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

In the Matter of:	:	
	:	
AARON E. PRICE, SR.,	:	
	:	Board Docket No. 24-ND-011
Respondent.	:	Disciplinary Docket No. 2022-D220
	:	
A Member of the Bar of the	:	
District of Columbia Court of Appeals	:	
(Bar Registration No. 489057)	:	

REPORT AND RECOMMENDATION OF THE AD HOC HEARING COMMITTEE APPROVING PETITION FOR NEGOTIATED DISCIPLINE

I. PROCEDURAL HISTORY

This matter came before the Ad Hoc Hearing Committee on March 16, 2026, for a limited hearing on the Amended Petition for Negotiated Discipline (the "Petition"). The members of the Hearing Committee are Michele Spencer, Chair; Roxanne Littner, Public Member; and John McGlothlin, Attorney Member.[1] The Office of Disciplinary Counsel was represented by Assistant Disciplinary Counsel Eby Kalantar. Respondent, Aaron E. Price, Sr., was represented by David Stratton, Esquire.

The Hearing Committee has carefully considered the Petition signed by Disciplinary Counsel, Respondent, and Respondent's counsel; the supporting

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[1] Due to unforeseen circumstances, Ms. Littner was unable to be present during the limited hearing. The parties have consented to Ms. Littner's participation in this decision. *See* Board Rules 17.4(e) and 7.12.

affidavit submitted by Respondent (the "Affidavit"); the representations during the limited hearing made by Respondent, Respondent's counsel, and Disciplinary Counsel; and the oral statement of the complainant, taken pursuant to Board Rule 17.4(a). The Hearing Committee also has fully considered the Chair's *in camera* review of Disciplinary Counsel's files and records, and *ex parte* communications with Disciplinary Counsel. For the reasons set forth below, the Hearing Committee finds that the negotiated discipline of a 120-day suspension with 60 days stayed in favor of a one-year period of probation, with conditions including a fitness requirement if Respondent does not successfully complete his probation, is justified and recommends that it be imposed by the Court.

II. FINDINGS PURSUANT TO D.C. BAR RULE XI, § 12.1(c) AND BOARD RULE 17.5

The Hearing Committee, after full and careful consideration, finds that:

1. The Petition and Affidavit are full, complete, and in proper order.

2. Respondent is aware that there is currently pending against him an investigation into allegations of misconduct. Tr. 18[2]; Affidavit ¶ 2.

3. The allegations that were brought to the attention of Disciplinary Counsel are that Respondent violated District of Columbia Rules of Professional Conduct ("D.C. Rules" or "Rules") Rule 1.1(a) (competence); Rule 1.1(b) (skill and care); Rule 1.3(a) (diligence); Rule 3.3(a) (knowing false statements to tribunal);

[2] "Tr." refers to the transcript of the limited hearing held on March 16, 2026.

Rule 8.4(c) (dishonesty); and Rule 8.4(d) (conduct that seriously interferes with the administration of justice). Petition at 12.

4. Respondent has freely and voluntarily acknowledged that the material facts and misconduct reflected in the Petition are true. Tr. 18-24; Affidavit ¶¶ 4, 6. Specifically, Respondent acknowledges that:

> (1) Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted by motion on September 17, 2004, and assigned Bar number 489057.
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> (2) At all relevant times, Respondent was a solo practitioner at the Law Office of Aaron E. Price, Sr., PLLC.
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> (3) A.B. is a resident at a D.C. nursing home. In 2020, A.B. was a part-owner of a residential property in D.C. The Property was subject to delinquent property taxes and other liabilities, and A.B. was sued in a tax lien foreclosure action in D.C. Superior Court, Case No. 2017-CA-001502-LRP. A.B.'s son was her designated financial power of attorney. In or around January 2020, A.B.'s son retained an attorney, Craig A. Butler, Esquire, who appeared in the Tax Lien Action on behalf of A.B.
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> (4) Questions arose about A.B.'s mental capacity, and A.B.'s nursing home opened an intervention proceeding in the D.C. Superior Court Probate Division, Case No. 2019 INT 000519. Julie Rones, Esquire, was appointed A.B.'s counsel in the Probate Matter.
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> (5) On March 5, 2020, the Probate Court appointed Respondent as guardian for A.B. ("the ward"), and Ms. Rones was removed as counsel. The probate judge declined to appoint a conservator at that time. Instead, the probate judge directed Respondent to "examine whether a Petition for Conservator should be filed," as the ward "apparently owns real property in Washington, D.C. that is subject to back taxes and liens."
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> (6) Respondent was a member of the Probate Fiduciary Panel, whose members are provided training on probate rules, including the

