



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

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**In the Matter of** :

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**Rachelle S. Young, Esquire,** : **DDN 2021-D020;**

: **DDN 2021-D021;**

**Respondent** : **DDN 2022-D208**

:

**A Member of the Bar of the District of** :

**Columbia Court of Appeals** :

**Bar Number: 997809** :

**Date of Admission: 3/31/2011** :

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**PETITION FOR NEGOTIATED DISCIPLINE**

Pursuant to D.C. Bar R. XI, § 12.1 and Board Rule 17.3, Disciplinary Counsel and Respondent Rachelle S. Young, Esquire (“Respondent”) respectfully submit this Petition for Negotiated Disposition pursuant to D.C. Bar R. XI, §12.1 and Board Rule 17.3.

**I. STATEMENT OF THE NATURE OF THE MATTER BROUGHT TO DISCIPLINARY COUNSEL'S ATTENTION**

Disciplinary Counsel received bar complaints from three of Respondent's clients, each alleging a lack of communication and diligence. Disciplinary Counsel's investigation revealed that Respondent had failed to timely respond to reasonable requests for information from the three clients, failed to keep the three clients reasonably informed about the status of their matters, failed to explain the matters to the extent reasonably necessary for the three clients to make informed decisions, and failed to represent the three clients zealously and diligently.

**STIPULATION OF FACTS AND RULE VIOLATIONS**

1. Respondent Rachelle Young is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on March 31, 2011, and assigned Bar Number 997809. Respondent is also admitted to practice in Virginia.

2. Since 2017, Respondent has been employed as an independent contractor non-equity partner at the Law Firm of John P. Mahoney ("the Firm").

**COUNT I:**

*Allen v. FBI*

D. Dkt. No. 2021-D020

3. On April 25, 2018, Kristen Allen signed the first of several limited scope retainer agreements for the Firm to represent her in an employment

discrimination complaint she filed against her employer, the Federal Bureau of Investigation, that was pending before the Equal Employment Opportunity Commission in Washington, D.C. Ms. Allen agreed to pay the Firm hourly attorney's fees that would initially be charged against an advance of unearned fees of \$2,815. Ms. Allen also agreed to replenish the advance of unearned fees upon request as services were performed. Respondent was assigned to work on Ms. Allen's case.

4. On October 7, 2019, the FBI filed a Motion for Summary Judgment. Respondent filed an Opposition on November 7, 2019.

5. Respondent provided Ms. Allen with a copy of the Opposition after it was filed. Ms. Allen had several comments and questions about the Opposition, including that Respondent failed to properly identify her supervisor (who was the alleged discriminating official). Respondent did not respond to Ms. Allen's comments or questions.

6. On February 11, 2020, the Administrative Judge issued an Order granting summary judgement to the FBI.

7. Respondent failed to inform Ms. Allen about her appellate rights. When Ms. Allen attempted to communicate with Respondent about the dismissal, Respondent did not respond. Ms. Allen erroneously believed that her appeal rights had terminated with the February 2020 Order.

8. On March 19, 2020, the Department of Justice issued a Final Agency Decision. Respondent assumed Ms. Allen had received the copy of the FAD from the agency, but Ms. Allen did not receive it nor did Respondent mail her a copy. The FAD adopted the reasoning of the EEOC Administrative Judge and dismissed Ms. Allen's case. The FAD gave Ms. Allen 30 days to appeal the decision to the EEOC. Respondent did not inform Ms. Allen of her appellate rights until April 16, 2020, which was only a few days before the deadline for appeal.

9. Ms. Allen did not appeal the FAD.

10. Respondent failed to respond to concerns Ms. Allen expressed before and after the FAD was issued about the quality of the representation and lack of communication.

11. Respondent violated the following District of Columbia Rules of Professional Conduct:

A. Rule 1.3(a), in that she failed to represent Ms. Allen zealously and diligently; and

B. Rule 1.4(a) and (b) in that she failed to keep Ms. Allen reasonably informed about the status of a matter and promptly comply with her reasonable requests for information; and failed to explain the matter to the extent reasonably necessary to permit Ms. Allen to make informed decisions regarding the representation.

