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January 22, 2020

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**SENT VIA FIRST-CLASS AND CERTIFIED
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Robert Plagmann, Esquire
336 Lardrun Lane
Dolphin, VA 23843

In re Robert Plagmann, Esquire
(D.C. Bar Registration No. 991077
Disciplinary Docket No. 2018-D110)

Dear Mr. Plagmann:

This office has completed its investigation of the above-referenced matter. We find that your conduct reflected a disregard of certain ethical standards under the District of Columbia Rules of Professional Conduct (the "Rules"). We are therefore issuing you this Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8.

This matter was docketed for investigation based on a letter from the Department of the Navy, notifying us of disciplinary action taken against you for a violation of the "Rules of Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General" specifically Rule 8.4(a)(3).

Based upon our investigation, we find as follows:

From December 19, 2014 through December 21, 2014, you contacted the Pretrial Detention facility in Iwakuni, Japan, where your brother was detained on criminal charges. In your conversations with Marine corrections personnel at the detention center, you stated that you were representing your brother as his defense counsel and that his "co-counsel" was aware that you were calling. You also asked correction personnel to confirm that the phone line was a secured line and not recorded.

Based upon our investigation of this matter, we find that your conduct violated Rule 8.4(c).

Rule 8.4(c) (Misrepresentation)

Rule 8.4(c) prohibits the lawyer from engaging in “conduct involving dishonesty, fraud, deceit, or misrepresentation.” Here, we are focused only on conduct involving misrepresentation. *See In re Shorter*, 570 A.2d 760, 767 (D.C. 1990) (per curiam) (the four terms encompassed within Rule 8.4(c) “should be understood as separate categories, denoting differences in meaning or degree”); *In re Romansky*, 825 A.2d 311, 315 (D.C. 2003) (same).

In the Navy, legal representation is appointed by the Commanding Officer. You were never appointed to represent your brother. Your statements to the staff were misleading and allowed you to have confidential conversations with your brother at least six times.

Conclusion

In issuing this informal admonition, we have taken into consideration that you have cooperated during the investigation, that you have no prior discipline, that you are no longer practicing law, that you received a severe sanction from the Navy, that you experienced substance abuse and mental health issues, and that you have accepted responsibility for your actions by accepting this informal admonition.

New Jersey and Arizona investigated your misconduct and issued a non -punitive censure and allowed you to retire, respectively.

This letter constitutes an Informal Admonition pursuant to D.C. Bar Rule XI §§ 3, 6, and 8, and is public when issued. An Informal Admonition is the most lenient form of public discipline available. Please refer to the attachment to this letter of Informal Admonition for a statement of its effect and your right to have it vacated and have a formal hearing before a hearing committee.

If you change your mind and would like to have a formal hearing, you must submit a written request for a hearing to the Office of Disciplinary Counsel, with a copy to the Board on Professional Responsibility, within 14 days of the date of this letter, unless Disciplinary Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated, and Disciplinary Counsel will institute formal charges pursuant to D.C. Bar R. XI § 8 (b). The case will then be assigned to a Hearing Committee, and a hearing will be scheduled by the Executive Attorney for the Board on Professional Responsibility pursuant to D.C. Bar R. XI § 8 (c).

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Such a hearing could result in a recommendation to dismiss the charges against you or a recommendation for a finding of culpability, in which case the sanction recommended by the Hearing Committee is not limited to an Informal Admonition.

Sincerely,

Hamilton P. Fox, III
Disciplinary Counsel

Enclosure: Attachment to Letter of Informal Admonition

CDS:ipm