

DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY

In the Matter of:	:	Bar Docket No. 221-05
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MELDON S. HOLLIS, JR.,	:	Prior Proceedings:
	:	D.C. App. No. 97-BG-1873 (Bar
Petitioner.	:	Docket No. 467-97) (D.C. 1998
	:	Terry, J., Reid, J., Newman, J.)

REPORT AND RECOMMENDATION OF THE  
BOARD ON PROFESSIONAL RESPONSIBILITY

Meldon S. Hollis, Jr. (“Petitioner”) seeks reinstatement to the Bar of the District of Columbia Court of Appeals (the “Court”). He had been a member of the Bar for more than 14 years without prior disciplinary history when he was disbarred by the Court on November 5, 1998. *In re Hollis*, 719 A.2d 965 (D.C. 1998). The Court’s disbarment was reciprocal discipline based upon Petitioner’s disbarment by the Court of Appeals of Maryland (the “Maryland Court”) in November 1997 for knowingly and intentionally misappropriating client funds. *Atty. Grievance Comm. v. Hollis*, 702 A.2d 223 (Md. 1997).

After a three-day evidentiary hearing held on January 24, February 17 and May 1, 2006, an Ad Hoc Hearing Committee (the “Committee”) concluded that the evidence adduced during the hearing does not establish, clearly and convincingly, that the standards for reinstatement provided in D.C. Bar R. XI, § 16(d) have been met. For the reasons stated in this Report, we agree with that conclusion and recommend against reinstatement of Petitioner to the Bar of the Court.

## I. FINDINGS OF FACT

The Board makes the following findings of fact based upon the findings of the Committee and the clear and convincing evidence in the record:

### A. Petitioner's Disbarment

1. The Maryland disciplinary action disbarring Petitioner was based upon the following findings:

(a) In January 1992, Petitioner was entrusted with approximately \$90,000 by Dr. Leroy Amar, a client of Petitioner, with Amar's instruction that the money was "to be forwarded to the Estate of Ramona Cowan, to be applied to the balance due" on a debt Amar owed the estate. *Atty. Grievance Comm. v. Hollis*, 702 A.2d at 226. Amar's debt originated in a \$150,000 loan, bearing "interest at an annual rate of eighteen percent," that Amar had obtained from the decedent before her death. *Id.* None of the loan's principal had been repaid at the time Petitioner was entrusted with Amar's funds.

(b) Petitioner took possession of the funds, but he did not follow his client's instruction. Instead, he falsely represented to Amar that the funds had been paid over to the Cowan estate. Petitioner in fact kept the funds commingled with his own funds in his escrow account. Petitioner's bank "records disclose that between January 10, 1992 and June 25, 1995," Petitioner "transferred large sums from the escrow account to his own operating account and made direct payments for professional expenses for the benefit of his law office." *Id.* at 227.

2. The Maryland Court summed the case up as follows:

The hearing judge found that [Petitioner] had misappropriated his client's funds and had repeatedly made misrepresentations when questioned about the money which he was supposed to pay to the estate of Ramona

Cowan. The findings show that [Petitioner] acted knowingly and intentionally. No compelling extenuating circumstances were found to exist. Therefore, the appropriate sanction is disbarment.

*Id.* at 230.<sup>1</sup>

B. The Petition for Reinstatement Filed in this Matter

3. Petitioner commenced this reinstatement proceeding on July 27, 2005 by filing a 47-page “Petition for Readmission” (the “Petition”), with 29 exhibits and a set of Reinstatement Questionnaire Answers that he vouched were “complete and true to the best of my knowledge.” BX<sup>2</sup> 1 at Bates 247. The first ten pages of the Petition address “Petitioner’s moral qualifications” *Id.* at Bates 3-5, “Petitioner’s competency and learning in the law” *Id.* at Bates 5-8 and the consequences of his resumption of the practice of law *Id.* at Bates 8-11.<sup>3</sup> The next 31 pages are devoted to an effort to discredit the testimony given by Amar in Petitioner’s Maryland disciplinary hearing and thereby demonstrate that Petitioner was wrongly disbarred by the Maryland Court. *Id.* at Bates 11-42. In the final four pages, Petitioner again discusses his present character and his qualifications to resume the practice of law. *Id.* at Bates 42-46.