respective roles of guardians and conservators. Nevertheless, the guardianship order advised Respondent of his responsibilities as guardian under D.C. Code, sec. 21-2047, which included the care, custody, and control of the ward. By contrast, a conservator's powers and duties include marshalling all assets of the ward; posting and maintaining a surety bond; appraising, managing, and disposing of real property; retaining professionals to manage the ward's assets; settling claims; and complying with the court's reporting and accounting requirements. *See* D.C. Code, sec. 21-2051, *et seq*. The probate court also issued Letters of General Guardianship to Respondent which outlined his powers and duties of guardians. Respondent accepted his appointment as guardian.

(7) On March 7, 2020, Respondent attempted to electronically file a Petition for Conservator, but the Clerk's office rejected the filing and notified Respondent that he must file the petition in person or by letter, along with a filing fee. Respondent never sought to refile the petition or pay the filing fee, and the court did not appoint Respondent or anyone else conservator for the ward.

(8) On April 24, 2020, Respondent filed a sworn Guardianship Plan in the Probate Matter, in which he stated that he did not have control over any of the ward's assets or funds. In the months that followed, however, Respondent would in fact exercise control over the ward's Property and other assets.

(9) First, in or around May 2020, Respondent retained Mr. Butler to "continue his representation of [the ward]" in that action, to negotiate with an estate that owned the other share of the Property, and to have the Property appraised and sold. He agreed to pay Mr. Butler a flat fee of $12,000 from the proceeds of the sale.

(10) Then, on May 5, 2020, Respondent wrote to the ward's son and advised him that he had been appointed guardian of the ward and that all powers of attorney that the son had in connection with the ward were revoked. Respondent solicited the son's interest in purchasing his mother's share of the Property and stated that if he was unwilling or unable to purchase the Property, that Respondent had "authorized" Mr. Butler to conduct an appraisal and to solicit offers.

(11) Finally, Respondent had additional conversations with the ward's son and others concerning the sale of the Property. By July 20, 2020, a buyer had offered to purchase the Property.

(12) Respondent lacked authority as guardian to take action with respect to the Property and the Tax Lien Action or to authorize Mr. Butler to do so.

(13) Respondent also did not alert the probate court that he had revoked the ward's son's financial power of attorney. Respondent never sought the probate court's permission to sell the Property.

(14) On September 1, 2020, Respondent filed a sworn semiannual report in the Probate Matter. In a footnote next to "Subject's Conservator," Respondent disclosed the status of the Property, including that the ward might receive money from the sale of the Property. However, Respondent falsely stated that he "**DID NOT** have possession or control of any of the subject's estate during the reporting period." (emphasis in original). Respondent believed that Mr. Butler was responsible for handling the ward's property, but Respondent knew that the ward still had an ownership interest in the Property, and Respondent was exercising control over it. He would continue to do so.

(15) Days later, on September 5, 2020, Respondent executed a contract for the sale of the Property for $405,000, purportedly in his capacity as the ward's guardian.

(16) In October 2020, Respondent, again as guardian, wrote to the D.C. government to obtain a tax exemption for the Property.

(17) On November 18, 2020, once more as guardian, Respondent executed a deed purporting to sell the Property. A week later, the Tax Lien Action was dismissed.

(18) Respondent's actions as guardian were improper and unauthorized:

> Respondent negotiated the settlement and conveyed it to a buyer without having been appointed conservator and without furnishing a bond; the probate court never authorized, directed,

or ratified disposition of the Property; and instead of filing a conservator letter with the Recorder of Deeds, Respondent improperly filed his guardianship letters. Respondent incorrectly believed that he, through Mr. Butler, was authorized to convey the property as guardian.

