DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
HEARING COMMITTEE NUMBER SIX

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Board on Professional Responsibility

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| In the Matter of: | : | |
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| KISSINGER N. SIBANDA, | : | |
| | : | Board Docket No. 25-BD-061 |
| Petitioner. | : | Disciplinary Docket No. 2025-D172 |
| | : | |
| A Suspended Member of the Bar of the | : | |
| District of Columbia Court of Appeals | : | |
| (Bar Registration No. 1017426) | : | |

REPORT AND RECOMMENDATION OF
HEARING COMMITTEE NUMBER SIX

This is a contested proceeding on Dr. Kissinger N. Sibanda's ("Petitioner's") Petition for Reinstatement filed October 21, 2025 (the "Petition"). Petitioner was admitted to the District of Columbia Bar on December 9, 2013, but was suspended with fitness on August 21, 2025. Disciplinary Counsel's Exhibit ("DCX") 1; *In re Sibanda*, 341 A.3d 598 (D.C. 2025). Petitioner's suspension resulted from his unauthorized disclosure of information obtained from a former prospective client. *Sibanda*, 341 A.3d at 600, 605.

Based on the Petition, Petitioner's supplements thereto, Disciplinary Counsel's Answer, the testimony elicited at the evidentiary hearing, the exhibits, and the written briefs submitted by the parties, this Hearing Committee concludes that Petitioner has not met his burden of proving, by clear and convincing evidence, that he is presently fit to resume the practice of law under D.C. Bar R. XI, § 16(d) and the factors enumerated by *In re Roundtree*, 503 A.2d 1215 (D.C. 1985). Though

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

unanimous on this conclusion, the Chair dissents from the Committee's finding that Petitioner does not have the present qualifications and competence to practice law.

## I. PROCEDURAL HISTORY

### A. Prior Disciplinary Proceedings

Petitioner[1] was originally charged with violating New York and/or D.C. Rules of Professional Conduct 1.6(a) (disclosing client confidences and secrets), 1.18(b) (disclosing information learned in consultation with prospective client), and 8.4(d) (conduct prejudicial to and/or serious interference with the administration of justice). *In re Sibanda*, Board Docket No. 23-BD-024, at 1 (HC Rpt. Jan. 26, 2024). Throughout the proceedings, Petitioner represented himself while the Office of Disciplinary Counsel was represented by Assistant Disciplinary Counsel Dru M. Foster. After an evidentiary hearing, an Ad Hoc Hearing Committee issued its Report and Recommendation on January 26, 2024, finding that Petitioner had violated New York Rule 1.18(b) and recommending that he be suspended for thirty days with a requirement to prove fitness before reinstatement. *Id.* at 73. Specifically, the Committee concluded that Petitioner revealed a prospective client's secrets by publicly (1) revealing his assessment of the prospective client's case based on information gained during an initial consultation, and (2) accusing the former prospective client of being racist and antisemitic. *Id.* at 37-43. On July 30, 2024, the Board on Professional Responsibility (the "Board") also found a violation of New

[1] Although he was the Respondent in the prior disciplinary proceedings, for the sake of consistency, the Hearing Committee shall refer to Dr. Sibanda as Petitioner in this Report.

York Rule 1.18(b), but only on the first basis, and recommended a thirty-day suspension with reinstatement conditioned on completion of CLE courses rather than proof of fitness. *Sibanda*, Board Docket No. 23-BD-024, at 20-22, 37. On August 21, 2025, the District of Columbia Court of Appeals ("the Court") concluded that Disciplinary Counsel proved a violation of New York Rule 1.18 on the same basis as the Board, but imposed the fitness requirement recommended by the Ad Hoc Hearing Committee. *Sibanda*, 341 A.3d at 605-06. The Court reasoned that a fitness requirement was appropriate given Petitioner's failure to accept responsibility or appreciate the seriousness of his conduct, demonstrated through a pattern of behavior before the Ad Hoc Hearing Committee and extending through oral argument before the Court and post-argument filings. *Id.* at 608-09.

B. The Instant Proceedings

Petitioner filed the instant Petition on October 21, 2025, and he filed addenda and supplements on November 17, November 24, December 3, December 8, December 19, December 22, and December 26, 2025, as well as on January 20, and February 19, 2026. On March 18, 2026, an evidentiary hearing was held in this matter before Hearing Committee Number Six ("the Hearing Committee"), consisting of Daniel Portnov (Chair), Sally Winthrop (Public Member), and Morton J. Posner (Attorney Member). Again, Petitioner appeared pro se, and the Office of Disciplinary Counsel was represented by Assistant Disciplinary Counsel Dru Foster. Both parties presented documentary evidence, testimony, and oral argument. The following exhibits were admitted into evidence: Petitioner's Exhibits ("PX") 1-40, and DCX 1-44. Petitioner filed a post-hearing brief on April 15, 2026. Disciplinary Counsel filed its post-hearing brief on May 1, 2026, and Petitioner filed a reply brief later that day.[2]

## II. LEGAL STANDARD

D.C. Bar R. XI, § 16(d)(1) sets forth the legal standard for reinstatement, placing upon Petitioner the burden of proving—by clear and convincing evidence—that: (a) he "has the moral qualifications, competency, and learning in law required for readmission"; and (b) his "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." 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."' *In re Cater*, 887 A.2d 1, 24 (D.C. 2005) (quoting *In re Dortch*, 860 A.2d 346, 358 (D.C. 2004)). *Roundtree* remains the seminal precedent in this area, identifying five nonexclusive factors guiding any reinstatement determination:

> 1. the nature and circumstances of the misconduct for which the attorney was disciplined;
> 2. whether the attorney recognizes the seriousness of the misconduct;
> 3. the attorney's [post-discipline conduct], including steps

[2] Petitioner made several additional post-hearing filings: a Post Argument Letter on March 23, 2026, a Notice of Registration for a Pro Bono Event on May 18, 2026, a Notice of Post Hearing Case Citation on May 19, 2026, and a supplement to the Notice of Registration for a Pro Bono Event on May 22, 2026. The Hearing Committee has reviewed and considered these filings.

taken to remedy past wrongs and prevent future ones;

4. the attorney's present character; and

5. the attorney's present qualifications and competence to practice law.

