



**D. Procedures**

(1) **Referral to Hearing Committee** - When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** - Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** - The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not

answered by Respondent may be deemed established as provided in Board Rule 7.7.

(4) **Mitigation** - Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** - Respondent is entitled to fifteen days' notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

**WHEREFORE**, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

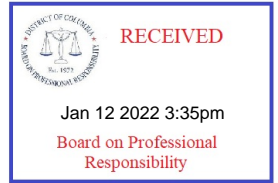
Office of Disciplinary Counsel

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**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**



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**In the Matter of** :  
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 : **Disciplinary Docket Nos. 2018-D024;**  
 : **2018-D211; 2018-D224; 2021-D049**  
**Respondent** :  
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 :  
**A Member of the Bar of the District of** :  
**Columbia Court of Appeals** :  
**(Bar Registration No. 451320)** :  
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**SPECIFICATION OF CHARGES**

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar R. X and XI, § 2(b). Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar R. XI. Pursuant to D.C. Bar R. XI, § 1(a), jurisdiction is found because:

1. Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on June 3, 1996 and assigned Bar number 451320.

The facts giving rise to the charges of misconduct are as follows:

2. Respondent is not licensed in any jurisdiction other than the District of Columbia. He primarily practices bankruptcy law and is admitted to practice in the United States District Courts for the District of Columbia and Maryland.

**COUNT I**  
***Robinson Bankruptcy Proceeding (2018-D224)***

3. On March 3, 2017, Respondent and Tony B. Robinson, Jr. signed an engagement agreement for Respondent to represent Mr. Robinson in his Chapter 13 bankruptcy.

4. On March 7, 2017, Respondent filed Mr. Robinson’s Chapter 13 Voluntary Petition

in the United States Bankruptcy Court for the District of Columbia. *See In re Robinson*, No. 17-00114, ECF No. 1 (Bankr. D.D.C.).

5. The primary creditor involved in the proceeding was “U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates” (“U.S. Bank”), which held the Note for Mr. Robinson’s home mortgage. Wells Fargo Home Mortgage was the loan service provider.

6. The filing of the bankruptcy petition triggered an automatic stay of any foreclosure proceedings related to Mr. Robinson’s home. (A bankruptcy stay protects a debtor’s real property interests by staying any foreclosure proceedings. *See* 11 U.S.C. § 362.)

7. On August 17, 2017, Respondent filed a Second Amended Chapter 13 Plan, which set forth the payments that Mr. Robinson would be required to make to Wells Fargo Home Mortgage. On November 8, 2017, the bankruptcy court confirmed the Chapter 13 Plan.

8. On December 12, 2017, U.S. Bank filed a motion for relief from the automatic stay, claiming that Mr. Robinson had missed payments to Wells Fargo. U.S. Bank’s motion misstated that Mr. Robinson had missed mortgage payments from August to December 2017 when, in fact, he had made those payments. (Mr. Robinson had missed earlier monthly payments, however.)

9. Respondent did not inform Mr. Robinson about U.S. Bank’s motion or explain its significance, nor did he respond to or oppose the motion.

10. Respondent did not respond to Mr. Robinson’s multiple attempts to communicate with him by text, phone, and email about the status of his bankruptcy case.

11. On January 18, 2018, the bankruptcy court granted U.S. Bank’s motion, which remained unopposed.

12. The court’s order allowed U.S. Bank to foreclose on Mr. Robinson’s home. As the

bankruptcy court explained, “[n]ot opposing a motion for relief from the automatic stay places a debtor’s efforts to hold onto a home at a serious disadvantage.” If an opposition had been filed, Mr. Robinson would have been in a position to negotiate a consent order with U.S. Bank or seek a similar order from the bankruptcy court. But because Respondent did not oppose the motion, U.S. Bank “was free to proceed with foreclosure, and to dictate what it would accept in exchange for not foreclosing.”

13. On February 2, 2018, Mr. Robinson was told by a Wells Fargo representative that his home was in active foreclosure and that the bank would no longer accept his monthly payments. This was the first time Mr. Robinson learned there was a problem with his bankruptcy matter and that U.S. Bank was seeking to foreclose on his home.

