclose to the court or Ms. Noguchi that Mr. Libertelli had tested positive for cocaine in August, September, and October 2020, and that they had excluded those test results from the exhibit.

Response to No. 29: Mr. Feldman denies the specification to the extent it implies he had an obligation to disclose those test results. He further states that the Court was provided with test results that were relevant to the specific points that the introduced tests were intended to address, *i.e.*, that Mr. Libertelli had not used opioids for one year prior to September 2020, and that he had not used cocaine or opioids for seven consecutive months beginning in December 2020. To that end, and as stated above, Mr. Feldman also did not seek to introduce Mr. Libertelli’s two drug screens from the Fall of 2020 that were negative for cocaine and opioid use, nor an August 5, 2020 drug screen that was negative for opioids.

30. When Ms. Noguchi cross-examined Mr. Libertelli, she asked him whether he had produced all the drug tests he had taken in the timeframe, Mr. Libertelli testified: “Yes. These are all of the tests that I took in the timeframe covering the one year.”

Response to No. 30: Admitted. Mr. Feldman states that the hearing transcript accurately reflects Mr. Libertelli’s testimony and the context in which it was provided. Respondent Feldman further states that the transcript reflects that Mr. Libertelli interrupted Ms. Noguchi with his answer before she could complete her question.

31. Respondents knew that Mr. Libertelli’s testimony set forth above was false.

Response to No. 31: Mr. Feldman admits that Mr. Libertelli’s testimony was not accurate, but is without sufficient knowledge to admit or deny that it was knowingly false. Mr. Feldman further states that he fully intended to correct that testimony on re-direct examination; however, that became unnecessary because Mr. Libertelli’s testimony was in fact corrected during cross-examination, and Mr. Feldman had no professional or ethical obligation to take additional corrective action on redirect examination.

32. Ms. Noguchi then asked Mr. Libertelli about his drug test results showing he tested positive for cocaine on September 28, 2020.

Response to No. 32: Admitted.

33. Mr. Feldman said he wanted to see the test in case they had an objection. Ms. Noguchi started to ask Mr. Libertelli about an October drug test, when Mr. Feldman interrupted

and told the court he had a question about how Ms. Noguchi came into possession of the test results.

Response to No. 33: Admitted. The hearing transcript is the most accurate reflection of what was said by Mr. Feldman and Ms. Noguchi and the context of those statements.

34. Ms. Noguchi explained that she learned about Mr. Libertelli’s drug test results from a public bar disciplinary proceeding.

Response to No. 34: Admitted.

35. Ms. Noguchi specifically asked Mr. Libertelli if the September and October 2020 drug test results showing positive results for cocaine were included in his exhibits to the Maryland court. Mr. Libertelli responded that he had “been testing for eight years. There are many tests that are not included in this docket.” Mr. Libertelli went on to say: “The tests that were in the September/October period are not included in the motion to alter or amend because it was those tests were [sic] after I stopped using drugs.”

Response to No. 35: Mr. Feldman admits those quotations are accurate, and further states that he understood Mr. Libertelli to be stating that the motion included only drug test results that were obtained after he had stopped using drugs.

36. Ms. Noguchi argued that the drug test results submitted to the court showed Mr. Libertelli’s “ongoing lack of credibility.”

Response to No. 36: Mr. Feldman admits that quote is accurate and states that the hearing transcript accurately reflects what Ms. Noguchi argued, and the context of that argument.

37. Before the hearing concluded, Mr. Feldman told the Maryland court that Mr. Libertelli wanted to address the court directly. Mr. Libertelli represented to the Maryland court that he had disclosed all his test results in the D.C. disciplinary proceeding and that his lawyers in the custody proceeding (Messrs. Feldman and Dame) “made a mistake in not disclosing them here” but their “mistake” should not be attributed to him. Mr. Libertelli’s statements to the court were knowingly false.

Response to No. 37: Mr. Feldman admits that at the close of the hearing, Mr. Libertelli insisted that he wanted to make a statement directly to the court. Mr. Feldman states that the hearing transcript accurately reflects what Mr. Libertelli said. Mr. Feldman further states that Mr. Libertelli’s statement that his lawyers had made a “mistake” in not disclosing all of the drug test results reflected Mr. Libertelli’s opinion, and that Mr. Feldman disagreed with that statement.

