

ATTORNEY GRIEVANCE
COMMISSION OF MARYLAND,

Petitioner

v.

GREGORY ALLEN SLATE,

Respondent

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

CASE NO.: 24-C-17-001903

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to an Order of the Court of Appeals dated April 4, 2017, the above-captioned matter was transmitted to the Circuit Court for Baltimore City to be heard and determined in accordance with Maryland Rule 19-727(d). Gregory Allen Slate ("Respondent") is alleged to have violated the following sections of the Maryland Lawyers' Rules of Professional Conduct ("MLRPC"): 8.1 (Bar Admission and Disciplinary Matters) and 8.4 (Misconduct). The Petition for Disciplinary or Remedial Action (hereinafter the "Petition") was transmitted to this Court for a hearing which was conducted on October 11, 2017 through October 13, 2017 (hereinafter the "disciplinary hearing").

I. Standard of Review

Maryland Rule 19-727(a) provides that "the hearing of a disciplinary or remedial action is governed by the rules of evidence and procedure applicable to a non-jury trial in a civil action in a circuit court." The Attorney Grievance Commission of Maryland ("Petitioner") has the "burden of proving the averments of the petition by clear and convincing evidence." Md. Rule 19-727(b). However, if Petitioner "asserts an affirmative defense or matter of mitigation or

extenuation, the attorney has the burden of proving the defense or matter by a preponderance of the evidence.” *Id.*

II. Findings of Fact

This Court makes the following findings of fact by clear and convincing evidence as required by Maryland Rule 19-727(b).

a. The ABC Case

Prior to attending law school, Respondent worked as a freelance investigative journalist. In the fall of 2007, Respondent filmed video footage as part of a hidden-camera investigation in Chicago, Illinois. Respondent accused ABC News, Inc., ABC News Interactive, Inc., and Disney/ABC International, Inc. (collectively, as “ABC”) of willful and unauthorized use of camera footage. On September 16, 2009, Respondent filed a civil action against ABC alleging copyright infringement in the District Court for the District of Columbia (hereinafter the “ABC Case”). In 2011, the ABC Case was assigned to Judge Beryl A. Howell.

On April 23, 2013, Judge Howell issued a Memorandum Opinion regarding two motions filed by ABC: (1) a motion for summary judgment; and (2) a motion to dismiss for bad faith conduct of litigation. *See Slate v. Am. Broad. Cos., Inc.*, 941 F. Supp. 2d. 27 (D.C.C. 2013); Pet’r’s Ex. 2. Judge Howell granted ABC’s motion for summary judgment and, as an alternative and independent basis for dismissing the case, granted ABC’s motion to dismiss “as a sanction for the plaintiff’s persistent course of bad-faith litigation conduct.” *Id.* at 53. Judge Howell made specific findings regarding Respondent’s course of conduct throughout the litigation. This conduct includes, but is not limited to:

1. Judge Howell determined by clear and convincing evidence that an August 21, 2006 letter submitted by Respondent was “not authentic and ha[d] been presented to [the] Court in bad faith.” *Id.* at 47.

2. Judge Howell determined that the August 21, 2006 letter contained a “glaring historical inconsistency” that led her to conclude that the letter was “fabricated after the fact.” *Id.* at 48.
3. Judge Howell determined that Respondent’s deposition testimony “was likely perjurious, or at the very least intentionally misleading.” *Id.* at 48 n.22.
4. Judge Howell found that “the [Respondent] engaged in a course of conduct, which demonstrates that he does not take seriously his obligation to litigate in good faith. Most notably, [Respondent] has repeatedly attempted to abuse the discovery process, and his persistent course of conduct in this regard strongly suggests that he acted willfully. This conduct includes, but is not limited to: (1) attempting to fraudulently collect evidence, (2) producing discovery documents in a soiled envelope that had the strong odor of excrement; (3) improperly videotaping his own deposition testimony; and (4) producing voluminous amounts of irrelevant and misleading materials.” *Id.* at 50.
5. Judge Howell further found that Respondent lacked respect for the federal judicial process. *Id.* at 51.