4. Petitioner maintains that he was wrongly found to have lied to Amar concerning his failure to use the funds entrusted to him to pay down Amar’s debt to the

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<sup>1</sup> The Maryland disciplinary rules Petitioner was held to have violated were Maryland Rules of Professional Conduct 1.15, 8.1, 8.4(c) and 8.4(d), Maryland rules relating to attorney trust accounts (Rules BU-4, BU-8 and BU-9) and Md. Code (1989, 1995 Repl. Vol.) § 10-306 of the Business Occupations and Professions Article.

<sup>2</sup> Bar Counsel’s Exhibits (hereinafter “BX”).

<sup>3</sup> The citations to the Petition in this report are to the Bates numbers, which appear at the very bottom of the pages. Above the Bates number on almost all the pages is the page number in the original Petition, which is not generally the same as the Bates number. Thus, for example, “Bates number 8” is “page 7” of the Petition.

Cowan estate. Quite the contrary, he asserts that he was never told to turn the funds over to the estate, but that Amar told him to use the approximately \$90,000 “to negotiate a settlement of his outstanding debts to the estate.” Petition at Bates 12. Within weeks of his receipt of the funds, Petitioner asserts that he advised Amar that he owed the estate considerably more than \$90,000 and that the “matters cannot be resolved without your advice.” Petition Exhibit D at Bates 80.<sup>4</sup>

5. Amar terminated his lawyer-client relationship with Petitioner in January or February 1992, but the two continued to have dealings thereafter relating to the \$90,000 Amar had turned over to the Petitioner. Those dealings, in Petitioner’s version of events, were marked with frequent disputes over the fees he billed Amar and complaints by Amar about the competence of Petitioner’s services. *See* Petition at Bates 13-15. At one point, in February 1992, Amar filed a complaint against Petitioner with Maryland Bar Counsel in which he claimed that four matters referred to Petitioner had been incompetently handled and accused Petitioner of withholding files that Amar had directed him to send to another lawyer. Petition, Exhibit G.<sup>5</sup> Matters seemed to have reached a resolution in January 1993 when Petitioner and Amar entered an agreement, one term of which was that Petitioner would “pay, to the Cowan Estate, a sum of \$90,000.00, plus interest which has accumulated over the period of the past year.” Petition, Exhibit K; *see also* BX 1 at Bates 133. Petitioner described this agreement as

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<sup>4</sup> Exhibit D to the Petition, as well as Exhibits E, J and L, are not copies of original, signed documents. Respondent avers that he has no copy of those exhibits in their original, signed condition and asserts that the exhibits are letters that have been “rerun from computer diskettes exactly as they were retained on diskettes.” Petition at Bates 11.

<sup>5</sup> Petitioner regards Amar’s “description of the events” in Amar’s February 1992 complaint as “total fiction.” Petition at Bates 14; *see also* Petition, Exhibit H. The record does not reveal that any formal disciplinary charges resulted from Amar’s 1992 complaint.

calling for the funds “to be paid back in April 1993 at an eighteen per cent (18%) interest with interest running from the time that the funds had come into Petitioner’s custody.”

Petition at Bates 16.

6. Petitioner, however, did not pay the funds, either to Amar or the Cowan estate, and on May 28, 1993, Amar filed a second complaint against Petitioner with Maryland Bar Counsel. This time he charged that Petitioner “ha[d] made repeated promises of his intent to repay [the approximately \$90,000 Amar entrusted to him] at eighteen percent (18%) interest,” but that Petitioner “has represented . . . that he has the money in some sort of investment ‘escrow’ account in the form of stock certificates” and that, after agreeing to do so, Petitioner failed to “execute a promissory note for the full amount using the stock certificates in his possession as security with an installment payment . . . in the sum of Ten Thousand Dollars.” Petition, Exhibit O.

7. Petitioner asserts in the Petition filed in this matter that “in the period between September 1992 and January 1993, an agreement had been reached with Dr. Amar which in effect transformed the custody of the funds into a loan to Petitioner’s firm.” Petition at Bates 20. In the closing section of the Petition, he avers that he “has accepted full responsibility for and paid for his malfeasance.” Petition at Bates 46. Earlier in his Petition, Petitioner states that “[i]n addition to full restitution, legal fees of approximately \$15,000.00 owed by Amar to Petitioner were forgiven.” Petition at Bates 42. In answer to question 26 in his Restatement Questionnaire Answers, Petitioner avers as follows:

The entire amount claimed by Dr. Amar was paid along with 18% interest. The payments began in 1994 and the last payments were made in the summer of 1996.

Reinstatement Questionnaire Answers at Bates 246.

