

MARYLAND COURT URGED BY PANEL TO DISBAR AGNEW

Undivided Recommendation
by a 3-Judge Unit Terms
Him 'Unfit' to Be Lawyer

By LESLEY OELSNER

Special to The New York Times

BALTIMORE, Jan. 14—A panel of three Maryland judges concluded today that former Vice President Spiro T. Agnew was "unit" to be a lawyer and that he should be disbarred to "protect the public."

"His conduct, characterized as it must be, as deceitful and

Excerpts from recommendations are on Page 20.

dishonest, strikes at the heart of the basic object of the legal profession, and constitutes conduct prejudicial to the administration of justice," the panel said in a 14-page unanimous report to the Maryland Court of Appeals. "We see no extenuating circumstances allowing a lesser sanction."

The panel, appointed by the Court of Appeals to recommend what, if any, disciplinary action the court should take against the former Vice President, based its ruling solely on Mr. Agnew's plea of no contest last fall to a charge of income tax evasion.

Other Charges

It said it gave "no weight" to the Justice Department's allegations that Mr. Agnew had committed other crimes as well, such as taking illegal payments during his years in public office. These charges, though made in Federal Court on Oct. 10, the day Mr. Agnew entered his plea, had never been "judicially determined," the panel said.

However, the panel said that Mr. Agnew's description on Oct. 10 of those payments — a description he gave in an effort to "lessen the gravity of his conduct," according to the panel — provided no "mitigating circumstances."

"On the contrary," the panel said, "with respect to the tax evasion charge it is an aggravating circumstance. It indicates, if nothing else, that the respondent participated in a contrived scheme to cheat the Federal Government of taxes through the simple expedient of claiming the 'contributions' or 'payments' he received to be nontaxable political contri-

Continued on Page 19, Column 1

Continued From Page 1, Col. 5

butions, when in reality they were (as he then knew taxable income."

Mr. Agnew, who had pleaded with the panel to recommend a temporary suspension rather than disbarment, declined comment on the ruling.

One of his attorneys, Leon H. A. Pierson Jr. of Baltimore, said, however, that Mr. Agnew had authorized him to file 'exceptions' to the ruling—asking the Court of Appeals, in effect, to ignore the panel's recommendation.

Both Mr. Agnew and the Maryland State Bar Association, which initiated the disciplinary proceeding last fall following Mr. Agnew's plea and

which urged disbarment, have 30 days to file exceptions. The Court of Appeals may then either hold a hearing of its own or issue its ruling without a hearing.

Theoretically, it has four options—take no action at all, reprimand Mr. Agnew, suspend him temporarily or disbar him. At the panel's hearing Dec. 18, however, Mr. Pierson had conceded that as a practical matter the choice was between suspension and disbarment.

Mr. Agnew's attorneys had argued that many other lawyers convicted in tax cases had

simply been suspended. The panel's ruling, released by the presiding judge, Shirley P. Jones of the Supreme Bench of Baltimore City, conceded "that it is difficult if not impossible to discern a neat or uniform pattern as to the disciplinary action imposed for various infractions by attorneys."

But, the panel said, "there is no difficulty" in finding precedents for the "basic tenets and behavior expected of lawyers." The American Bar Association's original canons of ethics, its new code of profes-

sional responsibility, adopted by the Maryland Court of Appeals in 1970, and actions of Maryland's courts and legislature all indicate, the panel said the "high standards of moral and ethical conduct" expected of lawyers.

2 Circuit Judges

The ruling was signed by Judge Jones and the two other members of the panel, Ridgely P. Melvin Jr. of the Anne Arundel Circuit Court and William H. McCulloch of the Circuit Court of Prince Georges County. The Agnew case, the judges

said, "is not a case on which a busy lawyer has carelessly or inadvertently failed to obey the law."

The "uncontroverted evidence," they went on, is that Mr. Agnew "deliberately failed" to report nearly \$30,000 of income on his 1967 tax returns and that if this failure had gone undetected, Mr. Agnew would have cheated the Government of nearly \$13,000.

The panel rejected two key arguments made by Mr. Agnew and his lawyers in their effort to limit the disciplinary action to suspension—that Mr. Ag-

new's crime had not involved any injury to legal clients and that Mr. Agnew had been punished enough.

"Any lawyer, whether in public office or not, owes a general duty to the public at large, as well as to other members of the bar, to adhere unfalteringly to the high ethical standards of his chosen profession," the panel said.

The function of the proceedings, it said, was not to punish but "to protect the public from one who has demonstrated his unworthiness to continue the practice of law."