



# OFFICE OF DISCIPLINARY COUNSEL

November 25, 2019

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Deputy Disciplinary Counsel

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Azadeh Matinpour

*Sent via electronic mail at mmichspilio@icloud.com, mmichspirit@gmail.com, michellespiliios2016@icloud.com, and michellespiritos@hotmail.com*

**SENT VIA FIRST-CLASS  
AND CERTIFIED MAIL NO. 9414 7266 9904 2129 2010 66**

Michelle Spirtos, Esquire  
16022 Puesta Del Sol  
Whittier, CA 90603



*In re Michelle Spirtos, Esquire*  
(D.C. Bar No. 493459)  
Disciplinary Docket No. 2011-D151

Dear Ms. Spirtos:

Please find enclosed an Order from District of Columbia Court of Appeals issued on October 21, 2019, authorizing service by alternative means the enclosed Specification of Charges and Petition Instituting Formal Disciplinary Proceedings in the above-referenced matter.

If you have any questions, you may contact the undersigned at (202) 638-1501. Kindly refer to the above docket number in all correspondence and telephone calls.

Very Truly Yours,

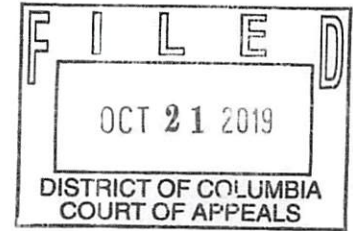
H. Clay Smith, III  
Assistant Disciplinary Counsel

Enclosures

cc: James Phalen, Executive Attorney  
Board on Professional Responsibility

HCS:adlt

**District of Columbia  
Court of Appeals**



**No. 19-BG-950**

IN RE MICHELLE SPIRTOS,  
A Member of the Bar of the  
District of Columbia  
Court of Appeals  
Bar Registration No. 493459

DDN: 151-11

BEFORE: Thompson and Easterly, Associate Judges, and Steadman, Senior Judge.

**O R D E R**

On consideration of the motion of Disciplinary Counsel for an order pursuant to D.C. Bar Rule XI, § 19(e), and D.C. Code § 11-2503(b) directing service of the Petition Instituting Formal Disciplinary Proceedings and the Specification of Charges upon the respondent by regular and certified mail; it is

ORDERED that Disciplinary Counsel's motion is granted. It is

FURTHER ORDERED that Disciplinary Counsel shall serve a certified copy of this order and the Petition and Specification of Charges upon respondent by regular and certified mail at her address of record with the District of Columbia Bar –16022 Puesta Del Sol, Whittier, California 90603 –and by e-mail at email addresses listed below.

**PER CURIAM**

No. 19-BG-950

Copy served to:

Michelle Spirtos, Esquire  
16022 Puesta Del Sol  
Whittier, CA 90603

Copies e-served to:

Michelle Spirtos, Esquire  
mmichspirto@icloud.com  
mmichspirit@gmail.com  
michellespirtos2016@icloud.com  
michellespirtos@hotmail.com

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Executive Attorney  
Board on Professional Responsibility

Matthew G. Kaiser, Esquire  
Chair  
Board on Professional Responsibility

Hamilton P. Fox, III, Esquire  
Disciplinary Counsel

H. Clay Smith, III, Esquire  
Assistant Disciplinary Counsel



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*Investigative Attorney*  
Azadeh Matinpour

## Memorandum

To: Michelle Spirtos, Esquire

From: H. Clay Smith, III, Assistant Disciplinary Counsel 

Re: Disciplinary Docket No. 2011-D151

Your response to the enclosed Specification of Charges is due in 20 days pursuant to Board Rule 7.5. We have enclosed the Board on Professional Responsibility Rules and District of Columbia Court of Appeals' Rule XI, which govern disciplinary proceedings, and a memorandum from the Board's Executive Attorney concerning your rights and obligations as a respondent and the hearing scheduling.

The street and email addresses you have listed with the D.C. Bar are:

Michelle Spirtos, Esquire  
16022 Puesta Del Sol  
Whittier, CA 90603

And at: mmichspirit@gmail.com, and mmichspirit@icloud.com

Disciplinary Counsel and the Board Office will send all case-related documents to these addresses. If you prefer using another address, please notify Disciplinary Counsel and the Board Office immediately in writing.



RECEIVED  
NOV 25 2019  
Board on Professional Responsibility

**Disciplinary Docket No. 2011-D151**

(1) **Referral to Hearing Committee** - When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** – Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** – The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not answered by Respondent may be deemed established as provided in Board Rule 7.7.

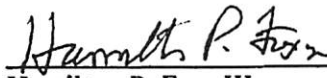
(4) **Mitigation** – Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** – Respondent is entitled to fifteen days' notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are

applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

**WHEREFORE**, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

A handwritten signature in dark ink, appearing to read "Hamilton P. Fox, III", is written over a horizontal line.

Hamilton P. Fox, III  
Disciplinary Counsel

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**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**



**In the Matter of**

**MICHELLE SPIRTOS, ESQUIRE,**

**Respondent**

**Member of the Bar of the District of  
Columbia Court of Appeals  
Bar Number: 493459  
Date of Admission: July 8, 2005**

**Disciplinary Docket No. 2011-D151**

**SPECIFICATION OF CHARGES**

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar Rule X and D.C. Bar Rule XI, § 2(b).

Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar Rule XI. Pursuant to D.C. Bar Rule XI, § 1(a), jurisdiction is found because:

1. Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted by examination on July 8, 2005, and assigned Bar number 493459.

**Count I**

2. On August 18, 2008, Respondent's mother, Thelma Spirtos, filed a civil action in the United States District Court for the Central District of California, styled *Spirtos v. Pacifica Mortgage Fund, LLC, et al.* The complaint sought monetary damages and to enjoin defendants from foreclosing upon her property. Jon Eardley, Esquire, Respondent's husband, filed the civil action on behalf of Thelma Spirtos.



3. On May 29, 2009, Richard Gibson, Esquire, was substituted for Mr. Eardley as Thelma Spirtos' new attorney.

4. On July 28, 2009, the civil complaint was amended, adding Respondent as a co-plaintiff in the matter.

5. On August 26, 2009, Mr. Gibson was discharged, and Respondent and her mother represented themselves, as the plaintiffs in the matter, pro per.

6. On September 9, 2009, Respondent filed a motion for partial summary judgment, to which she attached the declaration of "Natalie Mantos" (the "Mantos Declaration"), who Respondent alleged was an employee of one of the defendants.

7. The Mantos declaration attested that plaintiffs, through Jon Eardley, had made 19 separate payments to the defendants, totaling \$38,000. Based upon this declaration, plaintiffs argued that they were not in default on their mortgage, and that because defendants accepted the mortgage payments after recording the default they had waived their right to proceed with a foreclosure sale.

8. Upon reviewing the defendant's response, and the accompanying declarations of bank personnel, the court concluded that the Mantos Declaration was false in that none of the payments described in the Mantos Declaration were made, and that the person identified as Natalie Mantos did not prepare the Declaration. The court also found that Respondent knew or should have known that the Mantos Declaration was false.

9. Respondent violated the following California Rules:<sup>1</sup>

a. California Rules of Professional Conduct 5-700(B) and California Business and Professional Code, Article 4, § 6068, in that Respondent, in presenting a matter to a tribunal, sought to mislead a judge with an artifice or false statement of fact.

10. Respondent violated the following District of Columbia Rules of Professional Conduct:

a. Rule 3.3(a)(4) in that Respondent knowingly offered evidence the lawyer knew to be false; and

b. Rule 8.4(c) in that Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, and

c. Rule 8.4(d) in that Respondent engaged in conduct that seriously interferes with the administration of justice.

### Count II

11. On or about October 4, 2004, Respondent filed a lawsuit against a U.S. Bankruptcy Judge in the United States District Court for the Central District of California styled, *Michelle Spirtos v. Alan Ahart*, CV 04-8268-R.

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<sup>1</sup> D.C Rule of Professional Conduct 8.5(b) provides Choice of Law. "In any exercise of the Disciplinary Authority of this jurisdiction, the Rules of Professional Conduct to be applied shall be as follows:

(1) For conduct in connection with a matter before a tribunal, the rules to be applied shall be the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise."

The United States District Court, for the Central District of California applies the disciplinary rules of the State of California.

12. Respondent was a claimant in the probate matter styled *In re Basil N. Spirtos*, in the Superior Court of the State of California for the County.

13. During a four-year period, Respondent commenced, prosecuted or maintained on behalf of herself eight litigations in the matter that had been finally determined adversely to her. On October 24, 2003, the court issued an order finding that Respondent was a "vexatious litigant" under California law. As such, she was required to obtain the permission of the court prior to filing any new litigation or pleadings related to the matter.

14. On or about January 3, 2005, Respondent submitted to the District of Columbia Court of Appeals Committee on Admissions, an application for admission into the District of Columbia Bar.

15. On the application, Respondent certified that she had "read the foregoing document, [and] that [she had] answered all questions fully and frankly, and that [her] answers [were] complete and true to the best of [her] knowledge".


16. Question 18 on the application for admissions asked, "Have you ever been named a party in any civil action or family law matter (including continuing orders for child support?)" Respondent falsely circled her answer as "No," in as much as she failed to report that she had filed the above-described lawsuit against Bankruptcy Judge Alan Ahart, and where she was involved with eight litigated matters in the *In re Basil N. Spirtos* matter.

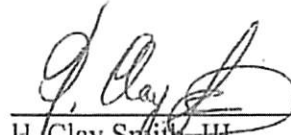
17. Respondent violated the following District of Columbia Rules:

a. Rule 8.1(a) in that in connection with her bar application, Respondent knowingly made a false statement of fact; and

b. Rule 8.4(c), in that Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

Respectfully submitted,

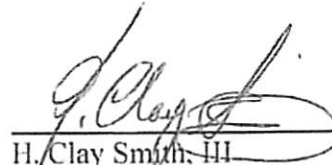
  
Hamilton P. Fox, III  
Disciplinary Counsel

  
H. Clay Smith, III  
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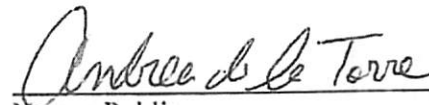
**VERIFICATION**

I do affirm that I verily believe the facts stated in the Specification of Charges to be true.

  
H. Clay Smith, III  
Assistant Disciplinary Counsel

Subscribed and affirmed before me in the District of Columbia this 7<sup>th</sup> day of March 2019.

My Commission Expires: 02-01-20

  
Notary Public