14. After repeated attempts, Mr. Robinson talked with Respondent on the phone and explained what he had been told by Wells Fargo. Respondent discussed U.S. Bank’s unopposed motion and the court’s subsequent order with Mr. Robinson.

15. Respondent attempted to negotiate with U.S. Bank. Although the bank initially agreed to delay a foreclosure sale, it ultimately moved forward with foreclosure proceedings, and Mr. Robinson’s home was sold at a foreclosure sale in July 2018.

16. Respondent’s conduct in Count I violated the following Rules:

a. Rule 1.1(a) and (b), in that he failed to provide competent representation and failed to serve Mr. Robinson with the skill and care commensurate with that generally afforded to clients by other lawyers in similar matters;

b. Rule 1.3(a) and (c), in that he failed to diligently represent Mr. Robinson and failed to act with reasonable promptness;

c. Rule 1.4(a), in that he failed to keep Mr. Robinson reasonably informed about the status of his matter.

## COUNT II

### *Missed Deadlines and Hearings (2018-D024, 2018-D224)*

17. Respondent failed to timely meet court deadlines and/or failed to appear for hearings in one case in the Superior Court of the District of Columbia and five cases in the U.S. Bankruptcy Court for the District of Columbia.

#### *Prospect Mortgage LLC v. Languel Jones, 2015 CA 000515 R(RP) (D.C. Sup. Ct.)*

18. Respondent represented Mr. Languel Jones in a civil foreclosure proceeding in the Superior Court of the District of Columbia, *Prospect Mortgage LLC v. Languel Jones, 2015 CA 000515 R(RP)*.

19. On August 22, 2017, the plaintiff filed a motion for summary judgment.

20. Respondent did not file an opposition or otherwise respond to the motion for summary judgment.

21. On October 3, 2017, the court granted the motion for summary judgment and held that the plaintiff could proceed to foreclosure on Mr. Jones's property. The court further ordered that a status hearing on the matter would be held on January 12, 2018.

22. On January 12, 2018, Respondent failed to appear at the hearing.

#### *In re Geremew, No. 18-00037 (Bankr. D.D.C.)*

23. On January 17, 2018, Respondent filed a Chapter 13 bankruptcy petition on behalf of Biniam Geremew.

24. On February 15, 2018, the bankruptcy trustee filed a motion to dismiss the case. The debtor's opposition was due by March 8, 2018.

25. Respondent did not file an opposition by the March 8, 2018, deadline.



26. On March 22, 2018, with no opposition filed, the court signed an order granting the trustee's motion, dismissing the case, and terminating the client's automatic bankruptcy stay.

27. On March 23, 2018, Respondent late-filed an opposition without seeking leave to file the opposition out of time or stating good cause for filing out of time. While the court's order had already been signed, it was not entered on the docket until March 23, 2018, after Respondent filed the opposition. The opposition was not considered, and Respondent did not challenge the court's order.

*In re Becton, No. 18-00285 (Bankr. D.D.C.)*

28. On April 25, 2018, Respondent filed a Chapter 13 bankruptcy petition on behalf of Spencer Becton, which triggered an automatic bankruptcy stay.

29. Because Mr. Becton had a previous bankruptcy case, however, the stay automatically expired 30 days after the petition was filed. *See* 11 U.S.C. § 362(c)(3). The stay could only be extended by an order of the court "on the motion of a party in interest . . . and upon notice and a hearing," which must be completed before the expiration of the 30-day period. *Id.*

30. Respondent did not file a motion to extend the automatic bankruptcy stay until May 11, 2018, which was 16 days after filing the petition and left only two weeks for the court to schedule a hearing and issue an order extending the stay.

31. On May 14, 2018, 11 days before the stay expired, the court notified Respondent that his motion failed to include a complete certificate of service. The court further notified him that a failure to correct the deficiency could result in the motion being stricken from the record.