(19) On December 4, 2020, Respondent opened a PNC Bank account under his and the ward's name (ending x9913). At all relevant times, he maintained and was sole signatory for the Account.

(20) That day, Respondent received $88,036.62 in connection with the sale of the Property, which equaled the ward's net proceeds for her share. Respondent deposited the proceeds into the Account.

(21) Respondent did not establish or place any of the proceeds in the probate court's registry or in a Medicaid trust in order to maintain the ward's Medicaid eligibility. Likewise, Respondent did not notify the D.C. Department of Health Care Finance of the transaction.

(22) On March 10, 2021, notwithstanding his receipt of the sale proceeds for the Property, Respondent filed a second sworn semiannual report in the Probate Matter in which he falsely stated that he "**DID NOT** have possession or control of any of the subject's estate during the reporting period." (emphasis in original). Respondent also falsely stated that the "Total Amount Received and Source" and "Balance currently in my possession or control and location" were "N/A." Respondent omitted any information about the "Subject's Conservator" or the Property, unlike his prior semi-annual report in which he included a footnote that disclosed the status of the Property. Respondent also did not disclose that he held the ward's proceeds in the Account. In preparing the second sworn semiannual report, Respondent re-used previous filings without verifying the accuracy of the information before filing it.

(23) On April 2, 2021, Respondent filed a sworn petition for compensation of guardian. Respondent attached a billing statement that referenced the sale of the Property. However, Respondent falsely stated that the size of the administered estate was "Zero ($0.00)" and that the ward had no assets. In fact, Respondent knew that he had administered

the Property, and he continued to hold the ward's proceeds in the Account.

(24) In July 2021, after the deed had been recorded, the title company for the Property discovered that Respondent executed the deed in his capacity as guardian and not as conservator, which created a cloud on the title. The title company notified Respondent, and he agreed to file a petition seeking his appointment as conservator to correct the title defect.

(25) On September 1, 2021, Respondent filed a sworn petition for his appointment as conservator for the ward, in which he stated:

> [The ward] owns approximately 50% of real property located in Washington, DC ... The property is jointly owned with her cousins. The property's condition was blighted and subject to approximately $150,000 in delinquent property taxes. A tax lien/foreclosure has been initiated. Property tax value is $350,000.00. Accordingly ask bond to be set at $350,000.00.

Respondent's assertions were false or misleading. Respondent omitted that he had already entered into a contract to convey the Property, the Property had been sold, the delinquent property taxes had been satisfied, the tax lien case was dismissed, he held the proceeds from the sale in the Account he controlled, and he was advised that he had created a cloud on the title. In the petition, Respondent asked "that no hearing be set."

(26) The next day, counsel for the title company emailed Respondent and requested that he clarify his statements in the petition. That day, Respondent replied to the title company that the Tax Lien Action had been resolved and that the Property had been sold. But, Respondent did not make any disclosures to the court, including correcting the false or misleading statements in the conservatorship petition.

(27) To the contrary, on September 6, 2021, Respondent filed a third sworn semiannual report, in which he stated that he was "not the conservator," but then falsely added that he had "**NOT** handled the ward's funds." (emphasis in original). Respondent provided a footnote in which he falsely stated:

> On information and belief, the subject current[ly] owns approximately 60 percent interest in [the Property]. The [P]roperty is subject to massive tax liens and currently pending a foreclosure proceeding. Notwithstanding, if the subject realizes any proceeds from the ultimate sale of the property the guardian will satisfy any Medicaid/medicare or nursing home obligations and establish a guardianship account if there are any remaining proceeds.

Respondent further represented that "Management of the ward's finances" were "N/A" and that the "[n]ursing home receives and manages the ward's funds." Respondent believed that there was now a question about the validity of the sale. However, Respondent knew that he had at least attempted to sell the Property, the tax lien case was dismissed, the ward had already realized proceeds from the purported sale of the Property, Respondent had already established an Account, and Respondent was holding the proceeds in that Account.

