

# In the United States Court of Federal Claims

FILED

JUN 13, 2019

U.S. COURT OF  
FEDERAL CLAIMS

In the Matter of:

Cynthia S. Malyszek

No. 17-11213

## FINAL ORDER

On December 20, 2016, the District of Columbia Board on Professional Responsibility issued a Report and Recommendation from its Ad Hoc Hearing Committee (“Report”). In the Report, the Ad Hoc Hearing Committee found that Ms. Malyszek violated the following District of Columbia Rules of Professional Conduct: Rule 1.1 (Competence), Rule 1.3 (Diligence and Zeal), Rule 1.4(a) (Communication – Duty to keep the client reasonably informed), Rule 1.5 (Fees), Rule 1.15 (Safekeeping Property), Rule 1.16 (Declining or Terminating Representation), Rule 5.3 (Responsibilities Regarding Nonlawyer Assistants), and Rule 7.5 (Firm Names and Letterheads). Report at 41–48, 54–55, 57–58.<sup>1</sup> Specifically, the Report described how Ms. Malyszek violated Rules 1.15 and 1.16 by intentionally comingling and misappropriating client funds, misconduct for which the presumptive discipline is disbarment absent extraordinary circumstances. *Id.* at 60–61, 65. Ultimately, the Board recommended that Ms. Malyszek be disbarred for her misconduct.

Upon consideration of the Report, on October 26, 2017, the District of Columbia Court of Appeals issued an Order suspending Ms. Malyszek from the practice of law pending final disposition of the disciplinary proceeding. *See In re Malyszek*, No. 17-BG-663 (D.C.). The suspension became effective by operation of D.C. Bar R. XI § 14(f) on November 27, 2017. Final disciplinary action was imposed by the District of Columbia Court of Appeals on April 26, 2018.

Ms. Malyszek has been a member of this Court’s bar since July 15, 2002. 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. Malyszek failed to promptly notify the court of the issuance of an order establishing her suspension. Her failure to notify this court is a violation of RCFC

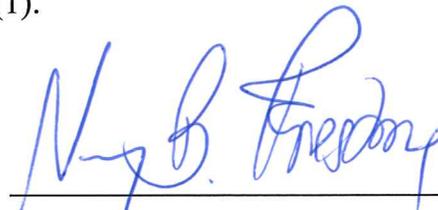
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<sup>1</sup> The December 20, 2016 Report and Recommendation of Ad Hoc Hearing Committee is available for public access at [https://www.dcbar.org/customcf/download.cfm?filename=hearing\\_committee/HCCynthiaSMalyszek33409etal&directory=discipline](https://www.dcbar.org/customcf/download.cfm?filename=hearing_committee/HCCynthiaSMalyszek33409etal&directory=discipline).

83.2(e)(1)(B), 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),(d)(1).

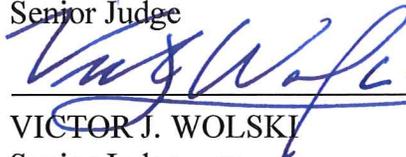
Pursuant to RCFC Rule 83.2(g)(6), an Order to Show Cause was issued by this court on December 21, 2017, directing Ms. Malyszek to show cause within thirty (30) days why the court should not impose discipline identical to that imposed by the District of Columbia Court of Appeals. To date, Ms. Malyszek has not responded to the Order to Show Cause. Therefore,

IT IS ORDERED that Cynthia S. Malyszek shall be disbarred from the practice of law before the United States Court of Federal Claims, effective, *nunc pro tunc*, April 26, 2018, the date of her disbarment in the District of Columbia. The filing of any petition for reinstatement shall be governed by RCFC 83.2(k)(1).



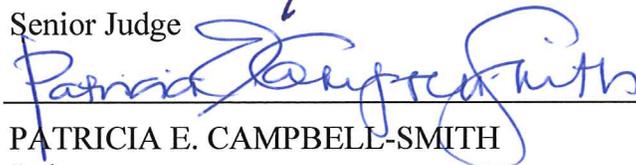
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NANCY B. FIRESTONE  
Senior Judge



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VICTOR J. WOLSKI  
Senior Judge



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PATRICIA E. CAMPBELL-SMITH  
Judge