THIS REPORT IS NOT A FINAL ORDER OF DISCIPLINE*

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

Issued
May 11, 2026

In the Matter of:	:	
	:	
GREGORY KRASOVSKY,	:	
	:	Board Docket No. 25-BD-039
Respondent.	:	Disciplinary Docket No. 2024-D181
	:	
A Member of the Bar of the District of Columbia Court of Appeals (Bar Registration No. 501333)	:	

REPORT AND RECOMMENDATION OF THE
BOARD ON PROFESSIONAL RESPONSIBILITY

Respondent, Gregory Krasovsky, is charged with violating Rules 3.4(c) (knowingly disobeying obligation to a tribunal), 8.1(b) (knowingly failing to respond reasonably to a lawful demand for information from Disciplinary Counsel), and 8.4(d) (serious interference with the administration of justice), of the District of Columbia Rules of Professional Conduct ("D.C. Rules") and D.C. Bar Rule XI, § 2(b)(3) (failing to comply with a Court order). The charges arose after Disciplinary Counsel received an overdraft notice from Wells Fargo for Respondent's trust account, and Respondent subsequently (1) failed to provide a complete response to Disciplinary Counsel's inquiry letter and subpoena duces tecum and (2) failed to comply with a D.C. Court of Appeals Order enforcing Disciplinary Counsel's subpoena duces tecum.

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* Consult the 'Disciplinary Decisions' tab on the Board on Professional Responsibility's website (www.dcattorneydiscipline.org) to view any prior or subsequent decisions in this case.

After a process server was unable to serve Respondent personally with the Petition and Specification of Charges at Respondent's addresses and he did not respond to Disciplinary Counsel's repeated efforts to obtain his consent to service by email, the D.C. Court of Appeals granted Disciplinary Counsel's motion for alternative service of the Petition and Specification to two email addresses belonging to Respondent. *See* Order, *In re Krasovsky*, No. 25-BG-0737 (D.C. Sept. 10, 2025).[1] Respondent, however, never filed an Answer and did not file a response when Disciplinary Counsel filed a Motion for Default. On October 22, 2025, the Chair of the Ad Hoc Hearing Committee issued an Order of Default and ordered that the matter be scheduled for a hearing on the sufficiency of the *ex parte* proof submitted by Disciplinary Counsel and the appropriate sanction.

On December 3, 2025, the Ad Hoc Hearing Committee considered the matter pursuant to the default procedures of D.C. Bar Rule XI, § 8(f) and Board Rule 7.8. Respondent appeared at the remote hearing via Zoom, but he did not file a post-hearing brief or an exception to the Hearing Committee Report.[2]

For the reasons stated in the Hearing Committee Report, which we adopt and append hereto, the Board concurs that the evidence is clear and convincing that

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[1] On August 18, 2025, Respondent renewed his annual D.C. Bar registration and did not make any changes to his mailing address or his email address. *See* Appended Hearing Committee Report, Factual Finding 21.

[2] Disciplinary Counsel also did not file an exception. In addition to not filing an exception, Respondent did not file a motion to vacate the order of default with the Hearing Committee, which is permitted within thirty days of the issuance of the Hearing Committee's Report. *See* Board Rule 7.8(g).

Respondent violated D.C. Rules 3.4(c), 8.1(b), and 8.4(d) and D.C. Bar Rule XI, § 2(b)(3) and that Respondent should be suspended for thirty days and be required to prove his fitness to practice law as a condition of reinstatement. We further recommend that Respondent's attention be directed to the requirements of D.C. Bar Rule XI, § 14, and their effect on eligibility for reinstatement. *See* D.C. Bar R. XI, § 16(c).

BOARD ON PROFESSIONAL RESPONSIBILITY

By: Michael E. Tigar

Michael E. Tigar

All members of the Board concur in this Report and Recommendation except Ms. Rice-Hicks, who did not participate.