503 A.2d at 1217.

Based on the following findings of fact and conclusions of law, we find that the evidence before the Hearing Committee, in light of the *Roundtree* factors, fails to establish clear and convincing evidence that Petitioner is fit to resume the practice of law and, for the reasons set forth below, we recommend that his Petition be denied.

## III. FINDINGS OF FACT

### A. Background

1. Petitioner is a member of the District of Columbia Bar, having been admitted on December 9, 2013, and subsequently assigned Bar number 1017426. DCX 1.

2. Prior to this underlying misconduct, Petitioner had no disciplinary record or even disciplinary charges filed against him. *See* DCX 5 at 56.

3. Petitioner has earned four law degrees: a Bachelor of Laws (with Honors), University of London; two Masters of Laws (Temple University and California Western University); and an SJD (PhD equivalent) from Suffolk University. DCX 2 at 72-73, 103-05; Tr. 29.

4. At all times relevant to this proceeding, Petitioner had a virtual law office. He worked from his home and appeared in the various courts in which he was admitted. *See* Tr. 101; DCX 5 at 9.

B. Petitioner's Representation and Dispute with Karim Annabi

5. On April 16, 2022, Petitioner responded to a Craigslist ad posted by Karim Annabi. Mr. Annabi was seeking a federal litigation attorney to assist him with a federal case against New York University ("NYU") Stern School of Business. DCX 5 at 9.

6. Between April 16-17, 2022, Petitioner and Mr. Annabi exchanged emails about the potential case and set up a consultation call. Mr. Annabi sent Petitioner information about his case in preparation for the consultation and asked Petitioner if he would be willing to accept the representation on a contingency basis. Petitioner told Mr. Annabi that he would consider taking the case on a contingency basis, but the consultation would cost $200. *Id.*

7. Eventually, Petitioner reduced the consultation fee to $125; however, Mr. Annabi paid Petitioner $200 via PayPal. DCX 4 at 61; DCX 5 at 9-10.

8. After Petitioner's consultation call with Mr. Annabi on April 17, 2022, the two men could not agree to terms for Petitioner's representation of Mr. Annabi, resulting in a heated email exchange in which Mr. Annabi asked Petitioner to refund the consultation fee. Petitioner refused to refund the fee, and the two never entered into an attorney-client relationship. DCX 5 at 10-11.

9. In May 2022, Mr. Annabi filed a lawsuit against NYU Stern School of Business in the U.S. District Court for the Southern District of New York. *Id.* at 11.

10. On August 2, 2022, Mr. Annabi emailed Petitioner to tell him that he had filed a New York state civil case against Petitioner seeking $1,000 and would be hiring a process server. *Id.* at 12. The complaint alleged a claim of "Breach of Contract or Warranty for $1,000.00 with interest from 04/17/2022." Pet. Br. at 17; *see* DCX 4 at 148.

11. The same day Petitioner found out Mr. Annabi had filed the lawsuit against him, he started copying the attorney representing NYU on his emails to Mr. Annabi. In the first email, which Petitioner labeled as "Rule 404(b) 2 [sic] Letter – Other Wrongs," Petitioner criticized Mr. Annabi's lawsuit against NYU and described his own legal advice to Mr. Annabi. He first stated: "Your lawsuit against NYU, referenced above, has fundamental flaws in law and fact – and I brought that to your attention when I conferenced with you via zoom." He stated further: "[A]s I stated during our consult, your legal assertions are mostly frivolous and not based on any established or existing law." He also stated: "There are many inconsistencies with your claim against NYU." DCX 5 at 12-13.

12. The next day, Petitioner filed a request to be added as an "Interested Party" in the NYU case. In his request, Petitioner claimed that the NYU lawsuit and his "dispute with Mr. Annabi share the same nexus of facts and call to question the frivolous nature of Mr. Annabi's lawsuit and current legal assertions."

Petitioner also endorsed NYU's motion to dismiss filed against Mr. Annabi, describing it as "well-written," and stating it "echoes and sums up my concerns and the warnings I shared with Mr. Annabi during our consultation." *Id.* at 14.

13. The court denied Petitioner's request to be added as an interested party. *Id.* at 15.

14. Petitioner and Mr. Annabi continued exchanging emails. Each time Petitioner sent Mr. Annabi an email, he would include NYU counsel Joseph DiPalma on the "cc" line. Petitioner claimed he added Mr. DiPalma so that he would "have a 'witness to what [he] was experiencing and the way [he] was being treated.'" In these email exchanges including Mr. DiPalma, Petitioner referred to Mr. Annabi as "a racist and an antisemite." *Id.* at 15-16.

15. Mr. DiPalma stated on record (in a court filing) that he never received any confidential information from Petitioner. *See* PX 30 at 21.

16. Petitioner admits impressions of Mr. Annabi's case were protected client secrets and confidences. *See* DCX 2 at 2-4; PX 7.

C. Prior Disciplinary Proceedings[3]

17. Petitioner was charged with violating New York and/or D.C. Rules of Professional Conduct 1.6(a) (disclosing client confidences and secrets), 1.18(b) (disclosing information learned in consultation with prospective client), and 8.4(d) (conduct prejudicial to and/or serious interference with the administration of justice). DCX 5 at 1.

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[3] *See supra* Section I. Procedural History A. Prior Disciplinary Proceedings, at 2-3.

18. Following an evidentiary hearing, on January 26, 2024, an Ad Hoc Hearing Committee issued its Report and Recommendation, finding that Petitioner had violated New York Rule 1.18(b) and recommending that he be suspended for thirty days with a requirement to prove fitness before reinstatement. *Id.* at 2. Specifically, the Committee concluded that Petitioner revealed a prospective client's secrets by publicly (1) revealing his assessment of the prospective client's case based on information gained during an initial consultation, and (2) accusing the former prospective client of being racist and antisemitic. *Id.* at 37-43.

