

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
DAVID BLAIR MINTZ

VS B DOCKET NO. 26-000-136776

RULE TO SHOW CAUSE
AND
ORDER OF SUMMARY SUSPENSION AND NOTICE OF HEARING

It appearing to the Board that David Blair Mintz was licensed to practice law within the Commonwealth of Virginia on April 16, 1998, and,

It further appearing that David Blair Mintz has been disbarred from the practice of law in the State of Maryland by Order of the Supreme Court of Maryland, AG No. 21, dated September 4, 2025; and,

It further appearing that such disciplinary action has become final.

It is ORDERED, pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-24, that the license of David Blair Mintz, to practice law within the Commonwealth of Virginia be, and the same is, hereby suspended effective October 22, 2025.

It is further ORDERED that David Blair Mintz appear before the Virginia State Bar Disciplinary Board on **Friday, November 14, 2025, at 9:00 a.m.** in the **State Corporation Commission – Courtroom A, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219**, to show cause why the same discipline that was imposed in the other jurisdiction should not be imposed by the Board. Pursuant to Part Six, Section IV, Paragraph 13-24.C of the Rules of the Supreme Court of Virginia, David Blair Mintz has 14 days from the date of this Rule to Show Cause and Order of Summary Suspension and Hearing to file a written response with the Clerk of the Disciplinary

System, which shall be confined to argument and exhibits supporting one or more of the grounds for dismissal or imposition of a lesser discipline specified in paragraph 13-24.C. Failure to file a written response within 14 days may result in the Disciplinary Board's refusal to consider during the hearing in this matter any evidence or argument supporting the existence of one or more of the grounds specified in Paragraph 13-24.C.

It is further ORDERED that David Blair Mintz must comply with the requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing Attorneys and presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. The Respondent shall give such notice immediately and in no event later than 14 days of the effective date of the Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Suspension. The Respondent shall also furnish proof to the Clerk of the Disciplinary System of the Virginia State Bar within 60 days of the effective date of the Suspension that such notices have been timely given and such arrangements have been made for the disposition of matters.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of the Suspension, he shall submit an affidavit to that effect within 60 days of the effective date of the Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. The Board shall decide all issues concerning the adequacy of the notice


and arrangements required herein. The burden of proof shall be on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of subparagraph 13-29.

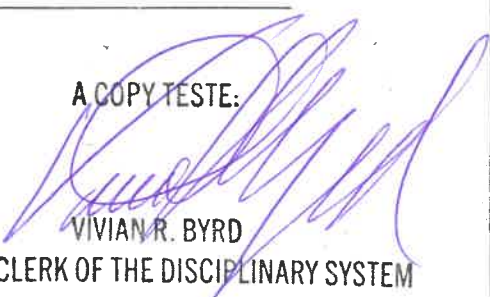
It is further ORDERED that the Notice of the Supreme Court of Maryland dated September 4, 2025, and the certified copy of the Petition for Disciplinary or Remedial Action, Amended Circuit Court Findings of Fact and Conclusions of Law, Petitioner's Exceptions and Recommendations for Sanctions, and Per Curiam Order in the case of Attorney Grievance Commission of Maryland v. David B. Mintz, AG No. 21, September Term, 2024 be attached to this Rule to Show Cause and Order of Summary Suspension and Notice of Hearing and made a part hereof.

It is further ORDERED that an attested copy of this Rule to Show Cause and Order of Summary Suspension and Notice of Hearing, with attachments, shall be mailed to David Blair Mintz, by electronic, first-class and certified mail at his address of record with the Virginia State Bar, Law Office of David B. Mintz, PC, Suite 249, 10632 Little Patuxent Parkway, Columbia, MD 21044, and by electronic mail to Renu M. Brennan, Bar Counsel.

ENTERED THIS 15th DAY OF OCTOBER, 2025

VIRGINIA STATE BAR DISCIPLINARY BOARD


Alison G. M. Martin
First Vice Chair

A COPY TESTE:

VIVIAN R. BYRD
DEPUTY CLERK OF THE DISCIPLINARY SYSTEM



RECEIVED
Sep 4, 2025
VIRGINIA STATE BAR
CLERK'S OFFICE

Supreme Court of Maryland

Robert C. Murphy Courts of Appeal Building
361 Rowe Boulevard
Annapolis, Maryland 21401

Gregory Hilton,
Clerk

(410) 260-1500
(800) 926-2583

September 4, 2025

NOTICE

I, Gregory Hilton, Clerk of the Supreme Court of Maryland, give notice, pursuant to Maryland Rule 19-761(b), that, by the Supreme Court of Maryland's September 4, 2025 Per Curiam Order, **DAVID B. MINTZ** has been disbarred, effective immediately, and his name has been stricken from the register of attorneys in this Court as of September 4, 2025.

David B. Mintz's attorney number is: **9512130232**.



/S/ Gregory Hilton
Clerk

RECEIVED
Sep 18, 2025
VIRGINIA STATE BAR
CLERK'S OFFICE

STATE OF MARYLAND, ss:

I, Gregory Hilton, Clerk of the Supreme Court of Maryland, do hereby certify that the foregoing is a certified copy of the Petition for Disciplinary or Remedial Action, Amended Findings of Fact and Conclusions of Law, Petitioner's Exceptions and Recommendations for Sanctions, and Per Curiam Order in the case of Attorney Grievance Commission of Maryland v. David B. Mintz, AG No. 21, September Term, 2024 on deposit in the office of the Clerk of the Supreme Court of Maryland.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Clerk and affixed the seal of the said Supreme Court of Maryland, this 10th day of September, 2025.



Gregory Hilton

Clerk
Supreme of Maryland

ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND
200 Harry S. Truman Parkway, Suite 300
Annapolis, MD 21401

The Commission,

v.

DAVID B. MINTZ
4729 Bel Pre Road
Rockville, Maryland 20853

Respondent.

* IN THE
* SUPREME COURT
* OF MARYLAND
* SCM-AG-0021-20024
* September Term, 2024
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PETITION FOR DISCIPLINARY OR REMEDIAL ACTION

The Attorney Grievance Commission of Maryland, by Thomas M. DeGonia II, Bar Counsel, and Jessica M. Hall, Deputy Bar Counsel, its attorneys, files this Petition for Disciplinary or Remedial Action against David B. Mintz, the Respondent, and states as follows:

1. On August 21, 2024, the Attorney Grievance Commission directed Bar Counsel to file this Petition pursuant to Maryland Rule 19-721.
2. The Respondent David B. Mintz was admitted to the Maryland Bar on December 13, 1995.
3. At all relevant times hereto, the Respondent maintained an office for the practice of law at 10632 Little Patuxent Parkway, Ste. 249, Columbia Maryland 21044 (“office address”) until January of 2022 at which time he maintained his practice out of his home located at 4729 Bel Pre Road, Rockville Maryland 20853 through the present date (“home address”).
4. The Respondent, for the relevant time period, was engaged in the practice of law, exclusively specializing in bankruptcy matters.

Nilda Pacantara Complaint

5. In June 2020, Nilda Namocatcat Pacantara hired the Respondent to file a petition for bankruptcy on her behalf. On June 20, 2020, Ms. Pacantara signed a retainer agreement and agreed to pay the Respondent a total of \$4,000.00. She paid the Respondent \$1,000.00 at the time the agreement was signed.
6. The Respondent maintained contact with Ms. Pacantara for some time and returned a few phone calls from creditors on her behalf.
7. Between November 2020, and May 24, 2021, Ms. Pacantara attempted to contact the Respondent about her case. The Respondent never returned her phone calls, nor did he file a bankruptcy petition on her behalf.
8. On May 24, 2021, Ms. Pacantara filed a complaint with the Office of Bar Counsel. Ms. Pacantara stated that she wanted to hire a new attorney to represent her in filing for bankruptcy, but that after paying the Respondent, she did not have money to hire a new attorney.
9. In May 2022, after speaking with the Office of Bar Counsel, the Respondent offered to refund Ms. Pacantara her money and represent her pro bono. He did refund the money, but he did not take any further action on her case, nor did he inform her that he was unable to continue to represent her.

Chika S. Olugbala Complaint

10. ~~Chika S. Olugbala retained the Respondent to assist him in filing for bankruptcy. A~~
retainer agreement between the Respondent and Mr. Olugbala was signed on July 9,

2018. Mr. Olugbala paid the Respondent \$4,325.00 per the retainer agreement in exchange for which the Respondent was to represent him in a bankruptcy proceeding which Mr. Olugbala had previously filed *pro se*.

11. The Respondent filed a “Motion to Convert Case to Chapter 13” on July 16, 2018, in Case No. 18-17294, on behalf of Mr. Olugbala, the debtor in that matter.
12. On April 19, 2023, a “Motion for Relief from Stay and Notice of Motion as to Debtor and Co-Debtor...” was filed by Nationstar Mortgage LLC. Objections were due on May 3, 2023. Notice was sent to the Respondent. The Respondent did not file a response to the motion and a hearing was scheduled for May 18, 2023. The Respondent did not appear for that hearing, nor did he provide Mr. Olugbala with notice of that hearing. A second hearing was scheduled for June 22, 2023, and again the Respondent did not notify Mr. Olugbala of the hearing, nor did he appear for the hearing on behalf of Mr. Olugbala.
13. ~~Mr. Olugbala filed a complaint with the Office of Bar Counsel on June 4, 2023, based on Respondent’s failure to appear for the May hearing and failure to communicate with Mr. Olugbala about his case.~~
14. On September 22, 2023, Bill Lynn, investigator for the Office of Bar Counsel, interviewed Mr. Olugbala. During that interview, Mr. Olugbala stated that he was not certain that the Respondent had not died because he had not heard from him about his bankruptcy matter since 2020. Mr. Olugbala recounted making many phone calls, sending several emails and written letters requesting the Respondent to contact him about the pending bankruptcy petition. Mr. Olugbala stated that the Respondent never responded to his efforts to contact him and never informed him that he could no longer

represent Mr. Olugbala in his bankruptcy matter.

15. The Respondent never moved to withdraw as counsel of record for Mr. Olugbala in Case no. 18-17294.

Complaint from the United States Trustee of the United States Bankruptcy Court

16. On September 14, 2022, the Office of Bar Counsel received a complaint about the Respondent from the Chief Deputy Clerk of the U.S District Court for the District of Maryland. The complaint included an “Appendix A” which noted the following cases where the Respondent failed to properly represent his clients: Tyeacha Counts, 19-15507; Donovan Grant, 18-26233; Paulette Denise Emilien, 21-11081; Judson W. Anglin, 19-23354; Brian D. Gruner, 22-11067; Elyca S. Mintz, 22-13459; Novimbi Consolation Meriwether, 15-14251; and David B. Mintz, 22-11110.
17. As set forth in more detail below, the United States Trustee (“U.S. Trustee”) provided information about numerous cases where the Respondent failed to appear in court on behalf of his clients or failed to file necessary pleadings. In each of these cases, the Respondent’s failure to pursue his client’s cases in court resulted in dismissal of their cases or resulted in rulings by the bankruptcy court adversely affecting his client’s interests.
18. On December 12, 2022, Bar Counsel received a letter from Jeanette Rice, Assistant U.S. Trustee of the Office of the United States Trustee, District of Maryland, Greenbelt Division. Ms. Rice provided numerous enclosures in addition to a brief description of updates regarding some of the matters enumerated in the September 14, 2022 letter as well as included an initial complaint regarding the matter of Vanessa E. Hall, 22-10811-

NVA; and the matter of Mirta De La Rosa, 21-14353.

19. On December 15, 2022, Bar Counsel received another letter from Jeanette Rice describing action that the U.S. Trustee had taken against the Respondent because of his negligent conduct in handling certain bankruptcy cases. The U.S. Trustee filed a “Motion to Review Conduct of David B. Mintz and Law Office of David B. Mintz, P.C., Disallowance and Refund of Fees and Other Relief as may be Appropriate,” (“Omnibus Motion”). An evidentiary hearing was conducted on the Omnibus Motion on November 21, 2022, and at the conclusion of the hearing, the Omnibus Motion was granted. The Respondent was ordered to disgorge fees in several cases. Ms. Rice provided court documents and brief summaries of the Respondent’s conduct in several cases previously reported to Bar Counsel as well as the following new matters: Dolka Vasquez, 19-16032-LSS; William T. Patton, Jr., 19-19556-LSS; and Sharonda Colbert, 18-19224-DER.

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20. On February 9, 2023, Ms. Rice sent Bar Counsel another letter entitled “Re: David Mintz – Additional Acts of Negligence,” which provided updates on the Respondent’s conduct before the Bankruptcy Court.

21. As set forth in more detail below, Ms. Rice’s letter described that the Respondent was found to be in contempt of court before the U.S. Bankruptcy Court. Additionally, the Respondent failed to pay his taxes and had several tax liens filed against him.

Brian Gruner, Bankruptcy Case 22-11067-MR

22. On March 3, 2022, the Respondent filed for bankruptcy relief under Chapter 13 of the Bankruptcy Code on behalf of his client, Brian Gruner. The Respondent entered his appearance on that same date.

23. The petition that the Respondent filed was a “bare bones” petition which needed to be supplemented with certain required documents to include: Schedules, Statement of Financial Affairs, Chapter 13 Plan, and Statement of Current Monthly Income. The due date for that filing was March 17, 2022.
24. The Respondent filed a “Disclosure of Compensation” with the Court stating that he charged the debtor \$4,625.00 for his legal services, \$1,100.00 of which was paid prior to the petition being filed.
25. On March 18, 2022, one day after the filing was due, the Respondent filed a “Motion for Extension of Deadline for Filing Missing Documents” (“First Motion”) stating that the Debtor required more time to complete the documents. The Court granted that motion and set a new deadline of April 1, 2022.
26. On April 4, 2022, the Respondent filed a “Motion for Additional Extension of Deadline for Filing Missing Documents,” (“Second Motion”). The Court granted the Second Motion and gave the Debtor until April 15, 2022, to file the required documents.
27. On April 18, 2022, the Respondent filed a “Motion for Additional Extension of Deadline for Filing Missing Document,” (“Third Motion”). The Respondent stated in that pleading “[t]hrough no fault of the debtor, undersigned counsel requires a short extension to complete the required filings.”
28. The Court granted a third extension to April 25, 2022. On April 27, 2022, the Respondent filed a “Motion for Additional Extension of deadline for Filing Missing Documents,” (“Fourth Motion”). In that motion, the Respondent again affirmed that the need for the motion was due to “no fault of the debtor.” A final due date of May 9, 2022, was set. The

Respondent was notified of that date.

29. The Respondent failed to complete the required filing and did not request a fifth extension of the due date. The Court thereby entered an Order Dismissing Case for Failure to Complete Required Filing on May 10, 2022.
30. At no point did the Respondent file a motion to withdraw his appearance from Mr. Gruner's bankruptcy case nor did he affirmatively advise Mr. Gruner that he would no longer represent him as his attorney in the matter.
31. On May 12, 2022, the U.S. Trustee filed a motion in the Gruner matter requesting disgorgement of the \$1,100.00 paid by Mr. Gruner to the Respondent. The Court granted that "Motion to Review the Conduct of David B. Mintz and the Law Office of David B. Mintz, P.C., and Other Relief as May be Appropriate." That motion was granted by the Court on June 1, 2022.

32. On June 29, 2022, the U.S. Trustee filed a "~~Motion for Order to Show Cause Why David B. Mintz and the Law Office of David B. Mintz, P.C. Should Not be Held in Contempt for Failure to Obey a Court Order.~~"
33. The motion was scheduled to be heard on August 24, 2022. The Respondent received notice of that hearing and failed to appear. Consequently, on August 26, 2022, the Court issued an Order holding David B. Mintz, P.C. in contempt of court. The Court ordered the Respondent to appear on September 12, 2022, between 10:00 a.m. and 12:00 p.m. at the Office of the United States Marshall located at the United States Courthouse in Greenbelt where he was to be held in custody until September 13, 2022, at 12:00 p.m. The Court ordered that he could purge the contempt by providing Mr. Gruner's tax-

related documents that were in his possession as well as the Quit Claim Deed to 25744 Valley Park Terrace, both provided to him by Mr. Gruner, before September 6, 2022, at 3:00 p.m.

34. The Respondent did not turn himself in as ordered on September 12, 2022, and was taken into custody by the United States Marshalls on September 14, 2022. He was released the same day when he disgorged the funds and provided the ordered documents.

Vanessa A. Hall, Case No.: 22-10811-NVA

35. The Respondent was retained by Vanessa A. Hall to file a bankruptcy petition. Ms. Hall needed the petition to be filed to stop a foreclosure sale of her property scheduled for February 19, 2022.
36. The Respondent filed a “bare-bones” petition on February 18, 2022.
37. The Respondent failed to supplement the petition with the required documents and on March 14, 2022, the Court issued an Order to Show Cause why the case should not be dismissed. On March 28, 2022, the Respondent filed a Response to the Order stating that “[d]ue to the emergency nature of the filing, undersigned counsel did not properly calendar the deadlines and did not follow up in a timely manner to get the balance of the information needed to complete the required filings.” He further stated that “Debtor should not be penalized for the failings of undersigned counsel.”
38. The Court granted an extension of the date by which the documents needed to be filed with the Court to April 8, 2022. The Respondent was notified of that extension. No supplemental documents were filed with the Court and on April 12, 2022, the Court

issued an “Order Dismissing Case for Failure to Complete Required Filings and Notice that Automatic Stay is Terminated.”

39. On April 29, 2022, the U.S. Trustee filed a “Motion Requesting an Order to Show Cause Why Debtor’s Attorney Fees Should Not Be Disgorged.” The Court issued the requested Show Cause Order on May 17, 2022, and issued an “Order Directing Disgorgement of Fees,” on June 10, 2022.
40. At no time did the Respondent inform Ms. Hall that he could no longer represent her in her bankruptcy matter nor did he file a motion to withdraw his appearance in this matter.

Paulette Emilien, Case No.: 21-11081-MMH

41. Paulette Emilien retained the Respondent to represent her in a Chapter 13 matter. She paid the Respondent \$500.00 to file the petition and agreed to pay him an additional \$3,325.00 for his representation. The Respondent filed a Chapter 13 Voluntary Petition with the U.S. Bankruptcy Court on February 22, 2021.
42. A confirmation hearing on the Chapter 13 Plan was scheduled for March 9, 2022. The Respondent failed to appear for that hearing. The Court thereby issued an Order denying the confirmation plan without leave to amend. The Respondent received a copy of that order.
43. The Respondent filed a “Motion to Reconsider Order Denying Confirmation of Chapter 13 Plan Without Leave to Amend.” In that motion, the Respondent stated: “[u]ndersigned counsel is highly embarrassed to state that he missed the hearing because he incorrectly listed the wrong hearing date on his calendar.” He further stated that “Debtor apparently

attempted to attend the hearing but was stuck in the waiting room. Counsel believes that it is possible that the Debtor was mistakenly using a link for a previous hearing.”

44. A hearing date was set for the Motion of May 11, 2022. The Respondent failed to appear for that hearing. The hearing was scheduled to be a video hearing. A second hearing date of July 13, 2022, was set and again, the Respondent failed to appear. Ms. Emilien did appear at those hearings and stated to the Court that the Respondent had not been in contact with her and that he did not provide any assistance of representation for her in connection with the hearings.
45. The Respondent agreed in his March 20, 2024, Statement Under Oath that the motion to reconsider was denied as a result of his failure to appear at the scheduled hearings.
46. An “Order to Show Cause Why Attorney’s Fees Should Not Be Refunded” was issued on July 14, 2022. The Order required the Respondent to show cause why he should not refund the \$500.00 to Ms. Emilien and to disallow the remaining \$3,325.00 owed to him for his representation in the matter.
47. The Respondent never paid the fees as ordered.
48. At no time did the Respondent inform Ms. Emilien that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter.

Mirta De La Rosa, Case No.: 21-14353

49. Mirta De La Rosa retained the Respondent to represent her in a bankruptcy proceeding. She did not pay the Respondent prior to the filing of her case but agreed to pay him \$4,925.00 for his representation.

50. The Respondent filed the “bare-bones” petition in her case on June 30, 2021. The documents to be filed were due July 14, 2021. On July 16, 2021, the Respondent filed a motion to extend time for filing which was granted and a new deadline of July 30, 2021 was set. On August 3, 2021, the Respondent filed a second motion to extend the time for filing the required documents. A new deadline for filing of August 17, 2021, was set. The Respondent was notified of this deadline. The Respondent never filed the required documents.
51. Ms. De La Rosa’s case was dismissed on August 26, 2021, for failure to file the required documents. The Order further included “Notice that Automatic Stay is Terminated.” The Respondent received notice of the Order.
52. The Respondent admitted in his March 20, 2024 Statement Under Oath that it was his fault the required filings were not filed.
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53. The Respondent at no time informed Ms. De La Rosa that her bankruptcy proceedings had been dismissed.
54. Beginning in October 2021, Ms. De La Rosa began to receive calls from her mortgage company advising her that her bankruptcy case had been dismissed and she should consider some alternative means to prevent foreclosure on her home.
55. Ms. De La Rosa made many efforts to contact the Respondent about her case including emails dated October 12, 2021, and October 14, 2021, which went unanswered.
56. At no time did the Respondent inform Ms. De La Rosa that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter.

Tyeacha Counts, Case No.: 19-15507

57. Tyeacha Counts retained the Respondent to represent her in a Chapter 13 proceeding. The Respondent filed a Chapter 13 Statement of Current Monthly and Disposable Income on April 23, 2019. Ms. Counts paid the Respondent \$565.00 directly and she agreed to pay him an additional \$4,060.00 through her Chapter 13 Plan.
58. On April 13, 2021, a Modified Chapter 13 Plan was granted at the Debtor's request. Between April 13, 2021, and April 11, 2022, there was no activity in the case. On April 11, 2022, however, the U.S. Trustee filed Trustee's Motion to Dismiss case for Debtor's failure to make plan payments.
59. On April 8, 2022, Ms. Counts wrote to the Court that she tried to reach out to her attorney, the Respondent, by email, telephone, and by physically stopping by his office but she was not able to reach him, and she was not aware of how to proceed without his assistance.
60. A videoconference hearing was scheduled for June 7, 2022. The Respondent received notice of that hearing and failed to appear. Ms. Counts, Debtor, also failed to appear. On June 7, 2022, the hearing was rescheduled for July 5, 2022, and an Order was issued to the Respondent to show cause why he did not appear at the June 7 hearing. The Respondent received notice of the Court's Order and of the new hearing date.
61. On July 5, 2022, Ms. Counts appeared but the Respondent failed to appear for the second time. ~~An Order directing the Respondent to disgorge any fees that he charged Debtor was~~ issued on July 12, 2022.