THIS REPORT IS NOT A FINAL ORDER OF DISCIPLINE*

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
AD HOC HEARING COMMITTEE

In the Matter of:	:	
	:	
GREGORY KRASOVSKY,	:	
	:	
Respondent.	:	Board Docket No. 25-BD-039
	:	Disciplinary Docket No. 2024-D181
A Member of the Bar of the	:	
District of Columbia Court of Appeals	:	
(Bar Registration No. 501333)	:	

REPORT AND RECOMMENDATION OF THE AD HOC HEARING COMMITTEE

Respondent, Gregory Krasovsky, is charged with violating Rules 3.4(c) (knowingly disobeying obligation to a tribunal), 8.1(b) (knowingly failing to respond reasonably to a lawful demand for information from Disciplinary Counsel), and 8.4(d) (serious interference with the administration of justice) of the District of Columbia Rules of Professional Conduct (the "Rules") and D.C. Bar R. XI, § 2(b)(3) (failing to comply with a Court order).

As set forth below, the Ad Hoc Hearing Committee ("Hearing Committee" or "Committee") finds that Disciplinary Counsel has proven all of the charges by clear and convincing evidence and recommends that Respondent be suspended for thirty days, with a requirement that he demonstrate his fitness to practice law, comply with Disciplinary Counsel's subpoena duces tecum, and comply with the Court's Order before reinstatement.

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* Consult the 'Disciplinary Decisions' tab on the Board on Professional Responsibility's website (www.dcattorneydiscipline.org) to view any subsequent decisions in this case.

I. PROCEDURAL HISTORY

On June 24, 2025, Disciplinary Counsel filed a Petition Instituting Formal Disciplinary Proceedings ("Petition") and Specification of Charges ("Specification") against Respondent. On June 30, 2025, a process server was unable to personally serve Respondent with the Petition and Specification and was told by the current tenant that Respondent no longer lived at the residential address he provided in his registration with the D.C. Bar. On July 1, 2025, the process server was unable to serve Respondent at either of two additional addresses that Disciplinary Counsel provided. Respondent did not respond to Disciplinary Counsel's repeated attempts to obtain his agreement for service by email.

On September 10, 2025, the D.C. Court of Appeals granted Disciplinary Counsel's motion for service of the Petition and Specification to two different email addresses belonging to Respondent. *See* DCCA Order, No. 25-BG-0737 (Sept. 10, 2025). On October 6, 2025, Disciplinary Counsel filed a Motion for Default when Respondent failed to file an Answer to the Specification. Despite being served with the Motion for Default, Respondent did not file a response or opposition.

On October 22, 2025, the Hearing Committee Chair issued an order for Disciplinary Counsel to notify Respondent of the entry of its Order of Default and for the scheduling of a default hearing.

On December 3, 2025, a hearing regarding the sufficiency of the *ex parte* proof submitted by Disciplinary Counsel was held via Zoom before the Hearing Committee, pursuant to D.C. Bar R. XI, § 8(f) and Board Rule 7.8(a). Assistant

Disciplinary Counsel Dru M. Foster appeared on behalf of the Office of Disciplinary Counsel, and Respondent appeared *pro se*.

In accordance with procedures for default hearings, *see* Board Rule 7.8(e), Respondent was not allowed to testify or present evidence with respect to the substance of the charged Rule violations. Disciplinary Counsel submitted DCX[1] 1 through DCX 22 in support of the Rule violations.[2] During the sanction phase, Respondent did not present any documentary evidence or witness testimony, but he testified on his own behalf.

On December 8, 2025, the Hearing Committee Chair issued an order memorializing the parties' agreed-upon deadlines for Respondent's motion for a protective order, *see* Tr. 27-29, Disciplinary Counsel's post-hearing brief, Respondent's response brief on sanction, and Disciplinary Counsel's reply brief. Disciplinary Counsel timely filed its Post-Hearing Brief including its proposed findings of fact, conclusions of law, and recommendation as to sanction on January 7, 2026. Respondent, however, failed to file his brief on sanction. Despite his articulated concern about client confidentiality, Respondent never filed a motion for a protective order.

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[1] "DCX" refers to Disciplinary Counsel's exhibits. "Tr." refers to the transcript of the default hearing held on December 3, 2025.

[2] DCX 22 (Affidavit from Senior Manager of Membership at the D.C. Bar) was submitted on December 8, 2025, at the request of the Hearing Committee. *See* Tr. 16-17, 20, 90.

II. FINDINGS OF FACT

The following findings of fact are based on the documentary evidence admitted at the hearing, and these findings of facts are established by clear and convincing evidence. *See* Board Rule 11.6; *In re Cater*, 887 A.2d 1, 24 (D.C. 2005) ("clear and convincing evidence" is "more than a preponderance of the evidence," it is "evidence that will produce in the mind of the trier of fact a firm belief or conviction as to the facts sought to be established").