**COUNT II:**

**Zadran Whistleblower Complaint**

D. Dkt. No. 2022-D208

12. On August 6, 2018, Said Zadran entered into a retainer agreement with the Firm to represent him in negotiating with his employer, a government contractor, to resolve a whistleblower matter. Mr. Zadran agreed to pay the Firm hourly attorney's fees that would initially be charged against an advance of unearned fees of \$2,865. Mr. Zadran also agreed to replenish the advance of unearned fees upon request as services were performed. Respondent was assigned to represent him on the matter.

13. It took Respondent over two and a half years to complete a draft demand letter to submit to Mr. Zadran's employer.

14. Over the course of the representation, Respondent failed to communicate with Mr. Zadran about his case, including:

- A. Failing to respond to numerous requests for updates; and
- B. Failing to inform Mr. Zadran for almost one year about his employer's response to his demand letter.

15. Respondent violated the following District of Columbia Rules of Professional Conduct:

A. Rule 1.3(a), in that she failed to represent Mr. Zadran zealously and diligently; and

B. Rules 1.4(a) and (b) in that she failed to keep Mr. Zadran reasonably informed about the status of the matter and promptly comply with his reasonable requests for information; and failed to explain the matter to the extent reasonably necessary to permit Mr. Zadran to make informed decisions regarding the representation.

**COUNT III:**

*Jedlowski v. Army*

D. Dkt. No. 2021-D021

16. In January 2019, the Firm entered into a limited scope retainer agreement with Joseph Jedlowski agreeing to represent him on certain aspects of his employment discrimination and retaliation claim against his employer, the U.S. Army. Mr. Jedlowski agreed to pay the Firm hourly attorney's fees that would initially be charged against an advance of unearned fees of \$2,860. Mr. Jedlowski also agreed to replenish the advance of unearned fees upon request as services were performed. Respondent was assigned to work on Mr. Jedlowski's case.

17. By early December 2019, Mr. Jedlowski's case was pending before an Administrative Judge at the EEOC in Baltimore, Maryland. At Mr. Jedlowski's request and due to the health issues, he was experiencing, Respondent asked the

Administrative Judge to stay the proceedings and refer the matter to a different judge for settlement negotiations.

18. Mr. Jedlowski's wife, Maria, was involved in the representation because of his on-going health issues.

19. On or about June 15, 2020, the parties reached a settlement agreement-in-principle. On June 22, 2020, the Army provided Respondent with the first draft of the settlement agreement, which Respondent forwarded to Mr. Jedlowski and his wife. Respondent was supposed to send comments back to the Army on the draft.

20. Despite repeated requests for updates from Mr. Jedlowski and his wife from June to late July 2020, Respondent failed to keep them reasonably informed about the status of the settlement agreement.

21. On July 23, 2020, after requests from the Army's lawyer, Respondent provided comments on the draft agreement. She did so without obtaining the concurrence of or input from the Jedlowskis. Respondent then sent the Jedlowskis a copy of her comments. When Ms. Jedlowski asked Respondent for clarification, Respondent did not respond.

22. Within a week, the Army accepted Respondent's changes and Respondent indicated that she would obtain Mr. Jedlowski's signature on the agreement. From late July to early September 2020, despite the Jedlowskis repeated

calls and emails, Respondent did not communicate with the Jedlowskis about the settlement agreement.

23. On September 9, 2020, the settlement judge commented on the delay and asked Respondent to provide an update on the settlement.

24. On September 16, 2020, Respondent finally provided Mr. Jedlowski and his wife with the final draft of the settlement agreement. When Mr. Jedlowski raised some concerns about the draft agreement, Respondent did not reply.

25. Between September until the end of December 2020, the Jedlowskis continued to ask Respondent for updates, but Respondent did not communicate with them about the status of the settlement.

26. On January 20, 2021, the presiding Administrative Judge lifted the stay and asked the parties to brief her on the status of the settlement. Respondent finally began communicating with Mr. Jedlowski again about the draft settlement agreement on that same date.