19. On July 30, 2024, the Board (through its Report and Recommendation) also found a violation of New York Rule 1.18(b), but only on the first basis, and recommended a thirty-day suspension with reinstatement conditioned on completion of CLE courses rather than proof of fitness. DCX 6 at 11, 29-31.

20. On January 8, 2025, Petitioner completed six hours of New York State Continuing Legal Education courses and submitted his certificates to the Court. These courses were completed prior to the March 6, 2025 argument before the Court in the disciplinary matter. DCX 9; Tr. 96-97.

21. On August 21, 2025, the Court concluded that Disciplinary Counsel proved a violation of New York Rule 1.18 on the same basis as the Board, but imposed the fitness requirement recommended by the Ad Hoc Hearing Committee. *Sibanda*, 341 A.3d at 605-06. The Court reasoned that a fitness requirement was appropriate given Petitioner's failure to accept responsibility or appreciate the seriousness of his conduct, demonstrated through a pattern of behavior before the

Ad Hoc Hearing Committee and extending through oral argument before the Court and post-argument filings. *Id.* at 608-09.

22. Petitioner updated his website to reflect the Court's suspension order. *See* PX 7 at 15; PX 12; Tr. 41-42. He stopped using his law firm email account, and, after Disciplinary Counsel brought the issue to his attention, he stopped referring to himself as "Esquire." *Id.* at 34-36; PX 7 at 15.

23. After the Court issued its order, Petitioner filed numerous pleadings and letters with the Court and Board, all between August 22 and October 31, 2025. PX 13.

24. These pleadings and letters[4] included:

a. A "Notice of Errors," which Petitioner filed on August 22, 2025, the day after the Court's opinion was issued. DCX 11. In the notice, Petitioner asked the Court to correct its opinion. Specifically, he cited the following purported errors:

i. The decision stated that Petitioner had shown no remorse, despite his acknowledgement that he viewed the proceedings as a "teachable moment."[5]

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[4] The complete contents of the pleadings and letters are admitted to the record and need not be repeated here.

[5] The opinion expressly declined to rely on Petitioner's acceptance of responsibility, which was "for nothing in particular." 341 A.3d at 609.

ii. He never said “Annabi got what he deserves,”[6] and all quotes attributed to him should cite to the record.

iii. The decision took issue with the quality of his advocacy without mentioning his credentials and “genuine interest in how law functions.”

iv. The decision identified him as being “black and Jewish” instead of “African and Jewish.”[7]

v. The decision confused two yes-or-no questions asked by different judges on the panel and omitted his response that he would not repeat the misconduct.[8]

vi. The decision’s conclusion that he had a vindictive motive was contradicted by the fact that he did not file a crossclaim against Mr. Annabi and his previous offer to refund the consultation fee.

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[6] That quote did not actually appear in the Court’s opinion. *See* Tr. 68-69.

[7] The opinion referenced Petitioner’s race and religion when recounting his accusation that Mr. Annabi was racist and antisemitic. 341 A.3d at 601-02.

[8] The opinion stated that when one judge asked for a “‘yes or no’ answer to whether [Petitioner] acknowledged his violations of Rule 1.18(b), [he] fired back that it was ‘not a yes or no’ question in his view and admonished the court that ‘the oral argument is about me presenting my case, it’s not about you rephrasing my case.’” 341 A.3d at 604; *see* Oral Argument at 4:30-4:56 (D.C. Ct. App. Mar. 6, 2025), https://www.youtube.com/watch?v=4lCf-8z7arA.

vii. The decision did not mention that if he had not "offered his side of the story," Disciplinary Counsel would have continued to pursue a non-viable Rule 8.4 charge.

viii. Disciplinary Counsel did not submit a substantive brief to the Court, but surprised him by presenting its arguments at oral argument.[9]

ix. The decision unfairly criticized him for submitting post-argument letters, which he believed contained relevant information.

x. The decision stated that Mr. Annabi had filed a small-claims lawsuit against him when it was a civil suit that asserted breach of contract, breach of fiduciary duty, and harassment.[10]

*Id.* at 1-4. The notice also accused the Court of failing to write a balanced decision, noting that it refers to him as "Sibanda" without using his title of "Dr." *Id.* at 5. The Court denied the request on September 10, 2025. DCX 18.

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[9] The opinion notes that both parties filed briefs to the Court. 341 A.3d at 604. Disciplinary Counsel filed a forty-three-page brief on October 23, 2024.

[10] The Ad Hoc Hearing Committee and the Board characterized Mr. Annabi's lawsuit seeking $1,000 in damages as a small claims action in New York state civil court. DCX 5 at 12, 16; DCX 6 at 13.

b. A petition for rehearing *en banc* on August 26, 2025, in which he asked that the full Court revisit the sanction analysis in the decision. DCX 12 at 1-3, 15.[11] He contended that the decision's fitness analysis failed to analyze all five *Roundtree* factors and that the aggravating factors were not proven by clear and convincing evidence. *Id.* at 5-8. He further contended that the decision unfairly criticized him for accusations of racism in the discipline system, submitting filings that had not been rejected by the Court's Clerk, and his demeanor. *Id.* at 9-12. The Court denied the petition in its September 10, 2025 order. DCX 18.

c. An *ex parte* motion to recuse Judge Deahl, who authored the Court's opinion, from his disciplinary matter on August 29, 2025. DCX 14. The motion was served on Disciplinary Counsel, despite being styled "ex parte." *Id.* at 7. In his motion, Petitioner alleged that Judge Deahl had shown bias against him based on his tone during oral argument and in the decision, which, he argued, was one-sided and contained "[o]utright lies." *Id.* at 2-4. Further, he alleged that Judge Deahl showed "the lack of fitness for the bench" because he had referred to Petitioner as "black and

[11] The petition for rehearing *en banc* referenced and incorporated the August 22 Notice of Errors. *Id.* at 4.