38. Respondents knew that Mr. Libertelli’s statements to the court were false, but no one corrected them.

Response to No. 38: Mr. Feldman denies this Specification for the reasons set forth in Response to No. 37, and in particular, states that he was not obligated to correct Mr. Libertelli’s opinion about his and Mr. Dame’s purported “mistake.”

39. In a sworn declaration signed under penalty of perjury on August 9, 2021, submitted in a D.C. disciplinary case, Mr. Libertelli represented that he understood and believed that “all of the drug tests” were included in the motion to alter or amend (or motion for reconsideration). Mr. Libertelli further represented that he believed that the drug tests from

September and October 2020 [*i.e.*, those showing he was testing positive for cocaine] were included in his Maryland court exhibit. These statements were knowingly false.

Response to No. 39: Mr. Feldman states that the content of Mr. Libertelli's Declaration speaks for itself. Mr. Feldman further states that he cannot admit or deny what Mr. Libertelli "believed," or whether Mr. Libertelli's statements in the Declaration were knowingly false, but repeats that Exhibit 1 to the Motion to Alter and Amend was provided to Mr. Libertelli before the Motion was filed with Mr. Libertelli's approval.

40. On August 13, 2021, the Maryland court granted Mr. Libertelli's motion to modify his child support obligations to \$7,000 a month retroactive to October 2, 2020. Based on the reduced amount, the court found that Mr. Libertelli still owed Ms. Noguchi \$31,406.27 in unpaid child support. The court granted Respondents' request to receive the additional evidence presented at the July 2021 hearing, but noted that "its probative value is minimal and not a material consideration in the Court's decision herein."

Response to No. 40: Mr. Feldman generally admits the allegations set forth in Specification No. 40, and states that Judge Storm's Order and Opinion speaks for itself.

41. Respondents' conduct violated the following Rules of the District of Columbia Rules of Professional Conduct and/or the Maryland Rules of Professional Conduct as made applicable under D.C. Rule 8.5(b):

- a. Maryland Rule 19-303.3(a)(1), in that Respondent Libertelli knowingly made a false statement of fact to the tribunal and/or failed to correct a false statement of material fact;
- b. Maryland Rule 19-303.3(a)(2), in that Respondent Feldman knowingly failed to disclose a material fact to a tribunal when disclosure was necessary to avoid assisting a fraudulent act by the client;
- c. Maryland Rule 19-303.3(a)(4), in that Respondents Libertelli and Feldman knowingly offered evidence that they knew to be false and/or failed to take reasonable remedial measures after offering materially false evidence;
- d. Maryland Rule 19-304.1(a)(2), in that Respondent Feldman knowingly failed to disclose a material fact when disclosure was necessary to avoid assisting the fraudulent act of his client;
- e. D.C. Rule 8.1(a), in that Respondent Libertelli made knowing false statements of fact in connection with a D.C. disciplinary matter;
- f. D.C. Rule 8.4(b), in that Respondent Libertelli committed a criminal act – *i.e.*, perjury in violation of D.C. Code § 22-2402 – that reflects on his honesty, trustworthiness, or fitness as a lawyer in other respects;
- g. Maryland Rule 19-308.4(c), in that Respondents Libertelli and Feldman engaged in conduct in the Maryland proceeding involving dishonesty, fraud deceit, and/or

misrepresentation;

- h. D.C. Rule 8.4(c), in that Respondent Libertelli engaged in conduct in the D.C. disciplinary proceeding involving dishonesty, fraud deceit, and/or misrepresentation;
- i. Maryland Rule 19-308.4(d), in that Respondents Libertelli and Feldman engaged in conduct in the Maryland proceeding that was prejudicial to the administration of justice; and
- j. D.C. Rule 8.4(d), in that Respondent Libertelli engaged in conduct in the D.C. disciplinary proceeding that seriously interfered with the administration of justice in the D.C.

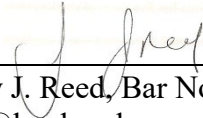
Response to No. 41: Mr. Feldman denies that he violated any of the aforementioned Maryland Attorneys' Rules of Professional Conduct.

WHEREFORE, having fully answered the Specification of Charges, Respondent Darryl Feldman respectfully requests that this hearing panel recommend to the District of Columbia Court of Appeals' Board on Professional Responsibility that the charges be dismissed.

Respectfully submitted,

LERCH EARLY & BREWER, CHARTERED

By: _____


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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2023, the foregoing was served via electronic mail to:

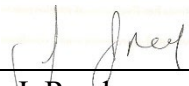
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Stanley J. Reed