62. Debtor, Ms. Counts, appeared at a hearing on August 16, 2022, without counsel and she consented to the dismissal of the case.
63. At no time did the Respondent inform Ms. Counts that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter.

Donovan Grant, Case No.: 18-26233

64. The Respondent was retained by Donovan Grant to represent him in a Chapter 13 proceeding. On December 18, 2018, the Respondent filed a Chapter 13 Voluntary Petition on behalf of his client. Mr. Grant paid The Respondent \$1,100.00 and agreed to pay him \$3,525.00 through the Chapter 13 Plan.
65. On November 21, 2021, a "Motion for Relief from Stay and Notice of Motion Re: 18208 Swan Stream Drive, Gaithersburg, Maryland 20877," was filed by Montgomery Manor Homeowners Association. On December 8, 2021, the U.S. Trustee filed a Motion for Order to Show Cause why the Debtor should not modify the plan, or in the alternative, why the case should not be dismissed. The Show Cause Order was issued on December 21, 2021. The Respondent was notified of the Order and that a response was due January 7, 2022. The Respondent failed to file any response and on January 25, 2022, the case was dismissed. Also on that date an order terminating the automatic stay reference 18208 Swan Stream Drive was issued.
66. At no time did the Respondent inform Mr. Grant that he could no longer represent him in his bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter.

67. An "Amended Motion to Review Conduct of David B. Mintz and the Law Office of David B. Mintz, P.C." was filed by the U.S. Trustee on October 28, 2022. Notice was provided to the Respondent. The Respondent did not file a response.
68. The Court issued a show cause order on February 9, 2023, ordering the Respondent to appear for a hearing on April 13, 2023. The Respondent received notice of the hearing and failed to appear on April 13.
69. An Order was issued on May 9, 2023, holding the Respondent in contempt and providing that he could purge that contempt by delivering to the Office of the U.S. Trustee a cashier's check payable to "Donovan Grant" in the amount of \$4,625.00 and prohibiting him from practicing law in the bankruptcy court until he complies with the order. The Respondent was served with the Order on May 10, 2023.

Judson Anglin, Case No.: 19-23354

70. The Respondent represented Judson Anglin in his bankruptcy matter. On October 6, 2019, the Respondent filed a Chapter 7 Voluntary Petition Individual. Mr. Anglin paid the Respondent \$1,300.00 to represent him in this matter.
71. The case proceeded to trial in February 2022. The Respondent appeared on the first day of trial, February 22, 2022. The second day of the trial was scheduled for March 23, 2022. In advance of that date, the Respondent filed an emergency motion to continue the second day of trial stating that he had a "flu-like illness." The trial was reset to April 28, 2022. On April 28, the Respondent failed to appear for the trial. Opposing counsel filed a motion with the Court to approve a consent settlement noting in his motion that he was

unable to reach the Respondent.

Novimbi Consolation Meriwether, Case No.: 15-14251

72. The Respondent was retained by Ms. Meriwether in 2015. On March 26, 2015, The Respondent filed a Chapter 13 petition on behalf of Ms. Meriwether. Ms. Meriwether paid The Respondent \$4,500.00 for his representation.
73. In 2020, the Respondent charged an additional \$1,100.00 which was owed to him by Ms. Meriwether and which was paid to him through her Plan payments.
74. On November 29, 2021, JP Morgan Chase filed a motion for relief from automatic stay in reference to Ms. Meriwether's residential property: 9213 Pegasus Court. Notice was served on the Respondent. Objections were due to the Court by December 13, 2021. The Respondent failed to file any objections on behalf of Ms. Meriwether and on January 18, 2022, an Order Terminating Automatic Stay as to Real Property known as 9213 Pegasus Court was issued.

75. The Respondent received notice of the Order and failed to notify his client that the stay had been terminated.
76. Ms. Meriwether received information that the stay had been terminated when she received a foreclosure notice on her home.
77. Ms. Meriwether obtained new counsel who filed a "Motion to Vacate Order Terminating Automatic Stay." That motion was denied.
78. The Respondent's conduct in this case was subject to the Omnibus motion discussed *infra*, and the Court ordered the Respondent to refund Ms. Meriwether \$1,100.00.

79. At no time did the Respondent inform Ms. Meriwether that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter.

80. The Respondent never paid the fees as ordered.

William T. Patton, Jr., Case No.: 19-19556

81. Mr. Patton hired the Respondent to represent him in a Chapter 13 matter. Mr. Patton paid the Respondent \$1,100.00 at the beginning of his representation and he promised to pay an additional \$3,525.00 through the Chapter 13 Plan.

82. On July 15, 2019, the Respondent filed a “bare-bones” Chapter 13 Voluntary Petition on behalf of Mr. Patton.

83. On February 10, 2020, M&T Bank filed a “Motion for Relief from Stay re: 1421 Harding Lane, Silver Spring MD 20905.” The Respondent filed a response to that motion on March 8, 2020. M&T Bank’s motion was withdrawn on March 20, 2020.

84. On July 20, 2020, GNMA c/o M&T Bank filed a “Motion for Relief from Stay and Notice re: 1421 Harding Lane, Silver Spring MD 20905.” Objections were due on August 3, 2020. The notice of hearing was served on all parties.

85. The Respondent filed an “Objection to Claim,” on July 31, 2020, and an Opposition on August 14, 2020. On November 2, 2020, a consent order modifying the “Motion for Relief from Stay” was entered.

86. On September 1, 2021, a “Notice of Default” was filed by GNMA c/o M&T Bank, and on December 9, 2021, a “Notice of Intent to Foreclose,” was filed by GNMA c/o M&T Bank. Both Notices were withdrawn on January 3, 2022.

87. On April 1, 2022, a “Notice of Intent to Foreclose” was filed again by GNMA c/o M&T Bank. Notice was given to the parties. The Respondent did not take any action on behalf of his client to respond to this pleading.
88. Mr. Patton’s case was one of the enumerated matters that were the subject of the Omnibus Motion discussed *infra*, and the Respondent was ordered to disgorge \$3,525.00 in fees to Mr. Patton.
89. At no time did the Respondent inform Mr. Patton that he could no longer represent him in his bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter.
90. The Respondent never paid the fees as ordered.
91. Upon receipt of the “Omnibus Motion,” Mr. Patton wrote a letter to the U.S. Trustee. In that letter he described the Respondents’ conduct between October 2021 through December 2022. Mr. Patton noted that the last contact he had with the Respondent was in October 2021 by phone. He noted that on March 8, 2022, he sent an email to the Respondent asking him to contact one of Mr. Patton’s creditors. The Respondent did not reply. Mr. Patton, over the following couple of weeks, called the Respondent’s office phone and cell phone. Mr. Patton left messages but did not receive any return calls. Mr. Patton, in July 2022, physically went to the Respondent’s office location in Columbia, Maryland and was informed that the Respondent moved out of the office space “a couple months ago.” Mr. Patton described that it had been difficult to deal with attorneys from his mortgage company without the assistance of the Respondent.

Elliott Bennett, Case No.: 19-17617

92. Elliott Bennett was a Chapter 13 client of the Respondent's. He paid the Respondent an initial \$1,100.00 for his representation and promised to pay the Respondent an additional \$2,500.00 through the approved Chapter 13 Plan.
93. The Respondent filed a "bare-bones" Chapter 13 Voluntary Petition on June 4, 2019.
94. On November 29, 2021, BMW Bank of NA filed a "Motion for Relief from Stay as to a BMW sedan." All parties were served. The Respondent did not file any response on behalf of his client. The Motion was granted on January 11, 2022.
95. On January 26, 2022, a "Motion for Relief from stay and Notice of Motion Re: 9406 Walburg Way, Montgomery Village, MD 20886," was filed by Towd Point Master Funding Trust. All parties were served. Objections were due on February 9, 2022. The Respondent did not file any objection on behalf of his client and the Motion was granted on March 2, 2022.
96. On October 17, 2022, the U.S. Trustee filed a "Motion to Dismiss Case," for failure to make plan payments that was granted on November 15, 2022. All parties were served the original motion and the Respondent failed to respond on behalf of his client. On December 1, 2022, this case was subject to the Order granting the Omnibus Motion discussed *infra*, and the Court ordered the Respondent to refund Mr. Bennett \$2,500.00.
97. At no time did the Respondent inform Mr. Grant that he could no longer represent him in his bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter.

98. The Respondent never paid the fees as ordered.

Dolka Vazquez, Case No.: 19-16032

99. The Respondent represented Dolka Vazquez in a Chapter 13 matter. The Respondent filed a Chapter 13 Voluntary Petition on behalf of Ms. Vazquez on May 2, 2019. Ms. Vazquez agreed to pay the Respondent a total of \$4,925.00. She paid the Respondent \$1,085.00 when he was retained and agreed to pay the remainder through the Chapter 13 Plan.
100. On October 14, 2021, Churchill East Village Community Center filed a “Motion for Relief from Stay Re: 13112 Country Ridge Drive, Germantown MD 20874.” All parties received notice. The Respondent failed to file a response on behalf of Ms. Vazquez and the Motion was granted on November 23, 2021.
101. On October 26, 2022, Ms. Vazquez filed a request to proceed pro se with the Court. That pleading was stricken as a deficient filing and Ms. Vazquez filed a second motion on October 27, 2022, that was granted.
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102. On December 1, 2022, this case was subject to the Order granting the Omnibus Motion discussed *infra*. The Court ordered that the Respondent disgorge fees of \$3,840.00 to Ms. Vazquez.
103. At no time did the Respondent inform Ms. Vazquez that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter.
104. The Respondent never paid the fees as ordered.
105. The “Omnibus Motion” describes a conversation Ms. Vazquez had with U.S. Trustee Rebecca Herr. She described multiple unsuccessful attempts to contact the Respondent

and described how Churchill East Village Community Center refused to communicate with her directly and insisted that they only communicate with her lawyer.

Sharonda A. Colbert, Case No.: 18-19224

106. Sharonda A. Colbert paid the Respondent an initial \$1,100.00 to represent her in her Chapter 13 bankruptcy matter. The Respondent filed a Chapter 13 Voluntary Petition on behalf of Ms. Colbert on July 11, 2018. The total fee charged was \$4,625.00 and Ms. Colbert paid the Respondent through the Plan payments after a Plan was confirmed on February 13, 2019.
107. Ms. Colbert informed the Chapter 13 Trustee that she attempted to contact the Respondent on multiple occasions and was unsuccessful. Ms. Colbert ultimately had to file her Affidavit to Request Discharge *pro se* due to her inability to contact the Respondent.
108. At no time did the Respondent inform Ms. Colbert that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter.

Contempt Proceedings

109. On May 12, 2022, the United States Trustee filed an “Omnibus Motion to Review Conduct of David B. Mintz and Law Office of David B. Mintz, PC., Disallowance and Refund of Fees and Other Relief as may be Appropriate,” because of the severity of Respondent’s actions and the “complete desertion of the Debtors” who were his clients.
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110. On October 28, 2022, the United States Trustee filed an “Amended Omnibus Motion to Review Conduct of David B. Mintz and Law Office of David B. Mintz, PC.,

Disallowance and Refund of Fees and Other Relief as may be Appropriate,” (“Amended Omnibus Motion”). This motion was filed in eleven separate matters to include those debtors discussed *supra*.

111. The Respondent never filed an opposition to either the Omnibus Motion or the Amended Omnibus Motion.
112. On December 1, 2022, the United States Bankruptcy Court for the District of Maryland (Greenbelt Division), granted the Amended Omnibus Motion and ordered the Respondent to disgorge and refund the following fees to the following clients: Nomvimbi Meriwether (\$1,100.00), Dolka Vasquez (\$3,840.00), Elliott Bennett (\$2,500.00), William T. Patton, Jr. (\$3,525.00), and Simone Geness (\$3,525.00). The Respondent was further ordered to file a “Notice of Completion,” (“Notice”), with the Court within five (5) days of paying each debtor per the Court’s Disgorgement Order.

113. After the Disgorgement Order was entered, the Respondent never disgorged the fees and therefore never filed the required Notice with the Court.
114. A “Motion for Contempt” was filed by the U.S. Trustee on January 10, 2023. A hearing was held on the contempt motion for which the Respondent failed to appear. The Court granted the motion and held the Respondent in contempt, making reference to “Counsel’s repeated disregard of his duties representing debtors before this Court and his flagrant refusal to comply with this Court’s orders...”. The Court ordered the Respondent to appear on February 27, 2023, between 10:00 a.m. and 12:00 p.m. at the Office of the United States Marshall located at the United States Courthouse in Greenbelt where he was to be held in custody until February 28, 2023, at 12:00 p.m. The Court provided that

he could purge the contempt by fully complying with the Disgorgement Order before February 23, 2023, at 3:00 p.m.

115. The Respondent did not comply with the Disgorgement Order before February 23, 2023, and he did not appear at the United States Marshall's Office on February 27, 2023.

Failure to File Tax Returns and Tax Liens

116. Between 2009 and the present date, the Respondent failed to file his tax returns and failed to pay taxes owed to both the State of Maryland and the federal government.
117. The Respondent has the following State Tax liens filed against him in the Circuit Court for Montgomery County:
- a. Case no. 479389-V with a lien of judgment against the Respondent in the amount of \$4,008.68 entered on February 13, 2020, for unpaid taxes owed in 2010;
 - b. Case no. 470786-V with a judgment entered against the Respondent on August 12, 2019 in the amount of \$9,886.77 for unpaid taxes owed between 2011 through 2013;
 - c. Case no. 487578-V with a judgment entered against the Respondent and his wife, Ely Mintz, on October 8, 2021, in the amount of \$5,993.12 for unpaid taxes from 2018 and
 - d. Case no. 487624-V with a lien of judgment against the Respondent and his wife in the amount of \$36,430.57 resulting from unpaid taxes owed between 2014 through 2017.

David B. Mintz and Elyca S. Mintz Bankruptcy Cases

118. On September 28, 2016, the Respondent filed bankruptcy case 16-22952, on his own behalf, which was dismissed on November 1, 2016, for failure to file the required documents.
119. On February 1, 2017, the Respondent filed bankruptcy case 17-11337, on his own behalf, which was dismissed on September 13, 2017, for the failure to file required documents.
-

120. On December 3, 2021, the Respondent filed for bankruptcy case 21-16582, on his own behalf, which was dismissed on January 7, 2022, for failure to file the required documents.
121. On March 4, 2022, the Respondent filed bankruptcy case 22-11110, on his own behalf, which was dismissed on May 9, 2022, for the failure to file required documents. In case 22-1110 a show cause order was issued on April 6, 2022, after the Respondent failed to appear for a video conference on this matter. The court ordered the Respondent to show cause why his case should not be dismissed as a bad faith filing with a bar to refiling. The Respondent filed a response to the Show Cause Order stating that he was dealing with “personal issues,” and requested a hearing. A video-conference hearing was scheduled for May 4, 2022. The Respondent failed to appear for that hearing and the case was then dismissed with the additional order that the Respondent was to be banned for 180 days from filing other bankruptcy matters.
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122. On June 24, 2022, less than 180 days after the Court’s Order in case 22-11110, the Respondent filed a Chapter 13 bankruptcy case on behalf of his wife, Elyca S. Mintz, acting as her counsel (Case no. 22-13459). A status conference was scheduled for July 28, 2022. Both the Respondent and his wife failed to attend that conference and the case was dismissed for failure to file the required documents. The court also imposed a new 180-day bar against filing bankruptcy petitions on behalf of Elyca Mintz.

Bar Counsel's Investigation

Pacantara Complaint

123. Bar Counsel received the Complaint of Nilda Namocatcat Pacantara on May 26, 2021. On June 9, 2021, Bar Counsel sent a letter to the Respondent that included a copy of Ms. Pacantara's complaint and requested a response. The letter was sent to the address on file with the Attorney Information System: 10632 Little Patuxent Parkway Suite 249, Columbia Maryland 20144, as well as via email to the email address on file with AIS. A response was requested to be received no later than June 30, 2021. The Respondent failed to respond to this letter.
124. On July 13, 2021, a letter was sent to the Respondent via his email address on file with AIS and via certified first-class mail to the Columbia Maryland address on file with AIS. This letter enclosed the June 9 letter and requested a response from the Respondent by August 3, 2021. No response was received.
125. On August 6, 2021, a third letter requesting response was sent by Bar Counsel to the Respondent via his AIS email address, first class mail and certified mail return receipt requested. That letter enclosed the two previous letters and attachment and requested a response by August 27, 2021. The Respondent failed to respond.
126. On October 22, 2021, Bar Counsel obtained the docket entries for a foreclosure pending against the Respondent and his wife, Elyca S. Mintz. This matter discussed *supra* was 479152V (Circuit Court for Montgomery County) and contained the Respondent's home address which was the subject of the foreclosure proceeding. Also on October 22, 2021, Bar Counsel obtained docket entries relating to several years of tax liens also discussed

supra.

127. On October 25, 2021, this matter was docketed for investigation and Bar Counsel sent a fourth letter to the Respondent via first class mail, certified return receipt requested, and via email. This letter was delivered to both the Columbia Maryland address on file with AIS as well as to the home address noted in the foreclosure proceeding. That letter enclosed the three prior letters and enclosures and requested a response by November 8, 2021. The Respondent failed to respond.
128. On November 3, 2021, Investigator Bill Lynn with the Office of Bar Counsel sent the Respondent an email asking him to contact Mr. Lynn. On November 5, 2021, Mr. Lynn went to the Respondent's home address in Montgomery County, Maryland, unannounced in order to personally deliver the four letters previously emailed and mailed to the Respondent. During that meeting, The Respondent agreed to speak via telephone with Mr. Lynn on November 13, 2021 at 11:00 a.m.
129. During the course of the conversation, the Respondent told Mr. Lynn that he had been in contact with Ms. Pacantara beginning June 9, 2020. He agreed that she paid him \$1,000.00 to represent her in her bankruptcy proceedings and she completed the retainer agreement and paid him by check on June 20, 2020. He agreed that Ms. Pacantara provided him with all necessary documents and did everything he asked including completing credit counseling.
130. When asked about his contact with Ms. Pacantara, the Respondent agreed that his last conversation with her was on November 24, 2020. He explained that at times he allowed his voice mail system at work to become full because he misplaced his access code and

that he never activated voice mail on his cell phone.

131. The Respondent noted that he was able to work from home primarily because he received all court notifications via email. He also commented that he had a web-based answering system such that when someone calls his office, a record of that call is forwarded to his home computer and the call rings on his computer. If the caller leaves a message, that message is transcribed on the computer.
 132. The Respondent explained to Mr. Lynn that he had not contacted Ms. Pacantara for over a year because he was involved in an accident in November 2020 and that subsequent to that accident, he suffered from depression.
 133. The Respondent acknowledged receipt of the letters from the Office of Bar Counsel and agreed that he would contact the assigned Assistant Bar Counsel on November 15, 2021. He additionally advised Mr. Lynn that he would obtain a cashier's check for \$1,000.00 and mail that check to Ms. Pacantara on November 15, 2021. As of November 17, 2021, The Respondent had neither contacted the assigned Assistant Bar Counsel nor delivered a check to Ms. Pacantara.
 134. On January 20, 2022, Bar Counsel sent a fifth letter to the Respondent. That letter enclosed the four prior letters and additionally requested that the Respondent produce documents including Ms. Pacantara's entire client file as well as a copy of the refund check that he supposedly paid to her. A response was requested by February 3, 2022. That letter was delivered via AIS email, and to the Respondent's home address via first class mail.
-

135. On January 28, 2022, Mr. Lynn contacted Ms. Pacantara. She advised that on November 20, 2021, the Respondent delivered to her a check for \$1,000.00. The Respondent additionally told her that he would represent her *pro bono* in her bankruptcy proceedings. Based on the Respondent's representation that he would represent her, she had been telling her creditors to contact him but they in turn reported back to her that he was not answering his phone. Ms. Pacantara has not received any further communications from the Respondent and when she attempted to call him on the phone the system says his voicemail is full and cannot accept new messages.
136. On February 16, 2022, Mr. Lynn again traveled to the Respondent's home address to deliver the letters previously sent by Bar Counsel. The Respondent confirmed that the AIS email address on file for him was in fact correct. He accepted the letters and agreed to call the assigned Assistant Bar Counsel on February 17, 2022. Mr. Lynn asked him to accept email service of a subpoena to appear via zoom for a Statement Under Oath in case 2021-0810.
137. The Respondent made himself available for a Statement Under Oath which was conducted on April 5, 2022. As of April 5, 2022, the Respondent had failed to provide any of the documents requested by Bar Counsel and had failed to provide any response to the initial complaint and five letters sent to him by Bar Counsel. The Statement Under Oath was limited in scope to the Pacantara complaint.
138. During that Statement, the Respondent stated that he had an accident in November 2020 which impacted his ability to continue practicing law. He additionally stated that although he did not have a formal diagnosis and was not seeking treatment, the

Respondent suffered from depression. The Respondent admitted that he had not filed the bankruptcy petition as he agreed to do for Ms. Pacantara and that he told Ms. Pacantara that he would complete the filing on a pro bono basis.

139. On May 2, 2022, Bar Counsel sent the Respondent a letter via email, first class mail, and certified return receipt requested mail. That letter requested the following documents to be provided by May 16, 2022: “Any and all information and/or documentation requested in my letter of January 21, 2022, that you failed to provide,” as well as “proof of any bankruptcy petition filed by you on behalf of Ms. Pacantara,” and an explanation for why one had not been filed if that was the case. Bar Counsel also requested copies of client ledgers related to funds maintained in his trust account, a copy of his attorney trust account statement for May 2022, an update on whether he has obtained any diagnosis of depression or treatment thereof, an explanation as to whether he failed to file federal and state tax returns and related documents. The Respondent failed to respond to that letter and through the date of this filing he has not provided any written response or any documentation requested by the Office of Bar Counsel.