In response to Judge Howell’s Memorandum Opinion, Respondent filed three motions which sought to alter or amend the court’s Order. On December 20, 2013, Judge Howell denied Respondent’s motions. *Slate v. Am. Broad. Cos., Inc.*, 12 F. Supp. 3d 30 (D.C.C. 2013); *see also* Pet’r’s Ex. 3. In doing so, Judge Howell opined:

In sum, the [Respondent’s] briefing in connection with his pending motion for reconsideration continues to exhibit the clear and convincing pattern of omissions and obfuscations that warranted granting the defendants’ motion to dismiss for bad-faith litigation conduct in the first place.

Id. at 42.¹

Thereafter, Respondent filed an appeal to the United States Court of Appeals for the District of Columbia Circuit. In an Amended Notice of Appeal dated January 3, 2014, Respondent states the following:

Notice is also given, that [Respondent] hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from the judgment (Dkt. 102 and

¹ For the remainder of this Findings of Fact and Conclusions of Law, Judge Howell’s April 23, 2013 and December 20, 2013 opinions will be characterized as the “Howell Opinions.”

Dkt. 103) of this Court entered on the 23rd day of April, 2013 in favor of [ABC] against [Respondent].

Resp't Ex. 3. On November 18, 2017, the Court of Appeals for the District of Columbia Circuit found that "[t]he district court's factual findings of misconduct were not clearly erroneous; and the district court did not abuse its discretion in determining that dismissal was warranted in light of numerous instances of misconduct it cited and the materiality of some of that misconduct to adjudication of central issues in the case." *Slate v. Am. Broad. Cos., Inc.*, 584 Fed. Appx. 2 (D.C. Cir. 2014) (internal citations omitted).

b. Diop Kamau

During the period in which Respondent worked as a freelance investigative journalist, he became associated with an individual named Diop Kamau. After a falling-out, Mr. Kamau began publishing material about Respondent's professional and personal life on various websites. Among other things, the websites include the Howell Opinions and the findings therein. Respondent and Mr. Kamau also engaged in "contentious" litigation.

c. The University of Baltimore School of Law

In August, 2012, Petitioner enrolled at the University of Baltimore School of Law. While in his third-year, Respondent became concerned about his extensive litigation history and its impact on his bar application. In April, 2014, Respondent discussed his prospective bar application with Jeffery C. Shipley, Esquire, Secretary of the State Board of Law Examiners ("SBLE"), at the University of Baltimore School of Law. Respondent advised Mr. Shipley that he had been involved in "contentious" litigation, and inquired about its impact on his application to the Maryland Bar. In response, Mr. Shipley advised Respondent to disclose his entire litigation history to the SBLE and "to read and follow the directions" on the bar application.

Respondent did not disclose the Howell Opinions or the findings therein to Mr. Shipley during the meeting.

During that semester, Respondent also met with Claudia Diamond, Assistant Dean, Academic & Writing Support at the University of Baltimore School of Law. Again, Respondent advised Dean Diamond that he had been involved in “contentious” litigation, and inquired about its impact on his admission to the Maryland Bar. Respondent also engaged in a chain of emails with Dean Diamond regarding certain disclosures on his bar application. Resp’t Ex. 7. However, Respondent did not disclose the Howell Opinions or the findings therein to Dean Diamond. *Id.* Respondent graduated from the University of Baltimore School of Law on May 19, 2014.

d. The Application for Admission to the Maryland Bar

On May 19, 2014, the SBLE received Respondent’s Application for Admission to the Maryland Bar, dated and signed by Respondent on May 16, 2014. *See* Pet’r’s Ex. 1. Respondent’s bar application included his completed College Education Certification (Part I) and his Character Questionnaire (Part II), then in use by the SBLE.

Question 11(a) of the Character Questionnaire, in use when Respondent completed his bar application, reads as follows:

The following is a complete list of all suits in equity, action at law, administrative proceedings, suits in bankruptcy or other statutory proceedings, civil citations, matters in probate, lunacy, guardianship, and every other judicial proceeding of every nature and kind, except divorce or criminal proceedings, to which I am or have been a party (If “None,” so state):

Id. at 29.² Question 11(a) also requires the applicant to insert various details regarding a civil case, including, *inter alia*: (1) Case Number; (2) Filing Date; (3) Name of Court; (4) Court

² The page number as it appears on Petitioner’s Exhibit reads “AGC000029.” For edification purposes, this Court will only reference the last three digits of Petitioner’s page numbers in Exhibit 1.

