



OFFICE OF BAR COUNSEL

May 12, 2011

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Via First-Class Regular and Certified Mail

Claude W. Roxborough, Esquire
709 Irving Street, N.W.
Washington, D.C. 20001

**Roxborough/Grace-Tardy
Bar Docket No. 2008-D262
Bar Number: 162313**

Dear Mr. Roxborough:

This office has completed its investigation of the above-referenced matter. We find that your conduct reflected a disregard of certain ethical standards under the District of Columbia Rules of Professional Conduct (the "Rules"). We are, therefore, issuing you this Informal Admonition pursuant to Rule XI, §§ 3, 6, and 8 of the District of Columbia Court of Appeals Rules Governing the Bar ("D.C. Bar R.").

We docketed this matter for investigation based on the complaint filed by Amy Grace-Tardy, Esquire, who initially represented R.Y. Ms. Grace-Tardy states that in April 2008, while you were representing F.Y., an adverse party, you contacted R.Y. after you were informed that R.Y. was represented by counsel. Ms. Grace-Tardy states that, soon after your first meeting with her client, she faxed a notice to your office confirming her representation of R.Y. and subsequently mailed you the same notice. Ms. Grace-Tardy alleges that, several days later, after she sent you the notice, you or a person acting on behalf of your client visited R.Y.'s home a second time. Ms. Grace-Tardy complains that, during your second visit, you engaged in unethical conduct by communicating with her client after both she and R.Y. had informed you that R.Y. had counsel.

On July 9, 2008, you responded to the complaint and denied engaging in any misconduct. You acknowledged that you represented F.Y. in an estate matter and visited R.Y., his sister, at her house when you handed her your business card. On that visit, R.Y. informed you that she had her own lawyer, but you contend that R.Y. never provided you her counsel's name or telephone number. You deny receiving any written notice from Ms. Grace-Tardy confirming her representation of R.Y., but acknowledge receiving a call from an attorney regarding your client's matter, and state that you asked the caller to send you an e-mail.

On July 30, 2008, Ms. Grace-Tardy replied to your response. She reiterated the allegations in her complaint. She noted that you do not dispute that R.Y. told you she was represented by counsel when you first visited her. You also do not dispute receiving a letter from Ms. Grace-Tardy's law firm confirming its representation of R.Y. before you made your second visit to her home.

Ms. Grace-Tardy provided a copy of her letter dated April 4, 2008, that she faxed to your office along with a confirmation sheet showing that her fax was received. She also provided a copy of your April 9, 2008 letter to R.Y., wherein you claimed that you never had received a call from R.Y.'s attorney. In fact, Ms. Grace-Tardy had already sent you a fax notifying you of her representation of R.Y. Thus, you were clearly on notice that R.Y. had counsel and who her counsel was when you visited her home a second time.

Rule 4.2(a) states that, "[d]uring the course of representing a client, a lawyer shall not communicate or cause another to communicate about the subject of the representation with a person known to be represented by another lawyer in the matter, unless the lawyer has the prior consent of the lawyer representing such other person or is authorized by law or a court order to do so." We conclude that you violated Rule 4.2(a) when you contacted R.Y. without her counsel's permission after you were notified that R.Y. had counsel.

In deciding to issue you an informal admonition, we have taken into consideration your cooperation with Bar Counsel's investigation, and that your unauthorized contact with R.Y. was limited to providing her a letter to transmit to her counsel.

This letter constitutes an Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8 is public when issued. Please refer to the attachment to this letter of Informal Admonition for a statement of its effect and your right to have it vacated and have a formal hearing before a Hearing Committee.

If you would like to have a formal hearing, you must submit a written request for a hearing within 14 days of the date of this letter to the Office of Bar Counsel, with a copy to the Board on Professional Responsibility, unless Bar Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated and Bar Counsel will institute formal charges pursuant to D.C. Bar R. XI, § 8 (b). The case will then be assigned to a Hearing Committee and a hearing will be scheduled by the Executive Attorney for the Board on Professional Responsibility pursuant to D.C. Bar R. XI, § 8 (c). Such a hearing could result in a

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recommendation to dismiss the charges against you or a recommendation for a finding of culpability, in which case the sanction recommended by the Hearing Committee is not limited to an Informal Admonition.

Sincerely,

Wallace E. Shipp, Jr.
Bar Counsel

Enclosure: Attachment to Letter of Informal Admonition

cc: Amy Grace-Tardy, Esquire

WES:RTD:act