Olugbala Complaint

140. On June 6, 2023, Chika Olugbala sent a complaint to the Office of Bar Counsel. Upon receipt of that complaint, Bar Counsel sent the Respondent a letter dated June 15, 2023, via his previously verified email address enclosing the complaint and requesting a response. A notification was received noting that delivery to the email address failed, and the message was undeliverable.
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141. A new letter was sent to the Respondent's home address on June 20, 2023, containing a new response deadline of July 12, 2023. The letter was sent via first-class and certified mail. The Respondent failed to respond.
142. On July 17, 2023, a second letter was sent via first class mail and certified mail return receipt requested and via email. That letter enclosed the first letter in the Olugbala matter and requested a response no later than July 31, 2023. This letter as well as all letters sent to the Respondent in both the Olugbala matter, and the Pacantara matter included reference to Rule 19-308.1. The return receipt was returned to the Office of Bar Counsel with the Respondent's signature. The Respondent failed to respond to this letter.
143. On September 12, 2023, having received no response to the Olugbala complaint, the Office of Bar Counsel docketed the matter for investigation and sent the Respondent a request for a response to the complaint as well as a notice of intent to take his Statement Under Oath pertaining to the Olugbala matter and a list of suggested available dates. That letter was transmitted via first class mail, certified return receipt requested, and by Federal Express. The return receipt requested mail was returned as undeliverable. A response was requested by September 26, 2023. The Respondent failed to respond.
144. On September 22, 2023, Mr. Lynn interviewed complainant Olugbala. Mr. Olugbala stated that he hired the Respondent to represent him in his bankruptcy matter in 2020 and has not heard from him since then. He said that he had court hearings on May 18, 2023, and June 22, 2023, and that the Respondent failed to appear at both hearings. Mr. Olugbala complained that he is in the last year of the bankruptcy proceeding and he does not know how to proceed because the Respondent fails to or refuses to communicate with

him. Mr. Olugbala described attempts to contact the Respondent to include calls, emails and letters. None of his attempts to contact the Respondent were fruitful.

145. On March 21, 2024, Bar Counsel received notification that the Respondent was administratively suspended due to his failure to comply with IOLTA reporting and for non-payment of the CPF Assessment Fee.

Bar Counsel Complaint

146. David Ciambuschini, Chief Deputy Clerk of the U.S. District Court for the District of Maryland wrote a letter to Bar Counsel dated September 14, 2022, referring the Respondent to Bar Counsel as a result of his having abandoned several clients in several matters pending before that court. Upon receipt of that complaint, Bar Counsel opened an investigation naming Bar Counsel as complainant.
147. On December 12, 2022, Jeanette Rice, Bankruptcy Trustee, supplemented the initial complaint from Mr. Ciambuschini with a new complaint and additional exhibits in support thereof. Then on December 15, 2022, Ms. Rice further supplemented the complaint with additional cases in which her office believed the Respondent acted negligently. On February 13, 2023, Bar Counsel received another supplemental complaint describing the Respondent's misconduct before the Bankruptcy Court.
148. On September 12, 2023, Bar Counsel sent the Respondent a docket notice in case 2022-1655 which included the complaints from Mr. Ciambuschini and Ms. Rice. That correspondence was sent via mail to the AIS office address on file as well as to his AIS email address. The email was returned as undeliverable.
149. On September 27, 2023, with permission of the Attorney Grievance Commission, a

subpoena was issued for the Respondent to appear for a Statement Under Oath in cases 2022-1655 and 2023-0939 on October 4, 2023 at 10:00 a.m. and to provide a written response to the September 12, 2023 letter in case 2022-1655; and written responses to letters dated September 12, 2023, June 15, 2023, June 20, 2023, and July 17, 2023, sent in both cases 2022-1655 and 2023-0939. That subpoena was personally served on the Respondent. The Respondent failed to appear on October 4, 2023, for the Statement Under Oath.

150. On January 5, 2024, Bar Counsel sent the Respondent a “Joint Petition for Disbarment” for his consideration. That document was hand delivered by Mr. Lynn on January 12, 2024. The Respondent agreed to discuss the matter with the undersigned and Mr. Lynn on January 19, 2024. On that date the Respondent contacted the undersigned to discuss his matter. He agreed to provide the Office of Bar Counsel with a detailed letter from his mental health provider describing his mental health disorder (if he has in fact been diagnosed with such a disorder) as well as a treatment plan.
151. On January 19, 2024, the Respondent spoke with undersigned counsel and Mr. Lynn. The Respondent agreed to obtain a waiver of confidentiality with his mental health provider so that Bar Counsel could discuss his alleged mental health condition with his provider. The Respondent was also requested to obtain a letter from his mental health provider that contained his specific diagnosis as well as a description of the treatment plan. The Respondent was given one week to complete that request. The Respondent also provided a new email address that he stated was valid.
152. On January 30, 2024, the Respondent requested an extension to February 1, 2024, to

provide the signed waiver as he was scheduled to meet with his mental health provider on that date.

153. On February 5, 2024, Mr. Lynn contacted the Respondent about the letter he was supposed to provide to Bar Counsel. The Respondent stated that his mental health provider was experiencing internet issues, and he expected to be able to furnish the requested letter by February 6, 2024. No letter was ever provided.
154. On February 8, 2024, Mr. Lynn sent the Respondent a text requesting a call back. Mr. Lynn also called the Respondent's cell phone at 12:21 p.m. and 2:22 p.m. There was no option to leave a message. The Respondent did not respond to the text message, nor did he return the calls. On February 9, 2024, Mr. Lynn called the Respondent's cell phone at 9:09 a.m. with no answer and no call back. Mr. Lynn also sent a text message to the Respondent's cell phone at 9:19 a.m. on the same date. Mr. Lynn received no response to the text. Mr. Lynn also followed up with an email sent to the email address previously provided by the Respondent with no reply.
155. On February 26, 2024, with permission from the Attorney Grievance Commission, Bar Counsel issued a subpoena for the Respondent to appear to give his Statement Under Oath in BC matters 2022-1655 and 2023-0939. That subpoena was personally served by Mr. Lynn along with a cover letter requiring the Respondent to appear on March 20, 2024, for the statement.
156. The Respondent appeared for the Statement Under Oath and at the conclusion of that proceeding, he agreed to provide the client matter files for Paulette Emilien, Tyeacha Counts, Mirta De La Rosa, Donovan Grant, Judson Anglin, Nomvimbi Consolation

Meriwether, Dolka Vazquez, Elliott Bennett, Brian Gruner, William T. Patton, Jr., Sharonda Colbert, Chika Olugbala, Nilda Pacantara, and Vanessa Hall.

157. On April 17, 2024, having not received any correspondence from the Respondent, Bar Counsel sent a letter again requesting the client files enumerated *supra*. That letter was delivered certified first-class mail. The Respondent never replied to that correspondence.
158. During the Statement Under Oath, the Respondent admitted that when he stopped using his office location in January 2022, he failed to notify his clients that he could no longer be reached at that address and office phone number. The Respondent explained his failure to do so as follows:

Well I still have my email address and that's how – and the phone – the phone was still – it was an internet-based phone, so I didn't need the – the physical location was there. I was still getting calls.

....

I didn't make any efforts to contact anyone because I still had the same email and I had the same phone and it was rare that anyone would just stop in.

159. The Respondent described that he received notice of hearings through PACER and that he maintained the same email address when he started to work from his home as he used at his prior office address: dmintz@dmintzlaw.com.
160. The Respondent likewise admitted that although he realized that he was not providing adequate representation, he did not take any measures to terminate his representation of any of his existing clients between November 2020 through the April 5, 2024 statement. The Respondent further stated that he could have referred his clients to two attorneys with whom he had close contacts, but that he did not.

161. Petitioner charges that the Respondent, David B. Mintz, by his acts and omissions as set forth herein, engaged in professional misconduct and violated the following Maryland Attorneys' Rules of Professional Conduct ("MARPC"):

MARPC 19-301.1. Competence (1.1)

An attorney shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

MARPC 19-301.3 Diligence (1.3)

An attorney shall act with reasonable diligence and promptness in representing a client.

MARPC 19-301.4. Communication (1.4)

(a) An attorney shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(f), is required by these Rules;
- (2) keep the client reasonably informed about the status of the matter;
- (3) promptly comply with reasonable requests for information; and
- (4) consult with the client about any relevant limitation on the attorney's conduct when the attorney knows that the client expects assistance not permitted by the Maryland Attorneys' Rules of Professional Conduct or other law.

(b) An attorney shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

MARPC 19-301.5 Fees (1.5)

(a) An attorney shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
 - (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment of the attorney;
 - (3) the fee customarily charged in the locality for similar legal services;
 - (4) the amount involved and the results obtained;
 - (5) the time limitations imposed by the client or by the circumstances;
 - (6) the nature and length of the professional relationship with the client;
 - (7) the experience, reputation, and ability of the attorney or attorneys performing the services;
- and
- (8) whether the fee is fixed or contingent.

MARPC 19-301.16 Declining or Terminating Representation (1.16)

(a) Except as stated in section (c) of this Rule, an attorney shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

- (1) the representation will result in violation of the Maryland Attorneys' Rules of Professional Conduct or other law;
- (2) the attorney's physical or mental condition materially impairs the attorney's ability to represent the client; or
- (3) the attorney is discharged.

MARPC 19-303.2 Expediting Litigation (3.2)

An attorney shall make reasonable efforts to expedite litigation consistent with the interests of the client.

MARPC 19-303.4 Fairness to Opposing Party and Attorney (3.4)

An attorney shall not:

....

- (c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;

MARPC 19-308.1. Bar Admission and Disciplinary Matters (8.1)

An applicant for admission or reinstatement to the bar, or an attorney in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact.
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 19-301.6 (1.6).

MARPC 19-308.4. Misconduct (8.4)

It is professional misconduct for an attorney to:

- (a) violate or attempt to violate the Maryland Attorneys' Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

....

- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;

WHEREFORE, Petitioner prays this Honorable Court:

- A. Take such disciplinary action against the The Respondent as it deems appropriate;
- B. Assess against the The Respondent in the form of a money judgment, the reasonable costs of these proceedings both arising subsequent to the filing of these

charges and necessarily incurred in investigating the same prior to the filing of said charges; and

- C. Take such other and further action as this Court may deem just and proper under the circumstances.

Date: November 19, 2024

Respectfully submitted,

/s/ Thomas M. DeGonia, II

Thomas M. DeGonia, II
Bar Counsel
Attorney Grievance Commission
of Maryland
200 Harry S. Truman Parkway
Suite 300
Annapolis, MD 21401
(410) 514-7051
thomas.degonia@agc.maryland.gov
CPF ID No. 9712160168

/s/ Jessica Hall

Jessica Hall
Deputy Bar Counsel
Attorney Grievance Commission
of Maryland
200 Harry S. Truman Pkwy Ste
Annapolis, MD 21401
(410) 514-7051
Jessica.hall@agc.maryland.gov
CPF ID No. 0212180040

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

ATTORNEY GRIEVANCE	*	
COMMISSION OF MARYLAND	*	
Petitioner	*	
v.	*	Civil Law No. C-15-CV-24-006482
DAVID B. MINTZ	*	
Respondent	*	

AMENDED CIRCUIT COURT FINDINGS OF FACT AND CONCLUSIONS OF LAW¹

This matter came before the Court on April 22, 2024 for a hearing on a Petition for Disciplinary or Remedial Action (hereinafter “Petition”) filed by the Attorney Grievance Commission of Maryland (hereinafter “Petitioner”) against David B. Mintz (hereinafter “Respondent”). Petitioner was represented by Jessica Hall, Deputy Bar Counsel. Respondent failed to appear. Upon consideration of the evidence presented at trial, the Court makes the following Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

By Order dated December 4, 2024 the undersigned was assigned the above captioned matter, pursuant to Maryland Rule 19-722(a), for purposes of making findings of fact and conclusions of law with respect to the Petition for Disciplinary or Remedial Action filed by the Attorney Grievance Commission of Maryland on November 19, 2024. Petitioner alleges that Respondent violated the following Maryland Attorneys’ Rules of Professional Conduct (“MARPC”): Rule 19-301.1 (competence), Rule 19-301.3 (diligence), Rule 19-301.4(a) and (b) (communication), Rule 19-301.5(a) (fees), Rule 19-301.16(a) (declining or terminating

¹ The Court is amending its previously entered Findings of Fact and Conclusions of Law to correct an error in the original, which was timely entered June 5, 2025, in accordance with Maryland Rule 19-727(e).

Entered: Clerk, Circuit Court for
Montgomery County, MD
June 13, 2025

representation), Rule 19-303.2 (expediting litigation), Rule 19-303.4(c) (fairness to opposing party and attorney), Rule 19-308.1(a) and(b) (bar admission and disciplinary matters), and Rule 19-308.4(a), (c) and (d) (misconduct).

On January 23, 2025, Respondent was served with original process of the Petition for Disciplinary and Remedial Action (“Petition”), the December 4, 2024 Order of the Supreme Court, and the summons issued by the Clerk of the Circuit Court for Montgomery County on December 6, 2024. Also on January 23, 2025, Petitioner propounded Interrogatories, Request for Production of Documents, and Request for Admissions of Facts and Genuineness of Documents. These discovery documents were also hand-delivered to Respondent.

On February 11, 2025, with no Answer having been filed by Respondent, Petitioner filed a Motion for Order of Default. Respondent did not respond in any manner and on February 20, 2025, at the Scheduling Hearing, this Court entered an Order of Default and Notice was mailed to Respondent pursuant to Rule 2-613(c). Respondent failed to file a Motion to Set Aside the Order of Default.

Respondent failed to appear at the Scheduling Hearing on February 20, 2025. This Court issued a scheduling Order dated February 26, 2025, setting this matter for trial on April 22, 2025. A pre-trial conference was scheduled for April 11, 2025. Respondent failed to appear at the pre-trial conference.

On April 1, 2025, Petitioner filed a Motion for Judgment of Default. Respondent did not respond to that motion and on April 22, 2025, this Court entered a Judgment of Default.

On April 1, 2025, Petitioner filed a Motion for Sanctions based on Respondent’s failure to respond to the written discovery propounded on January 23, 2025. Respondent failed to

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respond to the Motion for Sanctions, and by Order entered April 22, 2025, this Court granted the Motion for Sanctions, and ordered in relevant part that the averments in the Petition be deemed admitted, that Respondent be precluded from calling any witnesses or presenting any documents at trial, and ordered that the documents and admissions detailed in Petitioner's Request for Admissions be deemed admitted. The hearing was scheduled for April 22, 2025. Respondent failed to appear for that hearing and the Court admitted Petitioner's Exhibits 1 and 2:1 – 2:89.

STANDARD OF REVIEW

Petitioner in this matter has the burden of proving, by clear and convincing evidence, the averments of the petition. *Att'y Griev. Comm'n v. Tanko*, 427 Md. 15, 27-28, 45 A.3d 281, 288 (2012). Respondent has the burden of providing an affirmative defense or a matter of mitigation or extenuation by a preponderance of the evidence. Maryland Rule 19-727(c), *see also Att'y Griev. Comm'n v. Robbins*, 463 Md. 411, 465-66 (2019).

FINDINGS OF FACT²

Respondent David B. Mintz was admitted to the Maryland Bar on December 13, 1995. Pet'r's Ex. 2:1. At all relevant times hereto, Respondent maintained an office for the practice of law at 10632 Little Patuxent Parkway, Ste. 249, Columbia Maryland 21044 (hereinafter "office address") until January of 2022 and thereafter he maintained his practice out of his home located at 4729 Bel Pre Road, Rockville Maryland 20853 (hereinafter "home address"). *Id.*; Pet'r's Ex. 2:2 at 10³; Pet'r's Ex. 1 at 6. At all relevant times, Respondent was engaged in the practice of

² Nearly all facts found by this Court in the Findings of Fact were deemed admitted by Respondent's failure to respond to Petitioner's First Request for Admission of Facts and Genuineness of Documents, under MD Rule 2-424. The Admissions were admitted as Petitioner's Exhibit 1 at the hearing on April 22, 2024.

³ All pincite references in citations to Petitioner's Exhibit 2 are in reference to the BATES stamp number marked in the bottom center of each page, rather than to any individual pages of each exhibit.

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law, exclusively specializing in bankruptcy matters. Pet'r's Ex. 2:2 at 14. Respondent does not have prior discipline.

A. Complaints

1. Nilda Pacantara Complaint

In June 2020, Nilda Namocatcat Pacantara hired Respondent to file a petition for bankruptcy on her behalf. On June 20, 2020, Ms. Pacantara signed a retainer agreement and agreed to pay Respondent a total of \$4,000.00. Pet'r's Ex. 2:3. She paid Respondent \$1,000.00 at the time the agreement was signed. Pet'r's Ex. 2:4.

Respondent maintained contact with Ms. Pacantara for some time and returned a few phone calls from creditors on her behalf. Pet'r's Ex. 2:3. Between November 2020, and May 24, 2021, Ms. Pacantara attempted to contact Respondent about her case. Respondent never returned her phone calls, nor did he file a bankruptcy petition on her behalf. *Id.*

On May 24, 2021, Ms. Pacantara filed a complaint with the Office of Bar Counsel. Ms. Pacantara stated that she wanted to hire a new attorney to represent her in filing for bankruptcy, but that after paying Respondent, she did not have money to hire a new attorney. Pet'r's Ex. 2:4; Pet'r's Ex. 2:3 at 196.

According to the Complainant, Respondent refunded the retainer of \$1,000 to Ms. Pacantara on November 20, 2021. Pet'r's Ex. 2:5. At that time, he also told Ms. Pacantara that he would continue to represent her pro bono. *Id.* Ms. Pacantara was unable to reach Respondent again, describing his voicemail box as full. *Id.* At no time did Respondent inform her that he was unable to continue to represent her and Ms. Pacantara began to receive subpoenas "concerning her financial situation." *Id.*

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2. Chika S. Olugbala Complaint

Chika S. Olugbala retained Respondent to assist him in filing for bankruptcy. A retainer agreement between Respondent and Mr. Olugbala was signed on July 9, 2018. Pet'r's Ex. 2:6 at 210. Mr. Olugbala paid Respondent \$4,325.00 per the retainer agreement in exchange for which Respondent was to represent him in a bankruptcy proceeding which Mr. Olugbala had previously filed pro se. *Id.* at 203; 207. Respondent filed a "Motion to Convert Case to Chapter 13" on July 16, 2018, in Case No. 18-17294. Pet'r's Ex. 2:7. The retainer agreement specifically enumerated the services that Respondent agreed to provide to Mr. Olugbala including appearance at meeting of creditors, appearance at confirmation hearings, and defense of motion for relief from stay. Pet'r's Ex. 2:6 at 208.

On April 19, 2023, Nationstar Mortgage LLC filed a Motion for Relief from Automatic Stay and Co-Debtor Automatic Stay Pursuant to 11 U.S.C §1301(c)(3), and a Notice of the Motion. Pet'r's Ex. 2:8. Objections were due on May 3, 2023. *Id.* at 225. Notice was sent to Respondent. *Id.* at 223. Respondent did not file a response to the motion and a hearing was scheduled for May 18, 2023. Respondent did not appear for that hearing, nor did he provide Mr. Olugbala with notice of that hearing. A second hearing was scheduled for June 22, 2023, and again Respondent did not notify Mr. Olugbala of the hearing, nor did he appear for the hearing on behalf of Mr. Olugbala. Pet'r's Ex. 2:9; Pet'r's Ex. 1 at 7.

Mr. Olugbala filed a complaint with the Office of Bar Counsel on June 4, 2023. On September 22, 2023, Bill Lynn, investigator for the Office of Bar Counsel, interviewed Mr. Olugbala. During that interview, Mr. Olugbala was uncertain if Respondent had died because he had not heard from him about his bankruptcy matter since 2020. Mr. Olugbala recounted making many phone calls, sending several emails and writing letters requesting Respondent to contact

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him about the pending bankruptcy petition. Mr. Olugbala stated that Respondent never responded to his efforts to contact him and never informed him that he could no longer represent Mr. Olugbala in his bankruptcy matter. Pet'r's Ex. 2:9. Respondent never moved to withdraw as counsel of record for Mr. Olugbala. Pet'r's Ex. 1 at 7.

3. Complaint from the United States Trustee of the United States Bankruptcy Court

On September 14, 2022, the Office of Bar Counsel received an initial complaint about Respondent from the Chief Deputy Clerk of the U.S District Court for the District of Maryland. The complaint included an "Appendix A" which noted the following cases where Respondent failed to properly represent his clients: Tyeacha Counts, 19-15507; Donovan Grant, 18-26233; Paulette Denise Emilien, 21-11081; Judson W. Anglin, 19-23354; Brian D. Gruner, 22-11067; Elyca S. Mintz, 22-13459; Novimbi Consolation Meriwether, 15-14251; David B. Mintz, 22-11110. Pet'r's Ex. 2:12; Pet'r's Ex. 2:13. The United States Trustee (hereinafter "U.S. Trustee") provided information about these cases where Respondent failed to appear in court on behalf of his clients or failed to file necessary pleadings. In each of these cases, Respondent's failure to pursue his client's cases in court resulted in dismissal of their cases or resulted in rulings by the bankruptcy court adversely affecting his client's interests. Pet'r's Ex. 2:13.

Mr. Ciambuschini, Chief Deputy Clerk of the U.S. District Court for the District of Maryland, explained that many of Respondent's cases at that time were Chapter 13 cases "in which a debtor frequently needs representation and the assistance of counsel not only at the inception of the case, but during the plan commitment period, which may be three to five years after the filing of the bankruptcy case." Pet'r's Ex. 2:12.