Address; (5) Trial Date; (6) Date of Final Disposition; and (7) Disposition. *Id.* Question 11(b) then asks: "Have any judgments ever been entered against you?" *Id.* at 53. Finally, Question 11(c) states, "I have attached to this Application certified copies of all judgments listed in 11(b), whether satisfied or unsatisfied, and listed below the names and present addresses (with zip codes) of the holders." *Id.*

On his bar application, Respondent disclosed his involvement in thirty-three (33) criminal and forty-three (43) civil lawsuits or actions to which he had been a party, including the ABC Case. Respondent disclosed the following information regarding the ABC Case on his bar application:

Complete Title of Action:	SLATE v. ABC NEWS, INC. et al
Filing Date:	09/16/2009
Name of Court:	U.S. District Court for the District of Columbia
Court Address:	333 Constitution Ave NW #4400, Washington, DC, 20001, USA
Trial Date:	04/23/2013
Date of Final Disposition:	04/23/2013
Disposition:	Dismissed pending appeal in the United States Court of Appeals for [sic] District of Columbia Circuit Docket #: 13-7080
Are you subject of any continuing court order?	No
Was the judgment entered against you?	No

Id. at 35. Additionally, in response to Questions 11(b) and (c), Respondent answered "No." *Id.* at 53.

Question 18 of the Character Questionnaire, in use when Respondent completed his bar application, reads as follows:

Have there been any circumstances or unfavorable incidents in your life, whether at school, college, law school, business or otherwise, which may have a bearing upon your character or your fitness to practice law, not called for by the questionnaire or disclosed in your answers?

If so, give details, including any assertions or implication of dishonesty, misconduct, misrepresentation, financial irresponsibility, and disciplinary measures imposed (if any) by attaching a supplemental statement. You are not required to disclose, in response to this question, any juvenile proceeding or any criminal proceeding expunged pursuant to Maryland law. Maryland law does not permit expungement of convictions.

Id. at 93. In response to Question 18, Respondent answered "No." *Id.*

Question 20 of the Character Questionnaire, in use when Respondent completed his bar application, states as follows:

Affirmation of Applicant's Duty of Full, Candid Disclosure and Applicant's Continuing Duty to Submit Written Notice of Changes to Information Sought by the Application:

I understand that the required disclosures in this questionnaire are of a continuing nature. I hereby acknowledge my duty to respond fully and candidly to each question or required disclosure and to ensure that my responses are accurate and current at all times until I am formally admitted to the Bar of the State of Maryland. I will advise the board immediately and in writing of any changes in the information disclosed in or sought by this questionnaire, including any pertinent facts developed after the initial filing of this application and the facts of any incident occurring subsequent to the initial filing of this application.

I do solemnly declare and affirm under the penalties of perjury, that the matters and facts set forth in the foregoing application are true and accurate.

I have made and retained a copy of this entire application for my records and for use in the event that the original is lost in the mail or during the character investigation.

Id. at 95. Respondent signed and dated Question 20 on May 16, 2014. Respondent's bar application did not include, nor was it ever supplemented with the Howell Opinions. In July, 2014, Respondent passed the Bar Examination administered by the SBLE.

e. The Investigation

Respondent's bar application was received by the SBLE on May 19, 2014. On November 2, 2017, Respondent signed an Affirmation by General Bar Applicant by which he reaffirmed under oath, *inter alia*, that all of the matters and facts contained in his bar application

remain true and correct. The bar application was then sent to the Character Committee of the Court of Appeals of Maryland for the Fourth Appellate Circuit (hereinafter the "Character Committee") to conduct his character interview.

i. Joseph A. Compofelice, Esquire

As part of the character and fitness investigation, Respondent met with Joseph A. Compofelice, Esquire on November 18, 2014. Mr. Compofelice is a volunteer member of the Character Committee and was appointed as an interviewer in 2011. Mr. Compofelice is responsible for following up on moral and ethical issues flagged by the SBLE. Additionally, Mr. Compofelice propounds various questions about an applicant's character and fitness to practice law, including an all-encompassing "catch-all" question at the conclusion of the interview. In the event an applicant's character and fitness is called into question, Mr. Compofelice is responsible for communicating with the Co-chairmen of the Character Committee, William C. Brennan, Jr. Esquire and Roger C. Thomas, Esquire to recommend the applicant be scheduled for a hearing before a three-member panel. Mr. Compofelice is also responsible for drafting a memorandum summarizing his findings.

