

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



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**In the Matter of** :  
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**Matthew LeFande,** : **Disciplinary Docket Nos.**  
 : **2018-D061, 2019-D041**  
**Respondent** : **2019-D050, 2020-D018**  
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**Bar Registration No. 475995** :  
**Date of Admission: January 11, 2002** :  
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**SPECIFICATION OF CHARGES**

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar Rules X and XI, § 2(b).

Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar Rule XI. Respondent is subject to this disciplinary jurisdiction because:

1. Respondent is a suspended member of the Bar of the District of Columbia Court of Appeals, having been admitted by motion on January 11, 2002, and assigned Bar number 475995. Respondent was suspended on May 31, 2019.

**COUNT I – LeFande/Disciplinary Counsel (2018-D061)**

2. On July 11, 2014, while handling the sale of a property formerly owned by Anita K. Warren, District Title erroneously transferred \$293,514.44 to Ms. Warren instead of to the mortgage lender.

3. After receiving the funds, Ms. Warren transferred them to her adult son, Timothy Day, and to Anthony Silva and Suzanne Silva, relatives of Ms. Warren and Mr. Day. Ms. Warren, Mr. Day, and the Silvas spent the money on real estate, vehicles, and other personal expenses.

4. Ms. Warren and Mr. Day refused to return the funds to District Title.

5. On August 20, 2014, Ms. Warren transferred \$189,028.98 to the Brennan Title Company.

6. Less than one week later, on August 26, 2014, Mr. Day purchased real property at 3 Boston Drive, Berlin, Maryland through the Brennan Title Company.

7. On August 27, 2014, Mr. Day deposited a \$33,000 cashier's check from Ms. Warren into his bank account.

8. On September 2, 2014, District Title filed a complaint in the Superior Court for the District of Columbia against Ms. Warren and Mr. Day, to recover the mistakenly transferred funds.

9. Respondent represented Ms. Warren and Mr. Day in the case.

10. On September 10, 2014, Mr. Day deposited two more cashier's checks from Ms. Warren in the amounts of \$33,000 and \$33,445 into his bank account.

11. On October 29, 2014, the case was removed to the United States District Court for the District of Columbia.

12. On November 10, 2014, District Title filed an amended complaint.

13. On November 19, 2014, District Title filed a motion for preliminary injunction seeking to prevent Ms. Warren and Mr. Day from dissipating assets.

14. On December 15, 2014, the Court granted District Title's motion for preliminary injunction and placed strict requirements on Ms. Warren and Mr. Day. The requirements included but were not limited to: 1) not selling or encumbering any real property; 2) providing weekly statements to District Title detailing every withdrawal from any checking, savings, money market or, investment account; 3) obtaining authorization from the Court before withdrawing or transferring more than \$500 from any checking, savings, money market or, investment account.

15. On September 28, 2015, District Title moved for summary judgment.

16. On October 7, 2015, Respondent filed an opposition to District Title's motion for summary judgment. The opposition did not identify any genuine disputes of fact that would preclude summary judgment.

17. On November 13, 2015, the District Court entered summary judgment ("the D.C. Judgment") for District Title against Ms. Warren and Mr. Day in the amount of \$293,514.44. The order permanently enjoined Ms. Warren and Mr. Day from dissipating assets.<sup>1</sup>

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<sup>1</sup> The order stated:

(a) Defendants may not sell, transfer, or encumber the property located at 3 Boston Drive, Berlin, M.D. 21811;

(b) Defendants must continue to deliver weekly statements to plaintiff that detail every withdrawal or transfer of funds from any checking, savings, money market, or

18. On December 14, 2015, Respondent filed a notice of appeal.

19. Ms. Warren and Mr. Day did not pay the D.C. Judgment.

20. On March 22, 2016, District Title filed a motion to conduct post-judgment discovery in aid of execution of the D.C. Judgment. District Title requested authorization to serve a subpoena on Respondent seeking both documents and testimony from Respondent based on his involvement in an alleged fraudulent conveyance of property owned by Mr. Day. Respondent opposed the motion.

21. On May 4, 2016, the Court partially ruled on District Title's motion for post-judgment discovery, but stayed consideration of the remainder of the motion, including the portion dealing with District Title's requests related to documents and testimony from Respondent.