C. Evidence Bearing on Petitioner's Assertion of "Full Restitution"

Amar's Legal Action against Petitioner

8. In answer 15 of Petitioner's Reinstatement Questionnaire Answers, Petitioner lists four "Civil Actions" in which he had been a party. These actions were filed in the Circuit Court for the City of Alexandria, the Prince George's County District Court, the Southern District of New York and the Circuit Court for Fairfax County. Not included in Petitioner's list of civil actions is a Baltimore legal action that is directly relevant to Petitioner's assertion that he had repaid "[t]he entire amount claimed by Dr. Amar . . . along with 18% interest." Reinstatement Questionnaire Answers at Bates 245-46.

9. On February 24, 1994, Amar commenced an action in the Circuit Court for Baltimore City (the "Baltimore Court") against Petitioner and his law firm in which Amar sought "compensatory damages . . . of \$90,095.49, plus pre-judgment interest at eighteen percent (18%)" and punitive damages of \$500,000. BX 32 at Bates 17-18. Amar alleged in that action that, on January 9, 1992, at the closing of the sale of the assets pertaining to some medical clinics he owned, he "requested that certain funds totaling . . . \$90,095.49 be transferred . . . to the escrow account" of Petitioner. *Id.* at Bates 11. Amar further alleged that (1) he "instructed [Petitioner], at the closing, to use these funds as partial repayment of an underlying debt of [Amar] to the Estate of Ramona Cowan," (2) Petitioner failed to transfer the funds as instructed, and (3) as of the date of

the lawsuit, despite Amar’s repeated demands, Petitioner has “failed to transfer said funds to [Amar] or to the Estate of Ramona Cowan.” *Id.* at Bates 11-14.

10. Less than a week after it was filed, Amar’s lawsuit against Petitioner was settled by a “Consent Decree” that the Court entered on March 2, 1994. BX 32 at Bates 86, 120-22. The pertinent terms of that decree directed Petitioner to pay Amar the sum of \$130,000.00 in specified installments, with simple interest to accrue in the future at the rate of 18%. *Id.* at Bates 121.<sup>6</sup> The decree included the following schedule of installment payments that Petitioner was to make to Amar:

<u>Date</u>	<u>Payment Due</u>
March 15, 1994	\$ 10,000.00
April 15, 1994	\$ 60,000.00
May 15, 1994	\$ 30,000.00
June 15, 1994	\$ 30,000.00
Total	\$ 130,000.00

*Id.*

11. On November 28, 1994, Amar filed a Motion for Entry of Final Judgment in his action against Petitioner. BX 32 at Bates 117-23. The motion recites the entry of the March 2 Consent Decree and alleges that Petitioner had made only two payments since the decree was entered – a payment of \$10,000.00 on March 16 and a payment of \$5,000.00 on May 11, 1994. *Id.* at Bates 118. Amar asked that the Consent Decree be reduced to a “Final Judgment with a sum certain” of \$130,702.39, which Amar calculated was due under the Consent Decree described in paragraph 10 above, taking account of Petitioner’s two payments and the accrued interest. *Id.* at Bates 123. The motion was

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<sup>6</sup> Interest over a two-year period on \$90,000.00, computed at the rate of 18% and compounded on an annual basis, is \$35,316.00. The agreed sum of \$130,000.00 thus approximates the original sum of \$90,000.00 entrusted to Petitioner plus interest accrued over the slightly more than two years that Petitioner had held the funds by March 1994.

initially “denied as moot” on December 9, 1994. *Id.* at Bates 125. Six days later, however, on December 15, 1994, the judge signed an Order that reads as follows:

Upon reconsideration of the Plaintiff’s Motion for Entry of Final Judgment and lack of any opposition thereto, it is this 15<sup>th</sup> day of December, 1994, by the Circuit Court for Baltimore City HEREBY ORDERED that final judgment be and hereby is entered against the Defendants, Meldon S. Hollis, Jr. and Hollis & Associates, P.A., severally and jointly, in the sum of One Hundred and Thirty Thousand, Seven Hundred and Two Dollars and Thirty-nine Cents (\$130,702.39), in furtherance of the Consent Decree entered by this Court on the 2<sup>nd</sup> day of March, 1994, in the above-captioned action.

*Id.* at Bates 132.

12. That final judgment was entered on December 20, 1994. Within days thereafter, Amar requested a Writ of Garnishment directing Nations Bank to hold any property of Petitioner and his law firm in the bank’s hands, subject to further proceedings. BX 32 at Bates 127-28. The requested writ was issued on December 29, 1994. *Id.* at Bates 134. Nations Bank answered the writ, stating that it held funds amounting to \$1,578.31 in a checking account in the name of Petitioner’s law firm. *Id.* at Bates 156.