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On December 12, 2022, Bar Counsel received a letter from L. Jeanette Rice, Assistant U.S. Trustee of the Office of the United States Trustee, District of Maryland, Greenbelt Division. Pet'r's Ex. 2:14. Ms. Rice provided numerous enclosures in addition to a brief description of updates regarding some of the matters enumerated in the September 14, 2022 letter as well as an initial Complaint regarding the matter of Vanessa E. Hall, 22-10811-NVA; and the matter of Mirta De La Rosa, 21-14353. *Id.*

On December 15, 2022, Bar Counsel received another letter from Ms. Rice describing action that the U.S. Trustee had taken against Respondent because of his negligent conduct in handling certain bankruptcy cases. Pet'r's Ex. 2:15. The U.S. Trustee filed an Amended Omnibus Motion on October 28, 2022 to Review Conduct of David B. Mintz and Law Office of David B. Mintz, P.C., Disallowance and Refund of Fees and Other Relief as may be Appropriate ("Omnibus Motion"). Pet'r's Ex. 2:15(a). An evidentiary hearing was conducted on the Omnibus Motion on November 21, 2022, and at the conclusion of the hearing, the Omnibus Motion was granted. Pet'r's Ex. 2:15(b). Respondent was ordered to disgorge fees in several cases. *Id.* Ms. Rice provided court documents and brief summaries of Respondent's conduct in several cases previously reported to Bar Counsel as well as the following new matters: Dolka Vasquez, 19-16032-LSS; William T. Patton, Jr., 19-19556-LSS; and Sharonda Colbert, 18-19224-DER. Pet'r's. Ex. 2:15.

On February 9, 2023, Ms. Rice sent Bar Counsel another letter entitled "Re: David Mintz – Additional Acts of Negligence," which provided updates on Respondent's conduct before the Bankruptcy Court. Pet'r's. Ex. 2:16. Ms. Rice's letter described that Respondent was found to be in contempt of court before the U.S. Bankruptcy Court. Additionally, Respondent failed to pay his taxes and had several tax liens filed against him. *Id.*

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a. Brian Gruner

On March 3, 2022, Respondent filed for bankruptcy relief under Chapter 13 of the Bankruptcy Code on behalf of his client, Brian Gruner. Respondent entered his appearance on that same date in case 22-11067-MR. Pet'r's Ex. 2:14(c).

The Petition that Respondent filed was a "bare bones" petition which needed to be supplemented with certain required documents to include Schedules, Statement of Financial Affairs, Chapter 13 Plan, and Statement of Current Monthly Income. Pet'r's Ex. 2:17. The due date for that filing was March 17, 2022. *Id.* at 615. In his March 20, 2024 Statement Under Oath to Bar Counsel, Respondent explained the "bare-bones" petition process. He described that such a petition would be filed when there was a sense of urgency, and it was typically filed when "you're trying to stop a repossession or a foreclosure." Pet'r's Ex. 2:10 at 238. After the "bare-bones" petition is filed, Respondent understood that "you had 30 days to get the balance of the case filed or you could file for an extension if there was a problem." *Id.*

Respondent filed a "Disclosure of Compensation" with the Court stating that he charged the debtor \$4,625.00 for his legal services, but he was only paid \$1,100.00 prior to the petition being filed. Pet'r's Ex. 2:18. On March 18, 2022, one day after the filing was due, Respondent filed a "Motion for Extension of Deadline for Filing Missing Documents" ("First Motion") stating that the Debtor required more time to complete the documents. Pet'r's Ex. 2:14(d). The Court granted that motion and set a new deadline of April 1, 2022. Pet'r's Ex. 2:14(e).

On April 4, 2022, Respondent filed a "Motion for Additional Extension of Deadline for Filing Missing Documents," ("Second Motion"). Pet'r's Ex. 2:14(f). The Court granted the

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Second Motion and gave the Debtor until April 15, 2022, to file the required documents. Pet'r's Ex. 2:14(g).

On April 18, 2022, Respondent filed a "Motion for Additional Extension of Deadline for Filing Missing Document," ("Third Motion"). Pet'r's Ex. 2:14(h). Respondent stated in that pleading "[t]hrough no fault of the debtor, undersigned counsel requires a short extension to complete the required filings." *Id.* The Court granted a third extension to April 25, 2022. Pet'r's Ex. 2:14(i).

On April 27, 2022, Respondent filed a "Motion for Additional Extension of deadline for Filing Missing Documents," ("Fourth Motion"). Pet'r's EX. 2:14(j). In that motion, Respondent again affirmed that the need for the motion was due to "no fault of the debtor." *Id.* A final due date of May 9, 2022 was set. Respondent was notified of that date. Pet'r's Ex. 2:14(k).

Respondent failed to complete the required filing and did not request a fifth extension of the due date. The Court thereby entered an Order Dismissing Case for Failure to Complete Required Filing on May 10, 2022. Pet'r's Ex. 2:14(l). At no point did Respondent file a motion to withdraw his appearance from Mr. Gruner's bankruptcy case nor did he affirmatively advise Mr. Gruner that he would no longer represent him as his attorney in the matter. Pet'r's Ex. 2:14(c); Pet'r's Ex. 1 at 9. Mr. Gruner was required to obtain new counsel and file another bankruptcy proceeding on July 7, 2022. Pet'r's Ex. 14(p).

On May 12, 2022, the U.S. Trustee filed a "Motion to Review the Conduct of David B. Mintz and the Law Office of David B. Mintz, P.C., Disallowance and Refund of Fees and Other Appropriate Relief as May be Appropriate." Pet'r's Ex. 2:14(m). The motion requested that

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Respondent disgorge the \$1,100 payment made by Mr. Gruner. *Id.* at 378. The Court granted the motion on June 1, 2022. Pet'r's Ex. 2:14(n).

On June 29, 2022, the U.S. Trustee filed a "Motion for Order to Show Cause Why David B. Mintz and the Law Office of David B. Mintz, P.C. Should Not be Held in Contempt for Failure to Obey a Court Order." Pet'r's Ex. 2:14(o). Respondent failed to appear at the scheduled hearing on August 24, 2022. Pet'r's Ex. 2:14(aa). Respondent was sent notice of that hearing and failed to appear. Pet'r's Ex. 2:14(o). Consequently, on August 26, 2022, the Court issued an Order holding David B. Mintz, P.C. in contempt of court. *Id.* The Court ordered Respondent to appear on September 12, 2022, between 10:00 a.m. and 12:00 p.m. at the Office of the United States Marshall located at the United States Courthouse in Greenbelt where he was to be held in custody until September 13, 2022, at 12:00 p.m. *Id.* The Court ordered that he could purge the contempt by providing Mr. Gruner's tax-related documents that were in Respondent's possession as well as the Quit Claim Deed to 25744 Valley Park Terrace, both provided to him by Mr. Gruner, before September 6, 2022, at 3:00 p.m. *Id.*

Respondent did not turn himself in as ordered on September 12, 2022, and was taken into custody by the United States Marshalls on September 14, 2022. He was released the same day when he disgorged the funds and provided the ordered documents. Pet'r's Ex. 2:10 at 248-50.

b. Vanessa A. Hall

Respondent was retained by Vanessa A. Hall to file a bankruptcy petition. Ms. Hall needed the petition to be filed to stop a foreclosure sale of her property scheduled for February 19, 2022. Pet'r's Ex. 2:10 at 251. Respondent filed a "bare-bones" petition on February 18, 2022, in case 22-10811-NVA. *Id.*

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Respondent failed to supplement the petition with the required documents and on March 14, 2022, the Court issued an Order to Show Cause why the case should not be dismissed. Pet'r's Ex. 2:14(q). On March 28, 2022, Respondent filed a Response to the Order stating that "[d]ue to the emergency nature of the filing, undersigned counsel did not properly calendar the deadlines and did not follow up in a timely manner to get the balance of the information needed to complete the required filings." He further stated that "Debtor should not be penalized for the failings of undersigned counsel." Pet'r's Ex. 2:14(r).

The Court granted an extension of the date by which the documents needed to be filed with the Court to April 8, 2022. Pet'r's Ex. 2:20. Respondent was sent notice of that extension. No supplemental documents were filed with the Court and on April 12, 2022, the Court issued an Order Dismissing Case for Failure to Complete Required Filings and Notice that Automatic Stay is Terminated. Pet'r's Ex. 2:14(s).

~~On April 29, 2022, the U.S. Trustee filed a Motion Requesting an Order to Show Cause~~
Why Debtor's Attorney Fees Should Not Be Disgorged. Pet'r's Ex. 2:14(u). The Court issued the requested Show Cause Order on May 17, 2022. Pet'r's Ex. 2:21. Respondent did not respond to the Show Cause Order and Respondent does not recall disgorging the funds as ordered. *Id.*; Pet'r's Ex. 2:14(q); Pet'r's Ex. 10 at 255.

At no time did Respondent inform Ms. Hall that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter. Pet'r's Ex. 1 at 10; Pet'r's Ex. 2:14(q).

c. Paulette Emilien

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Paulette Emilien retained Respondent to represent her in a Chapter 13 matter, case 21-11081-MMH. Pet'r's Ex. 2:10 at 254. She paid Respondent \$500.00 to file the petition and agreed to pay him an additional \$3,325.00 for his representation. Pet'r's Ex. 2:22. Respondent filed a Chapter 13 Voluntary Petition with the U.S. Bankruptcy Court on February 22, 2021. Pet'r's Ex. 2:14(w) at 424.

A confirmation hearing on the Chapter 13 Plan was scheduled for March 9, 2022. Respondent failed to appear for that hearing. Pet'r's Ex 2:14(x). The Court thereby issued an Order denying the confirmation plan without leave to amend. *Id.* Respondent was sent a copy of that order. Pet'r's Ex. 2:14(x).

Respondent filed a Motion to Reconsider Order Denying Confirmation of Chapter 13 Plan Without Leave to Amend. Pet'r's Ex. 2:14(y). In that motion, Respondent stated: “[u]ndersigned counsel is highly embarrassed to state that he missed the hearing because he incorrectly listed the wrong hearing date on his calendar.” *Id.* He further stated that “Debtor apparently attempted to attend the hearing but was stick[sic] in the waiting room. Counsel believes that it is possible that the Debtor was mistakenly using a link for a previous hearing.” *Id.*

A hearing date was set for the Motion of May 11, 2022. Respondent failed to appear for that hearing. Pet'r's. Ex. 2:14(w). A second hearing date of July 13, 2022, was set and again, Respondent failed to appear. *Id.*

Respondent agreed in his March 20, 2024, Statement Under Oath that the motion to reconsider was denied because of his failure to appear at the scheduled hearings. Pet'r's Ex. 2:10 at 254. An “Order to Show Cause Why Attorney’s Fees Should Not Be Refunded and Any Unpaid Fees Extinguished and Disallowed” was issued on July 14, 2022. Pet'r's Ex. 2:14(z). The

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Order required Respondent to show cause why he should not refund the \$500.00 to Ms. Emilien and to disallow the remaining \$3,325.00 owed to him for his representation in the matter. *Id.* Respondent agreed that he never refunded the fees as ordered. Pet'r's Ex. 2:10 at 255. At no time did Respondent inform Ms. Emilien that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter. Pet'r's Ex. 1 at 11; Pet'r's Ex. 14(w).

d. Mirta De La Rosa

Mirta De La Rosa retained Respondent to represent her in a bankruptcy proceeding, case 21-14353. Pet'r's Ex. 2:14(t). She did not pay Respondent prior to the filing of her case but agreed to pay him \$4,925.00 for his representation through the Chapter 13 Plan. Pet'r's Ex. 2:24.

Respondent filed a "bare-bones" petition in her case on June 30, 2021. Pet'r's Ex. 2:14(t); Pet'r's Ex. 2:10 at 256. The documents to be filed were due July 14, 2021. *Id.* On July 16, 2021, Respondent filed a motion to extend time for filing which was granted and a new deadline of July 30, 2021 was set. Pet'r's Ex. 2:14(t). On August 3, 2021, Respondent filed a second motion to extend the time for filing the required documents. *Id.* A new deadline for filing of August 17, 2021 was set. *Id.* Respondent was sent notice of this deadline, but he never filed the required documents and as a result, Ms. De La Rosa's case was dismissed on August 26, 2021. Pet'r's Ex. 2:25; Pet'r's Ex. 2:14(t); Pet'r's Ex. 2:26. The dismissal order further included notice that the automatic stay was terminated. Pet'r's Ex. 2:26. Respondent was sent notice of the Order but did not convey the information to Ms. De La Rosa. Pet'r's Ex. 2:14(t); Pet'r's Ex. 1 at 11. Respondent admitted in his March 20, 2024 statement under oath that it was his responsibility to make the required filings.-Pet'r's Ex. 2:10 at 256.

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Respondent admitted that at no time did he inform Ms. De La Rosa that her bankruptcy proceedings had been dismissed. *Id.* at 257. Beginning in October 2021, Ms. De La Rosa began to receive calls from her mortgage company advising her that her bankruptcy case had been dismissed and she should consider some alternative means to prevent foreclosure on her home. Pet'r's Ex. 2:14(v). Ms. De La Rosa made many efforts to contact Respondent about her case including emails dated October 12, 2021, and October 14, 2021, which went unanswered. *Id.* At no time did Respondent inform Ms. De La Rosa that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter. Pet'r's Ex. 1 at 12; Pet'r's Ex. 2:14(t) Ms. De La Rosa had to retain new counsel who then was required to file a motion to reopen her Chapter 13 case. Pet'r's Ex. 2:14(v).

e. Tyeacha Counts

Tyeacha Counts retained Respondent to represent her in a Chapter 13 proceeding, case 19-15507. Pet'r's Ex. 2:15(l). Respondent filed a Chapter 13 Statement of Current Monthly and Disposable Income on April 23, 2019. *Id.* Ms. Counts paid Respondent \$565.00 directly and she agreed to pay him an additional \$4,060.00 through her Chapter 13 Plan. Pet'r's Ex. 2:27.

On April 13, 2021, a Modified Chapter 13 Plan was granted at the Debtor's request. Pet'r's Ex. 2:15(l). Between April 15, 2021, and April 11, 2022, there was no activity in the case. *Id.* On March 21, 2022, however, the U.S. Trustee filed Trustee's Motion to Dismiss case for Debtor's failure to make plan payments. *Id.* On April 8, 2022, Ms. Counts wrote to the Court that she tried to reach out to her attorney, Respondent, by email, telephone, and by physically stopping by his office but she was not able to reach him, and she was not aware of how to proceed without his assistance. Pet'r's Ex. 2:15(m).

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A videoconference hearing was scheduled for June 7, 2022. Pet'r's Ex. 2:15(l). Respondent was sent notice of that hearing and failed to appear. *Id.* Ms. Counts, Debtor, also failed to appear. On June 7, 2022, the hearing was rescheduled for July 5, 2022, and an Order was issued to Respondent to show cause why he did not appear at the June 7 hearing. Pet'r's Ex. 2:15(n). Respondent received notice of the Court's Order and of the new hearing date. Pet'r's Ex. 2:28.

On July 5, 2022, Respondent failed to appear for the second time. An Order directing Respondent to disgorge any fees that he charged Debtor was issued on July 12, 2022. Pet'r's Ex. 2:15(o). Respondent admitted that he did not disgorge fees as ordered. Pet'r's Ex. 2:10 at 255. Debtor, Ms. Counts, appeared at a hearing on August 16, 2022, without counsel and she consented to the dismissal of the case. Pet'r's Ex. 2:15(l). At no time did Respondent inform Ms. Counts that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter. Pet'r's Ex. 1 at 12; Pet'r's Ex. 2:15(l).

f. Donovan Grant

Respondent was retained by Donovan Grant to represent him in a Chapter 13 proceeding, case 18-26233. Pet'r's Ex. 2:15(j). On December 10, 2018, Respondent filed a Chapter 13 Voluntary Petition on behalf of his client. *Id.* Mr. Grant paid Respondent \$1,100.00 and agreed to pay him \$3,525.00 through the Chapter 13 Plan. Pet'r's Ex. 2:29(a).

On November 21, 2021, a Motion for Relief from Stay and Notice of Motion Re: 18208 Swan Stream Drive, Gaithersburg, Maryland 20877 was filed by Montgomery Manor Homeowners Association. Pet'r's Ex. 2:15(j). On December 8, 2021, the U.S. Trustee filed a Motion for Order to Show Cause Why the Debtor Should Not Modify the Plan, or in the

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Alternative, Why the Case Should Not be Dismissed. Pet'r's Ex. 2:15(k). The Show Cause Order was issued on December 28, 2021. Pet'r's Ex. 2:30. Respondent was notified of the Order and that a response was due January 7, 2022. Pet'r's Ex. 2:10 at 261; Pet'r's Ex. 2:15(j). Respondent failed to file any response and on January 25, 2022, the case was dismissed, and an Order Terminating the Automatic Stay Reference 18208 Swan Stream Drive was issued. *Id.*

At no time did Respondent inform Mr. Grant that he could no longer represent him in his bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter. Pet'r's Ex. 1 at 13; Pet'r's' Ex. 2:15(j). After the dismissal of his matter, Mr. Grant was required to hire new counsel and filed a new Chapter 13 case on March 29, 2022. Pet'r's Ex. 2:13.

The Omnibus Motion was filed by the U.S. Trustee on October 28, 2022. Pet'r's Ex. 2:15(a). Notice was provided to Respondent. *Id.* Respondent did not file a response. Pet'r's Ex. 2:32. The Court issued a show cause order on February 9, 2023, ordering Respondent to appear for a hearing on April 13, 2023. Respondent received notice of the hearing and failed to appear on April 13. Pet'r's Ex. 2:33.

Respondent was held in contempt of the Court's Order and an Order was issued on May 9, 2023, holding Respondent in contempt and providing that he could purge that contempt by delivering to the Office of the U.S. Trustee a cashier's check payable to "Donovan Grant" in the amount of \$4,625.00 and prohibiting him from practicing law in the bankruptcy court until he complies with the order. *Id.* Respondent was served with the Order on May 9, 2023. Pet'r's Ex. 2:34. Respondent did not pay Mr. Grant the money as ordered. Pet'r's Ex. 10 at 255.

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g. Judson Anglin

Respondent represented Judson Anglin in his bankruptcy matter, case 19-23354. Pet'r's Ex. 2:37. On October 6, 2019, Respondent filed a Chapter 7 Voluntary Petition Individual. *Id.* Mr. Anglin paid Respondent \$1,300.00 to represent him in this matter. Pet'r's Ex. 2:35. The case proceeded to trial in February 2022. Respondent appeared on the first day of trial, February 22, 2022. Pet'r's Ex. 2:36. The second day of trial was scheduled for March 23, 2022. In advance of that date, Respondent filed an emergency motion to continue the second day of trial stating that he had a "flu-like illness." *Id.* The trial was reset to April 28, 2022. Pet'r's Ex. 2:13. Prior to the hearing, opposing counsel filed a motion with the Court to approve a consent settlement noting in his motion that he was unable to reach Respondent. *Id.*

h. Novimbi Consolation Meriwether

Respondent was retained by Ms. Meriwether in 2015. On March 26, 2015, Respondent filed a Chapter 13 Petition on behalf of Ms. Meriwether, case 15-14251. Pet'r's Ex. 2:15(c).

On November 29, 2021, JP Morgan Chase filed a Motion for Relief from Automatic Stay in reference to Ms. Meriwether's residential property: 9213 Pegasus Court. Notice was served on Respondent. Pet'r's Ex. 2:39. Objections were due to the Court by December 13, 2021. Pet'r's Ex. 2:15(c). Respondent failed to file any objections on behalf of Ms. Meriwether and on January 18, 2022, an Order Terminating Automatic Stay as to Real Property known as 9213 Pegasus Court was issued. Pet'r's Ex. 2:15(c).

Respondent failed to notify his client that the stay had been terminated. Pet'r's Ex. 1 at 14. Ms. Meriwether received information that the stay had been terminated when she received a foreclosure notice on her home. Pet'r's' Ex. 2:15(e) at 493. Ms. Meriwether obtained new

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counsel who filed a Motion to Vacate Order Terminating Automatic Stay. *Id.* That motion was denied. Pet'r's Ex. 2:15(c). Respondent's conduct in this case was subject to the Omnibus Motion filed by the U.S. Trustee and the Court ordered Respondent to refund Ms. Meriwether \$1,100.00. Pet'r's Ex. 2:15(b). At no time did Respondent inform Ms. Meriwether that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter. Pet'r's Ex. 1 at 14; Pet'r's Ex. 2:15(c). Respondent also never paid the fees as ordered. Pet'r's Ex. 2:10 at 255.

i. William T. Patton, Jr.

Mr. Patton hired Respondent to represent him in a Chapter 13 matter, case 19-19556. Pet'r's Ex. 2:15(h). Mr. Patton paid Respondent \$1,100.00 at the beginning of his representation and he promised to pay an additional \$3,525.00 through the Chapter 13 Plan. Pet'r's Ex. 2:40. On July 15, 2019, Respondent filed a "bare-bones" Chapter 13 Voluntary Petition on behalf of Mr. Patton. Pet'r's Ex. 2:15(h).

On February 10, 2020, M&T Bank filed a Motion for Relief from Stay re: 1421 Harding Lane, Silver Spring MD 20905. *Id.* Respondent filed a response to that motion on March 8, 2020. M&T Bank's motion was withdrawn on March 20, 2020. *Id.* On July 20, 2020, GNMA c/o M&T Bank filed a Motion for Relief from Stay and Notice re: 1421 Harding Lane, Silver Spring MD 20905. *Id.* Objections were due on August 3, 2020. *Id.* The notice of hearing was served on all parties. Pet'r's Ex. 2:41. Respondent filed an Objection to Claim on July 31, 2020, and an Opposition on August 14, 2020. Pet'r's Ex. 2:15(h). On November 2, 2020, a Consent Order

Modifying the Motion for Relief from Stay was entered. *Id.*

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On September 1, 2021, a Notice of Default was filed by GNMA c/o M&T Bank, and on December 9, 2021, a Notice of Intent to Foreclose was filed by GNMA c/o M&T Bank. *Id.* Both Notices were withdrawn on January 3, 2022. *Id.*

On April 1, 2022, a Notice of Intent to Foreclose was filed again by GNMA c/o M&T Bank. *Id.* Notice was given to the parties. Pet'r's Ex. 2:42. Respondent did not take any action on behalf of his client to respond to this pleading. Pet'r's Ex. 2:15(h). At no time did Respondent inform Mr. Patton that he could no longer represent him in his bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter. Pet'r's Ex. 1 at 15; Pet'r's Ex. 2:15(h).