22. On May 4, 2016, the United States Court of Appeals for the District of Columbia Circuit affirmed the D.C. Judgment.

23. On or about April 6, 2017, Mr. Day died. Respondent filed a suggestion of death with the Court on April 12, 2017.

24. On April 21, 2017, District Title filed a motion requesting that

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investment account and list every expenditure in excess of \$500.00 (whether paid for by cash, credit card, or otherwise) during the previous seven days, identifying the date, amount, and the payee or recipient;

(c) Defendants may not remove any funds currently stored in any safe deposit box;

(d) Defendants may not withdraw or transfer more than \$500.00 from any checking, savings, money market, or investment account at any one time without the express authorization of the Court.

Respondent be ordered to show cause why he should not be held in contempt for failing to reveal or concealing assets. The motion also renewed District Title's request for a subpoena to Respondent for documents and testimony in support of post-judgment discovery.

25. On April 23, 2017, Respondent opposed the motion and moved for a protective order regarding his examination based on the attorney-client privilege and his Fifth Amendment privilege against self-incrimination.

26. On June 2, 2017, the District Court issued a Memorandum Opinion and Order granting District Title's request to subpoena Respondent and denying Respondent's request for a protective order. The Court held that Respondent's assertions of privilege were premature, and he would need to assert them on a question-by-question basis.

27. On June 16, 2017, Respondent filed objections to the June 2, 2017, Memorandum Opinion and Order and renewed his request for a protective order.

28. On July 14, 2017, the District Court overruled Respondent's objections and rejected his renewed request for a protective order.

29. Respondent did not respond to District Title's communications regarding scheduling a deposition and evaded District Title's attempts to personally serve him with a subpoena to appear at a deposition scheduled for August 11, 2017.

30. On August 31, 2017, District Title filed a status report with the Court

and asked the Court to enter an order requiring Respondent to appear for an in-Court deposition.

31. On September 15, 2017, the District Court scheduled Respondent's in-Court deposition for September 21, 2017.

32. On September 18, 2017, Horace Bradshaw, Esquire, as counsel for Respondent, filed a motion to dismiss the case.

33. On September 18, 2017, the Court entered a minute order requiring District Title to respond to the motion to dismiss but stating that Respondent remained under order to appear at the September 21, 2017, deposition and could not rely on the pendency of the motion to dismiss as a basis to refuse to answer questions.

34. On September 19, 2017, Respondent filed a Chapter 7 Voluntary Petition for Ms. Warren in the United States Bankruptcy Court for the District of Maryland, case number 17-22544.

35. The filing of the bankruptcy proceeding created an automatic stay of any attempt to enforce the judgment against Ms. Warren. Respondent filed the bankruptcy proceeding for the improper purpose of shielding himself from questioning in the deposition in the D.C. Lawsuit.

36. By order dated September 20, 2017, the District Court acknowledged the effect of the bankruptcy filing and ordered that all attempts to execute the judgment against Ms. Warren were stayed due to the bankruptcy filing. The District

Court also denied the motion to dismiss Mr. Day and held that Respondent remained under court order to appear for the deposition that was scheduled for the following day.

37. On September 21, 2017, Respondent appeared in court for his deposition but refused to be sworn in and deposed. The Court found Respondent in contempt and fined him \$5,000 to be paid within 14 days.

38. On September 27, 2017, the Court issued an order supplementing the September 21, 2017, criminal contempt bench ruling, explaining that it had fined Respondent \$5,000 under 28 U.S.C. § 636(e)(2) for obstructing the administration of justice.

39. On May 30, 2018, the Court issued a Certification of Facts Constituting Civil Contempt and required Respondent to show cause why he should not be held in civil contempt.

40. On July 27, 2018, the Court held a civil contempt hearing.

41. On August 1, 2018, the Court found Respondent in civil contempt for violating clear and unambiguous court orders. The Court imposed a conditional fine of \$1,000 per day to be paid to the Clerk of the Court until Respondent complied with the orders. The Court held that upon compliance the fine would stop accumulating. The Court ordered that Respondent could purge himself of the contempt by appearing and testifying under oath at a deposition and reiterated that any assertions of privilege

must be made on a question-by-question basis.

42. As of the date of the filing of this Specification of Charges, Respondent has not purged the civil contempt by complying with the court order to sit for the deposition and the civil contempt fines continue to accrue.

43. Disciplinary Counsel initiated an investigation of Respondent's conduct.

44. On April 22, 2019, Disciplinary Counsel subpoenaed Respondent's client files from his representations of Ms. Warren and Mr. Day. The subpoena was delivered by certified mail to Respondent's address listed with the D.C. Bar. Respondent did not comply with the subpoena.