Jewish."[12] *Id.* at 3 n.2. After Disciplinary Counsel filed an opposition, Petitioner filed a reply on September 2, 2025, criticizing Disciplinary Counsel for not engaging with his argument about factual errors in the decision and taking advantage of an opportunity to cast him in a negative light. DCX 16 at 1-2. He alleged that Disciplinary Counsel opposed his request because it recognized that Judge Deahl was biased in its favor. *Id.* at 5. The court denied the motion in its September 10, 2025 order. DCX 18.

d. A document titled "Regarding Hearing Committee Chair: Mary Lou Soller" on September 8, 2025, accusing the Chair of the Ad Hoc Hearing Committee in the underlying disciplinary proceeding of sending a "disturbing email." DCX 17 at 1. The email in question, sent in the context of an unrelated matter in which the Chair of the Ad Hoc Hearing Committee served as opposing counsel to Petitioner, rejected Petitioner's request that she correct a pleading that referred to him as "Mr. Sibanda" instead of "Dr. Sibanda." *Id.* at 7-8. He contends that the email shows "the level of disdain she has towards [him]." *Id.* at 2.

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[12] As noted above, the description was relevant to Petitioner's accusations that Mr. Annabi was racist and antisemitic.

e. A "notice" refusing to accept the Court's September 10, 2025 order, filed the same day as the order, on the basis that it appeared to have been "impermissibly" written by Judge Deahl on behalf of the court, and that it was not a valid court order because it lacked the Clerk's signature. DCX 19; Tr. 76-80.

f. A letter to the Chief Judge on September 11, 2025, repeating his claim that the September 10 order was invalid, and arguing that his request for correction of the decision should not have been construed as a request for rehearing. DCX 20.

g. A second letter to the Chief Judge on September 19, 2025, asserting that the decision contained defamatory statements and "remind[ing]" the Court that the correction of the decision would need to take place before the effective date of discipline. DCX 21.

h. A motion to vacate the September 10 order on September 24, 2025, arguing that the order was invalid because it was not signed by the Court's Clerk. DCX 22. Before filing the motion, Petitioner told Disciplinary Counsel to "[d]irect your position to the court," which Disciplinary Counsel interpreted as a request for consent. DCX 24 at 3. When Disciplinary Counsel asked Petitioner for authority for his motion, Petitioner responded by asking Disciplinary Counsel why it believed Court orders did *not* need to be signed by the Clerk. *Id.* at 2-3. Disciplinary Counsel warned Petitioner that the Court would not grant his motion unless he cited authority for his position, to which Petitioner replied "I have no clue what you are talking about. It's you who has no authority for the position you wish to take!" *Id.* at 1. The Court denied the motion the following day. DCX 25.

i. A letter to the Chief Judge on September 25, 2025, alleging errors in the Court's order issued earlier that day denying Petitioner's motion to vacate. DCX 26; Tr. 77-78. Specifically, he contended that his allegation that the decision contained libelous statements had not been resolved and that it was still unclear who was acting on behalf of the court when denying his motions. DCX 26 at 1-5.

j. Four additional letters in October 2025 requesting updates on his request to remove purported errors from the Court's decision in the underlying case. DCX 27; DCX 30; DCX 31; DCX 32.

k. An email to Disciplinary Counsel and a letter to the Court, both sent on October 3, 2025, claiming that Disciplinary Counsel misrepresented the Board's Report and Recommendation on the D.C. Bar website. DCX 28; DCX 29.

l. An October 30, 2025 request for the Board to "interven[e]" on the Court's docket to support his request to correct the alleged errors in the Court's decision. DCX 33. The Board denied the request on November 3, 2025, on the basis that the disciplinary matter was no longer pending before the Court. DCX 36.

25. On October 31, 2025, the Court issued an order stating that Petitioner's case had been closed and that it would not accept further submissions from Petitioner. DCX 34.

26. After Petitioner was told not to file any more papers on the Court's docket, he did not violate the Order. However, Petitioner did file a notice with the Board on October 31, 2025, claiming the Court had placed an impermissible bar on his advocacy, in violation of his First Amendment rights, and that his challenge to the "irregularity" of the Court's September 10, 2025 order was still a pending issue before the Chief Judge. DCX 35.

D. The Reinstatement Proceeding[13]

27. On September 20, 2025, Petitioner submitted an Affidavit of Compliance with D.C. Bar Rule XI, § 14 and Registration Statement, DCX 2 at 11-69, and a timely Petition on October 21, 2025, DCX 2.

28. Disciplinary Counsel submitted its Answer to the Petition on December 18, 2025. DCX 3.

29. On January 12, 2026, Petitioner filed a Request for Special Disciplinary Counsel with the Board, claiming that the Office of Disciplinary Counsel was biased against him based on its opposition to his Petition, its refusal to help his efforts to

[13] *See supra* Section I. Procedural History B. Instant Proceeding, at 2-3.

correct the suspension order,[14] its opposition to removing the Ad Hoc Hearing Committee Report from the Board's website, and its prior acrimonious interactions with him. DCX 38; *see also* Tr. 26 ("To argue that somebody who has four law degrees does not have the present competence to practice law, that the person who has a PhD in law, has self-motivation to study on his own, investigate the law, actually should not be given back his license, this is the kind of arguments that warranted the bias, replacement, against [Disciplinary Counsel]."). The Board denied his request on February 11, 2026, citing the absence of evidence of personal bias. DCX 42.

30. The following day, Petitioner filed a request for reconsideration of the Board's denial or, in the alternative, for removal of the Ad Hoc Hearing Committee Report from the Board's website. DCX 43. He supplemented the request with four additional exhibits, in two separate pleadings both filed on February 17, 2026. *Id.* at 15-44. The Board denied the request for consideration by order on February 20, 2026.

31. A hearing on the Petition was held via Zoom on March 18, 2026. Tr. 1-2.

32. Petitioner testified on his own behalf and presented exhibits. *Id.* at 20, 118. Disciplinary Counsel cross-examined Petitioner and presented exhibits as well. *Id.* at 67, 120. All of the parties' exhibits were admitted into the record. *Id.* at 120-21.