13. On January 5, 1995, Petitioner filed an “Emergency Motion to Vacate Judgment and Quash Writ of Garnishment” in which he maintained that when Amar filed his Motion for Final Judgment, Amar’s case against him “had already been closed” because of a “settlement” the terms of which “had been satisfied.” BX 32 at Bates 140-44. The Baltimore Court’s December 20, 1994 final judgment order was attached as an “Exhibit B” to the motion. *Id.* at Bates 136.<sup>7</sup> As the title of his motion indicates,

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<sup>7</sup> That exhibit is out of correct sequence in BX 132, but Petitioner's motion itself demonstrates that BX 132 at Bates 136 was “Exhibit B” attached to the motion. *See Id.* at Bates 141, 144.



Petitioner sought relief both from the court's final judgment order, which the Baltimore Court had signed on December 9 and entered on December 20, 1994 (*Id.* at Bates 132) and the garnishment writ (*Id.* at 134) issued on December 29, 1994 on the strength of that final judgment. *See Id.* at Bates 143. The court denied that motion on February 1, 1995, explicitly refusing to enter a proposed order that would have (1) vacated the December 20 order "in its entirety" and (2) quashed the writ issued on December 29. *Id.* at Bates 154. The judge's handwritten order reads as follows:

Denied after opportunity for hearing which was held on record January 6, 1995 and further opportunity for Mr. Hollis to file written response provided.

*Id.*

14. Bar Counsel, on the second day of the hearing in this matter, questioned Petitioner about the final judgment order entered by the Baltimore Court on December 20, 1994 and the court's subsequent refusal to vacate that order. 2/17/06 Tr. at 51-54. When asked if the Baltimore Court had "entered a judgment against [him] . . . on December 20, 1994," Petitioner testified that "[i]f that's true, that's news to [him]." *Id.* at 51.<sup>8</sup> Later in the questioning on the court's final judgment order, Petitioner testified that he did not know that Amar went "back into court and got the judgment against [him] for more than \$130,000.00 in December 1994." *Id.* at 53. When confronted with the glaring inconsistency of his testimony and the Emergency Motion to Vacate Judgment and Quash Writ of Garnishment that he had filed, Petitioner insisted that his Emergency Motion had

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<sup>8</sup> The question and answer appear in the transcript as follows:

Q. But the court reconsidered its closure of that case and entered a judgment against you granting Plaintiff's motion for entry and final judgment on December 20, 1994, didn't it?

A. If that's true, that's news to me. Where would you find that?

not asked the court to vacate the court's final judgment order of December 20, 1994, even though the motion explicitly argued that that order was the result of "significant irregularities" in procedure "which require the setting aside of the December 20, 1994 Order." *Id.* at 54-56.

15. In his Exceptions to the Hearing Committee Report and Recommendation ("Petitioner's Exceptions") filed with the Board in January 2007, Petitioner asserts that the "money judgment of March 4, 1994" (i.e., the "Consent Decree" entered on March 2, 1994, *see supra*, pp. 10-11) was "terminated by the July 1, 1994 amendment of the settlement and the August 15, 1994 transfer of control of Pyrocap [Corporation] shares to Amar." *See* Petitioner's Exceptions, p. 5. Petitioner has supplied no record citation to support that assertion. A Settlement Order dated July 1, 1994, however, appears to reflect an agreement somewhat like the transaction Petitioner has described. BX 32 at Bates 125. Petitioner, however, had the opportunity to argue the effect of the prior Settlement Order (and any other objection to the final judgment) at a hearing held in the Baltimore litigation on January 6, 1995. *See supra*, ¶ 13. The Court's subsequent order, entered on February 1, 1995, refusing to vacate the final judgment entered on December 20, 1994 thus means that either Petitioner did not raise any question concerning the Settlement Order or the court rejected his position regarding that order (or, for that matter, any other subject), perhaps because, as Amar asserted in asking for the final judgment (BX 32 at Bates 117-23), Petitioner had not fulfilled its terms. In either case, Petitioner is bound by the Baltimore court's December 20, 1994 final judgment commanding him to pay Amar \$130,000.00 plus interest at the rate of 18 percent.