45. As of the date of the filing of this Specification of Charges, Respondent has not complied with or sought to quash Disciplinary Counsel's subpoena for the client files of Ms. Warren and Mr. Day.

46. On May 15, 2019, pursuant to D.C. Bar Rule XI §10, Disciplinary Counsel notified the D.C. Court of Appeals that Respondent had been found guilty of criminal contempt.

47. On May 31, 2019, the DCCA issued an order temporarily suspending Respondent and directing the Board on Professional Responsibility to institute a formal proceeding to determine whether the conduct involved moral turpitude within the meaning of D.C. Code 11-2503(a) (2001).



48. On July 29, 2019, the Board issued an order finding that Respondent's conviction did not involve moral turpitude per se. In that order, the Board referred the matter to a Hearing Committee to determine whether Respondent's conviction involved moral turpitude on the facts and, if not, for a recommendation of the appropriate final discipline as a result of Respondent's conviction of a serious crime. The order further stated, "Disciplinary Counsel may also file a petition charging that Respondent violated one or more Rules of Professional Conduct, continued for his misconduct. If Disciplinary Counsel files such a petition, it shall be consolidated with this matter."

49. The Board has not yet assigned a Hearing Committee to determine whether Respondent's conviction involved moral turpitude on the facts and, if not, for a recommendation of the appropriate final discipline.

50. The charges in Count I of this Specification of Charges are brought in accordance with the Board's July 29, 2019, order allowing Disciplinary Counsel to file a petition alleging that Respondent's underlying conduct related to his criminal conviction also violated the Rules of Professional Conduct. However, since his temporary suspension in 2019, Respondent has failed to cooperate with Disciplinary Counsel's investigation. Therefore, the charges in Count I are limited to Rule violations based on Respondent's failure to comply with the D.C. District Court's orders requiring him to give testimony at a deposition and his failure to cooperate

with Disciplinary Counsel's investigation.

51. Due to Respondent's failure to cooperate, Disciplinary Counsel was unable to complete its investigation into the underlying aspects of Respondent's alleged misconduct, including whether and to what extent he assisted his clients in concealing or disbursing assets while those assets were the subject of civil litigation, and court injunctions. Disciplinary Counsel reserves the right to bring additional charges related to that and other issues if new evidence comes to light in the future.

52. Disciplinary Counsel expects that, as directed in the Board's order of July 29, 2019, this Specification of Charges will be consolidated with the pending (but not yet assigned to a Hearing Committee) moral turpitude case under D.C. Code 11-2503(a) (2001).

53. Respondent's conduct violated the following District of Columbia Rules of Professional Conduct:

- a. D.C. Rule 3.4(c), in that Respondent knowingly disobeyed an obligation under the rules of a tribunal;
- b. D.C. Rule 8.4(b), in that Respondent committed a criminal act that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects;
- c. D.C. Rule 8.4(d), in that Respondent engaged in conduct that seriously interfered with the administration of justice;

**COUNT II – LeFande/Disciplinary Counsel (2019-D041)**

54. On September 19, 2017, Respondent filed a Chapter 7 Voluntary Petition for Ms. Warren in the United States Bankruptcy Court for the District of Maryland, case number 17-22544.

55. Respondent filed the bankruptcy proceeding for the improper purpose of shielding himself from questioning in the deposition in the D.C. Lawsuit.

56. On September 27, 2017, Respondent filed a Motion for Contempt against District Title's attorneys.

57. The Motion for Contempt was misleading in that it omitted important information about the D.C. Lawsuit. The Motion for Contempt omitted the reason why District Title was seeking to depose Respondent (to examine his role in alleged fraudulent transfers made by Defendant Day); it made no reference to Respondent's failed attempts to avoid examination in the D.C. Lawsuit; and it omitted any discussion of the D.C. District Court's September 20, 2017 Order, which denied the Motion to Dismiss Defendant Day from the D.C. Lawsuit and required Respondent to appear for an in-court examination on September 21, 2017.

58. On February 21, 2018, the Maryland Bankruptcy Court held a hearing to consider Respondent's Motion for Contempt, and on February 23, 2018, it issued an order denying the motion.

59. On March 13, 2018, the Maryland Bankruptcy Court ordered

Respondent to show cause why sanctions should not be imposed for his violation of Federal Rule of Bankruptcy Procedure 9011(b) (“First Order to Show Cause”). The court found that Respondent’s arguments in the Motion for Contempt were “frivolous and were presented to harass [the District Title attorneys] and to cause unnecessary delay in [the bankruptcy] proceedings and in proceedings in other courts.”