[14] In his post-hearing brief, Petitioner also accuses Disciplinary Counsel of a lack of candor based on its failure to assist in his efforts to correct purported errors in the suspension order. Pet. Br. at 25.

33. No other witnesses were called.

34. One former client emailed Disciplinary Counsel on November 9, 2025, requesting that the timeframe for reinstatement take into consideration his desire for Petitioner to resume his representation in the matter. DCX 41 at 3. On November 11, 2025, Petitioner forwarded to Disciplinary Counsel an email from a different client asking him to resume the representation. *Id.* at 1-2. Neither former client testified, and neither email demonstrated awareness of Petitioner's misconduct. *See id.* at 1-3.

35. Petitioner testified that friends have approached Petitioner to mediate a dispute involving Elon Musk and the Republic of South Africa; however, none of these individuals testified at the hearing, and Petitioner clarified that his friends were not involved in selecting mediators, and he would need to reach out to the parties to express his interest. Tr. 103-06.

36. During the hearing, Petitioner also testified that:

a. Petitioner applied to be a law professor at Luxembourg University. *Id.* at 28, 102-03; PX 2. As of the date of the hearing, he had not gotten a response. Tr. 103.

b. Petitioner started a company, Starfish Judicial, that deals with artificial intelligence (AI) in the courtroom. *Id.* at 27; PX 19. He explained that the company is developing a smartphone app that can record interactions with police officers that are stored on its own server and a machine that could adjudicate motions to dismiss. Tr. 108-09.

Petitioner also wrote a book on AI in courtrooms titled "Impartial: AI Technology for Courtrooms." PX 38.

c. Petitioner is set to release a sequel to a previously published science fiction novel titled "The Return to Papua New Guinea." Tr. 36-37, 106-07; PX 37.

d. Petitioner voluntarily took recommended CLE courses while the underlying case was pending before the Court. DCX 9; Tr. 96-97. He took an additional course, titled "Fix Your Intake: 3 Strategies to Get the Right Clients," in April 2026. PX 34.

e. Upon reinstatement, Petitioner plans to focus on appellate practice while teaching law and serving as CEO of Starfish Judicial. *Id.* at 62-63; DCX 2 at 91-97, 107-09; PX 19. His appellate experience includes arguing five cases before the U.S. Court of Appeals for the Second Circuit. Tr. 96.

f. Petitioner's conduct regarding Mr. Annabi was a mistake and a "lack of measured advocacy" that was influenced by the stress of his SJD program. Tr. 39-40, 63-65, 94; DCX 2 at 6, 128. He testified that his advocacy will become more measured because he has read through the underlying disciplinary action, considered his mistakes, learned more about attorney-client privilege, and taken steps to make sure he can better judge prospective clients. Tr. 94.

g. Petitioner had been “confused to the issue of Good Samaritan exceptions to [New York Rule 1.18].” *Id.* at 39; *see also id.* at 150. The Ad Hoc Hearing Committee does not credit this explanation, which is at odds with the retaliatory motive found by the Hearing Committee, the Board, and the Court.

## IV. CONCLUSIONS OF LAW

### A. Nature and Circumstances of the Misconduct for Which Petitioner Was Disciplined

The nature and circumstances of Petitioner’s prior misconduct are a significant factor in the reinstatement determination, because of “their obvious relevance to the attorney’s ‘moral qualifications . . . for readmission’” and the Court’s “duty to [e]nsure that readmission ‘will not be detrimental to the integrity and standing of the Bar.’” *In re Borders*, 665 A.2d 1381, 1382 (D.C. 1995) (quoting D.C. Bar R. XI, § 16(d)). Where a petitioner has engaged in grave misconduct “that . . . is . . . closely bound up with [p]etitioner’s role and responsibilities as an attorney,” the scrutiny of the other *Roundtree* factors shall be heightened. *Id*. (denying reinstatement where the petitioner’s misconduct, in soliciting bribes from criminal defendants in exchange for lenient treatment from a judge, involved the practice of law and went to the “heart of the integrity of the judicial system”).

Here, it is undeniable that Petitioner’s misconduct was closely bound up with his role and responsibility as an attorney. According to the Court, “[Petitioner’s] actions rank among the grossest violations of trust that an attorney can commit, as he actively and vindictively worked against one of his prospective client’s interests,” making his misconduct "far more egregious than the garden variety Rule 1.18(b) violation." *Sibanda*, 341 A.3d at 605, 609; *see also id.* at 606-07. The attorney-client relationship with its attendant privilege and confidentiality requirements serves as the bedrock of the practice of law. *See* N.Y. Rule 1.6, cmt. [2]. Prospective clients must be able to provide their prospective counsel with a full and honest account of the facts when seeking legal representation, so that they and their prospective lawyer can make an informed decision on whether and how the representation will proceed. *See* N.Y. Rule 1.18, cmt. [3]. Disclosing prospective client confidences, even where the disclosure is not prejudicial to the prospective client, evidences a clear departure from the fundamental responsibility of an attorney.

Petitioner concedes as much, applying the heightened scrutiny to the remaining *Roundtree* factors in his post-hearing brief and response. *See* Pet. Br. at 61; Pet. Reply at 31. Thus, the Hearing Committee will give "heightened scrutiny" to the remaining *Roundtree* factors in determining whether Petitioner has made a sufficient showing to justify reinstatement. *See In re Yum*, 187 A.3d 1289, 1292 (D.C. 2018) (per curiam).