At the disciplinary hearing, Mr. Compofelice testified that Respondent was questioned about all forty-three (43) civil matters disclosed on his bar application, including the ABC Case. Mr. Compofelice also testified that Respondent disclosed the ABC Case and its disposition; however, at no time during the interview were the Howell Opinions disclosed or the findings therein discussed. Rather, Respondent generally apprised Mr. Compofelice of the disposition of the ABC Case, *i.e.* that Judge Howell granted summary judgment and dismissed the case for discovery violations and that the case was pending on appeal in the United States Court of Appeals for the District of Columbia Circuit. Mr. Compofelice further testified that had he

known of the Howell Opinions and the findings therein, "at a minimum" Respondent would have been recommended for a hearing. Additionally, Mr. Compofelice testified that he "absolutely believes" the Howell Opinions should have been disclosed on Respondent's bar application.

Based on the information provided in Respondent's bar application and by Respondent's representations during the interview, Mr. Compofelice conditionally recommended his admission to the Maryland Bar. However, Mr. Compofelice requested that the Co-Chairmen of the Character Committee, Mr. Brennan and Mr. Thomas, conduct a follow-up meeting regarding Respondent's excessive litigation history and review his bar application.

ii. William C. Brennan, Jr., Esquire and Roger C. Thomas, Esquire

On November 20, 2014, Mr. Brennan and Mr. Thomas (collectively, as the "Co-chairmen") conducted an informal meeting with Respondent based on Mr. Compofelice's conditional recommendation of Respondent to the Maryland Bar. The purpose of the meeting was for the Co-chairmen to determine whether to hold a hearing on Respondent's bar application or whether to recommend him to the bar without a hearing.

At the disciplinary hearing, the Co-chairmen testified that they inquired about all forty-three (43) civil matters disclosed on Respondent's bar application at the meeting. However, the Co-chairmen also testified that the Howell Opinions and the findings therein were not disclosed or discussed during the conversation concerning the ABC Case. Rather, Respondent generally discussed the disposition of the ABC Case without disclosing the substance of Judge Howell's findings and indicated that the case was on appeal. The Co-chairmen further testified that Respondent's failure to disclose the Howell Opinions and the findings therein in both his bar application and during the interview inhibited the efforts of the Character Committee and the SBLE to conduct a proper and full investigation and subsequent hearing concerning

Respondent's character and fitness to practice law. Both testified that the decision making process would have been significantly different had Respondent disclosed the Howell Opinions and the findings therein.

Concerned with the volume of litigation in which Respondent had been a party, Mr. Brennan inquired with Mr. Shipley about whether litigiousness alone was a basis to deny admission. Mr. Shipley then advised Mr. Brennan that litigiousness does not, in and of itself, warrant a hearing. Based on the discussion with Mr. Shipley and Respondent's representations at the meeting and in his bar application, Respondent was recommended by the Co-chairmen for admission to the Maryland Bar without a hearing. Mr. Shipley then cleared Respondent for admission without a hearing. On December 18, 2014, Respondent appeared before the Maryland Court of Appeals and took the oath of admission to the Maryland Bar.

f. The Complaint

On November 9, 2015, Petitioner received a written complaint against Respondent, which was submitted by George A. Weiss, Esquire. Pet'r's Ex. 4. The complaint raised a variety of concerns about Respondent's character issues prior to his admission to the Maryland Bar, including information about the ABC Case and the findings therein. *Id.*

On December 16, 2015, Respondent was sent a letter by Bar Counsel advising him that Petitioner had "not yet determined whether this matter should be classified as a formal docketed complaint or is one which is not disciplinary in nature," in accordance with Maryland Rule 19-711.³ Pet'r's Ex. 5. Petitioner further specified that a "written response" would help "make this

³ Petitioner is responsible to "make an inquiry concerning every complaint that is not facially frivolous, unfounded, or duplicative." Md. Rule 19-711(b)(1). Additionally, Petitioner is required to "notify the attorney who is the subject of the complaint that [Petitioner] is undertaking an investigation to determine whether the attorney has engaged in professional misconduct" Md. Rule 19-711(c)(1).

decision.” *Id.* On December 5, 2016, Respondent sent a written response to Petitioner’s letter, which proffered, *inter alia*, the following:

The balance of the Weiss Letter speculates that I may have failed to disclose relevant information in connection with my application to the bar in violation of Rule 8.1 of the Maryland Lawyers’ Rules of Professional Conduct. I complied fully with Rule 8.1 because I disclosed everything necessary and more to the Character Committee during the review process.

