

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
EDWARD GONZALEZ**

VS B DOCKET NO. 19-000-115574

**AGREED DISPOSITION MEMORANDUM ORDER
ONE-YEAR SUSPENSION CONTINGENT ON READMISSION
IN THE DISTRICT OF COLUMBIA**

On Monday, June 24, 2019 this matter was heard by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part Six, § IV, ¶ 13-6 H of the Rules of the Supreme Court of Virginia. The panel consisted of Michael A. Beverly, Second Vice Chair, Jeffrey L. Marks, T. Tony H. Pham, Michael J. Sobey and Martha J. Goodman, Lay Person. The Virginia State Bar was represented by Renu M. Brennan, Bar Counsel. Edward Gonzalez was present and was not represented by counsel. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Tracy J. Stroh, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, Rule to Show Cause and Order of Summary Suspension and Hearing, District of Columbia Board on Professional Responsibility's Report and Recommendation, the Index of Record, the record, and the Hearing Committee Report in Board Docket No. 17-BD-071, Bar Docket No. 2016-D141, Respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive a One-Year Suspension with readmission in Virginia contingent on readmission in the District of Columbia, as set forth in the Agreed Disposition, which is attached

and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective June 24, 2019.

It is further **ORDERED** that:

The Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Revocation or Suspension of his or her license to practice law in the Commonwealth of Virginia, to all clients for whom he or she 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 or her care in conformity with the wishes of his or her clients. The Respondent shall give such notice within 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Revocation or Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Revocation or Suspension that such notices have been timely given and such arrangements 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 Revocation or Suspension, he or she shall submit an affidavit to that effect within 60 days of the effective date of the Revocation or Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by ¶ 13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

The Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9 E. of the Rules.

It is further **ORDERED** that an attested copy of this Order be mailed to the Respondent by certified mail, return receipt requested, at his last address of record with the Virginia State Bar

at Law Office of Edward Gonzalez, #101, 621 Center Street, Herndon, VA 20170-5014, and a copy hand-delivered to Renu M. Brennan, Bar Counsel, Virginia State Bar, Suite 700, 1111 E. Main Street, Richmond, VA 23219.

Enter this Order this 24th day of June, 2019

VIRGINIA STATE BAR DISCIPLINARY BOARD

A handwritten signature in black ink, appearing to read 'MB', is positioned above a horizontal line.

Michael A. Beverly
Second Vice Chair

VIRGINIA:

**BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
EDWARD GONZALEZ**

VS Docket No. 19-000-115574

**AGREED DISPOSITION
(One-Year Suspension)**

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Virginia State Bar, by Renu Mago Brennan, Bar Counsel, and Edward Gonzalez, Respondent, hereby enter into the following Agreed Disposition in this matter arising under the Rules of the Supreme Court, Part Six, Section IV, Paragraph 13-24, Board Proceedings Upon Disbarment, Revocation or Suspension in Another Jurisdiction (Paragraph 13-24).

I. STIPULATIONS OF FACT

1. Respondent Edward Gonzalez (Respondent) is licensed to practice law in the Commonwealth of Virginia.

2. By Opinion of the District of Columbia Court of Appeals decided on May 2, 2019, *In re Edward Gonzalez*, No. 18-BG-1142, the District of Columbia Court of Appeals suspended, for one year, Respondent's license to practice law in the District of Columbia, with reinstatement conditioned on a showing of fitness. A true and correct copy of the Opinion is attached as Exhibit A.

3. By Rule to Show Cause and Order of Summary Suspension and Hearing entered May 30, 2019, the Virginia State Bar Disciplinary Board (Board) suspended Respondent's license to practice law in the Commonwealth of Virginia effective June 7, 2019 and ordered Respondent to appear before the Board on June 28, 2019, to show cause by the same discipline that was imposed in the District of Columbia should not be imposed the Board. A true and

correct copy of the Rule to Show Cause and Order of Summary Suspension and Hearing is attached as Exhibit B.

4. Respondent waives the show cause hearing set for June 28 and agrees that the same discipline imposed in the District of Columbia, a one-year suspension of his license to practice law contingent on readmission in the District of Columbia, should be imposed in Virginia.