B. Whether Petitioner Recognizes the Seriousness of the Misconduct

The Court assesses "a petitioner's recognition of the seriousness of misconduct as a 'predictor of future conduct.'" *In re Sabo*, 49 A.3d 1219, 1225 (D.C. 2012) (quoting *In re Reynolds*, 867 A.2d 977, 984 (D.C. 2005) (per curiam)). "If [the attorney] does not acknowledge the seriousness of his or her misconduct, it is difficult to be confident that similar misconduct will not occur in the future." *Id.*

Petitioner claims to have acknowledged the seriousness of his misconduct and that his impressions of Mr. Annabi's case were protected prospective client confidences. DCX 2 at 2-4, 126-131; Tr. 139-141; *see* FF 17-18. Although, at other times, Petitioner characterizes his misconduct as a "lack of measured advocacy" or due to lack of standing (in Mr. Annabi's suit against NYU). FF 36; *see* DCX 2 at 85 n.2, 128; Pet. Br. at 18. Petitioner also testified that he can prevent future misconduct by avoiding difficult clients. Tr. 98-99 ("I need to be more questioning of who my clients say they are, because before I gave them too much benefit of the doubt that everything they tell me is honest, and then I would later realize from the proceedings that some of it has not been honest."). Petitioner was not disciplined for lack of measured advocacy, or for working with the wrong client, but for betraying his duty of confidentiality toward a prospective client and actively working against his interests, which the Court characterized as ranking "among the grossest violations of trust that an attorney can commit." *Sibanda*, 341 A.3d at 609. His attempts to rationalize his actions as a mistake of judgment impacted by stress, *see* Tr. 64-65, 141, show a failure to appreciate the seriousness of his misconduct.

Accordingly, the Hearing Committee finds that Petitioner has not fully accepted the seriousness of the misconduct for which he was suspended, and this factor does not favor reinstatement.

## C. Petitioner's Conduct During His Period of Suspension

Under this *Roundtree* factor, the Court considers a petitioner's "conduct since discipline was imposed, including the steps taken to remedy past wrongs and prevent future ones." *Roundtree*, 503 A.2d at 1217. '"[I]n reinstatement cases[,] primary emphasis should be given to matters bearing most closely on the reasons why the attorney was suspended . . . in the first place."' *In re Mba-Jonas*, 118 A.3d 785, 787 (D.C. 2015) (per curiam) (second alteration in original) (quoting *In re Robinson*, 705 A.2d 687, 688-89 (D.C. 1998)) (denying reinstatement where the petitioner's post-suspension handling of personal financial accounts "reflect[ed] the very conduct that led to his indefinite suspension").

During Petitioner's period of suspension, he has engaged in some worthwhile pursuits: writing, entrepreneurship, job hunting, and taking CLE courses. FF 36. Petitioner has also continued his prolific legal filing and letter-writing, both in the prior disciplinary proceeding and the instant petition. FF 23-26. The timing, frequency and targets of his filings and letters—at least a dozen between the Court and Board in the months following the Court's order of suspension—closely resemble those of the dispute with Mr. Annabi in 2022. *See Sibanda*, 341 A.3d at 601-02; FF 23-26. After the Court issued its final order, Petitioner raised every possible grievance, real or perceived, requested various relief from the Board and Court, whether available or not, and, in at least four instances, responded to or appealed orders within twenty-four hours. FF 23-26.

Petitioner's conduct following the prior disciplinary proceedings makes it more likely than not that his need to be heard, to "preserve the record" (*see* Tr. 43), and to rebut any and every perceived error or argument against him will cause him to act impulsively without considering the full weight of his obligations as a lawyer. This course of conduct outweighs Petitioner's general good conduct evidence, which does not address how Petitioner will prevent the specific misconduct for which he was suspended.

As such, the third *Roundtree* factor for reinstatement is not satisfied.

D. <u>Petitioner's Present Character</u>

To satisfy this fourth *Roundtree* factor, Petitioner must demonstrate, among other things, that "those traits which led to the petitioner's [sanction] no longer exist . . . and the petitioner is a changed individual having a full appreciation for his mistake." *In re Brown*, 617 A.2d 194, 197 n.11 (D.C. 1992) (quoting *In re Barton*, 432 A.2d 1335, 1336 (Md. 1981)). As evidence of this change, Petitioner should also proffer the testimony of "live witnesses familiar with the underlying misconduct who can provide credible evidence of . . . petitioner's present good character." *Yum*, 187 A.3d at 1292 (denying reinstatement where petitioner's witnesses were unfamiliar with the details of his misconduct); *Sabo*, 49 A.3d at 1232.

It is not impossible to demonstrate good or changed character without presenting witnesses in support. However, in *Yum* and *Sabo*, the Court made clear that presenting witnesses who are familiar with a petitioner's misconduct and can attest to a petitioner's present good character is the clearest way to satisfy the heightened scrutiny of the fourth *Roundtree* factor. Contrary to Petitioner's arguments, the Court has never held that presenting witnesses in support of this factor is helpful *only* if the misconduct involved dishonesty. *See* Pet. Br. at 11.

Petitioner has cited emails from two former clients who have expressed their desire to once again be represented by him. FF 34. However, neither client referred to Petitioner's misconduct, making their emails insufficient for this purpose.[15] *See Yum*, 187 A.3d at 1292-93.

The Court observed in imposing the underlying suspension, "when an attorney repeatedly displays such a basic misunderstanding of what their ethical duties are and continues to defend the righteousness of their serious misconduct, we cannot ignore the implications of that for the attorney's fitness to continue practicing law." *Sibanda*, 341 A.3d at 609. Petitioner's post-suspension advocacy to fight the underlying violation and continued combative conduct during this reinstatement proceeding show that the traits that led to his discipline are still present. It is clear to the Hearing Committee that Petitioner's own testimony regarding his present character is insufficient to overcome other evidence reflecting that he has not changed, especially under the applicable heightened scrutiny standard.

As discussed, Petitioner made numerous collateral attacks against the final suspension order, even after he filed his Petition. FF 23, 27. The reinstatement hearing was conducted nearly seven months after the suspension order. FF 21, 31.

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[15] Unlike here, the petitioner in *Yum* presented two live character witnesses, who were subject to cross-examination about their knowledge of the circumstances leading to discipline. *See* 187 A.3d at 1292.

While Petitioner provided assurances of his changed character at the hearing, his testimony and demeanor demonstrated that he remains convinced of the righteousness of his challenge to the underlying discipline and his combative posture toward Disciplinary Counsel, both for having pursued the original suspension and for contesting his reinstatement petition. *See* FF 29.