60. On March 27, 2018, Respondent filed a response to the First Order to Show Cause and District Title filed a response on April 9, 2018.

61. On February 25, 2019, the Maryland Bankruptcy Court held a hearing to consider the First Order to Show Cause and the parties’ responses. Respondent failed to appear at the hearing.

62. On March 7, 2019, the Maryland Bankruptcy Court issued a second Order to Show Cause against Respondent, directing him to show cause why he should not be held in contempt for failing to appear at the First Show Cause Hearing.

63. On August 22, 2019, the Maryland Bankruptcy Court issued a Memorandum Opinion and Order, concluding that monetary and nonmonetary sanctions would be imposed for Respondent’s misconduct. The Court ordered Respondent to attend two ethical courses within six months and ordered that the monetary sanctions would be determined after a hearing on Respondent’s financial circumstances to assess his ability to pay.

64. On February 3, 2020, the Maryland Bankruptcy Court held a hearing to

determine what monetary sanctions would be imposed on Respondent. Respondent did not appear for the hearing.

65. On February 7, 2020, the Maryland Bankruptcy Court issued an order imposing a monetary sanction of \$5,000 for Respondent's bad faith conduct. Respondent was required to deliver payment to the Clerk of the Maryland Bankruptcy Court within 30 days.

66. That same day, the Maryland Bankruptcy Court issued a separate order granting District Title's motion for attorneys' fees and requiring Respondent to pay District Title \$7,609.50 within 30 days.

67. Respondent did not appeal either of the sanction orders.

68. Respondent did not make any payment to District Title or the Maryland Bankruptcy Court within the ensuing 30 days.

69. On March 25, 2020, District Title moved to enforce the sanctions orders and asked the Maryland Bankruptcy Court to issue another show cause for Respondent's failure to comply with the sanctions orders.

70. On August 18, 2020, the Maryland Bankruptcy Court granted District Title's Motion to Enforce and ordered Respondent to pay the \$7,609.50 in attorneys' fees to District Title within seven days. The court also asked District Title to submit a praecipe stating what additional fees and expenses it incurred in briefing the motion to enforce.

71. On September 17, 2020, Respondent paid \$7,609.50 to District Title.

72. On October 5, 2020, the Maryland Bankruptcy Court ordered Respondent to show cause why he had not complied with the sanction orders. The Court ordered Respondent to file proof of compliance and a statement explaining why he failed to timely comply with the sanctions ordered within 21 days. The court also ordered Respondent to pay District Title an additional \$3,603.13 in attorneys' fees sanctions within 14 days.

73. On October 16, 2020, Respondent paid \$3,603.13 to District Title,

74. Respondent did not file proof of compliance with the October 5, 2020, order or a statement explaining why he had not timely complied with the sanction orders.

75. Respondent's conduct violated the following District of Columbia and Maryland Rules of Professional Conduct:

- a. MRPC 19-303.1, in that Respondent brought a frivolous proceeding and made frivolous, bad faith arguments;
- b. MRPC 19-303.3(a)(1), in that Respondent knowingly made false statements of fact to a tribunal;
- c. MRPC 19-308.4(c); in that Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation;
- d. MRPC 19-308.4(d); in that Respondent engaged in conduct that was

prejudicial to the administration of justice;

**COUNT III – LeFande/Baldwin (2019-D050)**

76. On or about March 29, 2018, Ms. Warren died.

77. On November 27, 2018, Samuel Baldwin, Esquire was appointed by the Orphan's Court for St. Mary's County, Maryland to serve as the Personal Representative of Ms. Warren's estate.

78. On December 31, 2018, Mr. Baldwin sent a letter to Respondent stating that he had been appointed as the Personal Representative of Ms. Warren's estate. Mr. Baldwin requested that Respondent provide any information that related to assets or claims Ms. Warren held at the time of her death, including copies of Respondent's files for the ongoing bankruptcy and civil cases.

79. On January 17, 2019, Mr. Baldwin left a voicemail for Respondent requesting the information. Mr. Baldwin also sent another letter to Respondent requesting the information needed to administer Ms. Warren's estate.

80. On January 28, 2019, Mr. Baldwin sent another letter to Respondent requesting that he turn over all papers and property belonging to Ms. Warren.

81. Respondent never turned over any information to Mr. Baldwin or Ms. Warren's estate.

82. On February 25, 2019, Mr. Baldwin filed a complaint with the Office of Disciplinary Counsel.

83. On March 25, 2019, Respondent filed a response to the complaint in which he admitted that he intentionally refused to turn over the file.