5. Respondent stipulates that the grounds for the dismissal or imposition of lesser discipline set forth at Paragraph 13-24.C do not exist, namely, the record of the proceeding in the District of Columbia was not so lacking in notice or opportunity to be heard as to constitute a denial of due process; the imposition by the Board of the same or equivalent discipline upon the same proof would not result in an injustice; the same conduct is grounds for disciplinary action and the same or equivalent discipline in Virginia; and the misconduct found in the District of Columbia does not warrant the imposition of substantially lesser discipline in the Commonwealth of Virginia.


6. Respondent stipulates that the findings of the District of Columbia Board of Professional Responsibility and its Ad Hoc Hearing Committee, adopted by the District Columbia Court of Appeals, are conclusive of all matters. See Exh. A.


II. PROPOSED DISPOSITION

Accordingly, Bar Counsel and the Respondent tender to the Board for its approval this agreed disposition of a one-year suspension Respondent's license to practice law in Virginia, with readmission in Virginia contingent on readmission in the District of Columbia, as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

THE VIRGINIA STATE BAR

By: 
Renu Mago Brennan, Bar Counsel


Edward Gonzalez, Respondent

MAY -2 2019

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DISTRICT OF COLUMBIA COURT OF APPEALS

No. 18-BG-1142

Court of Appeals IN RE EDWARD GONZALEZ,
RESPONDENT.

FILED 5/2/2019
District of Columbia
Court of Appeals
Julio Castillo
Julio Castillo
Clerk of Court

A Member of the Bar of the District of Columbia Court of
Appeals
(Bar Registration No. 426584)

On Report and Recommendation of the Board on Professional
Responsibility

(BDN 141-16)

(Decided May 2, 2019)

Before GLICKMAN and FISHER, Associate Judges, and FERREN, Senior
Judge.

PER CURIAM: In this case, the Board on Professional Responsibility adopts the findings of its Ad Hoc Hearing Committee that respondent Edward Gonzalez violated multiple Rules of Professional Conduct in the course of representing a married couple in bankruptcy and related proceedings, and concurs with the Committee's recommendation that respondent be suspended for a period of one year, with reinstatement conditioned on a showing of fitness to resume the practice of law. In brief, the Committee found that respondent violated Rules 1.4 (b), 1.16 (d) and 8.4 (d) by failing to provide his Spanish-speaking clients with a fee agreement and



related fee documents in Spanish and with translated information regarding the bankruptcy proceedings; by threatening to withdraw from the representation if his clients did not execute new fee agreements and documents to secure his requested fees; by failing to protect his clients' interests during the bankruptcy proceedings; and by his repeated failures to comply with bankruptcy reporting requirements, which seriously interfered with the administration of justice.

The Committee and the Board concluded that a fitness requirement is necessary to protect the public because it found that respondent took advantage of his clients' exceptional vulnerability (due to the language barrier they confronted), and that in his hearing testimony, respondent was dishonest, argumentative and nonresponsive, and unremorseful. The Committee also took into account that respondent had been disciplined previously for disregarding a client's interests. ¹

Under D.C. Bar R. XI, 9 (h)(2), "if no exceptions are filed to the Board's report, the [c]ourt will enter an order imposing the discipline recommended by the Board upon the expiration of the time permitted for filing exceptions." See also *In re Viehe*, 762 A.2d 542, 543 (D.C. 2000) ("When . . . there are no exceptions to the Board's report and recommendation, our deferential standard of review becomes

¹ *In re Edward Gonzalez*, 773 A.2d 1026 (D.C. 2001) (informal admonition for failing to protect client interests).

even more deferential."). Respondent has not taken exception to the Board's Report and Recommendation, and we are satisfied that the record supports the findings and conclusions therein. We see no reason to reject the discipline recommended by the Board. see, e.g., *In re Guberman*, 978 A.2d 200 (D.C. 2009); *In re cater*, 887 A.2d 1 (D.C. 2005).

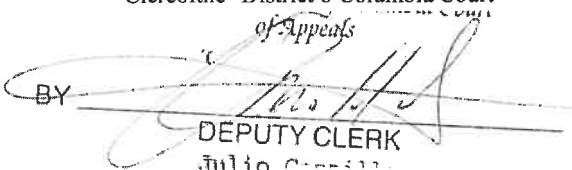
Accordingly, it is

ORDERED that respondent Edward Gonzalez is hereby suspended from the practice of law in the District of Columbia for one year and his reinstatement is conditioned on a showing of fitness. Under D.C. Bar R. XI, 14 (g) and 16 (c), respondent will not be eligible to apply for reinstatement until one year after he files an affidavit that complies with SS 14.