(28) The probate court issued an order re-appointing Ms. Rones as the ward's attorney, re-appointing the prior guardian *ad litem*, and setting a hearing for November 17, 2021.

(29) On November 12, 2021, the title company filed a petition requesting to participate in the Probate Matter, in which the title company disclosed the details surrounding the sale of the Property to the probate court for the first time. Ms. Rones filed a motion for Show Cause requesting an evidentiary hearing to examine Respondent's actions.

(30) On November 15, 2021, Respondent filed a response to the filings, in which he admitted selling the Property and holding the ward's proceeds in the Account.

(31) On November 17, 2021, the probate court conducted a hearing. Respondent agreed to resign as the ward's guardian. The probate court later appointed a conservator and successor guardian and referred the matter to the Office of the Auditor-Master. The probate court directed the Auditor-Master to "investigate and report on the propriety of the sale of [the ward]'s real property and, generally the management of her finances."

(32) On November 18, 2021, Respondent filed his final sworn report of guardian in which he correctly stated: "I am **NOT** the conservator and **have** handled the ward's funds." (emphasis in original).

(33) The Auditor-Master produced a report finding that Respondent may have breached his fiduciary duty by selling the Property without the authority to do so.

(34) On December 19, 2022, Ms. Rones filed a complaint against Respondent to the Office of Disciplinary Counsel.

(35) A year later, Respondent, the ward's successor guardian and conservator, and other parties entered a settlement agreement that clarified the title and resolved the other actual or potential harm to the ward on account of Respondent's misconduct.

The Rule Violations

(36) Respondent agrees that he violated the following District of Columbia Rules of Professional Conduct:

a. Rule 1.1(a), in that he failed to provide competent representation to his client;

b. Rule 1.1(b), in that he failed to serve his client with the skill and care commensurate with that generally afforded to clients by other lawyers in similar matters;

c. Rule 1.3(a), in that Respondent failed to represent his client diligently;

d. Rule 3.3(a), in that Respondent knowingly made a false statement of fact to the probate court and/or failed to correct a false statement of material fact previously made to the probate court;

e. Rule 8.4(c), in that Respondent engaged in conduct involving intentional or reckless dishonesty, fraud, deceit, or misrepresentation; and

f. Rule 8.4(d), in that Respondent engaged in conduct that seriously interfered with the administration of justice.

Petition at 2-12.

5. Respondent is agreeing to the disposition because Respondent believes that he cannot successfully defend against discipline based on the stipulated misconduct. Tr. 17-18; Affidavit ¶ 5.

6. Disciplinary Counsel has made no promises to Respondent other than what is contained in the Petition. Affidavit ¶ 7. Those promises are that Disciplinary Counsel agrees not to pursue any charges arising out of the conduct described in Section II of the Petition other than those set forth in the Petition or any other sanction other than that set forth above. Petition at 13. Respondent confirmed during the limited hearing that there have been no other promises or inducements other than those set forth in the Petition. Tr. 22.

7. Respondent has conferred with his counsel. Tr. 10-11; Affidavit ¶ 1.

8. Respondent has freely and voluntarily acknowledged the facts and misconduct reflected in the Petition and agreed to the sanction set forth therein. Tr. 19-22; Affidavit ¶¶ 4, 6.

9. Respondent is not being subjected to coercion or duress. Tr. 23; Affidavit ¶ 6.

10. Respondent is competent and was not under the influence of any substance or medication that would affect his ability to make informed decisions at the limited hearing. Tr. 11-12.

11. Respondent is fully aware of the implications of the disposition being entered into, including, but not limited to, the following:

> a) he has the right to consult with counsel (and has done so) prior to entering this negotiated disposition;
>
> b) he will waive his right to cross-examine adverse witnesses and to compel witnesses to appear on his behalf;
>
> c) he will waive his right to have Disciplinary Counsel prove each and every charge by clear and convincing evidence;
>
> d) he will waive his right to file exceptions to reports and recommendations filed with the Board and with the Court;
>
> e) the negotiated disposition, if approved, may affect his present and future ability to practice law;
>
> f) the negotiated disposition, if approved, may affect his bar memberships in other jurisdictions; and
>
> g) any sworn statement by Respondent in his affidavit or any statements made by Respondent during the proceeding may be used to impeach his testimony if there is a subsequent hearing on the merits.