Pet’r’s Ex. 6. On March 30, 2017, Petitioner filed a Petition for Disciplinary or Remedial Action in the Court of Appeals of Maryland. On April 4, 2017, this matter was transmitted to the Circuit Court for Baltimore City to be heard and determined in accordance with Maryland Rule 19-727(d).

g. The Disciplinary Hearing

Respondent’s disciplinary hearing was conducted on October 11, 2017 through October 13, 2017. Petitioner’s case-in-chief involved the testimony of Mr. Shipley, Mr. Compofelice, Mr. Brennan, and Mr. Thomas, as discussed above. Respondent’s case-in-chief involved the testimony of Barmak Naraghi, Mr. Shipley (recalled as Respondent’s witness), Mr. Weiss, and Respondent.

i. Barmak Naraghi

Mr. Naraghi is a recent graduate of the George Washington University Law School. Mr. Naraghi is not a licensed attorney; however, he testified that he advised and assisted Respondent with the bar application process. At the disciplinary hearing, Mr. Naraghi testified that Respondent was “anxious” during the application process, but did not proffer any substantive evidence regarding the merits of this litigation.

ii. Jeffery C. Shipley, Esquire

As indicated, Mr. Shipley is the Secretary of the SBLE, and met with Respondent regarding his extensive litigation history prior to the submission of his bar application. At the disciplinary hearing, as discussed above, Respondent did not disclose the Howell Opinions or discuss the findings therein to Mr. Shipley. Additionally, Mr. Shipley advised Respondent to disclose his entire litigation history to the SBLE and “to read and follow the directions” on the bar application.

During Respondent’s case-in-chief, Mr. Shipley testified that Question 11 was modified to require an applicant to attach any court document that may bear on his or her character and fitness to practice law in the State of Maryland following the July 2014 Bar Examination. Mr. Shipley further testified that the impetus of the modification was the result of the events surrounding this matter. However, Mr. Shipley also testified that Question 18 was not modified following the July 2014 Bar Examination, and remains identical in substance as it did when Respondent took the exam.

iii. George A. Weiss, Esquire

George A. Weiss, Esquire is a licensed attorney in the State of Maryland. Prior to filing the complaint, Mr. Weiss “never met or communicated directly” with Respondent. Pet’r’s Ex. 1. However, Mr. Weiss did have “some involvement in assisting a lawyer who was counsel” for a defendant that Respondent sued as a *pro se* plaintiff. *Id.* Nevertheless, at the disciplinary hearing, Mr. Weiss indicated that much of the information gleaned in the complaint was directly attributable to a website created by Diop Kamau. However, much of the information in the

complaint, including the ABC Case, the Howell Opinions, and the findings therein were confirmed by Mr. Weiss on PACER.⁴

iv. Respondent

Throughout the disciplinary hearing, Respondent distinguished mandatory disclosures and attachments on the bar application from the ABC Case. In addition, Respondent's questions and testimony attempt to place the burden on the SBLE and Character Committee to investigate and verify the facts stated in his bar application, including the ABC Case. In fact, Respondent continuously pointed to the Maryland Rules for guidance:

On receipt of an application forwarded by the Board pursuant to Rule 19-202(d), the Character Committee shall (A) through one of its members, personally interview the applicant, (B) *verify the facts stated in the questionnaire*, contact the applicant's references, and make any further investigation it finds necessary or desirable, (C) evaluate the applicant's character and fitness for the practice of law, and (D) transmit to the Board a report of its investigation and a recommendation as to the approval or denial of the application for admission.

Md. Rule 19-203(a)(1) (emphasis added). Respondent also testified that Mr. Shipley, Dean Diamond, and various other individuals advised him not to disclose the Howell Opinions. Instead, Respondent was under the impression that the SBLE and the Character Committee were going to investigate the ABC Case in its entirety.

