

Maryland Disbars NY Lawyer Over Office

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The Maryland Court of Appeals has disbarred a lawyer admitted in three other jurisdictions but not admitted in Maryland. The Court found that the lawyer had engaged in the unauthorized practice of law in Maryland by opening a law office in the state, by offering his services to Maryland clients, and by representing clients in the Maryland state courts. Matter of Barneys, Md. Misc. Docket AG No. 2, 8/28/02.

According to the record, Bradford Jay Barneys was admitted to the bar in New York, Connecticut and the District of Columbia. In 1996, before he applied for admission in Maryland, he opened an office in Langley Park, Maryland. He referred to the office on his letterhead and business cards as "Law Offices of Bradford J. Barneys, PC." A lobby sign identified him as an "attorney at law." On at least five occasions, he entered his appearance as counsel and represented clients in the Maryland courts.

Barneys did not apply for admission in Maryland until 1997. His application for admission, which was found to contain a number of misstatements, was never processed. The Maryland Court nevertheless proceeded to adopt the remedy of disbarment. It acted under MRPC 8.5(b), which gives the Court disciplinary authority over lawyers admitted in other states who hold themselves out as practicing law in Maryland. For purposes of its discipline, the Court defined an attorney as "a member of the bar of any other state, district or territory of the United States who engages in the practice of law in this State, or who holds himself out as practicing law in this State..."

The Court rejected Barneys' request that he be punished by enjoining him for a period of two years from filing an application for admission in Maryland. The Court quoted a prior opinion, "unadmitted attorneys must be discouraged from attempting to practice law in violation of the statutory provision against unauthorized practice."