84. Respondent's conduct violated the following Maryland Rules of Professional Conduct:

- a. MRPC 19-301.4(a)(3); in that Respondent failed to promptly comply with reasonable requests for information;
- b. MRPC 19-301.16(d), in that upon termination of the representation, Respondent failed to take steps to the extent reasonably practicable to protect his client's interests, by not surrendering papers and property to which the client was entitled.

**COUNT IV – LeFande/Disciplinary Counsel (2020-D018)**

85. Respondent represented Teodora Simu in a civil lawsuit against Sharra Carvalho, D.C. Superior Court case number 2014 CA 2691B. During the course of the litigation, the Superior Court denied a motion by Ms. Simu seeking a citation of contempt against the Ms. Carvalho and dismissed claims for tortious interference and dissolution of the corporate entity. On October 27, 2015, the jury entered a judgment for Ms. Simu in the amount of \$75,000 for breach of contract, \$3,250 for breach of fiduciary duty, and \$12,000 in punitive damages.

86. On November 6, 2015, Ms. Simu moved the Superior Court for an award of \$372,583.67 in attorney's fees and \$2,157.78 in costs for the litigation.



87. On December 15, 2015, Ms. Carvalho filed for Chapter 7 bankruptcy in the United States Bankruptcy Court for the District of Columbia, case number 15-00646-ELG. She listed Ms. Simu as a creditor to whom she owed unsecured debts of \$90,250 for the civil judgment and \$374,741.45 for Ms. Simu's claim of attorney's fees and costs.

88. On December 24, 2015, after receiving notice of the pending Chapter 7 bankruptcy case, Respondent appealed the D.C. Superior Court's dismissal of Ms. Simu's claims for tortious interference and for dissolution of the corporate entity, as well as the denial of her motion for contempt.

89. On December 28, 2015, Ms. Carvalho's counsel notified Respondent that the appeal violated the automatic stay imposed by 11 U.S.C. §362 as a result of the bankruptcy filing and asked Respondent to withdraw the appeal. Respondent refused to do so.

90. On January 8, 2016, Ms. Carvalho's counsel filed a motion for contempt based on Respondent's refusal to withdraw the appeal which violated the automatic stay.

91. On February 11, 2016, the bankruptcy court held a hearing on the contempt motion and found that the appeal violated the automatic stay. On February 17, 2016, the court issued an order holding Ms. Simu in contempt based on Respondent's filing and pursuit of the appeal.

92. On April 14, 2017, Respondent filed a *Motion to Remove Estate Trustee*, a *Motion for Leave to Sue Estate Trustee*, and a *Motion to Dismiss Case for Bad Faith*.

93. On October 5, 2017, the bankruptcy court held a hearing and issued an oral decision denying Respondent's *Motion to Dismiss Case for Bad Faith*.

94. On October 16, 2017, Respondent filed a *Motion to Convert* Ms. Carvalho's Chapter 7 bankruptcy to a Chapter 11 bankruptcy. In the *Motion to Convert*, Respondent repeated the same arguments that had previously been dismissed by the court in its October 5, 2017, oral ruling.

95. On October 17, 2017, Ms. Carvalho's counsel served Respondent with a *Motion for Sanctions*, triggering the safe harbor provision under Fed. R. Bankr. P. 9011(c)(1)(a), which granted Respondent 21 days to withdraw the *Motion to Convert*.

96. Respondent did not withdraw the *Motion to Convert*.

97. On November 29, 2017, the bankruptcy court issued a written decision denying Respondent's *Motion to Remove Estate Trustee* and *Motion for Leave to Sue Estate Trustee*. In doing so, the court reiterated that conversion from Chapter 7 to Chapter 11 was unwarranted.

98. Respondent still did not withdraw the *Motion to Convert*.

99. On January 3, 2018, the bankruptcy court held a hearing on the *Motion to Convert*. Respondent presented no new evidence.

100. On September 28, 2018, the bankruptcy court issued a *Memorandum Decision and Order Denying the Motion to Convert*.

101. On October 1, 2018, the Bankruptcy court issued a *Memorandum Decision and Order Re Motion for Sanctions*. The court found that Respondent's arguments in the *Motion to Convert* were frivolous and ordered Respondent to pay Ms. Carvalho monetary sanctions. The court ordered Ms. Carvalho to submit a statement showing the attorney's fees she had incurred as a result of the Motion to Convert.