Respondent also disputes whether the bar application itself required him to attach the Howell Opinions. Question 11(c) states, "I have attached to this Application certified copies of all judgments listed in 11(b), whether satisfied or unsatisfied, and listed below the names and present addresses (with zip codes) of the holders." Respondent testified that "judgment" under Question 11(b) only pertains to money judgments, and thus he was not required to disclose the

⁴ PACER (Public Access to Court Electronic Records) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts.

Howell Opinions. This is so because, when read contemporaneously, “judgment” in Questions 11(b) and (c) can only be interpreted to mean money judgments.

Respondent then engaged in a lengthy monologue which divulged into his pre-law endeavors, including his contentious relationship with Diop Kamau. Mr. Kamau maintains multiple websites for the purpose of publishing information about Respondent. The websites make pellucid the sheer animosity between Mr. Kamau and Respondent. Nevertheless, the content on Mr. Kamau’s websites include the Howell Opinions and the findings therein. Based on the continuous publication by Mr. Kamau, Respondent testified that he knew the Howell Opinions and the findings therein could never be concealed. Respondent further testified that he informed Mr. Compofelice, Mr. Brennan, and Mr. Thomas about Mr. Kamau’s websites, and was under the impression that the websites would be investigated. Thus, Respondent believed the Howell Opinions were disclosed, at least constructively, to the SBLE and the Character Committee.

III. Conclusions of Law

Petitioner charges Respondent with violating MLRPC 8.1(a), 8.1(b), 8.4(a), 8.4(c), and 8.4(d) for omitting material information on his bar application, failing to disclose material information to the SBLE and the Character Committee throughout the bar application process, and making a knowingly false statement of material fact in connection with a disciplinary matter. For the reasons stated below, this Court finds by clear and convincing evidence that Respondent violated MLRPC 8.1(a), 8.1(b), 8.4(a), 8.4(c), and 8.4(d).

a. MLRPC 8.1(a)

According to MLRPC 8.1(a), “An applicant for admission . . . or a lawyer in connection with a bar admission application . . . shall not . . . [k]nowingly make false statements of material

fact.” A “material” omission or false statement “has the effect of inhibiting the efforts of the bar to determine an applicant’s fitness to practice law.” *Attorney Grievance Comm’n v. Gilbert*, 307 Md. 481, 492 (1985) (failure to disclose civil suit related to applicant’s participation in wife’s murder resulted in disbarment); *see also Attorney Grievance Comm’n v. Hunt*, 435 Md. 133 (2013) (failure to disclose impending federal indictment for bribery resulted in disbarment); *Attorney Grievance Comm’n v. Joehl*, 335 Md. 83 (1994) (failure to disclose arrest for battery, out-of-state traffic violations, and suspension of Maryland Driver’s license resulted in disbarment).

It is well-settled that “no moral character qualification to practice law is more important than truthfulness and candor.” *Gilbert*, 307 Md. at 496. In *Joehl*, 335 Md. at 95 (quoting *In re Scavone*, 524 A.2d 813, 820 (N.J. 1987)), the Court of Appeals opined:

Truth is not a matter of convenience. Sometimes lawyers may find it inconvenient, embarrassing, or even painful to tell the truth. Nowhere is this more important than when an applicant applies for admission to the bar.

Truthful disclosure of material facts on the bar application is also required by the Maryland Rules:

The applicant bears the burden of proving to the Character Committee, the [SBLE], and the Court the applicant’s good moral character and fitness for the practice of law. Failure or refusal to answer fully or candidly any question in the application or any relevant question asked by a member of the Character Committee, the [SBLE], or the Court is sufficient cause for finding that the applicant has not met this burden.

Md. Rule 19–203(d).

It is true that Respondent did, in fact, disclose certain facts concerning the ABC Case on his bar application, and he may very well have disclosed this information to Mr. Shipley, Dean Diamond, Mr. Compofelice, Mr. Brennan, and Mr. Thomas. It is equally true that the Character Committee is responsible for “verfy[ing] the facts stated in the questionnaire.” Md. Rule 19–