A true Copy
Test:

Julio Castillo
Clerk of the "District of Columbia Court
of Appeals"

BY


DEPUTY CLERK
Julio Castillo

CLERK
Castillo

Clerk of the District of Columbia
Court of Appeals

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
EDWARD GONZALEZ

VS B Docket No. 19-000-115574

RULE TO SHOW CAUSE
AND
ORDER OF SUMMARY SUSPENSION AND HEARING

It appearing to the Board that Edward Gonzalez was licensed to practice law within the Commonwealth of Virginia on June 7, 1996, and,

It further appearing that Edward Gonzalez has been suspended from the practice of law for a period of one year by the District of Columbia Court of Appeals Order dated May 2, 2019 in Case No. 18-BG-1142.

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 Edward Gonzalez to practice law within the Commonwealth of Virginia be, and the same is, hereby suspended effective June 7, 2019.

It is further ORDERED that Edward Gonzalez appear before the Virginia State Bar Disciplinary Board at the State Corporation Commission – Courtroom A, Second Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219, at 9:00 a.m. on Friday, June 28, 2019, to show cause why the same discipline that was imposed in the other jurisdiction should not be imposed by the Board.

It is further ORDERED that Edward Gonzalez shall forthwith give notice, by certified mail, of the suspension of his license to practice law in Virginia to all clients for whom he is currently handling matters and to all opposing attorneys and the presiding judges in pending litigation. The

Attorney shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. The Attorney shall give such notice within fourteen (14) days of the effective date of the suspension order, and make such arrangements as are required

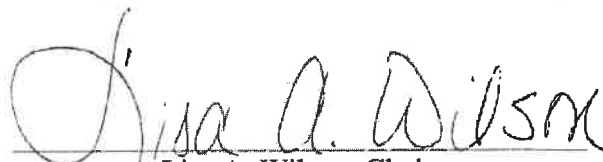
herein within forty-five (45) days of the effective date of the suspension order. The Attorney shall also furnish proof to the bar within sixty (60) days of the effective date of the suspension order that such notices have been timely given and such arrangements for the disposition of matters made. Issues concerning the adequacy of the notice and arrangements required herein shall be determined by the Disciplinary Board, which may impose a sanction of revocation or suspension for failure to comply with the requirements of this subparagraph.

It is further ORDERED that a copy of the Order filed by the District of Columbia Court of Appeals on January 18, 2019 in Case No. 18-BG-1142, and Opinion Order entered by the District of Columbia Court of Appeals Order dated May 2, 2019 in Case No. 18-BG-1142 be attached to this Rule to Show Cause and Order of Summary Suspension and Hearing and made a part hereof.

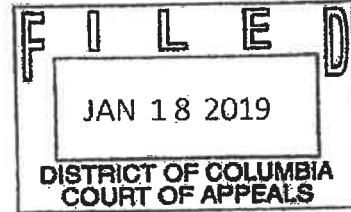
It is further ORDERED that an attested copy of this Rule to Show Cause and Order of Summary Suspension and Hearing, with attachments, shall be mailed to Edward Gonzalez by certified mail at his address of record with the Virginia State Bar, Law Office of Edward Gonzalez, 1019 Duke Street, Alexandria, VA 22314, and to Edward Gonzalez, Esquire, c/o Santiago Narvaiz, Esquire, 10605 Concord Street, Suite 440, Kensington, MD 20895, and to Renu M. Brennan, Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED THIS 30th DAY OF MAY, 2019

VIRGINIA STATE BAR DISCIPLINARY BOARD


Lisa A. Wilson, Chair

**District of Columbia
Court of Appeals**



No. 18-BG-1142

**IN THE MATTER OF
EDWARD GONZALEZ**

2016 BDN 141

A Member of the Bar of the
District of Columbia Court of Appeals

Bar Reg. No. 426584

OFFICE OF DISCIPLINARY COUNSEL

JAN 18 2019

RECE.

BEFORE: Glickman and Fisher, Associate Judges, and Ferren, Senior Judge.