A. Background

1. Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on November 6, 2006, and assigned Bar number 501333. DCX 1.

2. At all times relevant to this matter, Respondent has been a solo practitioner with an office in Washington, D.C. DCX 3 at 4-5. He also maintains a law practice in Moscow, Russia, where he practices with his wife. *Id.* at 5.

3. On August 26, 2024, Disciplinary Counsel received an overdraft notice from Wells Fargo, notifying the office of an overdraft of Respondent's Interest on Lawyer Trust Account (IOLTA) ending in -5253. DCX 4.

4. Disciplinary Counsel opened a preliminary informal inquiry into the overdraft and, on September 4, 2024, notified Respondent of the inquiry via a notice letter sent to his email address of record, krasovsky@gmail.com. DCX 5; *see* DCX 22.

5. Respondent received the letter and called the assigned Assistant Disciplinary Counsel on the same day, asking for a return call. DCX 6. Another Assistant Disciplinary Counsel returned Respondent's call on September 5, 2024. DCX 7.

6. On October 2, 2024, after reviewing the IOLTA records from Wells Fargo, Disciplinary Counsel notified Respondent that it had initiated a formal investigation based on the overdraft. Disciplinary Counsel requested that Respondent provide his financial records and a substantive written response to the overdraft. Along with the inquiry letter, Disciplinary Counsel enclosed a subpoena duces tecum for the financial records relating to his trust account. The inquiry letter and subpoena were sent to Respondent's email address, krasovsky@gmail.com. Disciplinary Counsel requested that Respondent respond in writing by October 15, 2024. DCX 8.

7. Respondent did not respond by that date, nor did he request an extension. DCX 21 at 2.

8. On October 18, 2024, Respondent spoke with the assigned Assistant Disciplinary Counsel and initially claimed that he had not received the October 2, 2024 letter and subpoena. DCX 21 at 2; *see* DCX 9 at 1. During the call, Respondent confirmed that he had been able to locate the email in his inbox, and the Senior Assistant Disciplinary Counsel agreed to extend the time for his response until November 1, 2024. DCX 9 at 1.

9. On November 1, 2024, Respondent sent an email to Disciplinary Counsel with an attached letter requesting an extension of the due date to respond and to comply with the subpoena based on his medical condition and a family medical emergency. DCX 3 at 1, 4-5. He also claimed that he was unable to provide complete information and the records requested in the subpoena because (1) the records contained confidential information of Russian and Ukrainian clients he represented, (2) they included "Russian state secrets" and (3) disclosure of the names of his Russian clients may put his clients, himself, or his family in danger. *Id.* at 5-11. Respondent provided a written explanation of the overdraft and provided three bank records. *Id.* at 13-14, 27-35. However, he did not produce most of the subpoenaed records, including: additional monthly bank statements, a general register, subsidiary client ledgers, reconciliation records, and financial records for certain client matters. *See id.* at 1, 13-14. He asked for, and was granted, an extension to provide a complete response by November 18, 2024. DCX 10.

10. On November 6, 2024, Disciplinary Counsel sent Respondent a letter agreeing to extend the due date for complete production of records to November 18, 2024. *Id.* Disciplinary Counsel allowed Respondent to maintain the confidentiality of his Russian and Ukrainian clients' names by using a system that designated each client by a number rather than a name. *Id.* at 1. In a phone call with Disciplinary Counsel the next day, Respondent agreed to produce the subpoenaed records by November 18, given the accommodation to maintain the confidentiality of his clients. DCX 12 at 5; DCX 21 at 3; *see* DCX 11 at 1.

11. However, Respondent failed to respond by November 18, 2024, and did not request another extension. DCX 21 at 3-4; *see* Tr. 6-7, 43.

12. On November 21, 2024, Disciplinary Counsel sent Respondent an email requesting his complete response no later than November 27, 2024, and explaining that his failure to cooperate with Disciplinary Counsel might independently form a basis for disciplinary action. DCX 11.

13. Respondent failed to respond by November 27. DCX 21 at 3.

14. On December 11, 2024, Disciplinary Counsel filed with the D.C. Court of Appeals a motion to enforce the subpoena duces tecum dated October 2, 2024. Disciplinary Counsel served the motion on Respondent to his two email addresses: krasovsky@gmail.com and gregory@krasovskylaw.com. DCX 12.