16. The court record of Amar's Baltimore lawsuit introduced into evidence in this matter by Bar Counsel shows some further litigation over the garnishment of that account in 1995 and the court's striking, "as untimely," a futile effort by Petitioner, on February 27, 1995, to appeal "the judgment" entered against him and his law firm on February 1, 1995. *See* BX 32 at Bates 180, 183, 190. The final two filings in that record are as follows:

a. On August 7, 1997, Amar filed a Request For A Writ Of Garnishment On Wages directed to Baltimore Urban League directing it to hold all wages and other debts owed Petitioner, subject to further proceedings (*Id.* at Bates 205-07); and

b. On February 10, 1998, Amar filed a Rule 3-401(b)(2) Notice of Discovery Service certifying that interrogatories after judgment had been mailed to Petitioner on February 5, 1998. *Id.* at Bates 211.

17. The most that the evidence shows Petitioner has paid on his obligation under the final judgment in Amar's Baltimore lawsuit against him, which compelled him to pay Amar \$130,000.00 with interest at the rate of 18 percent from March 2, 1994, is \$72,000.00. *See* BX 32 at Bates 205. Substantial record evidence supports the Committee's finding that "Petitioner has not repaid Dr. Amar the full amount of the misappropriated funds." HC Rpt. at 8.

Maryland Clients' Security Trust Fund Payment to Amar

18. In October, 1995, Petitioner received a letter from Trustees of the Clients' Security Trust Fund of the Bar of Maryland (the "Trust Fund") advising him that Amar had filed a claim with the fund for \$90,095.49. BX 17. That letter thus came to Petitioner some ten months after the final judgment order in Amar's Baltimore lawsuit

had been entered. In addition, before that letter came to Petitioner, Amar had obtained a writ of garnishment on Petitioner's account in Nations Bank, and the Court had denied Petitioner's motion to vacate the final judgment order and quash the writ. The letter asked Petitioner to contact the Trust Fund to help it to resolve the "question of defalcation." *Id.* Two areas of the Trust Fund's interest were indicated in the letter as (1) "[w]hat has been done by Dr. Amar since 1993" and (2) "[w]hat criminal/civil actions have been instituted since 1993." *Id.*

19. Petitioner's reply to the Trust Fund, dated October 31, 1995, made no mention of the December 20, 1994 final judgment order. He merely wrote as follows:

In 1993, Dr. Amar filed suit to resolve the matter. The suit was resolved by way of a Consent Order. Pursuant to that Consent Order, Dr. Amar has received in excess of Forty-six Thousand Dollars (\$46,000.00). I expect that the matter will be resolved by way of a final payment within the next thirty (30) to sixty (60) days.

If additional information is needed, please do not hesitate to give me a call.

BX 18.

20. Despite the fact that Petitioner has not demonstrated that the matter has ever been "resolved by way of a consent order" or any other way, Petitioner did not get back in touch with the Trust Fund for ten years after he received notice of Amar's claim with the fund. On October 26, 2005, Petitioner wrote Ms. Janet C. Moss, Administrator for the Client Protection Fund of the Bar of Maryland (the "Client Protection Fund") (presumably the successor to the Trust Fund), advising her that he had learned that the fund had paid \$18,559.49 to Amar on January 9, 1998 and "charged . . . or assessed" that amount to Petitioner or his law firm. *See* BX 19. Claiming that "this matter" had not

previously “been brought to [his] attention,” Petitioner asserted that, had he been contacted, he “would have produced copies of checks which would have demonstrated that between January 1993 and March of 1996, [his law firm] paid Amar an amount equal to at least” \$79,259.00. *Id.* The cancelled checks introduced in evidence during the hearing in this matter, however, total no more than \$65,000.00. *See* BX 12-13.

21. On November 6, 2005, Petitioner again wrote to the Client Protection Fund, this time making the broad assertion that “correspondence in [his] file indicates that Amar received all of the funds that were due to him at some point in the summer of 1996.” BX 20. The November 6 letter purports to enclose a “copy of that correspondence, dated June 13, 1996.” *Id.* No letter dated June 13, 1996, or any other date, indicating that Amar has been paid all the funds due him, either in the summer of 1996 or at any other time, can be found in the record in this matter.

D. Petitioner’s Present Character

22. Petitioner presented no witnesses on his present character, but introduced three character letters from persons who were not called to testify.<sup>9</sup>

23. Since his disbarment, Petitioner has engaged in a number of activities that show good conduct and character. He has financially assisted an individual suffering

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<sup>9</sup> The Committee report states as follows:

Petitioner chose to submit letters at the hearing instead of having witnesses testify in his case in chief. . . . After Bar Counsel pointed out in her case that Petitioner had not presented any character witnesses, Petitioner then offered to either present witnesses at the hearing or make witnesses available by telephone. Given the extreme prejudice to Bar Counsel that his last minute proffer presented, Petitioner’s request to present character witnesses after his case in chief was closed was denied.