Tr. 13-17; Affidavit ¶¶ 1, 9, 10, 12.

12. Respondent and Disciplinary Counsel have agreed that the sanction in this matter should be a 120-day suspension with 60 days stayed in favor of a one year period of probation, with conditions that

> a) within the first 60 days of the one-year probationary period, Respondent shall attend six hours of continuing legal education courses in ethics and probate, approved by Disciplinary Counsel, and provide written confirmation of his attendance;
>
> b) during the entire one-year period, Respondent shall not be found to have engaged in any misconduct in this or any other jurisdiction; and

> c) Respondent will not need to show fitness upon any application for reinstatement, provided that he has successfully completed probation and the agreed-upon conditions.

Petition at 13-14; Tr. 25-27.

13. Respondent further understands that he must file with the Court an affidavit pursuant to D.C. Bar Rule XI, § 14(g) in order for his suspension to be deemed effective for purposes of reinstatement. Affidavit ¶ 15; Tr. 24-25.

14. If Disciplinary Counsel has probable cause to believe that Respondent has violated any of the terms of his probation, Disciplinary Counsel may seek to revoke Respondent's probation pursuant to D.C. Bar Rule XI, §3 and Board Rule 18.3, and request that Respondent be required to serve the suspension previously stayed herein, consecutively to any other discipline or suspension that may be imposed, and that his reinstatement to the practice of law will be conditioned upon a showing of fitness. Petition at 13-14; Tr. 26-27.

15. Respondent shall not be required to inform his clients of the probationary period. Tr. 25; *see* D.C. Bar R. XI, § 3(a)(7).

16. The parties have stipulated to the following circumstances in mitigation, which the Hearing Committee has taken into consideration: 1) Respondent was not motivated by any personal gain; 2) Respondent has acknowledged his misconduct and has demonstrated remorse; 3) Respondent has fully compensated the ward per the parties' settlement agreement; 4) Respondent has no prior misconduct; 5) Respondent has fully cooperated with Disciplinary Counsel, including by meeting with Disciplinary Counsel; and 6) in 2020,

Respondent was dealing with his own cancer diagnosis and treatment. Petition at 17; Affidavit ¶ 14; Tr. 23-24.

17. The complainant, Ms. Rones, made oral statements during the limited hearing pursuant to Board Rule 17.4(a). Ms. Rones provided her opinion on the following information, which the Hearing Committee has taken into consideration: 1) the tax sale purchasers likely would have prevailed had Respondent not directed the sale of the ward's real property and 2) Respondent's intent was to act in the ward's best interest. Tr. 28-29.

III. DISCUSSION

The Hearing Committee shall recommend approval of a petition for negotiated discipline if it finds:

> (1) The attorney has knowingly and voluntarily acknowledged the facts and misconduct reflected in the petition and agreed to the sanction set forth therein;
>
> (2) The facts set forth in the petition or as shown at the hearing support the admission of misconduct and the agreed upon sanction; and
>
> (3) The sanction agreed upon is justified. . . .

D.C. Bar R. XI, § 12.1(c)(1)-(3); *see also* Board Rule 17.5(a)(i)-(iii).

A. Respondent Has Knowingly and Voluntarily Acknowledged the Facts and Misconduct and Agreed to the Stipulated Sanction.

The Hearing Committee finds that Respondent has knowingly and voluntarily acknowledged the facts and misconduct reflected in the Petition and agreed to the sanction therein. Respondent, after being placed under oath, admitted the stipulated facts and charges set forth in the Petition, and denied that he is under duress or has been coerced into entering into this disposition. *See supra* Paragraphs 8-9. Respondent understands the implications and consequences of entering into this negotiated discipline. *See supra* Paragraph 11.