15. Disciplinary Counsel's correspondence was not returned undelivered, and Respondent did not file an opposition or otherwise respond to Disciplinary Counsel's motion to enforce. DCX 21 at 4.

16. On February 13, 2025, the Court issued an Order enforcing Disciplinary Counsel's subpoena duces tecum. Pursuant to the Order, Respondent was required to produce all documents and files described in the subpoena within ten days of the date of the Order. DCX 13 at 2. The Clerk of the Court's office sent a copy of the Order to Respondent on February 13, 2025, by email to three email addresses: krasovsky@gmail.com, gregory@krasovskylaw.com, and krasovsky911@gmail.com, as well as via USPS to his address on file with the D.C. Bar: 1629 K Street NW, Suite 300, Washington, DC 20006. *Id.* at 1.

Disciplinary Counsel also sent the Order to Respondent via email on March 3, 2025. DCX 14.

17. Respondent admitted at the December 3, 2025 hearing that he received the Court's Order and other correspondence, but he did not comply with the Order. *See* Tr.17-18; DCX 21 at 4.

18. On June 24, 2025, Disciplinary Counsel filed the Specification in this matter. DCX 2.

19. Disciplinary Counsel emailed the charges to Respondent the same day, asking if he would consent to service via email, but he never responded. DCX 16 at 1. After attempting personal service at various residential addresses, Disciplinary Counsel filed a motion for permission to serve by alternative means, requesting service on Respondent by email. DCX 18.

20. The Court of Appeals granted Disciplinary Counsel's motion for alternative service on September 10, 2025. The Order deemed service of the charges effective by Disciplinary Counsel's June 24, 2025, email sent to Respondent's email addresses. DCX 19.

21. Respondent had renewed his annual D.C. Bar registration on August 18, 2025. He did not make any changes to any of his contact information which included his mailing address, 1629 K Street NW, Suite 300, Washington, DC 20006, and email address, krasovsky@gmail.com. DCX 20; DCX 22.

22. Despite receiving all correspondence from Disciplinary Counsel, including the Court Order and Specification, Respondent did not contact

Disciplinary Counsel again until the morning of the hearing on December 3, 2025. Tr. 6-7; *see* DCX 21 at 4.

III. CONCLUSIONS OF LAW

Even in default cases, Disciplinary Counsel bears the burden of proving the violation of a Rule of Professional Conduct by clear and convincing evidence. *See* D.C. Bar R. XI, § 8(f); Board Rule 7.8(a); *see also In re Klayman*, 228 A.3d 713, 717 (D.C. 2020) (per curiam); *In re Anderson*, 778 A.2d 330, 335 (D.C. 2001); *In re Thompson*, 579 A.2d 218, 221 (D.C. 1990). Based on the Findings of Fact (FF 1-22), *supra*, we conclude that Disciplinary Counsel has met its burden of proof as to each charge.

A. Disciplinary Counsel Proved that Respondent Violated Rule 3.4(c) (knowingly disobeying his obligations to a tribunal) and D.C. Bar R. XI, § 2(b)(3) (failing to comply with a Court order).

Rule 3.4(c) provides that a lawyer shall not "[k]nowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists." The "knowledge" element requires proof of "actual knowledge of the fact in question," which "may be inferred from circumstances." Rule 1.0(f). D.C. Bar R. XI, § 2(b)(3) provides that "[f]ailure to comply with any order of the Court or the Board" shall be a ground for discipline.

Here, the same conduct establishes the violation of both Rule 3.4(c) and D.C. Bar R. XI, § 2(b)(3). After the D.C. Court of Appeals issued its February 13, 2025 Order enforcing Disciplinary Counsel's subpoena duces tecum, which required Respondent to produce all documents and files described in the subpoena within ten

days of the date of the Order, Respondent did not comply and, to this day, has not complied. The failure to comply with the Order was knowing, as Respondent admitted at the hearing that he received the Court's Order and other correspondence.

Accordingly, Disciplinary Counsel has proven the violations of Rule 3.4(c) and D.C. Bar R. XI, § 2(b)(3) by clear and convincing evidence.