HC Rpt. at 10.

Petitioner has not excepted to that Committee ruling in his presentations to the Board.

from grave illness and, quite likely, saved her life. 1/24/06 Tr. at 31-32. He also has been involved in serving as a Court Appointed Special Advocate for foster children in Alexandria. 1/24/06 Tr. at 50. Petitioner also has intervened in an instance in which two children were being neglected and was instrumental in getting them into better living conditions. 1/24/06 Tr. at 33-37. Petitioner testified in a sincere and heartfelt manner regarding his concern for and his efforts on behalf of these two children.

24. During the time since his disbarment, by order dated March 11, 2004, Petitioner was fined \$1,500.00 plus costs by the United States Bankruptcy Court for the District of Maryland for violations in connection with the preparation of a bankruptcy petition for Romeo E. Sackar. Petitioner failed to comply with certain statutory requirements in the preparation of that petition. BX 26-27. Petitioner has not paid that fine. 2/17/06 Tr. at 87. Since the time of his disbarment, Petitioner has been sued in the *Redditt* matter, apparently a lawsuit by the mother of the two children on whose behalf Petitioner intervened. That lawsuit was dismissed. BX 30.

25. Petitioner currently works for the Department of Homeland Security as a program specialist.

E. Petitioner's Qualifications and Competence Needed to Practice Law

26. Throughout the period of his disbarment, Petitioner has remained connected to the law. He has taught law at Howard University in the time since his disbarment. 1/24/06 Tr. at 50. He taught constitutional law, administrative law, and judicial process and became the pre-law director for the undergraduate program. *Id.* In the administrative law classes, they studied the operation of administrative agencies, rulemaking, administrative hearings and the hearing process. *Id.* In the judicial process

courses, they studied the difference in the operation of state and local courts and the federal courts. *Id.* In the constitutional law courses, the students studied the tension between the president's war powers and the constitutional right to privacy, death penalty issues, affirmative action, same sex marriages and the application of Article 7. *Id.* at 55-56.

27. Petitioner testified that his competence in the law is "in drafting, negotiation, representation of my client's interests before boards. . . . I practiced law in Maryland and the District of Columbia for ten or fifteen years. Toward the end of that period I had begun to try cases on my own but before that I hired litigators because litigation was not the area that was of interest to me and it was not the area of my greatest strength." 1/24/06 Tr. at 57-58.

28. Petitioner is familiar with the Rules of Civil Procedure and has been assisting on what he described as "a very complicated multi jurisdictional case for about eight years now and with the result being that last [Sunday] . . . with the few hours that I could spare I spent working on pretrial memoranda providing my input to a practicing attorney in New York in a case in the federal courts." 1/24/06 Tr. at 58.

29. Petitioner now takes calls from evacuees from New Orleans, in large part, from Mississippi, Alabama and Texas, and on the calls with them he applies the rules and the regulations of Federal Emergency Management Agency ("FEMA") to each of the individual situations. When the calls are referred to him it is because they are a little bit more complicated than that of the person who is an intake caller, but his "job is to sort of figure out how the rules and the regulations under which FEMA operates apply to each of the situations when callers . . . call in." 1/24/06 Tr. at 59.

30. Petitioner also has become a counselor to foreign individuals on the operation of the U.S. legal system. 1/24/06 Tr. at 60-61. He has learned more about accounting and has read the Rules Of Professional Conduct as part of his steps to ensure that he will not violate them in the future. 1/24/06 Tr. at 111-12. Petitioner presented no evidence other than having read the rules of professional conduct that shows that he has taken steps to educate himself in the areas that underlie his disbarment.

31. If he is reinstated to the Bar, Petitioner does not intend to actively practice law. 1/24/06 Tr. at 118.

## II. ANALYSIS

A disbarred attorney seeking reinstatement must demonstrate, by clear and convincing evidence, that he “has the moral qualifications, competency, and learning in law required for readmission” and that 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.” D.C. Bar R. XI, § 16(d). Over twenty years ago, in a reinstatement case entitled *In re Roundtree*, 503 A.2d 1215 (D.C. 1985), the Court, “[r]eading [Section 16(d)] in light of the overall purposes of the disciplinary system,” identified “five factors to be considered in each reinstatement case ” as follows:

- (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 conduct since discipline was imposed, including the steps 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.



*Id.* at 1217.