27. On or about April 6, 2021, the parties signed the settlement agreement.

28. Respondent violated the following District of Columbia and Maryland Rules of Professional Conduct:

A. D.C. Rule 1.3(a) and Maryland Rule 19-301.3, in that she failed to represent Mr. Jedlowski with appropriate zeal and diligence; and



B. D.C. Rules 1.4(a) and (b) and Maryland Rule 19-301.4(a)(2) and (3) and 19-301.4(b), in that she failed to keep Mr. Jedlowski reasonably informed about the status of the matter and promptly comply with his reasonable requests for information; and failed to explain the matter to the extent reasonably necessary to permit Mr. Jedlowski to make informed decisions regarding the representation.

## **II. STATEMENT OF PROMISES MADE BY DISCIPLINARY COUNSEL**

In connection with this Petition for Negotiated Disposition, Disciplinary Counsel agrees not to pursue any charges arising out of the conduct described in Section I, *supra*, other than those set forth above, or any sanction other than that set forth below.

## **III. AGREED UPON SANCTION**

Disciplinary Counsel and Respondent agree that the sanction to be imposed in this matter is a 30-day suspension, with the suspension stayed in favor of a one-year period of probation with conditions. The one-year probationary period shall begin 30 days after the Court enters its final order. The Court's order should include a condition that, if probation is revoked, Respondent will be required to serve the full 30 days of her suspension.

Respondent and Disciplinary Counsel also have agreed to the following conditions of this negotiated disposition:

(a) Respondent must take the Basic Training and Beyond two-day course offered by the District of Columbia Bar and must take an additional three hours of pre-approved continuing legal education courses that are related to attorney ethics. Respondent must certify and provide documenting proof that she has met these requirements to the Office of Disciplinary Counsel within six months of the date of the Court's final order;

(b) During the period of probation, Respondent shall not be the subject of a disciplinary complaint that results in a finding that she violated the disciplinary rules of any jurisdiction in which she is admitted or licensed to practice; and

(c) Respondent must meet with Dan Mills, Esquire, the Manager of the Practice Management Advisory Service of the District of Columbia Bar (or his successor or designee) in person or virtually within 30 days of the date of the Court's final order. At that time, Respondent must execute a waiver allowing PMAS to communicate directly with the Office of Disciplinary Counsel regarding her compliance. When Respondent meets with PMAS virtually or in person, she will make any and all records relating to her practice available for its review. Respondent shall ask PMAS to conduct a full assessment of Respondent's business structure and her practice, including but not limited to all law firm processes and procedures, financial records, client files, engagement letters, supervision and training of staff,

and responsiveness to clients. Respondent shall adopt all recommendations and implement them in the law firm and her general practice of law.

Thirty days after the entry of the Court's final order, Respondent shall begin her one-year probation. During her probation, Respondent shall consult regularly with PMAS on the schedule it establishes. Respondent must be in full compliance with PMAS's requirements for a period of twelve consecutive months, and it is Respondent's sole responsibility to demonstrate compliance. Respondent must sign an acknowledgement under penalty of perjury affirming that she is in compliance with PMAS's requirements and file the signed acknowledgement with the Office of Disciplinary Counsel. This must be accomplished no later than seven business days after the end of Respondent's period of probation.

If Disciplinary Counsel has probable cause to believe that Respondent has violated the terms of her probation, Disciplinary Counsel may seek to revoke Respondent's probation pursuant to D.C. Bar R. XI, § 3 and Board Rule 18.3, and request that Respondent be required to serve the remaining 30 days of suspension.

Respondent and Disciplinary Counsel have agreed that there are no additional conditions attached to this negotiated disposition that are not expressly agreed to in writing in this Petition.

### **Relevant Precedent**

Under Board Rule 17.5(a)(iii), the agreed-upon sanction in a negotiated discipline case must be “justified, and not unduly lenient, taking into consideration the record as a whole.” A justified sanction “does not have to comply with the sanction appropriate under the comparability standard set forth in D.C. Bar Rule XI, § 9(h).” Bd. R. 17.5(a)(iii). Moreover, to the extent that Respondent has violated the Maryland Rules of Professional Conduct, District of Columbia law governs the appropriate sanction. *In re Tun*, 286 A.3d 538, 543 (D.C. 2022) (Although “we are evaluating misconduct under the rules of another jurisdiction, we make sanctions determinations pursuant to District of Columbia law.”).