B. Disciplinary Counsel Proved that Respondent Violated Rule 8.1(b) (knowingly failing to respond reasonably to a lawful demand for information from Disciplinary Counsel)

Rule 8.1(b) provides that "a lawyer . . . in connection with a disciplinary matter, shall not . . . knowingly fail to respond reasonably to a lawful demand for information from . . . [a] disciplinary authority . . . ." Thus, a knowing failure to respond to an inquiry from Disciplinary Counsel regarding a disciplinary investigation constitutes a violation of Rule 8.1(b). *See, e.g.*, *In re Lea*, 969 A.2d 881, 888 (D.C. 2009). "Rule 8.1(b) specifically addresses the requirement of responding to [Disciplinary] Counsel as opposed to the more general requirements of Rule 8.4(d)." *In re Rivlin*, Bar Docket Nos. 436-96 *et al.*, at 40 n.20 (BPR Oct. 28, 2002), *recommendation adopted*, 856 A.2d 1086 (D.C. 2004) (per curiam).

Respondent initially responded to the disciplinary investigation but then stopped communicating with Disciplinary Counsel entirely. Respondent ignored correspondence sent by Disciplinary Counsel after November 7, 2024. Respondent, in fact, never produced the requested records, even after appearing at the default hearing on December 3, 2025. *See* ODC Br. at 14; *see also* Tr. 62, 66-67. Accordingly, Disciplinary Counsel has proven the violation of Rule 8.1(b).

C. Disciplinary Counsel Proved that Respondent Violated Rule 8.4(d) (serious interference with the administration of justice).

Rule 8.4(d) provides that it is professional misconduct for a lawyer to "[e]ngage in conduct that seriously interferes with the administration of justice." Failure to respond to Disciplinary Counsel's inquiries and orders of the Board and the Court also constitutes a violation of Rule 8.4(d). Rule 8.4, cmt. [2]; *see, e.g.*, *In re Doman*, 314 A.3d 1219, 1231 (D.C. 2024) (per curiam); *In re Daniels*, 299 A.3d 541, 542 (D.C. 2023) (per curiam) (finding an 8.4(d) violation based on the failure to comply with Board order compelling a response); *In re Thompson*, 195 A.3d 64, 64 (D.C. 2018) (per curiam) (finding an 8.4(d) violation based on failure to comply with Court order compelling a response to subpoena). Failure to respond to Disciplinary Counsel's inquiries may violate Rule 8.4(d) even where Disciplinary Counsel does not first file a motion to compel compliance with its subpoenas. *See Doman*, 314 A.3d at 1231.

The same proven conduct that establishes the violation of Rules 3.4(c) and 8.1(b), *see supra*, supports a finding that Disciplinary Counsel has proven by clear and convincing evidence that Respondent seriously interfered with the administration of justice in violation of Rule 8.4(d).

IV. RECOMMENDED SANCTION

In this case, Disciplinary Counsel has asked the Hearing Committee to recommend the sanction of a thirty-day suspension with a requirement to prove fitness upon any application for reinstatement, and to comply with Disciplinary Counsel's subpoena duces tecum and the Court's Order. For the reasons described below, we agree that this is an appropriate sanction for the Rule violations.

A. Standard of Review

The sanction imposed in an attorney disciplinary matter is one that is necessary to protect the public and the courts, maintain the integrity of the legal profession, and deter the respondent and other attorneys from engaging in similar misconduct. *See, e.g.*, *In re Hutchinson*, 534 A.2d 919, 924 (D.C. 1987) (en banc); *In re Martin*, 67 A.3d 1032, 1053 (D.C. 2013); *Cater*, 887 A.2d at 17. "In all cases, [the] purpose in imposing discipline is to serve the public and professional interests . . . rather than to visit punishment upon an attorney." *In re Reback*, 513 A.2d 226, 231 (D.C. 1986) (en banc) (citations omitted); *see also In re Goffe*, 641 A.2d 458, 464 (D.C. 1994) (per curiam).

The sanction also must not "foster a tendency toward inconsistent dispositions for comparable conduct or . . . otherwise be unwarranted." D.C. Bar R. XI, § 9(h)(1); *see, e.g.*, *Hutchinson*, 534 A.2d at 923-24; *In re Berryman*, 764 A.2d 760, 766 (D.C. 2000).