The Maryland Court found that Petitioner knowingly and intentionally took client funds entrusted to him. Instead of following his client's instruction with respect to the funds, Petitioner used the funds himself. What is more, the Maryland Court further found that Petitioner deceived his client when he was asked about his disposition of the funds. The Committee rightly deemed the misconduct "serious and directly related to [Petitioner's] obligations as an attorney to his client." HC Rpt. at 14.<sup>10</sup>

Upon analysis of the record evidence with the *Roundtree* factors in mind, we have concluded that Petitioner in this matter has not met the standards for reinstatement set forth in D.C. Bar R. XI, § 16(d). Our conclusion rests largely on Petitioner's failure to provide evidence supporting his assertions that he "has accepted full responsibility for and paid for his malfeasance" and has made "full restitution to Amar." Petition at Bates 46. The final judgment entered in Amar's Baltimore lawsuit resolved litigation brought by Amar to recover the funds Petitioner misappropriated and the loss Amar suffered as a result of Petitioner's misconduct. The terms of the judgment thus establish the conditions that Petitioner would have had to fulfill to provide complete restitution for the losses occasioned by his misconduct.

As the Court directed in *Roundtree*, "[i]n any reinstatement case, primary emphasis must be placed on the factors most relevant to the grounds upon which the attorney was suspended or disbarred." *Roundtree*, 503 A.2d at 1217. A lawyer who misappropriates a client's funds leaves, in the wake of his misconduct, a debt to the client that is at least as large as the amount of the funds misappropriated, and sometimes – as in

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<sup>10</sup> The Committee did not deem the misconduct in this matter so grave as to warrant heightened scrutiny of the *Roundtree* factors. See *In re Borders*, 665 A.2d 1381, 1382 (D.C. 1995). We agree.

this matter – larger, because of consequential losses the client may suffer because of his initial loss of the funds. Steps taken to remedy those losses by a lawyer disbarred for misappropriation of client funds thus are of special concern in deciding whether the lawyer should be reinstated to the practice of law.<sup>11</sup>

Prior reinstatement decisions have recognized the paramount importance of restitution in cases involving a lawyer's misappropriation or other misconduct that has caused a compensable harm to his client. In *In re Morrell*, 859 A.2d 644 (D.C. 2004), the Court held that, even though, in that case, restitution was not included in the disciplining order as an explicit condition for reinstatement, the Board may dismiss, without hearing, a petition for reinstatement that does not state steps taken by the petitioner to make restitution for misappropriating his client's funds, which was a key element of the wrongful conduct on which the discipline was based. Ten years earlier, in *In re Tinsley*, 668 A.2d 833 (D.C. 1995) (per curiam), the Court adopted a Board report that recommended denial of a petition for reinstatement filed by a lawyer who had been suspended with a fitness condition. The principal reason for the Board recommendation was that the lawyer had failed to remedy his past wrongs or pay monetary sanctions and fines ordered by the Court by reason of those wrongs.<sup>12</sup>

Petitioner, in this matter, was disbarred by the Maryland Court in November 1997 and reciprocally disbarred in the District of Columbia a year later. In the almost ten years

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<sup>11</sup> Thus, almost as a regular practice, the sanction imposed in the District of Columbia for misappropriation includes a condition that the restitution of misappropriated funds, with interest, be made before reinstatement will be ordered. See, e.g., *In re Rogers*, 902 A.2d 103, 106 (D.C. 2005) (per curiam); *In re Alexander*, 865 A.2d 541, 544 (D.C. 2005).

<sup>12</sup> The petitioner in *Tinsley* sought to excuse those failures by asserting that "his failure to pay his debts [was] due to lack of funds." *Id.* at 836 (appended Board report). The Board nonetheless found that he had not made a good faith effort to remedy his past wrongs during his "lengthy suspension period" (four years by the date the Board report was filed). *Id.*

that have passed since his disbarment, he has paid, at most, about half of the \$130,000.00 he had agreed to pay his former client for losses due to Petitioner's misappropriation. He has stated no intention to complete his restitution payments. He has offered no plan to pay even the rest of the original \$90,000.00 sum, much less the accrued interest, or to reimburse the Client Protection Fund for the approximately \$18,000.00 that the fund paid Petitioner's former client. He simply insists that he has fulfilled his restitution obligation. His insistence, however, is contrary to the evidence in this matter. The Committee found that "Petitioner does not believe that his actions rise to the level of a misappropriation or that his discipline was deserved." HC Rpt. at 6. Petitioner's belief that he was wrongly disbarred, however, affords him no legitimate ground to ignore the rulings and judgments of the courts or his own agreement with his former client. We agree with the Committee that the record does not establish, by clear and convincing evidence, that Petitioner has taken meaningful steps to remedy past wrongs.