203(a)(1)(B). However, the facts and circumstances giving rise to the disciplinary hearing, *i.e.* the Howell Opinions and the findings therein, were never disclosed in their entirety at any stage of the bar application process. Rather, Respondent used benign terms to describe Judge Howell's findings and the disposition of the ABC Case, and distracted the SBLE and the Character Committee with extraneous information concerning an estranged acquaintance, Mr. Kamau, his career as an investigative journalist, and his landlord-tenant litigation. Respondent was given multiple opportunities to disclose and/or discuss the Howell Opinions and the findings therein before, during, and after the application process.⁵ Yet, Respondent knowingly omitted the Howell Opinions and the findings therein throughout the entirety of the bar application process. To be sure,

[t]he rule governing the purpose of the Character Committee interview, which charges its attorney members with 'verify[ing] the facts stated in the questionnaire . . . and mak[ing] any further investigation . . . necessary or desirable,' also is dependent upon immediate and full disclosure by the applicant, for otherwise, the process of investigation is stymied.

In the Matter of the Application of Strzempek, 407 Md. 102, 113–14 (2008); *see also* Md. Rule 19–203(d) (“**The applicant bears the burden** of proving to the Character Committee, the [SBLE], and the Court the applicant's good moral character and fitness for the practice of law.”) (emphasis added).

Indeed, Respondent proffered various reasons for his failure to attach and/or disclose the Howell Opinions and the findings therein to the SBLE and the Character Committee. For instance, Respondent condemns Mr. Shipley, Dean Diamond, and various other individuals he conferred with for failing to disclose the Howell Opinions and the findings therein, while

⁵ Respondent had the opportunity to disclose the Howell Opinions and the findings therein at the following stages of the bar application process: (1) with Mr. Shipley during their initial meeting at the University of Baltimore; (2) with Dean Diamond; (3) on his bar application; (4) with Mr. Compofelice; (5) with Mr. Brennan and Mr. Thomas; and (6) in one of the various amendments submitted to the SBLE.

maintaining the position that attachment of the opinions to the bar application was not necessary pursuant to Question 11 of the Character Questionnaire in use when Respondent completed his bar application. Perhaps the individuals did, in fact, navigate Respondent toward nondisclosure on his bar application; nevertheless, Respondent's attempt to shift the blame does not absolve him of his responsibility to prove his character to practice law, Md. Rule 19-203(d), and to do so without knowingly omitting material facts, MLRPC 8.1(a).

Respondent also fervently disputes the meaning of "judgment" under Question 11's disclosure requirement,⁶ but the fact of the matter is, Respondent was *required* to disclose the Howell Opinions and the findings therein by Question 18. By indicating "No" to Question 18, Respondent knowingly and intentionally failed to disclose material information reflecting adversely on his character at the time he submitted his bar application and throughout the pendency of the application process.

Thus, for all these reasons, this Court finds by clear and convincing evidence that Respondent violated MLRPC 8.1(a).

b. MLRPC 8.1(b)

Respondent is also charged with violating MLRPC 8.1(b), which states that an applicant for admission or lawyer in connection with a bar application shall not

[f]ail 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 1.6.

⁶ It is worth noting that Respondent's Notice of Appeal of the ABC Case to the United States Court of Appeals for the District of Columbia Circuit appeals Judge Howell's "judgment[s]." Resp't Ex. 3.

As discussed above, Respondent did not supplement his bar application or his discussions with the Character Committee with the Howell Opinions or the findings therein. Respondent then knowingly made a false statement of material fact by misrepresenting to Bar Counsel that he “disclosed everything necessary and more to the Character Committee during the review process.” Thus, this Court finds by clear and convincing evidence that Respondent violated MLRPC 8.1(b).

c. MLRPC 8.4(c)

MLRPC 8.4(c) provides, “It is professional misconduct for a lawyer to . . . engage in conduct involving dishonesty, fraud, deceit or misrepresentation.” After being admitted to the Maryland Bar on December 18, 2014, Respondent did nothing to supplement his bar application with the Howell Opinions or the findings therein, despite a continuing duty to do so. Instead, Respondent concealed the Howell Opinions and the findings therein in an attempt to deceive the admissions authority in their admissions process to avoid the possibility of being denied admission to the Maryland Bar. Thus, this Court finds by clear and convincing evidence that Respondent’s continual concealment of the Howell Opinions and the findings therein to the SBLE and the Character Committee violated MLRPC 8.4(c).

d. MLRPC 8.4(d)