Mr. Patton's case was one of the enumerated matters that were the subject of the Omnibus Motion, and Respondent was ordered to disgorge \$3,525.00 in fees to Mr. Patton. Pet'r's Ex. 2:15(b). Respondent never paid the fees as ordered. Pet'r's Ex. 2:10 at 255.

Upon receipt of the Omnibus Motion, Mr. Patton wrote a letter to the U.S. Trustee. In that letter he described Respondents' conduct between October 2021 through December 2022. Mr. Patton noted that the last contact he had with Respondent was in October 2021 by phone. He noted that on March 8, 2022, he sent an email to Respondent asking him to contact one of Mr. Patton's creditors. Respondent did not reply. Mr. Patton, over the following couple of weeks, called Respondent's office phone and cell phone. Mr. Patton left messages but did not receive any return calls. Mr. Patton, in July 2022, physically went to Respondent's office location in Columbia, Maryland and was informed that Respondent moved out of the office space "a couple months ago." Mr. Patton described that it had been difficult to deal with attorneys from his mortgage company without the assistance of Respondent. Pet'r's Ex. 2:15(i).

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j. Elliot Bennett

Elliott Bennett was a Chapter 13 client of Respondent's. He paid Respondent an initial \$1,100.00 for his representation and promised to pay Respondent an additional \$2,500.00 through the approved Chapter 13 Plan. Pet'r's Ex. 2:43. Respondent filed a "bare-bones" Chapter 13 Voluntary Petition on June 4, 2019, case 19-17617. Pet'r's Ex. 2:15(g).

On November 29, 2021, BMW Bank of NA filed a Motion for Relief from Stay as to a BMW sedan. *Id.* Respondent did not file any response on behalf of his client. The Motion was granted on January 11, 2022. *Id.*

On January 26, 2022, a Motion for Relief from stay and Notice of Motion Re: 9406 Walburg Way, Montgomery Village, MD 20886 was filed by Towd Point Master Funding Trust. Pet'r's Ex. 2:44. All parties were served. *Id.* Objections were due on February 9, 2022. Pet'r's Ex. 2:15(g). Respondent did not file any objection on behalf of his client, and the Motion was granted on March 2, 2022. *Id.* At no time did Respondent inform Mr. Bennett that he could no longer represent him in his bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter. Pet'r's Ex. 1 at 16; Pet'r's Ex. 2:15(g).

On October 17, 2022, the U.S. Trustee filed a Motion to Dismiss Case for failure to make plan payments that was granted on November 15, 2022. *Id.* Respondent failed to respond on behalf of his client. *Id.* On December 1, 2022, this case was subject to the Order granting the Omnibus Motion, and the Court ordered Respondent to refund Mr. Bennett \$2,500.00. Pet'r's Ex. 2:15(b). Respondent never paid the fees as ordered. Pet'r's Ex. 2:10 at 255.

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k. Dolka Vazquez

Respondent represented Dolka Vazquez in a Chapter 13 matter, case 19-16032. Respondent filed a Chapter 13 Plan on behalf of Ms. Vazquez on May 2, 2019. Pet'r's Ex. 2:15(f). Ms. Vazquez agreed to pay Respondent a total of \$4,925.00. She paid Respondent \$1,085.00 when he was retained and agreed to pay the remainder through the Chapter 13 Plan. Pet'r's Ex. 2:45.

On October 14, 2021, Churchill East Village Community Center filed a Motion for Relief from Stay Re: 13112 Country Ridge Drive, Germantown MD 20874. All parties received notice. Pet'r's Ex. 2:46. Respondent failed to file a response on behalf of Ms. Vazquez and the Motion was granted on November 23, 2021. Pet'r's Ex. 2:15(f). At no time did Respondent inform Ms. Vazquez that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter. Pet'r's Ex 1 at 17; Pet'r's Ex. 2:15(f).

On October 26, 2022, Ms. Vazquez filed a request to proceed pro se with the Court. That pleading was stricken as a deficient filing and Ms. Vazquez filed a second motion on October 27, 2022, that was granted. Pet'r's Ex. 2:15(f).

On December 1, 2022, this case was subject to the Order granting the Omnibus Motion filed by the U.S. Trustee. The Court ordered that Respondent disgorge fees of \$3,840.00 to Ms. Vazquez. Pet'r's Ex. 2:15(b). Respondent never paid the fees as ordered. Pet'r's Ex. 2:10 at 255.

l. Sharonda A. Colbert

Sharonda A. Colbert paid Respondent an initial \$1,100.00 to represent her in her Chapter 13 bankruptcy matter. Pet'r's Ex. 2:47. Respondent filed a Chapter 13 Voluntary Petition on behalf of Ms. Colbert on July 11, 2018. Pet'r's Ex. 2:15(p). The total fee charged was \$4,625.00

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and Ms. Colbert paid Respondent through the Plan payments after a Plan was confirmed on February 13, 2019. Pet'r's Ex. 2:47.

Ms. Colbert ultimately had to file her Affidavit to Request Discharge pro se due to her inability to contact Respondent. Pet'r's Ex. 2:15(q). At no time did Respondent inform Ms. Colbert that he could no longer represent her in her bankruptcy matter, nor did he file a motion to withdraw his appearance in this matter. Pet'r's Ex. 1 at 17; Pet'r's Ex. 2:15(p).

m. Contempt Proceedings

On May 12, 2022, the United States Trustee filed the first Motion to Review Conduct of David B. Mintz because of the severity of Counsel's action and the "complete desertion of the Debtors." Pet'r's Ex. 2:14(m); Pet'r's Ex. 2:15(a).

On October 28, 2022, the United States Trustee filed the Omnibus Motion. Pet'r's Ex. 2:15(a). This motion was filed in eleven separate matters to include those debtors discussed supra. Respondent never filed an opposition to either the Omnibus Motion or the Amended Omnibus Motion. Pet'r's Ex. 2:15(b).

On December 1, 2022, the United States Bankruptcy Court for the District of Maryland (Greenbelt Division), granted the Omnibus Motion and ordered Respondent to disgorge and refund the following fees to the following clients: Novimbi Meriwether (\$1,100.00), Dolka Vasquez (\$3,840.00), Elliott Bennett (\$2,500.00), William T. Patton, Jr. (\$3,525.00). *Id.* Respondent was further ordered to file a "Notice of Completion," ("Notice"), with the Court within five (5) days of paying each debtor per the Court's Disgorgement Order. *Id.* After the Disgorgement Order was entered, Respondent never disgorged the fees and therefore never filed the required Notice with the Court. Pet'r's Ex. 2:48; Pet'r's Ex. 2:10 at 255.

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A Motion for Contempt was filed by the U.S. Trustee on January 10, 2023. Pet'r's Ex. 2:48. A hearing was held on the contempt motion for which Respondent failed to appear. Pet'r's Ex. 2:16 at 592. The Court granted the motion and held Respondent in contempt, referring to "Counsel's repeated disregard of his duties representing debtors before this Court and his flagrant refusal to comply with this Court's orders...". *Id.*

The Court ordered Respondent to appear on February 27, 2023, between 10:00 a.m. and 12:00 p.m. at the Office of the United States Marshall located at the United States Courthouse in Greenbelt where he was to be held in custody until February 28, 2023 at 12:00 p.m. *Id.* The Court provided that he could purge the contempt by fully complying with the Disgorgement Order before February 23, 2023, at 3:00 p.m. *Id.* Respondent did not comply with the Disgorgement Order before February 23, 2023, and he did not appear at the United States Marshall's Office on February 27, 2023. Pet'r's Ex. 1 at 18.

~~n. Failure to File Tax Returns and Tax Liens~~

Between 2009 and the present date, Respondent failed to file his tax returns and failed to pay taxes owed to both the State of Maryland and the federal government. Pet'r's Ex. 2:16. Respondent has the following State Tax liens filed against him in the Circuit Court for Montgomery County:

- a. Case no. 479389-V with a lien of judgment against Respondent in the amount of \$4,008.68 entered on February 13, 2020. Pet'r's Ex. 2:49;
- b. Case no. 470786-V with a judgment entered against Respondent on August 12, 2019 in the amount of \$9,886.77. Pet'r's Ex. 2:50;

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- c. Case no. 487578-V with a judgment entered against Respondent and his wife, Ely Mintz, on October 8, 2021, in the amount of \$5,993.12. Pet'r's Ex. 2:51; and
- d. Case no. 487624-V with a lien of judgment against Respondent and his wife in the amount of \$36,430.57. Pet'r's Ex. 2:52.

When asked about the tax liens at his April 5, 2022 Statement Under Oath, Respondent replied that he didn't recall the last year that he paid his taxes and he was aware that he had not filed his taxes and that he had tax liens against him including one federal tax lien in 2009. Pet'r's Ex. 2:2 at 158-60, 162.

o. David B. Mintz and Elyca S. Mintz Bankruptcy Cases

On September 28, 2016, Respondent filed bankruptcy case 16-22952, on his own behalf, which was dismissed on November 1, 2016, for failure to file the required documents. Pet'r's Ex. 2:53. On February 1, 2017, Respondent filed bankruptcy case 17-11337, on his own behalf, which was dismissed on September 13, 2017, for the failure to file required documents. Pet'r's Ex. 2:54. On October 19, 2021 Respondent filed for bankruptcy case 21-16582, on his own behalf, which was dismissed on May 24, 2022, for failure to file the required documents. Pet'r's Ex. 2:55.

On March 4, 2022, Respondent filed bankruptcy case 22-1110, on his own behalf, which was dismissed on May 9, 2022, for the failure to file required documents. Pet'r's Ex. 2:56. In case 22-1110 a show cause order was issued on April 6, 2022, after Respondent failed to appear for a video conference on this matter. The court ordered Respondent to show cause why his case should not be dismissed as a bad faith filing with a bar to refiling. Pet'r's Ex. 2: 57. Respondent filed a response to the Show Cause Order stating that he was dealing with "personal issues," and

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requested a hearing. Pet'r's Ex. 2:58. A video-conference hearing was scheduled for May 4, 2022. Respondent failed to appear for that hearing and the case was then dismissed with the additional order that Respondent was banned for 180 days from filing other bankruptcy matters. Pet'r's Ex. 1 at 19.

On June 24, 2022, less than 180 days after the Court's Order in case 22-11110, Respondent filed a Chapter 13 bankruptcy case on behalf of his wife, Elyca S. Mintz, acting as her counsel (Case no. 22-13459). Pet'r's Ex. 2:10 at 273; Pet'r's Ex. 2:60. A status conference was scheduled for July 28, 2022. The case was dismissed for failure to file the required documents. Pet'r's Ex. 2:60. The court also imposed a new 180-day bar against filing bankruptcy petitions on behalf of Elyca Mintz. Pet'r's Ex. 1 at 19.

Respondent explained that he filed for bankruptcy to stop foreclosure on his home. Each bankruptcy filing was intended to forestall foreclosure on his home while he worked out a loan modification or a refinance. Pet'r's Ex. 2:10 at 271. He explained that he allowed the bankruptcy petitions to be dismissed because "there was no need for it," as he was just filing the petitions to give he and his wife more time to make payments and bring the mortgage current. *Id.* at 272.

B. Bar Counsel's Investigation

1. Pacantara Complaint

Bar Counsel received the Complaint of Nilda Namocatcat Pacantara on May 26, 2021. Pet'r's Ex. 1 at 19. On June 9, 2021, Bar Counsel sent a letter to Respondent that included a copy of Ms. Pacantara's complaint and requested a response. The letter was sent to the address on file with the Attorney Information System: 10632 Little Patuxent Parkway Suite 249, Columbia Maryland 21044, as well as via email to the email address on file with AIS. A response was

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requested to be received no later than June 30, 2021. Respondent failed to respond to this letter. Pet'r's Ex. 2:61.

On July 13, 2021, a letter was sent to Respondent via his email address on file with AIS and via certified first-class mail to the Columbia, Maryland address on file with AIS. This letter enclosed the June 9 letter and requested a response from Respondent by August 3, 2021. No response was received. Pet'r's Ex. 2:62.

On August 6, 2021, a third letter requesting response was sent by Bar Counsel to Respondent via his AIS email address, first class mail and certified mail return receipt requested. That letter enclosed the two previous letters and attachment and requested a response by August 27, 2021. Respondent failed to respond. Pet'r's Ex. 2:63.

On October 25, 2021, this matter was docketed for investigation and Bar Counsel sent a fourth letter to Respondent via first class mail, certified return receipt requested, and via email. This letter was delivered to both the Columbia Maryland address on file with AIS as well as to the home address noted in the foreclosure proceedings located on the public case search website. That letter enclosed the three prior letters and enclosures and requested a response by November 8, 2021. Respondent failed to respond. Pet'r's Ex. 2:64.

On November 3, 2021, Investigator Bill Lynn with the Office of Bar Counsel sent Respondent an email asking him to contact Mr. Lynn. On November 5, 2021, Mr. Lynn went to Respondent's home address in Montgomery County, Maryland, unannounced to personally deliver the four letters previously emailed and mailed to Respondent. During that meeting,

Respondent agreed to speak via telephone with Mr. Lynn on November 13, 2021 at 11:00 a.m.

Pet'r's Ex. 1 at 20.

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During the conversation, Respondent told Mr. Lynn that he had been in contact with Ms. Pacantara beginning June 9, 2020. He agreed that she paid him \$1,000.00 to represent her in her bankruptcy proceedings and she completed the retainer agreement and paid him by check on June 20, 2020. He agreed that Ms. Pacantara provided him with all necessary documents and did everything he asked including completing credit counseling. Pet'r's Ex. 2:66.

When asked about his contact with Ms. Pacantara, Respondent agreed that his last conversation with her was on November 24, 2020. He explained that at times he allowed his voice mail system at work to become full because he misplaced his access code and that he never activated voice mail on his cell phone. *Id.*

Respondent noted that he was able to work from home primarily because he received all court notifications via email. He also commented that he had a web-based answering system such that when someone calls his office, a record of that call is forwarded to his home computer and the call rings on his computer. If the caller leaves a message, that message is transcribed on the computer. *Id.*

Respondent explained to Mr. Lynn that he had not contacted Ms. Pacantara for over a year because he was involved in an accident in November 2020 and that subsequent to that accident, he suffered from depression. *Id.* Respondent acknowledged receipt of the letters from the Office of Bar Counsel and agreed that he would contact the assigned Assistant Bar Counsel on November 15, 2021. He additionally advised Mr. Lynn that he would obtain a cashier's check for \$1,000.00 and mail that check to Ms. Pacantara on November 15, 2021. As of November 17, 2021, Respondent had neither contacted the assigned Assistant Bar Counsel nor delivered a check to Ms. Pacantara. *Id.*

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On January 20, 2022, Bar Counsel sent a fifth letter to Respondent. That letter enclosed the four prior letters and additionally requested that Respondent produced documents including Ms. Pacantara's entire client file as well as a copy of the refund check that he supposedly paid to her. A response was requested by February 3, 2022. That letter was delivered via AIS email, and to Respondent's home address via first class mail. Pet'r's Ex. 2:67.

On January 28, 2022, Mr. Lynn contacted Ms. Pacantara. She advised that on November 20, 2021, Respondent delivered to her a check for \$1,000.00. Respondent additionally told her that he would represent her pro bono in her bankruptcy proceedings. Based on Respondent's representation that he would represent her, she had been telling her creditors to contact him but they in turn reported back to her that he was not answering his phone. Ms. Pacantara has not received any further communications from Respondent and when she attempted to call him on the phone the system says his voicemail is full and cannot accept new messages. Pet'r's Ex. 2:68.

On February 16, 2022, Mr. Lynn again traveled to Respondent's home address to deliver the letters previously sent by Bar Counsel. Respondent confirmed that the AIS email address on file for him was in fact correct. He accepted the letters and agreed to call the assigned Assistant Bar Counsel on February 17, 2022. Mr. Lynn asked him to accept email service of a subpoena to appear via zoom for a Statement Under Oath in case 2021-0810. Pet'r's Ex. 2:69.

Respondent made himself available for a Statement Under Oath which was conducted on April 5, 2022. As of April 5, 2022, Respondent had failed to provide any of the documents requested by Bar Counsel and had failed to provide any response to the initial complaint and five letters sent to him by Bar Counsel. Pet'r's Ex 1 at 21.

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On April 5, 2022, Respondent appeared for a Statement Under Oath (“Statement”) limited in scope to the Pacantara complaint. During that Statement Respondent stated that he had an accident in November 2020 which impacted his ability to continue practicing law. Pet’r’s Ex. 2:2 at 80. He additionally stated that although he did not have a formal diagnosis, Respondent suffered from depression. *Id.* at 47. Respondent admitted that he had not filed the bankruptcy petition as he agreed to do for Ms. Pacantara and that he told Ms. Pacantara that he would complete the filing on a pro bono basis. *Id.* at 154.

On May 2, 2022, Bar Counsel sent Respondent a letter via email, first class mail, and certified return receipt requested mail. That letter requested the following documents to be provided by May 16, 2022: “Any and all information and/or documentation requested in my letter of January 21, 2022, that you failed to provide,” as well as “proof of any bankruptcy petition filed by you on behalf of Ms. Pacantara,” and an explanation for why one had not been filed if that was the case. Bar Counsel also requested copies of client ledgers related to funds maintained in his trust account, a copy of his attorney trust account statement for May 2022, an update on whether he has obtained any diagnosis of depression or treatment thereof, an explanation as to whether he failed to file federal and state tax returns and related documents. Respondent failed to respond to that letter and through the date of this filing he has not provided any written response or any documentation requested by the Office of Bar Counsel. Pet’r’s Ex. 2:70.

2. *Olugbala Complaint*

Upon receipt of Mr. Olugbala’s complaint, Bar Counsel sent Respondent a letter dated June 15, 2023, via his previously verified email address enclosing the complaint and requesting a

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response. A notification was received noting that delivery to the email address failed, and the message was undeliverable. Pet'r's Ex. 2:71.

A new letter was sent to Respondent's home address on June 20, 2023, containing a new response deadline of July 12, 2023. The letter was sent via first-class and certified mail. Respondent failed to respond. Pet'r's Ex. 2:72.

On July 17, 2023, a second letter was sent via first class mail and certified mail return receipt requested and via email. That letter enclosed the first letter in the Olugbala matter and requested a response no later than July 31, 2023. This letter as well as all letters sent to Respondent in both the Olugbala matter, and the Pacantara matter included reference to Rule 19-308.1. Pet'r's Ex. 2:73. Respondent failed to respond to this letter. Pet'r's' Ex. 1 at 22.

On September 12, 2023, having received no response to the Olugbala complaint, the Office of Bar Counsel docketed the matter for investigation and sent Respondent a request for a response to the complaint as well as a notice of intent to take his Statement Under Oath pertaining to the Olugbala matter and a list of suggested available dates. A response was requested by September 26, 2023. Respondent failed to respond. Pet'r's Ex. 2:74.

On September 22, 2023, Mr. Lynn interviewed complainant Olugbala. Mr. Olugbala stated that he hired Respondent to represent him in his bankruptcy matter in 2020 and has not heard from him since then. He said that he had court hearings on May 18, 2023, and June 22, 2023, and Respondent failed to appear at both hearings. Mr. Olugbala complained that he is in the last year of the bankruptcy proceeding and he does not know how to proceed because Respondent fails to or refuses to communicate with him. Mr. Olugbala described attempts to

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contact Respondent to include calls, emails and letters. None of his attempts to contact Respondent were fruitful. Pet'r's Ex. 2:75.

On March 21, 2024, Bar Counsel received notification that Respondent was administratively suspended due to his failure to comply with IOLTA reporting and for non-payment of the CPF Assessment Fee. Pet'r's Ex. 2:76.

3. United States Trustee Complaint

Upon receipt of the complaint submitted to Bar Counsel by David Ciambuschini, Chief Deputy Clerk of the U.S. District Court for the District of Maryland, and supplemental correspondence from Ms. Rice, Bar Counsel sent Respondent a docket notice on September 12, 2023 which included the complaints from Mr. Ciambuschini and Ms. Rice. That correspondence was sent via mail to the AIS office address on file as well as to his AIS email address. The email was returned as undeliverable. Pet'r's Ex. 2:77.

On September 27, 2023, with permission of the Attorney Grievance Commission, a subpoena was issued for Respondent to appear for a Statement Under Oath in the Olugbala matter as well as the U.S. Trustee matter on October 4, 2023 at 10:00 a.m. and to provide a written response to the September 12, 2023 letter sent in the U.S. Trustee matter; and written responses to letters dated September 12, 2023, June 15, 2023, June 20, 2023, and July 17, 2023, sent in both cases. Pet'r's Ex. 2:78. That subpoena was personally served on Respondent. Pet'r's Ex. 2:79. Respondent failed to appear on October 4, 2023, for the Statement Under Oath. Pet'r's Ex. 1 at 23.

On January 5, 2024, Bar Counsel sent Respondent a Joint Petition for Disbarment for his consideration. Pet'r's Ex. 2:80. That document was hand delivered by Mr. Lynn on January 12,

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2024. Respondent agreed to discuss the matter with Bar Counsel and Mr. Lynn on January 19, 2024. Pet'r's Ex. 1 at 23. On that date Respondent contacted Bar Counsel to discuss his matter. He agreed to provide the Office of Bar Counsel with a detailed letter from his mental health provider describing his mental health disorder (if he has in fact been diagnosed with such a disorder) as well as a treatment plan. Pet'r's Ex. 2:81.

On January 19, 2024, Respondent spoke with Jessica Hall from the Office of Bar Counsel and Mr. Lynn. Respondent agreed to obtain a waiver of confidentiality with his mental health provider so that Bar Counsel could discuss his alleged mental health condition with his provider. Respondent was also requested to obtain a letter from his mental health provider that contained his specific diagnosis as well as a description of the treatment plan. Respondent was given one week to complete that request. Respondent also provided a new email address that he stated was valid. *Id.*

On January 30, 2024, Respondent requested an extension to February 1, 2024, to provide the signed waiver as he was scheduled to meet with his mental health provider on that date. Pet'r's Ex. 2:82.