We also agree with the Committee that, notwithstanding the evidence of his "good conduct and character" (*see* HC Rpt. at 10) and his present employment with the Department of Homeland Security (*see id.* at 11), Petitioner has not demonstrated that he has the character necessary for resumption of the practice of law. Too many of the material assertions in his Petition are unsubstantiated by the evidence for the record in this matter to support a conclusion that Petitioner is a person of good moral character. Petitioner's Reinstatement Questionnaire Answers plainly state, without qualification, that "[t]he entire amount claimed by Dr. Amar was paid along with 18% interest" and that "the last payments were made in the summer of 1996." Reinstatement Questionnaire Answers at Bates 246. No evidence in the record supports those statements, which are at

odds with the record in the Baltimore lawsuit. *See supra*, pp. 6-11. Petitioner wrote the Maryland Client Trust Fund in October 1995 that he expected his dispute with Amar “will be resolved by way of a final payment” within 30 or 60 days, but when it was not resolved, he made no effort to provide the Trust Fund with further information. BX at 18. Perhaps worst of all, in November 2005, after Petitioner had commenced this reinstatement proceeding but before the Committee hearing, Petitioner referred in a letter to the Client Protection Fund to correspondence dated June 13, 1996 in which he represented “that Amar received all of the funds that were due to him at some point in the summer of 1996.” BX 20. Yet he offered no such correspondence for the record in the hearing on this matter, which commenced only months after he wrote his letter. We can only conclude that no such evidence existed at the time he wrote that letter. Petitioner’s multiple failures to substantiate statements in his Petition and his letter to the Client Protection Fund, statements that are central to the issues in this matter, render it impossible for us to conclude that his reinstatement as a lawyer in the District of Columbia would not be “detrimental to the integrity and standing of the Bar.” D.C. Bar R. XI, § 16(d).

Petitioner practiced law in Maryland and the District of Columbia for more than ten years before he was disbarred. Petition at Bates 3-4. During those years he gained experience in “drafting, negotiation [and] representation of [his] client’s interests before boards.” HC Rpt. at 12. He had tried court cases on his own toward the end of that period. *Id.*

Since his disbarment, Petitioner has “remained connected to the law.” HC Rpt. at 11. He has taught constitutional law, administrative law and judicial process in the

undergraduate program at Howard University. *Id.* at 11-12. In the course of his present employment, he is called upon to “sort of figure out how the rules and the regulations under which FEMA operates apply to each of the situations when callers . . . call in.” 1/24/06 Tr. at 59. The Committee concluded that he “has maintained his state of knowledge . . . [in those] areas of the law [that] appear to be the areas” in which he would practice, if reinstated. HC Rpt. at 21.

The Committee, however, did not find that Petitioner had “made a showing by clear and convincing evidence as to his current qualifications and competence to practice law” primarily because he had not made any specific showing that he “has taken any steps toward learning how to avoid the practices for which he was disbarred or has taken any other CLE courses.” HC Rpt. at 21. Although some formal training in this field would certainly enhance our confidence that Petitioner has the requisite qualifications and competence, we do not regard such courses as essential. Despite the Committee’s misgivings in this regard, we have concluded that, based on the record as a whole in this matter, Petitioner has established, by clear and convincing evidence, that he has the qualifications and competence, as distinguished from the moral character, needed to practice law.

In sum, we conclude that, despite his possession of the qualifications and competence needed for the practice of law, Petitioner has not demonstrated that he possesses the character necessary for the practice of law. Accordingly, we have concluded that he should not be reinstated in the Bar of the Court.<sup>13</sup>

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<sup>13</sup> After oral argument before the Board, Petitioner filed a motion for reargument and a motion to strike certain portions of the Committee’s report and recommendations and certain portions of Bar Counsel’s briefs. We have considered these motions and the written submissions Petitioner and Bar Counsel have made with respect to the motions, and we hereby deny both motions.

### III. CONCLUSION

The Board recommends that the petition of Meldon S. Hollis, Jr. for reinstatement to the District of Columbia Bar of the District of Columbia Court of Appeals be denied.

#### BOARD ON PROFESSIONAL RESPONSIBILITY

By: James P. Mercurio  
James P. Mercurio

Dated: **MAY 24** 2007

All members of the Board concur in this Report and Recommendation.