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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 16-8007

IN RE JEFFREY D. MOFFATT, MEMBER OF THE BAR

Before SCHOELEN, PIETSCH, *and* GREENBERG, *Judges.*

ORDER

On October 25, 2016, the Court received notice from the State Bar of Arizona that Jeffrey D. Moffatt, a member of this Court's bar, had been disbarred from the State Bar of Arizona, effective April 6, 2016. On November 28, 2016, pursuant to Rule 7(d)(1)(B) of the Rules of Admission and Practice ("Rules"), the Clerk referred this matter to the Court's Standing Panel on Admission and Discipline ("Panel") and imposed a temporary nondisciplinary suspension on Mr. Moffatt.

On November 29, 2016, the Panel ordered Mr. Moffatt to show cause why the Court should not impose identical or similar discipline to that imposed by the State Bar of Arizona, including disbarment. On December 7, 2016, this Court received Mr. Moffatt's timely response contesting the proposed reciprocal discipline and requesting a stay of disciplinary proceedings pending the outcome of his appeal to the Arizona Supreme Court. On December 14, 2016, the Court granted Mr. Moffatt's request for a stay of disciplinary proceedings. On December 28, 2016, the Court received a notice from the State Bar of Arizona stating that Mr. Moffatt's appeal to the Arizona Supreme Court was denied on December 13th.

On March 20, 2017, based on Mr. Moffatt's opposition to the Court's proposed reciprocal discipline, the Panel referred the matter to the Committee on Admission and Practice (Committee). *See* Rules 2(b)(4); 7(d)(3)(C). The Committee investigated the matter -- including reviewing a large volume of materials Mr. Moffatt submitted and holding a telephonic hearing at Mr. Moffatt's request -- and filed with the Court a report of its findings and recommendations on July 28, 2017 (Report).

In its Report, the Committee discussed the facts and history of this matter. The Court finds the Report to be thorough and impartial and adopts and incorporates it herein by reference. The Committee recommended that the Court impose identical discipline as that imposed by the State of Arizona, that is disbar Mr. Moffatt for his conduct related to this matter. Report at 13. The Court agrees with the Committee's reasoning that the State of Arizona's conclusions regarding the professional misconduct are "conclusive proof of fact" that Mr. Moffatt has committed professional misconduct. Rule 7(a)(2). Similarly, the Court is unpersuaded that any of the arguments Mr. Moffatt presents merit re-litigating the disciplinary proceedings conducted by the State of Arizona.

The Court notes that on August 18, 2017, Mr. Moffatt submitted additional materials in response to the Report, requesting that the United States Armed Forces Court of Appeals (which this Court construes as intended for the United States Court of Appeals for Veterans Claims) "set aside" the disciplinary matter under Rule 60(B) of the Federal Rules of Civil Procedure (FRCP) because Mr. Moffatt has filed a related law suit in a federal district court in California. The FRCP are inapplicable here, and even if they were, this Court is confident that no further stay should be imposed and that the circumstances warrant reciprocal disposition of this matter at this time.

The Court thus concludes, pursuant to Rule 7(d)(3)(C), that it will impose discipline identical to the discipline imposed by the State of Arizona. Accordingly, it is

ORDERED that, effective as of the date of this order, Mr. Moffatt is disbarred from the practice of law before the United States Court of Appeals for Veterans Claims, as reciprocal discipline imposed under Rule 7(d).

DATED: September 7, 2017

PER CURIAM.

Copy to:

Jeffrey D. Moffatt

Attachment:

Report, July 28, 2017

CERTIFIED MAIL – RETURN RECEIPT REQUESTED