DISTRICT OF COLUMBIA COURT OF APPEALS BOARD ON PROFESSIONAL RESPONSIBILITY

| In the Matter of: | : |
|---------------------------------------|--------|
| JAMES Q. BUTLER, | : |
| Respondent. | • : |
| A Member of the Bar of the | : |
| District of Columbia Court of Appeals | : |
| (Bar Registration No. 490014) | : |

Bar Docket Nos. 311-07 et al.

REPORT AND RECOMMENDATION OF THE BOARD ON PROFESSIONAL RESPONSIBILITY

This matter is before the Board on Professional Responsibility (the "Board") on the uncontested motion of Bar Counsel to accept consent of Respondent to disbarment filed pursuant to D.C. Bar R. XI, § 12(a) and Board Rule 16.1. Respondent's affidavit declaring consent to disbarment, executed on October 9, 2009, is attached to Bar Counsel's motion.

D.C. Bar R. XI, § 12(a) provides that an attorney who is the subject of an investigation or

pending proceeding based on allegations of misconduct may consent to disbarment by delivering

to Bar Counsel an affidavit declaring the attorney's consent to disbarment and stating:

(1) That the consent is freely and voluntarily rendered, that the attorney is not being subjected to coercion or duress, and that the attorney is fully aware of the implication of consenting to disbarment;

(2) That the attorney is aware that there is currently pending an investigation into, or a proceeding involving, allegations of misconduct, the nature of which shall be specifically set forth in the affidavit;

(3) That the attorney acknowledges that the material facts upon which the allegations of misconduct are predicated are true; and (4) That the attorney submits the consent because the attorney knows that if disciplinary proceedings based on the alleged misconduct were brought, the attorney could not successfully defend against them.

Respondent's affidavit declaring consent to disbarment satisfies the requirements of D.C. Bar R. XI, § 12(a). Accordingly, the Board, acting through its Chair and pursuant to D.C. Bar R. XI, § 12(b) and Board Rule 16.2, recommends that the Court enter an order disbarring Respondent on consent.

On July 8, 2009, the Court temporarily suspended Respondent pursuant to D.C. Bar R. XI, § 3(c). On July 31, 2009, Respondent filed an affidavit pursuant to D.C. Bar R. XI, § 14(g). Bar Counsel has not objected to the affidavit as non-compliant, and based on our review, we conclude that it meets the requirements of § 14(g). Thus, we recommend that the period of disbarment should run, for purposes of reinstatement, from July 31, 2009, the date that the affidavit was filed. *See In re Slosberg*, 650 A. 2d 1329, 1332-33 (D.C. 1994).

BOARD ON PROFESSIONAL RESPONSIBILITY

By: /CJW/

Charles J. Willoughby Chair

Date: October 16, 2009