In determining the appropriate sanction, the Court of Appeals considers a number of factors, including: (1) the seriousness of the conduct at issue; (2) the prejudice, if any, to the client which resulted from the conduct; (3) whether the conduct involved dishonesty; (4) the presence or absence of violations of other provisions of the disciplinary rules; (5) whether the attorney has a previous disciplinary history; (6) whether the attorney has acknowledged his wrongful conduct; and (7) circumstances in mitigation or aggravation. *See, e.g.*, *Martin*, 67 A.3d at 1053 (citing *In re Elgin*, 918 A.2d 362, 376 (D.C. 2007)). The Court also considers "'the moral fitness of the attorney' and 'the need to protect the public, the courts, and the legal profession . . . .'" *In re Rodriguez-Quesada*, 122 A.3d 913, 921 (D.C. 2015) (per curiam) (quoting *In re Howes*, 52 A.3d 1, 15 (D.C. 2012)).

B. Application of the Sanction Factors

1. The Seriousness of the Misconduct

Respondent's misconduct was serious. Respondent has willfully failed to comply with an investigation, despite being given several extensions and accommodations by Disciplinary Counsel. Even after Disciplinary Counsel proposed the use of numbers for identifying Respondent's clients and Respondent agreed to that arrangement, Respondent did not subsequently comply with Disciplinary Counsel's subpoena or the Court of Appeals' Order enforcing that subpoena. His lack of seriousness toward his obligations to the Office of Disciplinary Counsel and the Court of Appeals is serious cause for concern.

2. Prejudice to the Client

At this time, the Committee has no evidence before it to suggest that a client was prejudiced by Respondent's failure to respond to Disciplinary Counsel's request for information during its investigation.

3. Dishonesty

Although the record shows that Respondent stated that he would provide materials to Disciplinary Counsel upon being granted extensions, and then he failed to do so, the Hearing Committee does not believe Disciplinary Counsel has established dishonesty during the disciplinary investigation.

4. Violations of Other Disciplinary Rules

Disciplinary Counsel has not charged any other Rule violations outside of those related to Respondent's misconduct in failing to respond to its requests for information and records.

5. Previous Disciplinary History

Respondent has no previous disciplinary history.

6. Acknowledgement of Wrongful Conduct

Respondent appeared at the December 3, 2025 Zoom video hearing and acknowledged that he had received the Court's Order enforcing the subpoena yet did not comply with the Order, but he did not express remorse or regret that his conduct had interfered with Disciplinary Counsel's investigation. The Hearing Committee believes this factor is neither mitigating nor aggravating.

7. Other Circumstances in Aggravation and Mitigation

Disciplinary Counsel suggests that the additional work involved in attempting to have Respondent cooperate with the disciplinary investigation is an aggravating factor. The Hearing Committee agrees that Respondent's conduct additionally violated Rule 8.4(d) and resulted in a serious interference with the administration of justice, *see supra*, but we do not believe the misconduct constitutes an especially aggravating factor.

B. Sanctions Imposed for Comparable Misconduct

Generally, the Court has imposed discipline of a suspension of 30 to 60 days for comparable misconduct. *See, e.g.*, *Thompson*, 195 A.3d 64 (imposing thirty-day suspension with a fitness requirement for delaying response to Disciplinary Counsel's inquiry letter, failing to respond to the subpoena duces tecum, and failing to comply with Court order compelling a response); *In re Cooper*, 936 A.2d 832 (D.C. 2007) (imposing thirty-day suspension with both a fitness requirement and proof of compliance with subpoena); *In re Scanlon*, 865 A.2d 534 (D.C. 2005) (per curiam) (imposing thirty-day suspension with reinstatement conditioned on responding to the disciplinary complaint and completing six hours of CLE); *In re Pullings*, 724 A.2d 600 (D.C. 1999) (per curiam) (imposing sixty-day suspension, fully stayed in favor of one year of probation with conditions).

The Hearing Committee agrees with Disciplinary Counsel that a thirty-day suspension is within the range for comparable misconduct.

C. Fitness

The purpose of conditioning reinstatement on proof of fitness is "conceptually different" from the basis for imposing a suspension. *Cater*, 887 A.2d at 22. The Court has observed that while a suspension represents "a 'commensurate response to the attorney's past ethical misconduct,' the fitness requirement addresses the concern 'that the attorney's resumption of the practice of law will not be detrimental to the integrity and standing of the Bar, or to the administration of justice, or subversive to the public interest.'" *In re Brown*, 310 A.3d 1036, 1050 (D.C. 2024) (quoting *In re Lattimer*, 223 A.3d 437, 452-53 (D.C. 2020) (per curiam)).