Respondent has acknowledged that any and all promises that have been made to him by Disciplinary Counsel as part of this negotiated discipline are set forth in writing in the Petition and that there are no other promises or inducements that have been made to him. *See supra* Paragraph 6.

B. <u>The Stipulated Facts Support the Admission of Misconduct and the Agreed-Upon Sanction.</u>

The Hearing Committee has carefully reviewed the facts set forth in the Petition and established during the hearing and concludes that they support the admission of misconduct and the agreed-upon sanction. Moreover, Respondent is agreeing to this negotiated discipline because he believes that he could not successfully defend against the misconduct described in the Petition. *See supra* Paragraph 5.

With regard to the second factor, the Petition states that Respondent violated D.C. Rule 1.1(a) (competence); Rule 1.1(b) (skill and care); Rule 1.3(a) (diligence); Rule 3.3(a) (knowing false statements); Rule 8.4(c) (dishonesty); and Rule 8.4(d) (conduct that seriously interferes with the administration of justice). Petition at 12.

The evidence supports Respondent's admission that he violated Rule 1.1(a) and Rule 1.1(b) in that the stipulated facts describe 1) Respondent's failure to properly file a petition to be appointed as a conservator for the ward for whom he was appointed guardian after his initial filing was rejected, 2) Respondent's execution of a deed to sell the real property of such ward without the legal authority, and 3) Respondent's failure to properly inform the probate court of his actions with respect to the Property, including Respondent's filing of multiple reports in the Probate Matter of such ward which incorrectly described his control of the ward's real property, the proceeds of the sale, and other information with respect to the Property.

The evidence supports Respondent's admission that he violated Rule 1.3(a) in that the stipulated facts describe 1) Respondent taking no action after his filing to be appointed as conservator was rejected, and 2) Respondent providing false statements in his reports to the probate court, including in the second semiannual statement in which he which re-used previous filings without verifying the accuracy of the information before filing it.

The evidence supports Respondent's admission that he violated Rule 3.3(a) in that the stipulated facts describe 1) multiple instances in which Respondent knowingly provided false statements to the probate court with respect to the real property in his semiannual statements, and 2) Respondent knowingly including incorrect information with respect to the status of the real property and the related proceeds in his petition for his appointment as conservator for the ward after the title company requested that he file the petition to correct the title defect.

The evidence supports Respondent's admission that he violated Rule 8.4(c) in that the stipulated facts describe 1) Respondent informing the ward's son that the son's power of attorney had been revoked when the Respondent did not have the authority to revoke such financial power of attorney, and 2) Respondent including incorrect information in his reports and petition for appointment as conservator to the probate court.

The evidence supports Respondent's admission that he violated Rule 8.4(d) in that the stipulated facts describe 1) Respondent's sale of the ward's real property without authorization which created a cloud on the title, and 2) his inclusion of false statements in his petition for his appointment as conservator to correct the title defect.

C. The Agreed-Upon Sanction Is Justified.

The third factor the Hearing Committee must consider is whether the sanction agreed upon is justified. *See* D.C. Bar R. XI, § 12.1(c); Board Rule 17.5(a)(iii) (explaining that hearing committees should consider "the record as a whole, including the nature of the misconduct, any charges or investigations that Disciplinary Counsel has agreed not to pursue, the strengths or weaknesses of Disciplinary Counsel's evidence, any circumstances in aggravation and mitigation (including respondent's cooperation with Disciplinary Counsel and acceptance of responsibility), and relevant precedent"); *In re Johnson*, 984 A.2d 176, 181 (D.C. 2009) (per curiam) (providing that a negotiated sanction may not be "unduly lenient").