32. Despite the notice from the court, Respondent did not correct the deficiency, file a corrected motion, or otherwise respond to the court's notice before the bankruptcy stay automatically expired on May 25, 2018.

*In re Geremew*, No. 18-00324 (Bankr. D.D.C.) (*Geremew II*)

33. On May 9, 2018, Respondent filed a second Chapter 13 bankruptcy petition on behalf of Biniam Geremew. Because Mr. Geremew's previous bankruptcy case was dismissed, the automatic bankruptcy stay was set to expire unless the court, on Respondent's motion, held a hearing and extended the stay before it expired on June 8, 2018. *See* 11 U.S.C. § 362(c)(3).

34. Respondent did not file a motion to extend the automatic bankruptcy stay until May 28, 2018, which was 19 days after filing the petition and left only 11 days for the court to schedule a hearing and issue an order before the stay expired.

35. The court scheduled an expedited motions hearing for June 6, 2018, two days before the statutory deadline. On June 6, 2018, Respondent failed to appear for the hearing.

36. On June 7, 2018, notwithstanding Respondent's failure to appear for the hearing, the court issued an order granting the motion and extending the bankruptcy stay, which was unopposed. The court warned Respondent, however, that "in future cases filing of a motion for such an order only shortly before the expiration of the 30-day window for holding a hearing on the motion may result in denial of the motion based on unreasonable delay."

37. On July 2, 2018, the court sanctioned Respondent, reducing his potential fee from \$4,500 to \$4,000, based on his delay in filing the motion to extend the stay and his failure to appear for the hearing. The court found that Respondent's conduct was "an inadequate representation of his client's interests" and that "[t]he client did not receive the level of representation to which the client was entitled."

*In re Potts*, No. 18-00379 (Bankr. D.D.C.)

38. On May 29, 2018, Respondent filed a Chapter 13 bankruptcy petition on behalf of Theodore Potts.

39. On May 31, 2018, the court ordered that, within seven days, the debtor must (1) file a certificate of completion of credit counseling, or (2) show good cause why the case should not be dismissed, *i.e.*, that he was otherwise eligible for bankruptcy.

40. Respondent did not file anything on the debtor's behalf.

41. On June 8, 2018, the court dismissed the case because Respondent did not respond to the court's order to file a certificate or respond to the order to show cause.

*In re Fitzgerald*, No. 18-00377 (Bankr. D.D.C.)

42. On May 28, 2018, Respondent filed a Chapter 13 bankruptcy petition on behalf of Alexander Fitzgerald. Because Mr. Fitzgerald had a recent, previous bankruptcy case, the automatic bankruptcy stay was set to expire unless the court extended the stay before it expired on June 27, 2018. *See* 11 U.S.C. § 362(c)(3).

43. With the petition, Respondent filed a motion to extend the automatic bankruptcy stay. However, he neglected to file and serve a required notice to the creditors advising them of their opportunity to oppose the motion and have a hearing.

44. On June 1, 2018, the court entered an order requiring the debtor to file and serve, by June 5, 2018, the required notice.

45. Respondent did not file or serve the notice as directed by the court, nor did he otherwise respond to the court's order.

46. On June 19, 2018, the court issued an order noting that "[t]he debtor has failed, as directed by the court, to give LBR 0-13-1 notice of the opportunity to oppose . . . ." The court ordered the debtor to appear at a hearing on June 26, 2018, or else the motion to extend the stay would be denied. The court further ordered Respondent to appear at the hearing on June 26, 2018, to show cause why his fees should not be reduced.

47. On June 26, 2018, neither Respondent nor the debtor appeared at the hearing.

48. On June 27, 2018, the court entered an order denying the motion and terminating the automatic bankruptcy stay. The court further sanctioned Respondent by reducing any potential fee from \$4,500 to \$4,000. The order also noted that it was referring Respondent to the Committee on Grievances for the U.S. District Court for the District of Columbia.