On February 5, 2024, Mr. Lynn contacted Respondent about the letter he was supposed to provide to Bar Counsel. Respondent stated that his mental health provider was experiencing internet issues, and he expected to be able to furnish the requested letter by February 6, 2024. Pet'r's Ex. 2: 83.

On February 8, 2024, Mr. Lynn sent Respondent a text requesting a call back. Mr. Lynn also called Respondent's cell phone at 12:21 p.m. and 2:22 p.m. There was no option to leave a message. Respondent did not respond to the text message, nor did he return the calls. On

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February 9, 2024, Mr. Lynn called Respondent's cell phone at 9:09 a.m. with no answer and no call back. Mr. Lynn also sent a text message to Respondent's cell phone at 9:19 a.m. on the same date. Mr. Lynn received no response to the text. Pet'r's Ex. 2:84. Mr. Lynn also followed up with an email sent to the email address previously provided by Respondent with no reply. Pet'r's Ex. 2:85.

On February 26, 2024, with permission from the Attorney Grievance Commission, Bar Counsel issued a subpoena for Respondent to appear to give his Statement Under Oath in the matters involving Mr. Olugbala and the U.S. Trustee. That subpoena was personally served by Mr. Lynn along with a cover letter requiring Respondent to appear on March 20, 2024 for the statement. The subpoena and letter were served on Respondent on February 25, 2024. Pet'r's Ex. 2:86; Pet'r's Ex. 2:87.

Respondent appeared for the Statement Under Oath and at the conclusion of that proceeding, he agreed to provide the client matter files for Paulette Emilien, Tyeacha Counts, Mirta De La Rosa, Donovan Grant, Judson Anglin, Nomvimbi Consolation Meriwether, Dolka Vazquez, Elliott Bennett, Brian Gruner, William T. Patton, Jr., Sharonda Colbert, Chika Olugbala, Nilda Pacantara, and Vanessa Hall. On April 17, 2024, having not received any correspondence from Respondent, Bar Counsel sent a letter again requesting the client files requested at the conclusion of the statement. Pet'r's Ex. 2:88. That letter was delivered certified first-class mail. Pet'r's Ex. 2:89. Respondent never replied to that correspondence. Pet'r's Ex. 1 at 24.

During the Statement Under Oath, Respondent admitted that when he stopped using his office location in January 2022, he failed to notify his clients that he could no longer be reached at that address and office phone number. Respondent explained his failure to do so as follows:

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Well I still have my email address and that's how – and the phone – the phone was still – it was an internet-based phone, so I didn't need the – the physical location was there. I was still getting calls. . . . I didn't make any efforts to contact anyone because I still had the same email and I had the same phone and it was rare that anyone would just stop in.

Pet'r's Ex. 10 at 244. Respondent described that he received notice of hearings through PACER and that he maintained the same email address when he started to work from his home as he used at his prior office address. *Id.* at 245.

Respondent likewise admitted that although he realized that he was not providing adequate representation, he did not take any measures to terminate his representation of any of his existing clients between November 2020 through the present. *Id.* at 276-77. Respondent further stated that he could have referred his clients to two attorneys with whom he had close contacts, but that he did not. *Id.* Respondent admitted that he was ordered to refund fees in eleven separate cases but he acknowledged only refunding fees in the David Gruner case. *Id.* at 264.

CONCLUSIONS OF LAW

This Court finds, by clear and convincing evidence, that Respondent violated the following Rules of the Maryland Attorneys' Rules of Professional Conduct.

MARPC 19-301.1. Competence (1.1)

Rule 1.1 provides:

An attorney shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

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The Supreme Court has held that an attorney violates Rule 1.1 when that attorney fails to take fundamental steps to further a client's case and when an attorney fails to appear before the court in a client's matter. Demonstrating a violation of Rule 1.1 is not an assessment of the legal knowledge or skill that an attorney possesses, but the rule is violated when there is "[e]vidence of a failure to apply the requisite thoroughness and/or preparation in representing a client." *Att'y Griev. Comm'n v. Guida*, 391 Md. 33, 54, 891 A.2d 1085, 1097 (2006). Rule 1.1 is violated when an attorney "fails to act or acts in an untimely manner, resulting in harm to his or her client." *Att'y Griev. Comm'n v. Brown*, 426 Md. 298, 319, 44 A.3d 344, 357 (2012); *Att'y Griev. Comm'n v. De La Paz*, 418 Md. 534, 553-54, 16 A.3d 181, 192-93 (2011) (failure to appear at a hearing constitutes a violation of Rule 1.1); *Guida*, 391 Md. at 54, 891 A.2d at 1097 (failure to take any steps in an adoption proceeding, including filing an initial petition is violative of Rule 1.1). In a matter similar to the instant matter, when an attorney "failed in nine matters to pursue altogether his clients' interests by not taking necessary, fundamental steps to further the clients' case," that attorney was found to have violated Rule 1.1. *Att'y Griev. Comm'n v. Garrett*, 427 Md. 209, 222, 46 A.3d 1169, 1177 (2012).

The Court finds that Respondent violated Rule 1.1 when he abandoned numerous client matters in a wholesale fashion. Specifically, Respondent violated Rule 1.1 when he failed to file a bankruptcy petition on behalf of Ms. Pacantara. The Court finds that Respondent violated Rule 1.1 when he was provided notice of the "Motion for Relief from Stay," in Mr. Olugbala's bankruptcy matter, and Respondent failed to file a response to that motion, failed to inform his client of the scheduled hearing on the motion, failed to attend the hearing on the motion on behalf of the client and when he then failed to notify his client of the second hearing on the motion and failed to appear for the second hearing on behalf of his client.

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Respondent violated Rule 1.1 by failing to file “missing documents” in Brian Gruner’s Chapter 13 proceeding, despite filing for four extensions of the filing deadline that were all granted, resulting in dismissal of Mr. Gruner’s proceeding. Respondent violated Rule 1.1 by failing to file the required documents in Ms. Hall’s bankruptcy matter, resulting in the dismissal of that matter; and by failing to file the required documents in Ms. De La Rosa’s matter.

Respondent violated Rule 1.1 on three additional occasions by failing to appear for hearings on behalf of his clients: he failed to appear for a court hearing on his “Motion to Reconsider,” in Ms. Emilien’s Chapter 13 proceeding; he failed to appear at the Motion to Dismiss hearing in Ms. Count’s case which resulted in her having to represent herself; and he failed to appear for the second day of the trial of Mr. Anglin’s proceeding. Respondent additionally violated Rule 1.1 on four separate occasions regarding his representation of four separate clients in their bankruptcy matters: Mr. Grant, Ms. Meriwether, Ms. Vazquez, and Mr. Bennett, when he failed to respond to motions filed in each client’s case for relief from the automatic stay in each case. Respondent violated Rule 1.1 when he failed to file any response or take any action on behalf of his client when a notice of intent to foreclose was filed in Mr. Patton’s Chapter 13 proceeding. Respondent violated Rule 1.1 when, after filing a “Chapter 13 Voluntary Petition” for his client, Ms. Colbert, he failed to respond to her attempts to contact him after the petition was filed.

MARPC 19-301.3 Diligence (1.3)

Rule 1.3 provides: “An attorney shall act with reasonable diligence and promptness in representing a client.” The Supreme Court has observed that “an attorney’s failure to take fundamental steps in furthering a client’s matter qualifies as neglect and inattentiveness to a client’s interest,” and is a violation of Rule 1.3. *Garrett*, 427 Md. at 224, 46 A.3d at 1178. The

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Court found, in *Attorney Grievance Commission v. Gisriel*, that an attorney violated Rule 1.3 when he failed to file a response to a motion to dismiss and failed to attend a court hearing. 409 Md. 331, 371, 974 A.2d 331, 354 (2009).

This Court finds that Respondent violated Rule 1.3 in his representation of clients Pacantara, Olugbala, Gruner, Hall, Emilien, De La Rosa, Counts, Anglin, Grant, Meriwether, Patton, Bennett, Vazquez, and Colbert, for the reasons discussed in relation to Rules 1.1 and 1.4(a) and (b).

MARPC 19-301.4 Communication (1.4)

Rule 1.4(a) and (b) provide:

- a. An attorney shall:
 1. promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(f), is required by these Rules;
 2. keep the client reasonably informed about the status of the matter;
 3. promptly comply with reasonable requests for information; and
 4. consult with the client about any relevant limitation on the attorney's conduct when the attorney knows that the client expects assistance not permitted by the Maryland Attorneys' Rules of Professional Conduct or other law.
- b. An attorney shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

The Court finds that by completely failing to communicate in any manner with his clients about upcoming court dates, pending motions, and by way of his repeated failures to file necessary documents in their cases, Respondent violated Rule 1.4(a) and (b). Respondent failed to keep any of the fourteen clients described herein informed about the status of their matters and he utterly failed to respond to their requests for information. By abandoning his clients, Respondent necessarily violated Rule 1.4. The Court finds that Respondent violated Rule 1.4 for the reasons discussed in relation to Rule 1.1 and for the following reasons.

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The Court finds that Respondent violated Rule 1.4 when he failed to respond to phone calls made to him by Ms. Pacantara between November 2020 through May 2021. Respondent never filed the bankruptcy petition on her behalf that he was hired to file, and he never informed Ms. Pacantara that he would be unable to do so. Respondent violated Rule 1.4 when he failed to return phone calls, emails and letters written to him by Mr. Olugbala. Respondent failed to inform Mr. Olugbala of two hearings scheduled regarding a motion for relief from automatic stay and he failed to notify Mr. Olugbala that said motion was pending and that Respondent was not intending to file any objections to that motion on Mr. Olugbala's behalf. There is no evidence that Respondent made any attempts to discuss the matter with Mr. Olugbala or to inform him of the consequences of failing to appear at the hearings or of the consequences of failing to file an objection to the motion.

The Court finds that Respondent violated Rule 1.4(a) and (b) in the following ways: failing to notify Mr. Gruner that he would no longer be representing him in court on his bankruptcy matter; failing to notify Ms. Hall that he would no longer be representing her in her bankruptcy matter; failing to communicate with Ms. Emilien before or after the scheduled hearings on May 11, 2022 and July 13, 2022, and failing to provide her with assistance regarding those hearings; failing to inform Mr. Grant that he would no longer be representing him in advance of proceedings on a motion for relief from automatic stay, the denial of which resulted from Respondent's failure to file an objection; failing to reply to the numerous emails and phone calls placed to him by Mr. Patton between March 8, 2022 through July 2022; failing to inform ~~Mr. Bennett that he was no longer representing him despite failing to file an objection to the~~ motion for relief from stay and objection to motion to dismiss Mr. Bennett's case; failing to respond to calls from Ms. Vazquez, resulting in her filing motions with the bankruptcy court to

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proceed pro se; and by failing to respond to attempts by Ms. Colbert to contact him by phone. In Ms. Meriwether's case, Respondent failed to notify her that he had not responded to the Motion for Relief from Stay or that the Court granted that motion. Ms. Meriwether made numerous phone calls and emails to Respondent that went unanswered.

Respondent violated Rule 1.4 when, after Ms. De La Rosa's case was dismissed on August 26, 2021, as a result of Respondent's failure to file the required documents, Respondent did not inform Ms. De La Rosa that her bankruptcy proceeding had been dismissed by the Court.

Respondent violated Rule 1.4 when he failed to reply to Ms. Count's emails and telephone calls. Respondent failed to counsel Ms. Counts about the next steps in her Chapter 13 proceeding, causing her to have to represent herself at a hearing where she consented to the dismissal of her matter without the benefit of legal advice from Respondent as her retained counsel.

MARPC 19-301.5 Fees (1.5)

Rule 1.5(a) provides:

- a. An attorney shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:
 1. the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
 2. the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment of the attorney;
 3. the fee customarily charged in the locality for similar legal services;
 4. the amount involved and the results obtained;
 5. the time limitations imposed by the client or by the circumstances;
 6. the nature and length of the professional relationship with the client;
 7. the experience, reputation, and ability of the attorney or attorneys performing the services; and
 8. whether the fee is fixed or contingent.

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The Supreme Court has repeatedly stated that “the reasonableness of a fee is not measured solely by examining its value at the outset of representation; indeed, an otherwise-reasonable fee can become unreasonable if the lawyer fails to earn it.” *Garrett*, 427 Md. at 224, 46 A.3d at 1178. In *Garrett*, the Court held that the attorney violated Rule 1.5 when he accepted a fee and then failed to further the cases of his clients by not appearing at a hearing on behalf of a client, learning that the matter of representation was settled shortly after being retained yet failing to refund unearned fees and failing to pursue the interests of his clients. In *Attorney Grievance Commission v. Patterson*, 421 Md. 708, 732, 28 A.3d 1196, 1210 (2011), the Supreme Court found that an attorney violated Rule 1.5 when he accepted a fee and then failed to represent the client with competence and diligence. The Court found that the deficient representation and the lack of any meaningful result obtained supported a finding of violation of Rule 1.5. *See also Att’y Griev. Comm’n v. Guida*, 391 Md. 33, 52-53, 891 A.2d 1085, 1096 (2006) (holding that a fee, not unreasonable on its face, became unreasonable under Rule 1.5(a) because, through “lack of effort on behalf of [the clients,]” the attorney “fail[ed] to perform the services to any meaningful degree”).

The Court finds that Respondent violated Rule 1.5(a) by failing to provide the services he was hired to provide to his clients. Respondent’s clients fall into two categories: those for whom he performed an initial service and then failed to provide future services as needed, and those for whom he took a fee but then performed no service of value. Respondent’s inaction in many of these cases resulted in actively harming his clients’ interests. What may have been a reasonable fee at the outset of representation became unreasonable when Respondent failed to provide any service of value to his clients or when Respondent provided partial and incomplete representation.

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The Court finds that Respondent violated Rule 1.5(a) in the following ways in his representation of the following clients. He violated Rule 1.5(a) when he took \$1,000.00 payment from Ms. Pacantara with the agreement that he would file a bankruptcy petition on her behalf and then failed to file the petition as agreed. He violated Rule 1.5(a) when he received \$4,325.00 payment from Mr. Olugbala to represent him in converting his bankruptcy petition to a Chapter 13 case. While Respondent did file an initial motion on behalf of Mr. Olugbala, he failed to appear for two hearings scheduled in 2023 and he also failed to notify Mr. Olugbala of those hearings.

The Omnibus Motion filed by the U.S Trustee seeking to review the conduct of Respondent and force him to refund fees to clients that he failed to competently and diligently represent was granted on November 21, 2022. As a result, the U.S. Bankruptcy Court ordered Respondent to disgorge fees for the following clients: Ms. Meriwether, Ms. Vazquez, Mr. Bennett, and Mr. Patton. The Court's order further stated that it had been shown that "the compensation paid to David B. Mintz and the Law Office of David B. Mintz exceeded the reasonable value of the services that he provided..." Pet'r's Ex. 2:15(b) at 473. The Court finds that the Order issued by the U.S. Bankruptcy Court proves by clear and convincing evidence that Respondent violated Rule 1.5(a) as to Ms. Meriwether, Ms. Vazquez, Mr. Bennett, and Mr. Patton.

The Court finds that Respondent violated Rule 1.5(a) as regards his representation of Mr. Gruner. In that client's matter, the U.S. Trustee filed a motion to review conduct and motion to disgorge fees which was granted by the U.S. Bankruptcy Court on June 1, 2022. Pet'r's Ex. 2:14(n) at 380. The Court finds that Respondent violated Rule 1.5(a) relating to his representation of Ms. Counts. The U.S. Bankruptcy Court likewise issued an Order directing

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Respondent to refund and disgorge fees relating to Ms. Counts on July 11, 2022. Pet'r's Ex. 2:15(o) at 575.

Respondent violated Rule 1.5(a) in his representation of Ms. Emilien. She paid him an initial \$500.00 to file a bankruptcy petition on her behalf and then agreed to pay him an additional \$3,325.00 through the repayment plan for his representation. Respondent filed the initial petition on February 22, 2021, but thereafter failed to attend a confirmation hearing on March 9, 2022, which resulted in the issuance of an order denying the confirmation plan without leave to amend. Respondent filed a motion to reconsider but then he failed to attend the first scheduled hearing on his motion set for May 11, 2022, and then he failed to appear at the second rescheduled hearing on July 13, 2022. Respondent agreed in his Statement Under Oath to Bar Counsel that his motion to reconsider was denied as the result of his failure to appear. Ultimately the U.S. Bankruptcy Court issued an order that Respondent show cause as to why his fees should not be refunded to Ms. Emilien. Respondent never responded to that motion, nor did he refund the fees to his client.

The Court finds that Respondent violated Rule 1.5(a) in his representation of Mr. Grant. Mr. Grant paid Respondent an initial \$1,100.00 and agreed to pay \$3,525.00 through the Chapter 13 Plan. Respondent did file a Chapter 13 voluntary petition on behalf of Mr. Grant, but then failed to provide any other services of value to Mr. Grant despite the fact that he was served with notice of a motion for relief from stay as to Mr. Grant's residential property. As a result, the automatic stay was terminated. The U.S. Bankruptcy Court issued an order holding Respondent in contempt and ordering him to purge the contempt by issuing a cashier's check payable to Mr. Grant and in the amount of \$4,625.00. Respondent acknowledged in his Statement Under Oath that he never disgorged those fees as ordered.

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Respondent violated Rule 1.5(a) in his representation of Ms. Hall. He was initially retained to file a bankruptcy petition to stop the foreclosure on her home. Respondent, through his inaction, failed to render Ms. Hall services of value and an order was issued directing Respondent to disgorge fees in her matter.

Respondent agreed to represent Mr. Anglin in a Chapter 7 voluntary petition for \$1,300.00. When that matter went to trial, Respondent appeared for the first day of trial but then did not appear for the second day of trial. What may have been a reasonable fee at the initiation of representation became unreasonable when Respondent failed to complete the representation agreed upon. The Court finds that Respondent violated Rule 1.5(a) in his representation of Mr. Anglin.

Respondent took fees from Ms. Colbert and Ms. Counts and then failed to provide competent legal representation for these clients, thus making the fees paid unreasonable. As such, the Court finds that Respondent violated Rule 1.5(a) regarding these clients. Respondent had an agreed upon payment plan with Ms. De La Rosa through her Chapter 13 Plan. The \$4,925.00 fee agreed-upon in Ms. De La Rosa's matter was unreasonable in light of the fact that Respondent abandoned his representation of this client and in so doing, violated Rule 1.5(a).

MARPC 19-301.16 Declining or Terminating Representation (1.16)

Rule 1.16 provides in part:

- a. Except as stated in section (c) of this Rule, an attorney shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
 1. the representation will result in violation of the Maryland Attorneys' Rules of Professional Conduct or other law;
 2. the attorney's physical or mental condition materially impairs the attorney's ability to represent the client; or

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3. the attorney is discharged.

The Court finds that Respondent violated Rule 1.16(a) by not withdrawing from his representation of the fourteen clients discussed supra when it became clear to him that his physical or mental condition materially impaired his ability to represent these clients. See *Att'y Griev. Comm'n v. Edwards*, 462 Md. 642, 703-04, 202 A.3d 1200, 1234-35 (2019) (attorney who claimed her failure to competently and diligently represent her client was due to illness and hospitalization violated Rule 1.16(a) by not withdrawing from representation).

Respondent reported that he was in an accident in November 2020 and that afterwards, he was suffering from depression. Despite these self-described physical and mental health concerns, Respondent took no affirmative steps to inform his clients that he was unable to continue to represent them. Respondent produced no supporting evidence to prove his claims by a preponderance of the evidence.

MARPC 19-303.2 Expediting Litigation (3.2)

Rule 19-303.2 provides:

An attorney shall make reasonable efforts to expedite litigation consistent with the interests of the client.

The Court finds that Respondent violated Rule 3.2 in his representations of Ms. Pacantara when he failed to file the bankruptcy petition that he was retained to file. Respondent violated Rule 3.2 when, after filing the initial petition, Respondent had no further contact with Ms.

Colbert.

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In many of these cases, Respondent failed to file objections to motions for relief from the automatic stay that was issued for his clients' residential properties. When he failed to make those appropriate filings, the motions for relief were granted, thus lifting the stays. The consequence of these failures on Respondent's behalf was to prolong litigation as his clients found that they needed to obtain new legal representation. Respondent additionally failed to respond to motions to lift automatic stays for these clients: Mr. Olugbala, Mr. Grant, Mr. Patton, Mr. Bennett, and Ms. Vazquez. The Court finds that Respondent's failure to file these motions failed to expedite litigation consistent with his client's interests and thus violated Rule 3.2.

The Court finds that Respondent violated Rule 3.2 when he failed to supplement the "bare-bones" petitions filed on behalf of clients that required additional documentation in order to make those bankruptcy petitions complete. Respondent filed an initial "bare-bones" petition in Mr. Gruner's bankruptcy matter and then, after requesting and being granted four extensions of time to submit the necessary documents, the petition was dismissed for failure to file the documents. Mr. Gruner was required to re-file another bankruptcy as a result of Respondent's failures. Respondent also failed to file the required documents in Ms. Hall's case, resulting in the bankruptcy petition being dismissed. Respondent failed to file the necessary documents to complete the "bare-bones" petition filed in Ms. De La Rosa's case, also resulting in its dismissal.

Respondent violated Rule 3.2 when he failed to appear at hearings in Ms. Counts' matter and in Ms. Emilien's matter, resulting in multiple rescheduled hearings and the ultimate dismissal of both of their bankruptcy proceedings. Respondent's delay in providing Ms. Meriwether legal counsel resulted in her having to obtain new counsel to represent her in her matter and Respondent's failure to competently represent Ms. Colbert resulted in her having to

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file her own pro se motion to discharge Respondent and move forward representing herself in her matter.

MARPC 19-303.4 Fairness to Opposing Party and Attorney (3.4)

Rule 19-303.4 provides:

An attorney shall not:

c. knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;

An attorney violates Rule 3.4(c) when “he or she ‘repeatedly fail[s] to appear in court and to produce documents as directed by court order.’” *Edwards*, 462 Md. at 704, 202 A.3d at 1235 (quoting *Att’y Griev. Comm’n v. Dyer*, 453 Md. 585, 668, 162 A.3d 970 (2017)). The Court finds that Respondent violated Rule 3.4(c) when he failed to appear in court on behalf of clients Mr. Olugbala, Ms. Emilien, Ms. Counts, and Mr. Anglin.