MLRPC 8.4(d) states, “It is professional misconduct for a lawyer to . . . engage in conduct that is prejudicial to the administration of justice.” Conduct that is prejudicial to the administration of justice is “[b]ehavior that may seriously impair public confidence in the entire profession, without extenuating circumstances.” *Attorney Grievance Comm’n v. Reinhardt*, 391 Md. 209, 222 (2005). First, Respondent knowingly concealed material information from the SBLE and the Character Committee. Respondent then knowingly signed and submitted an

Affirmation by General Bar Applicant by which he falsely declared under oath that all of the matters and facts contained in his Bar Application remained true and accurate. Finally, Respondent knowingly made a false statement of material fact by misrepresenting to Bar Counsel that he “disclosed everything necessary and more to the Character Committee during the review process.” Taken in its totality, Respondent’s conduct was prejudicial to the administration of justice, and therefore violated MLRPC 8.4(d).

e. MLRPC 8.4(a)

Finally, MLRPC 8.4(a) provides, “It is professional misconduct for a lawyer to . . . violate or attempt to violate the [MLRPC], knowingly assist or induce another to do so, or do so through the acts of another.” As discussed above, Respondent violated MLRPC 8.1(a), 8.1(b), 8.4(c), and 8.4(d). Consequently, this Court finds by clear and convincing evidence that Respondent violated MLRPC 8.4(a).

IV. Mitigation and Aggravating Factors

Pursuant to Md. Rule 19–727(d), this Court makes the following findings as to any aggravating or mitigating circumstances that exist.

Respondent has the burden of proving mitigating evidence by a preponderance of the evidence. Md. Rule 19–727(c). In *Attorney Grievance Comm’n v. Marcalus*, 442 Md. 197, 208 (2015), the Court of Appeals identified several mitigating factors to consider in determining sanctions. This Court does not find by a preponderance of the evidence that Respondent established any mitigating factors. Notwithstanding the disclosure requirement of “judgments” on Question 11, Question 18 unequivocally required Respondent to disclose the Howell Opinions and the findings therein. A review of the Howell Opinions reveal the following: bad faith litigation, perjurious testimony, fabrication of evidence, and lack of respect for the federal

judicial process. Respondent failed to disclose, discuss, or supplement the Howell Opinions and the findings therein throughout the pendency of the bar application process. In fact, Respondent to this day does not believe he was required to disclose, discuss, or supplement the Howell Opinions and the findings therein to his bar application. This clearly shows Respondent's impenitence and lack of respect for the SBLE, the Character Committee, and this Court.

The Court of Appeals also delineated certain aggravating factors to consider in determining sanctions. *Id.* at 207-208. By clear and convincing evidence, this Court finds that Respondent acted with a dishonest or selfish motive by concealing material information in order to gain admission to the Maryland Bar. *Id.* Respondent also refuses to acknowledge the wrongful nature of his misconduct, which only exacerbates the serious nature of his MLRPC violations. *Id.*

V. Conclusion

This Court submits these Findings of Facts and Conclusion of Law this 1 day of November, 2017.

Respectfully Submitted,

JEANNIE J. HONG

Judge's Signature on Original Document only

Notice to Clerk:

Please send copies to:

Raymond Hein, Esq.
Jennifer L. Thompson, Esq.
Attorneys for Petitioner

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Pro Se

TRUE COPY
TEST

Marilyn Bentley

MARILYN BENTLEY, CLERK



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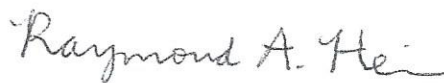
RE: *Attorney Grievance Commission v. Gregory Allen Slate*
Misc. Docket AG No. 5
September Term, 2017

Dear Mr. Kamau:

I apologize for not sending this to you sooner, but enclosed is a copy of the Findings of Fact and Conclusions of Law filed by Judge Hong in the Circuit Court for Baltimore City. As provided in the Maryland Rules, the record has been transmitted to the Court of Appeals of Maryland for further proceedings and final disposition. The case is scheduled for oral argument before the Court of Appeals on February 1, 2018. A webcast of the oral argument on that date can be viewed by going to the Maryland Judiciary website, mdcourts.gov.

I will notify you of the Court's final disposition of this matter, which should come within 3 or 4 months following oral argument.

Very truly yours,



Raymond A. Hein
Deputy Bar Counsel

RAH/dag
Enclosure (Findings & Conclusions)