ORDER

On consideration of the Board on Professional Responsibility's Report and Recommendation, this court's December 4, 2018, order directing respondent to show cause why he should not be suspended pending final action on the Board's report, and no response having been filed, it is

ORDERED that Edward Gonzalez is hereby suspended from the practice of law in the District of Columbia pending final disposition of this proceeding. See D.C. Bar R. XI, § 9 (g). It is

FURTHER ORDERED that respondent's attention is directed to D.C. Bar R. XI, § 14, which sets forth various notice requirements and procedures pertaining to suspended attorneys, and D.C. Bar R. XI, § 16 (c), which addresses the timing of eligibility for reinstatement and the necessary compliance with R. XI, § 14, including filing the required affidavit.

PER CURIAM

No. 18-BG-1142

Copies to:

**Edward Gonazalez
c/o S. Ricardo Narvaiz, Esquire
10605 Concord Street
Suite 440
Kensington, MD 20895**

Copies e-served to:

**James T. Phalen, Esquire
Executive Attorney
Board on Professional Responsibility**

**Hamilton P. Fox, III, Esquire
Disciplinary Counsel
Office of Disciplinary Counsel**

**Julia L. Porter, Esquire
Assistant Disciplinary Counsel**

MAY - 2 2019

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DISTRICT OF COLUMBIA COURT OF APPEALS

No. 18-BG-1142

IN RE EDWARD GONZALEZ, RESPONDENT.

A Member of the Bar
of the District of Columbia Court of Appeals
(Bar Registration No. 426584)

On Report and Recommendation
of the Board on Professional Responsibility

(BDN 141-16)

(Decided May 2, 2019)

Before GLICKMAN and FISHER, *Associate Judges*, and FERREN, *Senior Judge*.

PER CURIAM: In this case, the Board on Professional Responsibility adopts the findings of its Ad Hoc Hearing Committee that respondent Edward Gonzalez violated multiple Rules of Professional Conduct in the course of representing a married couple in bankruptcy and related proceedings, and concurs with the Committee's recommendation that respondent be suspended for a period of one year, with reinstatement conditioned on a showing of fitness to resume the practice of law. In brief, the Committee found that respondent violated Rules 1.4 (b), 1.16 (d) and 8.4 (d) by failing to provide his Spanish-speaking clients with a fee agreement and

FILED 5/2/2019
District of Columbia
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Clerk of Court

related fee documents in Spanish and with translated information regarding the bankruptcy proceedings; by threatening to withdraw from the representation if his clients did not execute new fee agreements and documents to secure his requested fees; by failing to protect his clients' interests during the bankruptcy proceedings; and by his repeated failures to comply with bankruptcy reporting requirements, which seriously interfered with the administration of justice.

The Committee and the Board concluded that a fitness requirement is necessary to protect the public because it found that respondent took advantage of his clients' exceptional vulnerability (due to the language barrier they confronted), and that in his hearing testimony, respondent was dishonest, argumentative and non-responsive, and unremorseful. The Committee also took into account that respondent had been disciplined previously for disregarding a client's interests.¹

Under D.C. Bar R. XI, § 9 (h)(2), "if no exceptions are filed to the Board's report, the [c]ourt will enter an order imposing the discipline recommended by the Board upon the expiration of the time permitted for filing exceptions." *See also In re Viehe*, 762 A.2d 542, 543 (D.C. 2000) ("When . . . there are no exceptions to the Board's report and recommendation, our deferential standard of review becomes

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even more deferential.”). Respondent has not taken exception to the Board’s Report and Recommendation, and we are satisfied that the record supports the findings and conclusions therein. We see no reason to reject the discipline recommended by the Board. *See, e.g., In re Guberman*, 978 A.2d 200 (D.C. 2009); *In re Cater*, 887 A.2d 1 (D.C. 2005).

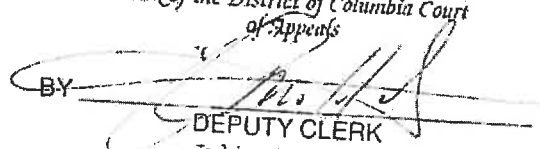
Accordingly, it is

ORDERED that respondent Edward Gonzalez is hereby suspended from the practice of law in the District of Columbia for one year and his reinstatement is conditioned on a showing of fitness. Under D.C. Bar R. XI, §§ 14 (g) and 16 (c), respondent will not be eligible to apply for reinstatement until one year after he files an affidavit that complies with § 14.

*A true Copy
Test:*

*Julio Castillo
Clerk of the District of Columbia Court
of Appeals*

BY


DEPUTY CLERK
Julio Castillo
Clerk of the District of Columbia
Court of Appeals