

**VIRGINIA:**

**BEFORE THE FOURTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF  
George Fredrick Braun**

**VS** Docket No. 14-041-099152

**SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)**

On December 10, 2014 a meeting was held in this matter before a duly convened Fourth District Subcommittee consisting of Robert C. McCarthy, lay member, Adam M. Krischer, member, and Jonathan S. Gelber, chair presiding. During the meeting, the Subcommittee voted to approve an agreed disposition for a PUBLIC Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Renu Mago Brennan, Assistant Bar Counsel, and George Fredrick Braun, Respondent, *pro se*.

WHEREFORE, the Fourth District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following PUBLIC Reprimand with Terms:

**I. FINDINGS OF FACT**

1. Respondent George Fredrick Braun (Respondent) has never been licensed to practice law in Virginia.
2. On or about December 11, 1989, Respondent was admitted to the State Bar of California. He was not eligible to practice law in California as follows: July 1 to July 15, 2008; September 1, 2010 to May 22, 2011; July 1, 2011 to July 24, 2011; and July 3, 2012 to July 15, 2012. On September 1, 2008; September 1, 2010; July 1, 2011; and July 3, 2012, Respondent was suspended for failing to pay his Bar membership fees. On September 1, 2010, Respondent was administratively suspended for MCLE noncompliance. Respondent is currently in good standing in California.

RULE 8.5 Disciplinary Authority; Choice Of Law

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of Virginia, regardless of where the lawyer's conduct occurs. A lawyer not admitted in Virginia is also subject to the disciplinary authority of Virginia if the lawyer provides, holds himself out as providing, or offers to provide legal services in Virginia. By doing so, such lawyer consents to the appointment of the Clerk of the Supreme Court of Virginia as his or her agent for purposes of notices of any disciplinary action by the Virginia State Bar. A lawyer may be subject for the same conduct to the disciplinary authority of Virginia and any other jurisdiction where the lawyer is admitted.

3. On April 1, 2014, notwithstanding the fact that Respondent was not licensed to practice law in Virginia, Respondent appeared on behalf of a criminal defendant in a criminal proceeding pending in Arlington General District Court.
4. Respondent did not apply to appear as counsel *pro hac vice* in the criminal proceeding in Arlington General District Court.
5. Respondent negotiated a plea agreement and entered a Notice of Appearance on behalf of the defendant.
6. Respondent asserts that the defendant was aware that Respondent was not licensed to practice law in Virginia.
7. Respondent did not advise the Court or the Assistant Commonwealth Attorneys prosecuting the matter that Respondent was not licensed to practice law in Virginia or that he was only licensed in California.
8. As a result of Respondent's actions and appearance in Court on April 1, 2014, Respondent was charged and convicted of criminal contempt of court.

**II. NATURE OF MISCONDUCT**

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice of Law

(d) Foreign Lawyers:

(1) "Foreign Lawyer" is a person authorized to practice law by the duly constituted and authorized governmental body of any State or Territory of the United States or the District of Columbia, or a foreign nation, but is neither licensed by the

Supreme Court of Virginia or authorized under its rules to practice law generally in the Commonwealth of Virginia, nor disbarred or suspended from practice in any jurisdiction.

(2) A Foreign Lawyer shall not, except as authorized by these Rules or other law:

(ii) hold out to the public or otherwise represent that the Foreign Lawyer is admitted to practice law in Virginia.

(3) A Foreign Lawyer shall inform the client and interested third parties in writing:

(i) that the lawyer is not admitted to practice law in Virginia;

(ii) the jurisdiction(s) in which the lawyer is licensed to practice; and

(iii) the lawyer's office address in the foreign jurisdiction.

#### RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;

### III. PUBLIC REPRIMAND WITH TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a PUBLIC Reprimand with Terms. The terms shall be met by January 1, 2016, and are as follows:

1. From December 5, 2014 to January 1, 2016, Respondent agrees not to practice law, exercise any privilege to practice law, or provide legal services or legal advice of any kind in Virginia, including but not limited to, applying to appear as counsel *pro hac vice* before any tribunal of any kind in Virginia and seeking to provide legal services in Virginia pursuant to Rule of Professional Conduct 5.5(d)(4).

In accordance with the parties' agreed disposition, this Public Reprimand with Terms is non-appealable.

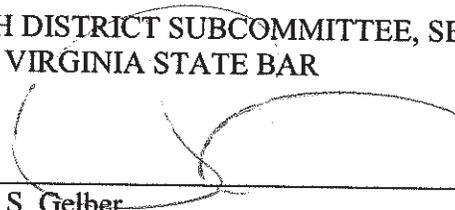
If Respondent does not meet the terms described above, then, as agreed by Respondent, the Virginia State Bar Disciplinary Board shall impose the sanction of revocation. "Revocation" is defined in Part Six, Section IV, Paragraph 13-1 of the Rules of the Supreme Court as follows:

"Revocation" means any revocation of an Attorney's License and, when applied to a lawyer not admitted or authorized to practice law in Virginia, means the exclusion from the admission to, or the exercise of any privilege to, practice law in Virginia.

Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed.

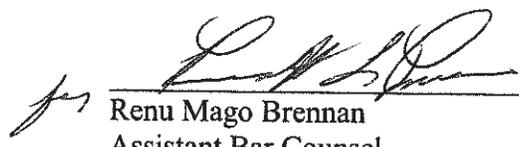
Pursuant to Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, and as agreed by Respondent, the Clerk of the Disciplinary System shall assess an administrative fee.

FOURTH DISTRICT SUBCOMMITTEE, SECTION I  
OF THE VIRGINIA STATE BAR

  
\_\_\_\_\_  
Jonathan S. Gelber  
Subcommittee Chair

**CERTIFICATE OF MAILING**

I certify that on 16 December, 2014, a true and complete copy of the Subcommittee Determination (PUBLIC Reprimand With Terms) was sent by certified mail, return receipt requested to George Fredrick Braun, Respondent, at 939 26th Street NW #105, Washington, DC 20037, Respondent's last address of record with the Virginia State Bar.

  
\_\_\_\_\_  
Renu Mago Brennan  
Assistant Bar Counsel