Thus, in *Cater*, the Court held that "to justify requiring a suspended attorney to prove fitness as a condition of reinstatement, the record in the disciplinary proceeding must contain clear and convincing evidence that casts a serious doubt upon the attorney's continuing fitness to practice law." 887 A.2d at 6. Proof of a "serious doubt" involves "more than 'no confidence that a Respondent will not engage in similar conduct in the future.'" *In re Guberman*, 978 A.2d 200, 213 (D.C. 2009). It connotes "real skepticism, not just a lack of certainty." *Id.* (quoting *Cater*, 887 A.2d at 24).[3]

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[3] As the Court explained:

> The fixed period of suspension is intended to serve as the commensurate response to the attorney's past ethical misconduct. In contrast, the open-ended fitness requirement is intended to be an appropriate response to serious concerns about whether the attorney

In addition, the Court found that the following five factors for reinstatement set forth in *In re Roundtree*, 503 A.2d 1215, 1217 (D.C. 1985), should be used in applying the *Cater* fitness standard. They include:

> (a) the nature and circumstances of the misconduct for which the attorney was disciplined;
>
> (b) whether the attorney recognizes the seriousness of the misconduct;
>
> (c) the attorney's conduct since discipline was imposed, including the steps taken to remedy past wrongs and prevent future ones;
>
> (d) the attorney's present character; and
>
> (e) the attorney's present qualifications and competence to practice law.

Cater, 887 A.2d at 21, 25.

When a respondent has not fully participated in disciplinary proceedings, the Court has identified the following three factors as relevant to determining whether there is a "serious doubt" about a respondent's fitness: "(1) the respondent's level of cooperation in the pending proceeding(s), (2) the repetitive nature of the respondent's lack of cooperation in disciplinary proceedings, and (3) other evidence that may reflect on fitness." *Id*. at 25 (citations and internal quotation marks omitted).

> will act ethically and competently in the future, after the period of suspension has run. . . .
>
> . . . [P]roof of a violation of the Rules that merits even a substantial period of suspension is not necessarily sufficient to justify a fitness requirement . . . .

Cater, 887 A.2d at 22.

Here, Respondent did eventually respond, albeit only in part, *see supra* FF 9, to Disciplinary Counsel's letter, but only after the repeated efforts and extensions. Even after service of the Petition and Specification by alternative means, Respondent did not file an Answer. Respondent did not file a response to Disciplinary Counsel's Motion for Default. Although Respondent did appear at the default hearing, which was conducted over Zoom videoconference, he had not responded to Disciplinary Counsel for several months. Finally, despite being given an opportunity to file a late Answer in the Chair's initial Order of Default, as well as a late motion for a protective order and a response brief addressing sanction, as explained at the default hearing, Respondent has not filed any of those pleadings and without further explanation for his failure to do so. Respondent still has not complied with Disciplinary Counsel's request for information or the Court's Order. Accordingly, the Hearing Committee has a serious doubt to Respondent's ability to act within our ethics rules and has a real skepticism of his continuing fitness to practice law, based on both the underlying conduct at issue and his conduct during these disciplinary proceedings.

V. CONCLUSION

For the foregoing reasons, the Committee finds that Respondent violated Rules 3.4(c), 8.1(b), and 8.4(d) of the District of Columbia Rules of Professional Conduct and D.C. Bar R. XI, § 2(b)(3). The Committee recommends that Respondent be suspended for thirty days, with a requirement that he demonstrate his

fitness to practice law and comply with Disciplinary Counsel's subpoena duces tecum and the Court's Order upon any application for reinstatement.

We further recommend that Respondent's attention be directed to the requirements of D.C. Bar R. XI, § 14, and their effect on eligibility for reinstatement. *See* D.C. Bar R. XI, § 16(c).

AD HOC HEARING COMMITTEE

Erik T Koons

Erik T. Koons, Chair

Lisa M. Harger

Lisa Harger, Public Member

Suzanne Curt

Suzanne Grealy Curt, Attorney Member