Petitioner continued to maintain he had an absolute right to assert collateral attacks against his suspension, even unsupported ones. *See* Tr. 70-95. He also blamed Disciplinary Counsel for failing to respond to or rebut his post-suspension challenges when asked about them on cross-examination. *See id*. For example, Petitioner challenged the authenticity of the Court's order denying his motion to recuse Judge Deahl and his requests for rehearing and rehearing *en banc* because the Clerk had not personally signed the order, despite it being issued on the Court's letterhead and with the Clerk's stamp noting the date the order was filed. FF 24(h); DCX 18; DCX 22. When Disciplinary Counsel declined to consent to the motion and asked what Petitioner's authority was to challenge the authenticity of the order, Petitioner asked Disciplinary Counsel for authority for its contrary position. FF 24(h). When Disciplinary Counsel warned Petitioner that he should not submit such a motion without citing authority, Petitioner responded: "I have no clue what you are talking about. It's you who has no authority for the position you wish to take!" *Id.* Petitioner also challenged the validity of the order denying rehearing *en banc* because the Clerk had not certified that he had counted the judges' votes and that no judge had voted in favor of rehearing, citing D.C. App. R. 45. DCX 26 at 2 n.2, 4. When Disciplinary Counsel asked on cross-examination what his authority was to make such a collateral attack, he responded: "The authority is in the practice of law. That's how it's done. What's your authority that they do not have to?" Tr. 77. When asked about his citation to D.C. App. R. 45, he responded: "Again, Counsel, if you have an issue, you could have submitted it to the Court. I mean, this is a litigation position. If you had an issue with this, you are supposed to submit to the Court, he doesn't know what he's talking about, whatever." *Id.* at 78. When pressed specifically on his claim that Rule 45(b)(1) requires the Clerk to count the votes, Petitioner claimed it is "implied." *Id.* at 78-79. He added: "Again, if you didn't believe it was implied, you should have submitted a position. That's my reading of -- I have a right to say that. If you believed different, you should have submitted it to the Court. Rather than submit to the Court, you stand back, and now you question me as if you know better." Tr. 79-80.[16]

Petitioner's post-hearing brief persisted in the argument that the Court's suspension order was erroneous and needed to be corrected by this Hearing

[16] Petitioner's post-hearing brief continued a line of attack toward Assistant Disciplinary Counsel Foster personally, asserting that she "suggest[s] that because of Petitioner's race he is irredeemable" and noting that even though Disciplinary Counsel "has not specifically raised Petitioner's race, she has used language which suggests that she thinks low of him . . . . Stated differently, [Ms.] Foster has nothing positive to say about Petitioner – not a single thing, despite the mountain of evidence in his corner, including adhering to the suspension order." Pet. Br. at 6 & n.5.

The Hearing Committee did not perceive that Ms. Foster either explicitly or implicitly raised the issue of Petitioner's race in any form at the hearing or in her written advocacy.

Committee. *See* Pet. Br. at 29 ("[R]estatement of this matter's facts to reflect the actual true facts is long overdue . . . to correct errors of fact before it, by way of the Deahl opinion."), 30 ("Even though Petitioner disagrees with Judge Deahl's factual errors, Petitioner was mature enough to understand that he needs to accept the facts (with their errors) as the court sees them."), 48 ("Regarding filings Petitioner has made to the Board and Court in this matter, Petitioner passionately believes that the filings were justified given the contentious nature of these proceedings and the noted facts errors operative."). Petitioner also accused Disciplinary Counsel of violating D.C. Rule 3.3 by failing to assist him in correcting errors he asserts that the Court made in the final suspension order. *Id.* at 25.

The showing necessary to meet the heightened scrutiny of the fourth *Roundtree* factor has not been made, in light of Petitioner's prior misconduct; collateral attacks on the suspension order even after filing for reinstatement; his advocacy, testimony, and demeanor at the hearing; and a lack of witnesses as to his present good character. The Hearing Committee finds that Petitioner has failed to show by clear and convincing evidence that '"those traits which led to the petitioner's [sanction] no longer exist . . . ."' *Brown*, 617 A.2d at 197 n.11 (quoting *Barton*, 432 A.2d at 1336).

E. <u>Petitioner's Present Qualifications and Competence to Practice Law</u>

Finally, we address the fifth factor articulated in *Roundtree*—Petitioner's present qualifications and competence to practice law. As the Court made clear in *Roundtree*, "[a] lawyer seeking reinstatement . . . should be prepared to demonstrate that he or she has kept up with current developments in the law." 503 A.2d at 1218 n.11.

In the instant matter, Petitioner has completed CLE courses and undertaken several law-adjacent projects such as writing fiction[17] and non-fiction, and starting a law-related business. FF 36. Petitioner has represented himself in the prior disciplinary matter, as well as the instant Petition. However, under heightened scrutiny, a majority of the Committee finds these facts are not enough to show present competence under the circumstances of this petition.

In his opening statement, Petitioner noted that the Hearing Committee was well-positioned to assess his legal competence due to his self-representation. Tr. 13-14. As we discussed above, Petitioner's post-suspension advocacy, testimony, and demeanor did not demonstrate his present competence to practice law. Moreover, it is not enough simply for Petitioner to present evidence of his law-related activities during suspension. Under heightened scrutiny, the Court requires Petitioner to "explain whether his post-disbarment work required legal analysis or otherwise improved his legal knowledge or skills," or "call witnesses who could testify to the quality or nature of his work." *Yum*, 187 A.3d at 1293. In *Yum*, the petitioner represented himself in legal proceedings, took CLE courses and even worked as a law clerk. *See id*. However, the Court found the petitioner in *Yum* fell short of satisfying the fifth *Roundtree* factor because he did not show how his

[17] Petitioner conceded that his science fiction book was not "heavy on the law part." Tr. 106.

work involved legal analysis and did not produce any witnesses who could testify that his legal skills remained sharp or were improved. *Id.*; *see In re Tinsley*, 668 A.2d 833, 838 (D.C. 1995) (per curiam) (appended Board Report); *In re Stanton*, 589 A.2d 425, 427 (D.C. 1991) (per curiam).[18] Here, Petitioner's conclusion that his self-representation, CLE courses, law-related pursuits and writing *ipso facto* demonstrates competence and fitness similarly fails, especially in light of Petitioner's persistent lack of recognition, even during the course of the reinstatement proceeding, that the suspension order is final and that meritless collateral attacks on it are inappropriate.