Based, (a) on the record as a whole, including the stipulated circumstances in mitigation, the Hearing Committee Chair's *in camera* review of Disciplinary Counsel's investigative file and *ex parte* discussion with Disciplinary Counsel, and the Committee's review of relevant precedent; and (b) Respondent's and complainant's testimony at the limited hearing, which this Committee finds credible and genuine, the Hearing Committee concludes that the agreed-upon sanction is justified and not unduly lenient, for the following reasons:

1. Respondent's misconduct is limited to this single matter and is not a part of a pattern of misconduct.
2. Respondent's actions seem to be taken in good faith, and his misconduct does not appear to be willful or intentional.
3. Respondent has no prior discipline, and he has cooperated fully in this investigation.
4. Respondent accepted responsibility and has entered into a settlement agreement that clarified the title and resolved the other actual or potential harm to the ward on account of Respondent's misconduct.
5. The sanction here is also in line with cases involving comparable misconduct. *See, e.g.*, *In re Chapman*, 962 A.2d 922, 923, 926-27 (D.C. 2009) (per curiam) (60-day suspension, with 30 days stayed in favor of one year probation with terms, for incompetence and neglect with aggravating factor of dishonesty toward Disciplinary Counsel); *In re Cole*, 967 A.2d 1264, 1265, 1267-69 (D.C. 2009) (30-day suspension to lawyer with no prior misconduct, for neglect, failing to communicate, and repeated misrepresentations to cover up his neglect and the status of the case); *In re Outlaw*, 917 A.2d 684, 688-89 (D.C. 2007) (per curiam) (60-day

suspension where attorney neglected the client's matter, lied to client about claim after allowing statute of limitations to lapse and did not accept responsibility); *In re Parshall*, 878 A.2d 1253, 1254 (D.C. 2005) (per curiam) (18-month suspension where attorney made repeated false statements in court filings and submitted fabricated evidence to the court); *In re Uchendu*, 812 A.2d 933, 934-36, 942 (D.C. 2002) (30-day suspension with CLE requirement where the lawyer filed fifteen verified documents to probate court on which he improperly signed his client's names—albeit with client permission—and notarized his own signatures); *In re Vohra*, 762 A.2d 544, 544-45 (D.C. 2000) (per curiam) (30-day stayed suspension, with probationary terms, for neglect, misrepresentations about his neglect, and allowing his firm to seek reimbursement for fees not incurred; respondent's depression during the relevant period served to mitigate the sanction); *In re Ontell*, 724 A.2d 1204, 1204-05 (D.C. 1999) (per curiam) (90-day suspension with 60 days stayed in favor of probation for incompetence, neglect, and conduct that seriously interferes with the administration of justice); *In re Phillips*, Bar Docket No. 499-95, at 2-4, 17-18 (BPR June 23, 1997) (recommending 60-day suspension for misconduct involving the respondent's failure to disclose money received from his client in a criminal forfeiture proceeding; a sanction recommendation that the Board recognized as "toward the lower end of the spectrum"), *recommendation adopted where no exceptions filed*, 705 A.2d

690, 691 (D.C. 1998) (per curiam); *In re Reback*, 513 A.2d 226, 228-29, 232-33 (D.C. 1986) (six-month suspension for failure to tell client that her case had been dismissed and falsely signing, notarizing, and filing a pleading).

IV. CONCLUSION AND RECOMMENDATION

For the reasons stated above, it is the recommendation of this Hearing Committee that the negotiated discipline be approved and that the Court should impose a 120-day suspension with 60 days stayed in favor of a one year period of probation, with conditions including a fitness requirement if Respondent does not successfully complete his probation.[3]

AD HOC HEARING COMMITTEE

Michele Spencer

Michele Spencer, Chair

Roxanne Littner

Roxanne Littner, Public Member

John E. McGlothlin

John McGlothlin, Attorney Member

[3] If Respondent fails to comply with the terms of probation, we would have a serious doubt about his continuing fitness to practice law. *See In re Cater*, 887 A.2d 1, 6 (D.C. 2005). Accordingly, the sanction is justified also in light of the parties' agreement that he would need to show fitness upon any reapplication for reinstatement if probation is not successfully completed. *See, e.g.*, *In re Fox*, 66 A.3d 548, 555-56 (D.C. 2013) (imposing a conditional fitness requirement); *In re Bettis*, 855 A.2d 282, 290 (D.C. 2004) (same).