The Court of Appeals has noted, “Generally, absent aggravating factors, a first instance of neglect of a single client matter warrants a reprimand or public censure. . . . But in cases where there are aggravating factors or the respondent has a prior disciplinary history, a 30-day suspension has severally been imposed. *In re Chapman*, 962 A.2d 922, 925 (D.C. 2009). The Court has further stated, “We have imposed greater punishment in neglect cases where there were significant aggravating factors—such as deliberate dishonesty, a pattern of neglect, or an extensive disciplinary history.” *Id.* Also see, e.g., *In re Fay*, 111 A.3d 1025 (D.C. 2015) (Court ordered informal admonition of lawyer who served as local counsel in personal injury case but failed to serve complaint and case was dismissed); *In re*

*Speights*, 173 A.3d 96 (D.C. 2017) (extensive neglect in single case over six-year period and incompetence caused dismissal of case; also respondent had history of discipline and testified falsely at disciplinary hearing; Court imposed 90-day suspension with 60 days stayed and one-year probation with conditions); *In re Ukwu*, 926 A.2d 1106 (D.C. 2007) (Court imposed two-year suspension with fitness, and restitution on lawyer who engaged in pervasive pattern of neglect of five immigration clients, made misrepresentations to tribunal, and engaged in conduct that seriously interfered in the administration of justice, including failing to appear at agency interviews and at least one hearing).

Here, based on the aggravating and mitigating circumstances described below, a suspension of 30 days fully stayed with conditions is appropriate. *See, e.g., In re Cole*, 967 A.2d 1264 (D.C. 2009) (Court imposed 30-day suspension on lawyer who represented client in asylum matter, but failed to timely file the application, lied in response to client's many requests about status, failed to inform client about order of deportation, failed to file motion to reopen or appeal order of deportation; Court found mitigation in lawyer assisting successor counsel, apologizing to client, returning all fees to client, no prior misconduct, and demonstrating it was unlikely that conduct would recur); *In re Baron*, 808 A.2d 497 (D.C. 2002) (Court ordered 30-day suspension stayed with one-year probation and conditions when court-appointed CJA lawyer failed to communicate with client during criminal appeal,

ignored court's request that she contact client, ignored client's efforts to contact her, ignored co-defendant's offer to file joint motion for new trial and failed to inform client about the offer, and failed to send the client his case file).

### **Mitigating Factors**

Mitigating circumstances include that Respondent: 1) has no prior disciplinary history; 2) has expressed remorse; 3) has cooperated with Disciplinary Counsel during the investigation of these matters; 4) had insufficient administrative support at work while carrying a substantial caseload despite asking for additional assistance; 5) had substantial personal obligations and challenges, including being the sole caregiver for her two young children during COVID, when much of the misconduct occurred; and 6) experienced stress-related medical problems that led to hospitalization twice and counselling that is still ongoing. Also, Respondent has instituted or will institute several changes in the way that she practices law including using a virtual assistant that her office has offered to assist her with administrative tasks, providing clients with direct access to her rather than access through an answering service, and establishing a bi-monthly written communication plan for each client.

### **Aggravating Factors**

In aggravation, Respondent violated her obligations to clients in the three matters as set forth above.

The parties agree they are not aware of any additional aggravating factors outside of the conduct as described in this petition.

Given these mitigating and aggravating factors, the parties submit that the agreed-upon sanction is appropriate.

#### IV. RESPONDENT'S AFFIDAVIT

In further support of this Petition for Negotiated Discipline, attached is Respondent's Affidavit pursuant to DC. Bar R. XI, § 12.1(b)(2).

#### CONCLUSION

Wherefore, Respondent and Disciplinary Counsel request that the Executive Attorney assign a Hearing Committee to review the petition for negotiated discipline pursuant to D.C. Bar R. XI. § 12.1(c).

Dated: October 16 2023

*Hamilton P. Fox, III*  
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Hamilton P. Fox, III  
Disciplinary Counsel

*Jerri U. Dunston*  
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Jerri Dunston  
Assistant Disciplinary Counsel

Rachelle S.  
Young, Esq.  
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Rachelle Young, Esquire  
Respondent

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Rachelle S. Young,  
Esq.  
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*Justin M. Flint*  
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