The dissent cites the *Roundtree* Court's focus on a sliding scale of proof of present competence to practice law based on length of time suspended: "the longer the suspension, the stronger the showing that must be made of the attorney's present competence to practice law." *Roundtree*, 503 A.2d at 1218 n.11. Surely, an attorney

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[18] In *Roundtree*, the Court cited the petitioner's participation in CLE courses, acquisition of computer skills, improvements to her case management system, and plans to use additional staff for assistance as evidence of her qualifications and competence to practice law. *Id.* at 1217-18. In other cases, the Court has also considered whether the petitioner has performed legal work or kept abreast of developments in the law by reading legal journals and periodicals. *See In re Bettis*, 644 A.2d 1023, 1030 (D.C. 1994) (finding petitioner established competence where he "worked as a law clerk . . . and improved his legal research and writing skills," and witnesses testified to his developed expertise in the medical malpractice and personal injury fields); *In re Harrison*, 511 A.2d 16, 19 (D.C. 1986) (finding petitioner's present competence established where he testified that he kept up with developments in the law by reading legal journals, bar publications, and other legal publications, and his professional skills were never questioned by those involved in the disciplinary proceedings).

who has been suspended for a lengthy period must demonstrate that his lawyering skills are up to standard to resume the practice of law. Petitioner's suspension was only thirty days although, in reality, its duration is much longer, as he has been suspended since September 2025. In this matter, the record includes Petitioner's self-representation after the suspension order and in this reinstatement proceeding. We also personally observed Petitioner's reinstatement advocacy, as well as his own testimony.[19] Based on this, a majority of the Hearing Committee finds that Petitioner has failed to prove by clear and convincing evidence that he is currently competent to practice law regardless of the relatively short suspension the Court imposed.

## V. CONCLUSION

Based on the foregoing, a majority of the Hearing Committee concludes that Petitioner has failed to satisfy any of the five *Roundtree* factors. The Committee unanimously finds that Petitioner has not demonstrated by clear and convincing evidence the fitness qualifications required for readmission under D.C. Bar R. XI,

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[19] Even though Petitioner must demonstrate his rehabilitation in this proceeding, he is "using the same playbook that brought him into the disciplinary proceedings." *In re Yelverton*, 105 A.3d 413, 431 (D.C. 2014). Moreover, it is not lost on the Hearing Committee that Petitioner's solo firm letterhead, which he used to inform clients and adverse parties he was suspended, and which he proposed to use to practice law in federal jurisdictions he was admitted to that had not suspended him—a proposal he later withdrew—contains the Latin motto "Nemo me impune lacessit." DCX 2 at 17-48; Notice of Petitioner's Intent to Resume Federal Parctise [sic] in Federal Bars, at 2-3, 6 (Apr. 20, 2026); Notice of Petitioner's Intent to Resume Federal Parctise [sic] in Federal Bars (Updated) (Apr. 22, 2026). This motto of Scotland translates to: "No one provokes me with impunity." This attitude was still on display towards the final suspension order, Disciplinary Counsel's opposition to reinstatement, as well as Ms. Foster personally.

§ 16(d)(1)(a) (and as set forth in *Roundtree*). Petitioner has not demonstrated that his resumption of the practice of law would not be detrimental to the integrity and standing of the Bar, detrimental to the administration of justice or subversive to the public interest, as required by D.C. Bar R. XI, § 16(d)(1)(b). Accordingly, the Hearing Committee recommends denial of the Petition.

HEARING COMMITTEE NUMBER SIX

Daniel M. Portnov
Daniel Portnov, Esquire
Chair

Sally J Winthrop
Ms. Sally Winthrop
Public Member

Morton J. Posner
Morton J. Posner, Esquire
Attorney Member

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
HEARING COMMITTEE NUMBER SIX

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| In the Matter of: | : | |
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| KISSINGER N. SIBANDA, | : | |
| | : | Board Docket No. 25-BD-061 |
| Petitioner. | : | Disciplinary Docket No. 2025-D172 |
| | : | |
| A Suspended Member of the Bar of the | : | |
| District of Columbia Court of Appeals | : | |
| (Bar Registration No. 1017426) | : | |

## DISSENT AS TO THE COMMITTEE'S FINDINGS ON THE FIFTH *ROUNDTREE* FACTOR: PRESENT QUALIFICATION AND COMPETENCE TO PRACTICE LAW

I dissent to the finding of my colleagues as to the fifth *Roundtree* factor. As the *Roundtree* Court noted, "the longer the suspension, the stronger the showing that must be made of the attorney's present competence to practice law." *Roundtree*, 503 A.2d at 1218 n.11.

In the instant matter, Petitioner's suspension was for one month—the shortest suspension issued by the Court of Appeals. Petitioner has taken several CLE courses since commencement of the prior disciplinary proceedings, two of which covered client confidentiality. FF 36; DCX 9. One CLE course focused on strategies for finding and vetting clients. Tr. 97-98. He has written a book on AI in courtrooms, applied for a job as a law professor, and started a biotech/legal/AI business. FF 36. He has represented himself in the prior disciplinary proceeding as well as the instant petition. All of the actions require some level of keeping up with current developments in law. *See In re Roundtree*, 503 A.2d at 128 n.11.

Even under the heightened scrutiny required by the Hearing Committee's finding (*see supra* Section IV. Conclusions of Law A. Nature and Circumstances of the Misconduct for Which Petitioner Was Disciplined, at 21-22), following *Roundtree*'s proportionality guidance I find sufficient Petitioner's showing of his present competency to practice law. Although it would not change the ultimate outcome of his Petition, I respectfully disagree with my colleagues and would find that Petitioner has satisfied the fifth *Roundtree* factor.

Daniel M. Portnov
Daniel Portnov
Chair