102. On November 20, 2018, based on Ms. Carvalho's attorney fees submission, the Bankruptcy court ordered Respondent to pay Ms. Carvalho \$11,538.75 in monetary sanctions for pursuing the frivolous *Motion to Convert*.

### **Adversary Proceeding**

103. On January 5, 2016, Respondent commenced Adversary Proceeding No. 16-10001 in the United States Bankruptcy Court for the District of Columbia by filing a complaint on behalf of Ms. Simu alleging that Ms. Carvalho's debts to Ms. Simu were not dischargeable.

104. Over the course of the adversary proceeding Respondent repeatedly asserted various frivolous allegations. For example:

a. In Simu's Amended Complaint, Respondent included the allegations that in her schedules, Carvalho had "falsely omitted the existence

of debts owed to Elite” and “falsely omitted the existence of accounts receivable due to Elite.” The court dismissed these allegations on May 13, 2016, explaining that Elite’s property was not property of Carvalho to be included on her schedules. Respondent ignored the court’s order and repeated the allegations in Simu’s Second Amended Complaint and her Third Amended Complaint. Later, Respondent included the allegation that “Carvalho did not list any accounts receivable, or commissions already earned in Schedule A/B” as part of Simu’s statement of material facts in support of Simu’s third motion for summary judgment. He then appended that statement of material facts as part of Simu’s Pretrial Statement.

b. On May 13, 2016, the court dismissed Simu’s claim that Carvalho had misstated the nature of her debt to Simu. Respondent ignored the Court’s order and repeated the same allegations in the Second Amended Complaint filed on May 26, 2016, and the Third Amended Complaint filed on November 22, 2016. On April 4, 2017, Respondent included the allegations in the statement of material facts attached to Simu’s third motion for summary judgment. Later, Respondent filed that same statement of material facts as part of Simu’s pretrial statement.

c. In the Amended Complaint Respondent characterized Carvalho’s alleged failure to list \$5,950 in cash on hand as a false oath and as “withholding

recorded information” from the trustee. The Court dismissed these claims on May 13, 2016, but Respondent re-alleged them in the Second Amended Complaint and the Third Amended Complaint.

d. On May 13, 2016, the court dismissed Count VIII of the amended complaint, because Carvalho’s false tax return had not induced Simu to part with money or property and this could not be a basis for a §523(a)(2)(A) claim. Respondent filed a Motion to Reconsider and repeated the same frivolous argument that Carvalho’s debt to Simu was non-dischargeable under §523(a)(2)(A) based on the false tax return. The court denied the Motion to Reconsider for the same reason, the false tax return had not induced Simu to part with money or property, and thus could not be a basis for a § 523(a)(2)(A) claim.

105. On June 1, 2017, Ms. Carvalho filed a *Motion for Sanctions* in the adversary proceeding.

106. On October 1, 2019, the court issued a 116-page *Memorandum Decision Re Defendant’s Motion for Sanctions*, detailing the ways in which Respondent’s frivolous allegations were sanctionable. The court found that Respondent had “asserted a veritable kitchen sink of frivolous claims throughout the proceeding” and that he “multiplied the proceedings, and did so unreasonably, vexatiously, and in bad faith.”

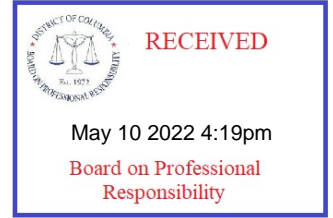


515 5<sup>th</sup> Street, N.W.  
Building A, Room 117  
Washington, D.C. 20001  
(202) 638-1501





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



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**In the Matter of**

**Matthew A. LeFande,**

**Respondent**

**Bar Registration No. 475995**

**Date of Admission: January 11, 2002**

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: **Disciplinary Docket Nos.**  
**2018-D061, 2019-D041, 2019-D050**  
**& 2020-D018**

**PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS**

A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals' Rules Governing the Bar (D.C. Bar R.).

B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has

approved the institution of these disciplinary proceedings.

**D. Procedures**

(1) **Referral to Hearing Committee** - When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** - Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** - The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not

answered by Respondent may be deemed established as provided in Board Rule 7.7.

(4) **Mitigation** - Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** - Respondent is entitled to fifteen days' notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

**WHEREFORE**, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

Office of Disciplinary Counsel

/s/ Hamilton P. Fox, III \_\_\_\_\_

Hamilton P. Fox, III

Disciplinary Counsel

515 Fifth Street, N.W.

Building A, Room 117

Washington, D.C. 20001

(202) 638-1501

Fax: (202) 638-0862