

In the United States Court of Federal Claims

FILED

JAN 27 2017

U.S. COURT OF
FEDERAL CLAIMS

In the Matter of:

Kathy D. Bailey

No. 16-11199

FINAL ORDER

On September 15, 2016, the District of Columbia Court of Appeals approved a petition for negotiated attorney discipline and ordered Kathy D. Bailey suspended from the practice of law for a period of two (2) years with reinstatement conditioned upon demonstrating her fitness to practice law. *In re Kathy D. Bailey*, No. 16-BG-790 (D.C. filed Sept. 15, 2016) (per curiam). The Court of Appeals noted that while Ms. Bailey had admitted to violating seven (7) rules of the District of Columbia Rules of Professional Conduct, it found, *inter alia*, that her cooperation with Disciplinary Counsel was a mitigating factor in the disciplinary action.

Ms. Bailey has been a member of this court's bar since January 8, 2003. Under Rule 83.2(c)(2) of the Rules of the United States Court of Federal Claims ("RCFC"), an attorney admitted to practice before this court may be disciplined on the grounds of an act or omission that results in the disbarment or suspension of the attorney by another court.

Furthermore, Ms. Bailey failed to promptly notify the court of her suspension. Her failure to promptly notify this court is a violation of RCFC 83.2(e)(1), which requires an attorney admitted to practice before this court to notify the Clerk in writing within fourteen (14) days of the attorney's disbarment or suspension by another court. Failure to do so is grounds for discipline under RCFC 83.2(c)(4).

Pursuant to RCFC Rule 83.2(g)(6), an Order to Show Cause was issued by this court on November 16, 2016, directing Ms. Bailey to show cause within thirty (30) days why the court should not impose discipline identical to that imposed by the District of Columbia Court of Appeals. On November 16, 2016, a copy of the Order was mailed to Ms. Bailey's address of record and subsequently returned to the court as undeliverable due to an unreported address change. After receiving an updated address, the court successfully served Ms. Bailey with a copy of the Order on December 6, 2016, and she was given thirty (30) days from that date to respond to the Order. To date, Ms. Bailey has not responded to the Order to Show Cause. Therefore,

IT IS ORDERED that Kathy D. Bailey shall be suspended for two (2) years from practice before the United States Court of Federal Claims with reinstatement conditioned

upon demonstrating her fitness to practice law, effective, *nunc pro tunc*, September 15, 2016, the date the District of Columbia Court of Appeals approved her negotiated attorney discipline. Reinstatement is not automatic. The filing of any petition for reinstatement shall be governed by RCFC 83.2(k).

IT IS FURTHER ORDERED that the Clerk of Court shall serve Ms. Bailey with a copy of this order.


MARY ELLEN COSTER WILLIAMS
Judge


ELAINE D. KAPLAN
Judge


LYDIA KAY GRIGGSBY
Judge