The Court finds that Respondent violated Rule 3.4(c) when he failed to file required paperwork in cases where he only filed an initial “bare bones” pleading and was required to supplement the pleading within 30 days in order to complete the bankruptcy petitions. Respondent failed to supplement the “bare-bones” petitions filed in the following client matters: Mr. Gruner, Ms. Hall, and Ms. De La Rosa. The Court finds that these failures constitute a violation of Rule 3.4(c).

The Court also finds that Respondent violated Rule 3.4(c) when he failed to respond to and failed to appear in the U.S. Bankruptcy Court in response to show cause orders issued by that court, and when he failed to comply with disgorgement orders issued by that court. *See Att’y Griev. Comm’n v. Conwell*, 462 Md. 437, 200 A.3d 820 (2019) (Court did not accept attorney’s

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argument that the U.S. Bankruptcy Court's show cause order did not create a 3.4(c) obligation). Respondent failed to respond to show cause orders issued in the following client matters: Ms. Hall, Mr. Grant, Ms. Counts, Ms. Emilien, and Mr. Gruner.

The U.S. Trustee's office filed a motion to review Respondent's conduct and refund fees relating to Mr. Gruner's case with the U.S. Bankruptcy Court. That court issued an order requiring Respondent to disgorge all fees paid to him and to file with the court a certification that he had done so in ten days. Respondent failed to obey the court's order and was subsequently held in contempt on August 24, 2022. The court ordered Respondent to return original documents belonging to Mr. Gruner to him or be detained by the U.S. Marshall. Respondent failed to comply with the court's order and was taken into custody on September 14, 2022. Respondent violated Rule 3.4(c) when he disobeyed the court's lawful orders relating to Mr. Gruner's matter.

The U.S. Bankruptcy Court issued a disgorgement order on December 1, 2022, ordering Respondent to disgorge fees to Ms. Meriwether, Ms. Vazquez, Mr. Bennett, Mr. Patton. Respondent was ordered to file a notice of completion with the court within five days of paying each debtor. Respondent never disgorged the fees as ordered and therefore did not file the required notice of completion. Respondent violated Rule 3.4(c) by not complying with that court's orders. Respondent also violated Rule 3.4(c) when he failed to appear for a hearing on the motion for contempt filed subsequent to his failure to comply with the court's order. Respondent was held in contempt and ordered to appear at the Office of the U.S. Marshall on February 27, 2023, between 10:00 a.m. and noon, and that he could purge the contempt fully by complying with the disgorgement order. Respondent did not appear as ordered, nor did he comply with the

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disgorgement order. This Court finds that his refusal to comply with that order to appear at the U.S. Marshall's office also constitutes a separate violation of Rule 3.4(c).

MARPC 19-308.1 Bar Admission and Disciplinary Matters (8.1)

Rule 8.1(b) provides:

An applicant for admission or reinstatement to the bar, or an attorney in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- b. fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 19-301.6 (1.6).

When Bar Counsel requests information from an attorney in connection with a disciplinary investigation, the failure to respond to that request is a violation of Rule 8.1(b). *Garrett*, 427 Md. at 226, 46 A.3d at 1179. The Court finds that Respondent violated Rule 8.1(b) by failing to respond to the Commission's requests for information in the Olugbala complaint, the Pacantara complaint, and in the U.S. Trustees complaint. Respondent did, when personally served with a subpoena, sit for a Statement Under Oath in the Pacantara complaint on April 5, 2022, and in the U.S. Trustee complaint on March 20, 2024. In the Pacantara complaint, Bar Counsel mailed and personally delivered six written requests for documents and information. In the Olugbala complaint, Bar Counsel mailed and personally delivered three requests for information and documents to Respondent. In the Bar Counsel complaint, two subpoenas were served on Respondent to appear for a statement under oath. He failed to appear for the first statement scheduled for October 4, 2023. In the Bar Counsel complaint, Bar Counsel sent a request for documents as well as re-sent and personally served on Respondent all of the letters in

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the Pacantara and Olugbala complaints. In none of the three investigations, did Respondent produce a single written document as requested by Bar Counsel nor did he respond in writing to any of the letters mailed and/or personally served on him.

MARPC 19-308.4 Misconduct (8.4)

Rule 8.4 provides in relevant part:

It is professional misconduct for an attorney to:

a. violate or attempt to violate the Maryland Attorneys' Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

....

c. engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

d. engage in conduct that is prejudicial to the administration of justice;

The Court finds that Respondent violated each section of Rule 8.4 as charged. Having ~~violated several other Rules of Professional Conduct, Respondent violated Rule 8.4(a).~~ *See Att'y Griev. Comm'n v. Foltz*, 411 Md. 359, 983 A.2d 434 (2009).

The Court finds that Respondent violated Rule 8.4(c) by taking funds from clients, failing to return the funds when ordered to do so by the U.S. Bankruptcy Court all while having performed little or no work of value for his clients.

The Court finds that Respondent's failure to file his tax returns and failure to pay State of Maryland taxes as reflected in the four state tax liens filed against Respondent in Montgomery County is conduct violating Rule 8.4(c). *See Att'y Griev. Comm'n v. Tayback*, 378 Md. 578, 837 A.2d 158 (2003) (failure to file timely tax returns and failure to timely pay income taxes for three years was a violation of Rule 8.4(c)); *Att'y Griev. Comm'n v. Atkinson*, 357 Md. 646, 745 A.2d

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1086 (2000) (finding that the willful failure to file tax returns is a violation of Rule 8.4(c) and (d)). Respondent's conduct in his own bankruptcy cases demonstrate "conduct involving dishonesty, fraud, deceit or misrepresentation."

After Respondent filed three separate bankruptcy petitions on his own behalf that were each dismissed for failing to file the required documents, he then filed a fourth petition. The U.S. Bankruptcy Court dismissed his fourth petition and banned him from filing other bankruptcy matters for 180 days. To circumvent the court's order, Respondent filed in his wife's name instead of his own less than 180 days after the court's order. Each of the five petitions concerned the same residential property, the residential address belonging to both Respondent and his wife. This Court finds that filing the bankruptcy petition in his wife's name was intended to circumvent the court's order in a deceitful manner and thus violates Rule 8.4(c).

This Court finds that Respondent violated Rule 8.4(d) in several ways. Conduct is prejudicial to the administration of justice when it "reflects negatively on the legal profession and sets a bad example for the public at large." *De La Paz*, 418 Md. at 556, 16 A.3d at 194. The Supreme Court has found conduct that is prejudicial to the administration of justice to include: failing to communicate diligently with clients, *Kremer*, 432 Md. at 337, 68 A.3d at 869; failing to diligently pursue client's cases, *Att'y Griev. Comm'n v. Gelb*, 440 Md. 312, 102 A.3d 344 (2014); and failing to respond to Bar Counsel's requests for written responses to the complaints against him, *Kremer*, 432 Md. at 337, 68 A.3d at 869. Respondent's acts in failing to pay his taxes and contemptuous actions and inactions towards the U.S. Bankruptcy Court is conduct prejudicial to the administration of justice and this Court finds that those acts on behalf of Respondent violated Rule 8.4(d) as well.

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MARPC 19-308.1(a)

Rule 8.1(a) states:

An applicant for admission or reinstatement to the bar, or an attorney in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact

While allegations of violations of Rule 8.1(a) were raised in the Petition, Petitioner acknowledged that insufficient evidence was discovered during the investigation to support this claim. The Court agrees and does not find that Respondent has violated Rule 8.1(a).

MITIGATING FACTORS

The Supreme Court of Maryland recognizes the following mitigating factors:

1. the absence of a prior attorney discipline;
2. the absence of a dishonest or selfish motive;
3. ~~personal or emotional problems;~~
4. timely good faith efforts to make restitution or to rectify the misconduct's consequences;
5. full and free disclosure to Bar Counsel or a cooperative attitude toward the attorney discipline proceedings;
6. inexperience in the practice of law;
7. character or reputation;
8. a physical disability
9. a mental disability or chemical dependency, including alcoholism or drug abuse, where: (a) there is medical evidence that the attorney is affected by a chemical dependency or mental disability; (b) the chemical dependency or mental disability

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caused the misconduct; (c) the attorney's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and (d) the recovery arrested the misconduct, and the misconduct's recurrence is unlikely;

10. delay in the attorney discipline proceeding;
11. the imposition of other penalties or sanctions;
12. remorse;
13. remoteness of prior violations of the rules of professional conduct; and
14. unlikelihood of repetition of the misconduct.

Att'y Griev. Comm'n v. Fineblum, 473 Md. 272, 308-09, 250 A.3d 148 (2021) (citing *Att'y Griev. Comm'n v. Slate*, 457 Md. 610, 647, 180 A.3d 134, 156 (2018)). Maryland Rule 19-727(c) provides, in part: “[i]f the attorney asserts an affirmative defense or a matter of mitigation or extenuation, the attorney has the burden of proving the defense or matter by a preponderance of the evidence.” The Court finds that Respondent does not have a prior disciplinary record. While Respondent alleged during his Statement Under Oath and during his conversations with Bar Counsel that he suffers from mental health challenges and depression, he failed, on numerous occasions, to provide any documentation to support his allegations despite Bar Counsel's requests. I do not find that Respondent has established the existence of any mitigating factors by preponderance of the evidence.

AGGRAVATING FACTORS

The Supreme Court of Maryland has recognized the following aggravating factors:

1. prior disciplinary history;

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2. a dishonest or selfish motive;
3. a pattern of misconduct;
4. multiple violations of the [rules of professional misconduct];
5. bad faith obstruction of the discipline proceeding by intentionally failing to comply with rules or orders of the disciplinary agency;
6. submission of false evidence, false statements, or other deceptive practices during the discipline proceeding;
7. refusal to acknowledge wrongful nature of misconduct;
8. victim's vulnerability;
9. substantial experience in the practice of law;
10. indifference to making restitution or rectifying the misconduct's consequences;
11. illegal conduct, including that involving the use of controlled substances; and
12. likelihood of repetition of the misconduct.

See Atty. Griev. Comm'n v. Sperling, 434 Md. 658, 676-77, 76 A.3d 1172, 1183 (2013) (citing Standard 9.22 of the American Bar Association Standards for Imposing Lawyer Sanctions).

The Commission has alleged the existence of the following aggravating factors: (2) a pattern of misconduct; (3) multiple offenses; (4) bad faith obstruction of the discipline proceeding by intentionally failing to comply with rules or orders of the disciplinary agency; (5) substantial experience in the practice of law; (7) refusal to acknowledge the wrongful nature of the misconduct; (8) victim's vulnerability; (10) indifferent to making restitution or rectifying the misconduct's consequences; and (12) likelihood of repetition. This Court agrees and finds that the Commission has proven all factors by clear and convincing evidence.

Entered: Clerk, Circuit Court for
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June 13, 2025

Respondent has demonstrated a pattern of misconduct and multiple offenses pertaining to fourteen separate clients. This Court finds that Respondent engaged in bad faith obstruction of the disciplinary proceedings by intentionally failing to respond to the Commission's lawful requests for information and for failing to appear on one occasion for a Statement Under Oath. Respondent chose not to respond to a single request for information promulgated by the Commission during the investigation of all matters.

This Court finds that Respondent has substantial experience in the practice of law.

Respondent did not acknowledge the wrongfulness of this conduct, and when questioned during the Statement Under Oath about his obligations to keep his clients informed of upcoming court dates, he deflected responsibility and asserted that they too received notifications through the mail. Pet'r's Ex. 2:10 at 257.

Respondent's clients, and victims of his misconduct, were vulnerable in that they were all individuals facing significant financial challenges. Several clients needed bankruptcy proceedings to be filed in order to stay foreclosure proceedings on their homes. These clients paid Respondent for services that he ultimately did not provide and in so doing were then unable to afford to hire a second attorney to provide services that they had engaged Respondent to provide.

This Court finds that Respondent was indifferent to making restitution. Of the fourteen clients discussed supra, Respondent made restitution to Ms. Pacantara and to Mr. Gruner. He made restitution to Mr. Gruner only after being taken into custody by the U.S. Marshall.

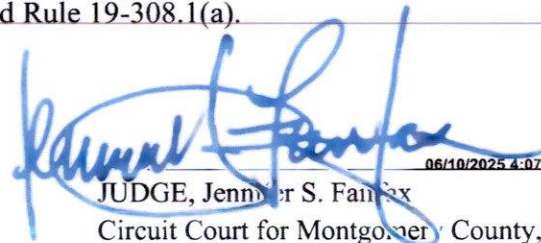
Respondent was ordered by the court to disgorge funds to several other clients, but he failed to do so.

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This Court finds that there is a high likelihood of the conduct reoccurring. Respondent suggested that his conduct was the result of several factors including depression. Bar Counsel gave Respondent the opportunity on several occasions to produce information confirming a diagnosis and treatment plan for any mental health challenges that Respondent may suffer. Respondent never provided Bar Counsel with information demonstrating either a diagnosis or a treatment plan. Without adequate treatment of his mental health challenges, there is a high likelihood that this conduct will be repeated in the future.

CONCLUSION

In the foregoing reasons, the Circuit Court for Montgomery County, Maryland, finds that Respondent David B. Mintz violated Maryland Lawyers' Rules of Professional Conduct Rules 19-301.1, 19-301.3, 19-301.4(a) and (b), 19-301.5(a), 19-301.16(a), 19-303.2, 19-303.4(c), 19-308.4(a), (c) and (d). The Court further finds that Petitioner has established aggravating factors. The Court does not find that Respondent has violated Rule 19-308.1(a).



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JUDGE, Jennifer S. Fairfax
Circuit Court for Montgomery County,
Maryland

Entered: Clerk, Circuit Court for
Montgomery County, MD
June 13, 2025

ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND

Petitioner,

v.

DAVID B. MINTZ

Respondent.

* IN THE
* SUPREME COURT
* OF MARYLAND

* SCM-AG-0021-2024

*
* In the Circuit Court
* for Montgomery County
* Case No. C-15-CV-24-006482

PETITIONER'S EXCEPTIONS AND RECOMMENDATION FOR SANCTIONS

The Attorney Grievance Commission of Maryland, (the "Commission"), by and through its attorneys, Thomas M. DeGonia II, Bar Counsel, and Jessica M. Hall, Deputy Bar Counsel, pursuant to Maryland Rule 19-728(b), takes no exceptions to the Findings of Fact and Conclusions of Law of the Honorable Jennifer S. Fairfax. The Commission recommends to this Court that the Respondent, David B. Mintz, be disbarred.

PROCEDURAL HISTORY

~~On November 19, 2024, the Commission filed a Petition for Disciplinary and Remedial~~
Action ("Petition") in the Supreme Court of Maryland. The Commission alleged in its Petition that the Respondent violated the following Maryland Attorneys' Rules of Professional Conduct ("MARPC"): Rule 19-301.1 (competence), Rule 19-301.3 (diligence), Rule 19-301.4(a) and (b) (communication), Rule 19-301.5(a) (fees), Rule 19-301.16(a) (declining or terminating representation), Rule 19-303.2 (expediting litigation), Rule 19-303.4(c) (fairness to opposing party and attorney), Rule 19-308.1 (a) and (b) (bar admission and disciplinary matters), and Rule 19-308.4(a), (c) and (d) (misconduct). By Order of the Supreme Court dated December 4, 2024, this Court transmitted the matter to the Circuit Court for Montgomery County to be heard and determined by the Honorable Jennifer S. Fairfax.

On January 23, 2025, the Respondent was served with original process of the Petition, the December 4, 2024, Order of the Supreme Court, and the Summons issued by the Clerk of the Circuit Court for Montgomery County. Also on January 23, 2025, Petitioner propounded Interrogatories, Request for Production of Documents, and Request for Admissions of Facts and Genuineness of Documents. These discovery documents were also hand-delivered to the Respondent.

On February 11, 2025, no Answer having been filed by the Respondent, the Commission filed a Motion for Order of Default. The Respondent did not respond in any manner and on February 20, 2025, at the Scheduling Hearing, the Circuit Court entered an Order of Default, notice of which was mailed to Respondent pursuant to Rule 2-613(c). The Respondent failed to file a Motion to Set Aside Order of Default.

On February 20, 2025, a Scheduling Hearing was held in this matter before the Circuit Court. The Respondent failed to appear for that hearing. A pre-trial conference was held on April 11, 2025, for which the Respondent also did not appear. On April 1, 2025, the Commission filed a Motion for Judgment of Default, and on April 17, 2025, the Circuit Court issued a Judgment of Default in this matter. The Circuit Court, on motion by the Commission, granted a motion for sanctions based on the Respondent's failure to respond to the written discovery propounded on January 23, 2025. The Circuit Court granted the Commission's motion and ordered that the averments in the Petition be deemed admitted, precluded the Respondent from calling any witnesses or presenting any documents at trial, and ordered that the documents and admissions detailed in Petitioner's Request for Admissions also be deemed admitted. An *ex parte* proof hearing was conducted on April 22, 2025. The Respondent failed to appear for that hearing and the Court admitted the Commission's exhibits.

On June 5, 2025, Judge Fairfax filed her Findings of Facts and Conclusions of Law (“Findings”).¹ Judge Fairfax found that the Respondent violated the following MARPC: 19-301.1, 19-301.3, 19-301.4(a) and (b), 19-301.5(a), 19-301.16(a), 19-303.2, 19-303.4(c), 19-308.1 (b), and 19-308.4(a), (c) and (d). Judge Fairfax additionally made findings regarding aggravating and mitigating factors. Judge Fairfax found one mitigating factor, the absence of disciplinary history. Judge Fairfax found several aggravating factors: pattern of misconduct, multiple violations of the rules, bad faith obstruction of the disciplinary proceeding, refusal to acknowledge the wrongful nature of the misconduct, victim vulnerability, substantial experience in the practice of law, indifference to making restitution, and likelihood of repetition of the misconduct. **Findings at 53-54.**

FACTUAL BACKGROUND

The Respondent was admitted to the Maryland Bar on December 13, 1995, and specialized in bankruptcy law. **Findings at 3.** Between 2021 through 2023, complaints were filed with the Commission alleging that beginning in December 2020 and continuing through May 2023, the Respondent abandoned fourteen separate clients, was found to be in contempt of court, failed to comply with numerous court orders, failed to file his State of Maryland tax returns and failed to pay his State of Maryland taxes.

Nilda Pacantara hired the Respondent on June 20, 2020 to file a petition for bankruptcy. She paid the Respondent \$1,000.00 and agreed to pay an additional \$3,000.00 through the bankruptcy court payment plan after her petition was filed. **Findings at 4.** The Respondent never filed the petition, stopped returning Ms. Pacantara’s calls after November 2020, and failed to inform her that he was no longer representing her. **Id.** Ms. Pacantara filed a complaint with the

¹ Judge Fairfax filed an amended Findings of Fact and Conclusions of Law on June 13, 2025, correcting an error in the original filing.

Office of Bar Counsel on May 24, 2021, noting that because of the Respondent's abandonment of her case, she did not have money to hire another attorney to file a bankruptcy petition on her behalf. **Id.** After the complaint was filed with the Commission, the Respondent did refund Ms. Pacantara \$1,000.00. **Id.** In November 2021, the Respondent also agreed to represent Ms. Pacantara *pro bono*, but then he once again failed to respond to her phone calls and failed to inform her that he was not going to represent her. **Id.**

Chika S. Olugbala retained the Respondent to assist him in filing for bankruptcy on July 9, 2018. **Findings at 5.** Mr. Olugbala paid the Respondent \$4,325.00 per the retainer agreement in exchange for which the Respondent was to represent him in a bankruptcy proceeding which Mr. Olugbala had previously filed *pro se*. **Id.** The retainer agreement specifically enumerated the services that the Respondent agreed to provide to Mr. Olugbala including appearing at the meeting of creditors, appearing at Plan confirmation hearings, and providing defense of any motions for relief from stay that were filed. **Id.** The Respondent filed a "Motion to Convert Case to Chapter 13" on July 16, 2018, in Case No. 18-17294, and provided no other services for Mr. Olugbala. **Id.**

On April 19, 2023, a "Motion for Relief from Stay" was filed by Nationstar Mortgage LLC. **Findings at 5.** The Respondent did not file a response to the motion and a hearing was scheduled for May 18, 2023. **Id.** The Respondent did not appear for that hearing, nor did he provide Mr. Olugbala with notice of the hearing. **Id.** A second hearing was scheduled and again Respondent did not notify Mr. Olugbala of the hearing, nor did he appear for the hearing on behalf of Mr. Olugbala. **Id.** Mr. Olugbala made many phone calls, sent several emails and wrote letters to the Respondent. **Id.** Mr. Olugbala stated that the Respondent never responded to his efforts such that he was uncertain whether the Respondent had died. **Findings at 6.** The Respondent never informed

Mr. Olugbala that he would no longer represent him in his bankruptcy matter and Respondent never moved to withdraw as counsel of record for Mr. Olugbala. **Id.**

The United States Trustee of the United States Bankruptcy Court (“U.S. Trustee”), through the Chief Deputy Clerk of the U.S. District Court for the District of Maryland, made a complaint about the Respondent’s conduct to the Commission on September 14, 2022. **Findings at 6.** That complaint was subsequently supplemented on several occasions as additional information was obtained by the Office of the U.S. Trustee. **Findings at 7.** In each of the cases referred to the Commission by the U.S. Trustee, the Respondent’s failure to pursue his client’s cases resulted in the dismissal of those cases or in rulings by the bankruptcy court that adversely affected those client’s interests. **Findings at 6.** The expectation for Chapter 13 cases is that the debtor “frequently needs representation and the assistance of counsel not only at the inception of this case, but during the plan commitment period, which may be three to five years after the filing of the bankruptcy case.” **Id.** It is largely in this regard that the Respondent failed his clients.

