

# In the United States Court of Federal Claims

**FILED**

**SEP 14 2016**

**U.S. COURT OF  
FEDERAL CLAIMS**

**In the Matter of:**

**Phillip C. Zane**

**No. 15-11188**

## **ORDER**

On July 21, 2015, the District of Columbia Court of Appeals issued an Order temporarily suspending Phillip C. Zane from the practice of law in the District of Columbia pursuant to DC Bar Rule XI § 3(c)(1) upon consideration of 1) a petition to suspend Mr. Zane made by Bar Counsel, on behalf of the Board of Professional Responsibility (hereinafter “the Board”) investigating allegations of serious misconduct, and 2) a June 2, 2015 order issued by the court directing Mr. Zane to show cause why he should not be suspended.

Mr. Zane failed to respond to either the Board or the court as prescribed in DC Bar Rule XI § 3(d), therefore he remains suspended from the practice of law in the District of Columbia. DC Bar Rule XI § 3(d) (permitting reinstatement “when (1) Disciplinary Counsel notifies the Court that the attorney has responded to the Board's order or (2) the Court determines that an adequate response has been filed by the attorney”).

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, Mr. Zane failed to promptly notify the court of his suspension. His failure to 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 83.2(g)(6), an Order to Show Cause was issued by this court on May 20, 2016, directing Mr. Zane to show cause within thirty (30) days why he should not be disbarred from practice before the United States Court of Federal Claims. *See* May 20, 2016 Order to Show Cause, attached. The court then made two unsuccessful attempts to serve Mr. Zane with the Order to Show Cause, first on May 20, 2016, at the address of record listed with the Court of Federal Claims and again on June 13, 2016, at

the address listed on the D.C. Court of Appeals' Order of temporary suspension. The court's third attempt to serve Mr. Zane at George Mason University, on June 21, 2016, was successful, and Mr. Zane was given thirty (30) days from that date to respond to the Order to Show Cause. To date, Mr. Zane has not responded.

Upon further review of the order of temporary suspension issued by the D.C. Court of Appeals, the U.S. Court of Federal Claims Standing Panel on Attorney Discipline has decided that the more appropriate reciprocal discipline would be suspension in lieu of disbarment. For this reason,

IT IS ORDERED that Phillip C. Zane shall be suspended from practice before the United States Court of Federal Claims, effective, *nunc pro tunc*, July 21, 2015, the date of entry of his temporary suspension by the District of Columbia Court of Appeals. The filing of any petition for reinstatement will be governed by RCFC 83.2(k)(1).

IT IS FURTHER ORDERED that the Acting Clerk of Court shall serve Phillip C. Zane with a copy of this order.

  
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JAMES F. MEROW  
Judge

  
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MARY ELLEN COSTER WILLIAMS  
Judge

  
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ELAINE D. KAPLAN  
Judge