49. Respondent's conduct in Count II violated the following Rules:

a. Rules 1.1(a) and (b), in that he failed to provide competent representation and failed to serve his clients with the skill and care commensurate with that generally afforded to clients by other lawyers in similar matters;

b. Rule 1.3(a) and (c), in that he failed to represent his clients diligently and failed to act with reasonable promptness;

c. Rule 8.4(d), in that he engaged in conduct that seriously interfered with the administration of justice, including failing to appear at multiple hearings.

**COUNT III**  
***Clayton Civil Proceeding (2021-D049)***

50. On December 21, 2018, Respondent filed a personal injury complaint against Islas Transportation, LLC on behalf of his client, George Clayton, in the United State District Court for the District of Maryland (Greenbelt). *See Clayton v. Islas Transportation, LLC*, No. 18-CV-03964-PX (D. Md.).

51. Although Respondent employed a process server who made numerous unsuccessful attempts to effect service, Respondent failed to file proposed summonses or otherwise obtain properly executed summonses from the court to effect service. Consequently, even if the process server had successfully delivered court papers to the defendant, which he did not, it would not have constituted valid service of process. Respondent also did not respond to court notices that he

had not filed mediation forms required under local rules.

52. On March 29, 2019, Respondent failed to appear for a show cause hearing.

53. On June 18, 2019, Respondent asserted to the court that he had not received the court's orders or filings, including the notice of the hearing, because he had not maintained his correct address with the court, and he had been having technical issues with his email, which had been hacked. He assured the court he would correct these deficiencies. He also provided evidence of his process server's attempts to effect service. The court found good cause to extend the deadline for service until July 18, 2019.

54. On July 18, 2019, Respondent did not file anything with the court concerning service, and he did not correct his address on file with the court.

55. On August 29, 2019, Respondent failed to appear for a show cause hearing, and he did not timely appear for the re-scheduled hearing on September 5, 2019. He appeared only after the court called him on his cell phone number. He asserted that he or someone at his office had failed to change his address, and he was still having email issues that prevented him from receiving the court's electronic notices.

56. On October 1, 2019, the court dismissed the case due to the failure to timely effect service, noting that although some efforts at service were made, Respondent did not properly obtain summonses despite notice from the court, had not demonstrated recent attempts to effect service through a process server, and had not attempted service by alternative means.

57. Respondent's conduct in Count III violated the following Maryland Attorney's

Rule of Professional Conduct<sup>1</sup>:

- a. Maryland Rule 19-301.1, in that he failed to provide competent representation, *i.e.*, the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation;
- b. Maryland Rule 19-301.3, in that he failed to act with reasonable diligence and promptness;
- c. Maryland Rule 19-308.4(d), in that he engaged in conduct that was prejudicial to the administration of justice, including failing to appear at multiple hearings.

Respectfully submitted,

/s/ Hamilton P. Fox, III  
Hamilton P. Fox, III  
Disciplinary Counsel

/s/ Sean P. O'Brien  
Sean P. O'Brien  
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<sup>1</sup> Under D.C. Rule 8.5(b)(1), for alleged misconduct “in connection with a matter pending before a tribunal, the rules to be applied shall be the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise.” Here, the matter was before the U.S. District Court for the Southern District of Maryland (Greenbelt Division), which sat in Maryland and applied the Maryland Rules of Professional Conduct. *See* Md. Dt. Ct. Local Rule 704, *available at* <https://www.mdd.uscourts.gov/sites/mdd/files/LocalRules-2018.pdf>. Accordingly, the Maryland Rules apply to the alleged misconduct in Count III. Nonetheless, the charged Maryland Rules are substantively the same as the corresponding D.C. Rules. Accordingly, should the D.C. Rules be deemed to apply, Respondent’s alleged misconduct also violated D.C. Rules 1.1, 1.3, and 8.4(d) for substantively the same reasons.

**VERIFICATION**

I declare under penalty of perjury under the laws of the United States of America that I verily believe the facts stated in the Specification of Charges to be true and correct.

Executed on this 15th day of December 2021.

/s/ Sean P. O'Brien  
Sean P. O'Brien  
Assistant Disciplinary Counsel