The U.S. Trustee provided information relating to the Respondent’s abandonment of twelve clients whose matters were pending before the United States Bankruptcy Court: Brian Gruner, Vanessa Hall, Paulette Emilien, Mirta De La Rosa, Tyeachea Counts, Donovan Grant, Judson Anglin, Novimbi Meriwether, William T. Patton, Jr., Elliott Bennett, Dolka Vazquez, and Sharonda Colbert. **Findings at 6-7.**

The Respondent filed “bare-bones” petitions on behalf of clients Gruner, Hall and De La Rosa. “Bare-bones” petitions are typically filed without the necessary documents when there is an urgent need to file the petitions in order to forestall a pending repossession or foreclosure. **Findings at 8.** Once the petitions were filed, an automatic stay was issued to prevent repossession or foreclosure in those cases. The bankruptcy court ordered that supplemental “required” documents

be filed in these matters within 30 days of the filing of the petition. The Respondent failed to do so, resulting in the dismissal of Mr. Gruner's, Ms. Hall's, and Ms. De La Rosa's bankruptcy proceedings and the termination of the automatic stay issued in each of their cases. In Mr. Gruner's matter, the Respondent filed numerous extensions of the deadline to file the required documents but never filed the documents and never informed his client that he would not be filing the documents. **Findings at 9.** The Respondent also requested an extension in Ms. Hall's matter and although the extension was granted, the Respondent never filed the documents or contacted his client to inform her he would not be filing the required documents. **Findings at 11.** In Ms. De La Rosa's matter, because the Respondent did not notify her that her case was dismissed as a consequence of his failure to file the required documents, she learned of the dismissal when her mortgage company called her to advise her that her home was being foreclosed on. **Findings at 14.** The Respondent made no attempts to communicate with her regarding the status of her matter despite her efforts to contact him on several occasions. **Id.**

The Respondent failed to appear in court for hearings on behalf of clients Emilien, Count, and Anglin, and he also failed to notify these clients that he would not be in court to represent them. When the Respondent missed Ms. Emilien's confirmation hearing on her Chapter 13 plan, he subsequently filed a motion to reconsider the order denying confirmation of that plan. **Findings at 12.** When the hearing was rescheduled, the Respondent failed to appear for the virtual hearing a second time. The hearing was rescheduled again and for the third time, the Respondent did not appear and did not notify Ms. Emilien. Consequently, the motion to reconsider was denied due to Respondent's failure to appear at the hearings. **Id.**

In Ms. Counts' Chapter 13 proceeding, the U.S. Trustee filed a "Motion to Dismiss" on March 21, 2022, based on Ms. Count's failure to make plan payments as required. **Findings at 14.**

Shortly after the motion was filed, Ms. Counts notified the court that she tried to reach the Respondent by email, telephone, and by physically stopping by his office but she was unable to reach him and was uncertain about how to proceed without his advice. **Id.** A videoconference hearing was scheduled for June 7, 2022. The Respondent failed to appear for the hearing. The hearing was rescheduled for July 5, 2022, and the Respondent failed to appear for a second time. **Findings at 15.** Ms. Counts appeared on August 16, 2022, without counsel, and consented to the dismissal of her case without the benefit of legal counsel. **Id.**

The Respondent represented Mr. Anglin in a Chapter 7 Voluntary Petition that was set for a two-day trial to occur on February 22, 2022, and March 23, 2022. The Respondent appeared for the first day of trial and filed a motion to postpone the second day of trial to April 28, 2022. **Findings at 17.** Opposing counsel in the matter made attempts to contact the Respondent before the second trial date in order to finalize a consent settlement but was unable to obtain a response from the Respondent. **Id.**

The Respondent failed to respond to motions filed asking for relief from the automatic stay in cases of clients Grant, Meriwether, Vazquez, and Bennett. In each of these Chapter 13 proceedings, creditors filed motions for relief from the automatic stay issued as to these client's residences. The motions for relief were filed between October 2021 through January 2022. **Findings at 15-18, 20-21.** The Respondent did not file a response in any of these cases and consequently, the automatic stays issued as to each of the four residential properties were terminated. **Id.** The Respondent did not notify any of these four clients that the stays were terminated, and in Ms. Meriwether's case, she only learned that the stay had been terminated when she received a foreclosure notice on her home. **Findings at 18.**

The Respondent filed a bankruptcy petition on behalf of Ms. Colbert but then never responded to her attempts to contact him afterwards. **Findings at 21-22.** The Respondent failed to take any action on behalf of client Mr. Patton when a “Notice of Default” and “Notice of Intent to Foreclose” were filed on September 2021, and December 9, 2021, in his Chapter 13 matter. Another “Notice of Intent to Foreclose” was filed on April 1, 2022, and again the Respondent did not take any action on behalf of Mr. Patton. **Findings at 19.** Mr. Patton made numerous attempts to contact the Respondent between October 2021 through December 2022 including phone calls, emails, and by physically traveling to the Respondent’s office address. **Id.** Mr. Patton described that it had been difficult dealing with the attorneys from the mortgage company without the assistance of the Respondent. **Id.**

The Respondent failed to comply with numerous court orders to disgorge fees issued by the bankruptcy court. The U.S. Trustee filed an “Omnibus Motion” seeking review of the Respondent’s conduct in eleven of the matters referred to the Commission by the U.S. Trustee. The Omnibus Motion was granted as to Meriwether, Vazquez, Bennett and Patton on November 21, 2022. The Respondent was ordered to disgorge fees for those clients. The Respondent never disgorged the fees as ordered by the bankruptcy court. **Findings at 41.** A motion for contempt was then filed by the U.S. Trustee on January 10, 2023. **Findings at 23.** A hearing was scheduled, the Respondent failed to appear at that hearing, and the court ordered that the Respondent was in contempt, noting “Counsel’s repeated disregard of his duties representing debtors before this Court and his flagrant refusal to comply with this Court’s orders...” **Id.** The court then ordered that the Respondent appear on February 27, 2023, at 12:00 p.m., to be held in custody for 24 hours. **Id.**

The Respondent was permitted to purge his contempt by fully complying with the court’s

disgorgement order before February 23, 2023. **Id.** The Respondent did not turn himself in on February 27, and he did not disgorge the fees as ordered before February 23. **Id.**

The Respondent was additionally ordered by the court to disgorge fees paid to him by clients Gruner, Counts, Emilien, Grant, and Hall. The Respondent failed to obey the court's orders to disgorge those fees, with the exception of Mr. Gruner. **Findings at 10, 22-23.**

In Mr. Gruner's matter, the court ordered disgorgement of the fees paid to the Respondent by order dated June 1, 2022. **Findings at 10.** The Respondent failed to disgorge those fees as directed and the U.S. Trustee filed a "Motion for Order to Show Cause why David B. Mintz...Should Not be Held in Contempt for Failure to Obey a Court Order." A scheduling hearing was held and the Respondent failed to appear. **Id.** On August 26, 2022, the court issued an order holding him in contempt of court and ordering that the Respondent appear at a certain date and time to be held in custody for 24 hours. **Id.** A purge provision allowed the Respondent to purge his contempt by providing Mr. Gruner's tax-related documents that were in his possession as well as the Quit Claim Deed to Mr. Gruner's home. **Id.** The Respondent did not turn himself in as directed and was taken into custody by the United States Marshalls on September 14, 2022. **Id.** He was released the same day when he disgorged the funds paid to him by Mr. Gruner and returned to Mr. Gruner the requested documents. **Id.**

In Mr. Grant's matter, an "Omnibus Motion" was filed by the U.S. Trustee on October 28, 2022. The Respondent did not file a response and the bankruptcy court issued a show cause order on February 9, 2023, ordering Respondent to appear for a hearing on April 13, 2023. The Respondent failed to appear for the hearing. **Findings at 16.** The Respondent was then held in contempt of the court's order and an order was issued on May 9, 2023, holding Respondent in contempt and providing that he could purge that contempt by delivering to the Office of the U.S.

Trustee a cashier's check payable to "Donovan Grant" in the amount of \$4,625.00. **Id.** The Respondent was personally served with the Order but did not pay Mr. Grant the funds as directed by the court. **Id.**

Beginning in 2009, the Respondent failed to file his tax returns and failed to pay taxes owed both to the State of Maryland and to the United States government. **Findings at 23.** The Respondent additionally filed bankruptcy on his own behalf four separate times between 2016 and 2022. In each case, the Respondent failed to file the required documents as ordered by the court and his bankruptcy petitions were dismissed. The Respondent filed a fourth bankruptcy petition on his behalf on March 4, 2022. On April 6, 2022, a show cause order was issued ordering the Respondent to show cause why his case should not be dismissed as a bad faith filing with a bar to refiling. **Findings at 24.** The Respondent replied that he was dealing with "personal issues" and requested a hearing which was set for May 4, 2022. **Findings at 25.** The Respondent failed to appear for that hearing and the petition was dismissed with the additional order that he was banned for 180 days from filing other bankruptcy matters. **Id.**

On June 24, 2022, the Respondent filed a Chapter 13 bankruptcy petition on behalf of his wife, acting as her counsel. **Findings at 25.** A status conference was scheduled for which the Respondent failed to appear and the petition was dismissed with the additional order that the Respondent was barred from filing on behalf of his wife for 180 days. **Id.**

Throughout the Commission's investigation of the complaints against the Respondent, numerous letters were sent to him requesting information. The Respondent failed to respond in writing to a single one of the ten letters sent to him, and he failed to produce a single document requested by the Commission. **Findings at 29.** The letters were sent to the Respondent via email, mail, and personally delivered to him. He responded to none of them. The only time that the

Respondent replied in any manner to the Commission's attempts to obtain information from him were when an investigator physically went to his residence in order to conduct an interview and personally serve him with copies of letters and subpoenas. **Findings at 26, 28, 32.** The Respondent did appear on two occasions to give his statement under oath, after failing to appear on one occasion. **Findings at 31.**

STANDARD OF REVIEW

"In an attorney disciplinary proceeding, this Court reviews for clear error a hearing judge's findings of fact, and reviews without deference the hearing judge's conclusions of law." *Att'y Griev. Comm'n v. Cassilly*, 476 Md. 309, 340-41, 262 A.3d 272, 289 (2021); *See* Maryland Rule 19-740(b)(2)(B) ("The Court shall give due regard to the opportunity of the hearing judge to assess the credibility of witnesses."); "[A] hearing court's findings of fact will not be overruled unless we determine that they are clearly erroneous." *Att'y Griev. Comm'n v. Mahone*, 435 Md. 84, 104, 76 A.3d 1198, 1210 (2013) (citation omitted). This Court reviews, *de novo*, the hearing judge's conclusions of law. *Att'y Griev. Comm'n v. Aita*, 458 Md. 101, 127, 181 A.3d 774, 788 (2018); Maryland Rule 19-740(b)(1).

The Commission takes no exceptions to the Findings of Facts and Conclusions of Law.

RECOMMENDATION FOR SANCTIONS

Sanctions are imposed "not to punish lawyers, but to protect the public from those attorneys who violate their duties to their clients and 'to insist upon the maintenance of the integrity of the bar and to prevent the transgressions of an individual lawyer from bringing its image into disrepute.'" *Att'y Griev. Comm'n v. Kremer*, 432 Md. 325, 337, 68 A.3d 862, 869 (2013). The "purpose of 'attorney discipline is protection of the public, rather than punishment' of the errant attorney." *Att'y Griev. Comm'n v. Rheinstein*, 466 Md. 648, 720, 223 A.3d 505, 548 (2020)

(quoting *Att’y Griev. Comm’n v. Hodes*, 441 Md. 136, 205 105 A.3d 533, 574 (2014)). Sanctions protect the public “in two ways: through deterrence of the type of conduct which will not be tolerated, and by removing those unfit to continue in the practice of law from the rolls of those authorized to practice in this State.” *Att’y Griev. Comm’n v. Framm*, 449 Md. 620, 665, 144 A.3d 827, 853-54 (2016) (internal citations and quotations omitted). Sanctions are imposed “commensurate with the nature and gravity of the violations and the intent with which they were committed” after taking into account any existing mitigating and aggravating factors. *Id.* (internal citations omitted).

This Court has ordered disbarment for attorneys who have engaged in conduct similar to the Respondent’s. This matter closely resembles the conduct at issue in *Attorney Grievance Comm’n v. Kremer*, 432 Md. 325, 68 A.3d 862 (2013), *Attorney Grievance Comm’n v. De La Paz*, 418 Md. 534, 16 A.3d 181 (2011), and *Attorney Grievance Comm’n v. Park*, 427 Md. 180, 46 A.3d 1153 (2012). In each of those cases, this Court determined that disbarment was the appropriate sanction for the misconduct at issue.

In *Kremer*, this Court found that the attorney violated Rules 1.1, 1.3, 1.4, 1.16(d), 8.1(b), and 8.4(d). *Kremer*, 432 Md. at 335-37, 68 A.3d 862. There were no mitigating factors to be considered in *Kremer*, and there was the presence of two aggravating factors: pattern of misconduct and bad faith obstruction of the disciplinary proceeding. *Id.* at 340-41, 68 A.3d 862. The conduct at issue in *Kremer* involved an attorney who failed to file bankruptcy petitions for two clients, and who postponed numerous hearings in two other clients’ cases, leading to the dismissal of one of those cases. *Id.* at 329-332, 68 A.3d 862. The attorney failed to communicate with four clients, despite many attempts by the clients to contact the attorney. *Id.* at 336, 68 A.3d 862. In three of the four matters, the attorney abandoned his clients’ cases before completion and

failed to return unearned fees and documents to those clients. *Id.* The attorney failed to respond to the PDRA filed in that matter despite assurances to Bar Counsel that he would do so. *Id.* In determining that disbarment was the appropriate sanction, this Court observed that “in cases involving flagrant neglect of client affairs, including failure to communicate with clients or respond to inquiries from Bar Counsel, we have imposed disbarment as the appropriate sanction.” *Id.* at 338, 68 A.3d 862 (citing *Att’y Griev. v. Lara*, 418 Md. 355, 365, 14 A.3d 650 (2011)). The instant matter involves violation of the same rules as found in *Kremer*, and additionally violation of Rules 1.5, 3.2, 3.4(c), and Rule 8.4(c). The instant matter involves additional aggravating factors than found in *Kremer*, to include: multiple violations of the Rules, substantial experience in the practice of law, refusal to acknowledge the wrongful nature of the misconduct, victim vulnerability, indifference to making restitution, and likelihood of repetition. **Findings at 53.**

This Court determined that the sanction of disbarment was appropriate in *De La Paz*, for an attorney’s misconduct in the representation of two separate clients. The first client hired the attorney to defend him in a civil action pending in the District Court of Maryland. *De La Paz*, 418 Md. at 543-44, 16 A.3d 181. The attorney never entered his appearance in the litigation, made no efforts to resolve the dispute underlying the litigation, moved his practice and failed to provide his client with sufficient information to contact him at his new location, failed to apprise his client of the status of the case, failed to provide legal representation at the court hearing, and failed to return the unearned portion of the fee paid to the attorney by the client. *Id.* at 545-47, 16 A.3d 181. As regards the second client, the attorney was assigned to prosecute a personal injury claim in an automobile accident case. *Id.* at 547, 16 A.3d 181. Although the attorney initially communicated with the client, the attorney ultimately neglected the client’s case such that the complaint was dismissed for failure to prosecute and the attorney failed to inform the client of that fact, the client

discovering that his case had been dismissed when he traveled to the courthouse himself to inquire as to the status of the litigation. *Id.* at 548, 16 A.3d 181. The attorney in *De La Paz* was found to have violated Rules 1.1, 1.3, 1.4, 1.5, 1.16(d), 8.1(b) and 8.4(d). *Id.* at 545-47, 16 A.3d 181. This Court imposed disbarment, observing that “[w]e previously have found disbarment to be appropriate when attorneys repeatedly neglect client affairs.” *Id.* at 557-58, 16 A.3d 181 (*citing Att’y Griev. Comm’n v. Tinsky*, 377 Md. 646, 835 A.2d 542 (2003)). This Court characterized the misconduct committed by the attorney in *De La Paz* as such: “De La Paz clearly neglected his clients, leaving one client to fend for himself at his own hearing and the other to lose his cause of action entirely for failure to prosecute.” *Id.* at 558, 16 A.3d 181.

Akin to the attorney at issue in *De La Paz*, the Respondent closed his office without notifying his clients that he could no longer be reached at the office location and phone number and failed to provide his clients with his forwarding contact information. **Findings at 33.**

In *Attorney Grievance Comm’n v. Park*, the attorney violated Rules 1.1, 1.3, 1.4, 1.16, 8.1, and 8.4 by failing to properly supplement his clients’ applications for permanent residence status, thus resulting in their denial. 427 Md. at 185-86, 46 A.3d 1153. The attorney additionally failed to respond to attempts by his clients, a husband and wife, to contact him and failed to inform them of the denial or the bases for the denial. *Id.* Further, the attorney misrepresented the status of their applications and failed to return to them unearned fees. *Id.* at 194-95, 46 A.3d 1153.

The Respondent’s conduct in the instant matter far surpasses the conduct at issue in the above-cited cases. If disbarment is appropriate when an attorney abandons two clients, then certainly it is appropriate when an attorney abandons an entire legal practice, harming numerous clients. Similarly to the attorneys sanctioned in both *Kremer* and *Park*, there is some assertion by the Respondent in this matter that his conduct be mitigated by his assertion that he suffers from

depression and that he was in an accident in November 2020. This Court observed in *Kremer*, that although that attorney represented that he “suffered from depression for many years, which culminated in a ‘nervous breakdown,’ we require some evidence in support or corroboration of an alleged mitigating circumstance before considering whether to lessen the severity of an otherwise appropriate sanction.” *Kremer*, 432 Md. at 341, 68 A.3d 862. This Court further stated: “the availability for consideration of mitigating factors cannot be undertaken where an attorney neither attends his or her evidentiary hearing nor responds to Bar Counsel requests for written responses to the client’s complaint.” *Id.* at 340, 68 A.3d 862. Like the attorney in *Kremer*, the Respondent neither responded to Bar Counsel’s requests for additional information regarding mitigation, nor did he participate in the evidentiary proceedings in any manner.

The Respondent in the instant matter completely and utterly abandoned fourteen separate clients, causing them considerable financial and emotional distress. The Respondent betrayed the trust that his clients placed in him and repeatedly failed to obey orders from the bankruptcy court. He failed to appear for hearings and failed to complete the required filings in case after case. The U.S. Trustee and the bankruptcy court were forced to expend significant time and resources in proceedings relating solely to the Respondent’s contempt of court resulting from his abysmal failure to represent his clients and his insistent refusal to return client fees that the bankruptcy court determined were unearned. Even in the face of contempt orders and a brief period of incarceration by the U.S. Marshalls, the Respondent refused to make his clients whole. Contemporaneous with his abandonment of his clients, the Respondent engaged in a course of conduct that can only be described as “gaming” the bankruptcy system for his personal gain. As the Respondent described in his Statement Under Oath, he filed the petitions to benefit from the automatic stay that issued with each filing that protected his home from foreclosure, and he allowed each petition to be

dismissed because “there was no need for it,” as he only filed the petitions to allow himself and his wife more time to bring their mortgage payments current. While benefiting from the automatic stay procedure, he simultaneously allowed his clients’ cases to be dismissed and homes to be foreclosed on. **Findings at 25.**

Each instance of the Respondent’s misconduct brings the legal profession into disrepute and demonstrates a complete indifference to the special role that attorneys hold as officers of the court and servants of the public. The totality of the Respondent’s behavior in each of these matters demonstrates an extreme indifference to his responsibilities to his clients and to the legal profession as a whole.

Therefore, the Commission recommends that the Respondent be disbarred from practicing law in Maryland.

Dated: July 28, 2025

Respectfully submitted,

/s/ Thomas M. DeGonia, II

Thomas M. DeGonia, II
Bar Counsel
Attorney Grievance Commission
of Maryland
200 Harry S. Truman Pkwy Ste 300
Annapolis, MD 21401
Phone: (410) 514-7051
thomas.degonia@agc.maryland.gov
CPF ID No. 9712160168

/s/ Jessica M. Hall

Jessica M. Hall
Deputy Bar Counsel
Attorney Grievance Commission
of Maryland
200 Harry S. Truman Parkway
Suite 300
Annapolis, Maryland 21401
(410) 514-7051
Jessica.hall@agc.maryland.gov
CPF ID No. 0212180040

Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on the 28th day of July, 2025, a copy of the foregoing Petitioner's Proposed Findings of Fact and Conclusions of Law was served by MDEC, by first-class mail, and by email to the following:

David B. Mintz
4729 Bel Pre Rd.
Rockville, Maryland 20853
David.b.mintz1313@gmail.com; dmintz@dmintzlaw.com

Respondent

/s/Jessica M. Hall

Jessica M. Hall
Deputy Bar Counsel

CORRECTED CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on the 29th day of July, 2025, a copy of the foregoing Corrected Certificate of Service was filed to reflect that Petitioner's Exceptions and Recommendation for Sanctions was filed July 28, 2025, and was served by MDEC.

/s/Jessica M. Hall

Jessica M. Hall
Deputy Bar Counsel

Circuit Court for Montgomery County
Case No. C-15-CV-24-006482
Argued: September 4, 2025

IN THE SUPREME COURT

OF MARYLAND

AG No. 21

September Term, 2024

ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND

v.

DAVID B. MINTZ

Fader, C. J.,
Watts
Booth
Biran
Gould
Eaves
Killough,

JJ.

PER CURIAM

Filed: September 4, 2025

ATTORNEY GRIEVANCE
COMMISSION OF MARYLAND

v.

DAVID B. MINTZ

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IN THE
SUPREME COURT
OF MARYLAND
AG No. 21
September Term, 2024

ORDER

For the reasons to be stated in an opinion to be filed later, it is this 4th day of September 2025, by the Supreme Court of Maryland,

ORDERED that, effective immediately, Respondent David B. Mintz is disbarred from the further practice of law in the State of Maryland; and it is further

ORDERED that the Clerk of this Court shall strike the name of David B. Mintz from the register of attorneys, and the Clerk shall comply with the notice provisions of Rule 19-761(b); and it is further

ORDERED that David B. Mintz shall pay all costs as assessed by the Clerk pursuant to Rule 19-709, including the costs of any transcripts, and judgment for the amount of the costs is entered in favor of the Attorney Grievance Commission and against David B. Mintz.



/s/ Matthew J. Fader
Chief Justice