In the Matter of David L. Graham

ORDER

The respondent, David L. Graham, was directed to appear before the Supreme Court on motion of the Supreme Court Chief Disciplinary Counsel to adjudge him in contempt of a prior Order of this Court. After hearing, the motion to adjudge respondent in contempt is granted.

On October 14, 2005, this Court entered an Order reinstating respondent to the Master Roll of Attorneys after an administrative suspension for failing to file the annual registration statement and payment of registration fees as required by Article IV, Rule 1 of the Supreme Court Rules entitled, "Periodic Registration of Attorneys." When respondent applied for reinstatement, Disciplinary Counsel learned that he was undergoing treatment for a medical condition and a family member was also experiencing medical problems.

After careful consideration of the information provided to us, we granted reinstatement on condition that Disciplinary Counsel would monitor respondent's practice of law for a period of one year. The Order directed respondent to provide Disciplinary Counsel with monthly written reports setting forth "the status of his client matters, and shall also meet with counsel once each month to review those reports."

On April 25, 2006, Disciplinary Counsel filed a motion to adjudge respondent in contempt of the Order of reinstatement based on noncompliance with the aforementioned conditions and for lack of candor to the Disciplinary Counsel. According to the affidavit

filed in support of the motion, respondent only attended one meeting with Disciplinary Counsel on November 30, 2005, and submitted one report dated January 10, 2006. Significantly, respondent failed to disclose that he was under investigation in the United States Bankruptcy Court and that he had entered into a consent order providing for his suspension from the practice of law in that Court for a period of 13 months.

On May 18, 2006, respondent appeared with counsel at an in camera hearing before this Court. The respondent denied that he failed to comply with the Court's October 14, 2005 Order and his counsel argued against a finding of willful contempt. After carefully reviewing the record, including respondent's representations to this Court, we are of the opinion that respondent has failed to comply with this Court's Order of October 14, 2005, and that he is in willful contempt of this Court. In addition, respondent's failure to disclose to Disciplinary Counsel that he was under investigation by the United States Bankruptcy Court and that a consent order of suspension from practice before that tribunal was issued by the United States Bankruptcy Court demonstrates a lack of candor that is required of an officer of this Court.

Accordingly, respondent is in contempt of an Order of this Court. This case is remanded to the Supreme Court Disciplinary Board for a recommendation of appropriate discipline, including further investigation and prosecution for any violation of the Rules of Professional Conduct. The Disciplinary Board shall submit its written recommendations to this Court within 60 days from the date of this Order.

Entered as an Order of this Court, this 31st day of May, 2006.

By Order,

