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October 20, 2016

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**BY FIRST-CLASS AND CERTIFIED
MAIL NO. 9414 7266 9904 2060 2438 97**

Marlon G. Meade, Esquire
3627 Hansberry Court, NE
Washington, D.C. 20018

In re Marlon G. Meade, Esquire
(D.C. Bar Registration No. 981550)
Bar Docket No. 2015-D116

Dear Mr. Meade:

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. We therefore are issuing you this Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8.

Based on its investigation, Disciplinary Counsel determined that there was insufficient evidence to pursue the Complainant's allegations against you involving a commercial dispute. However, we find that your conduct during the course of Disciplinary Counsel's investigation violated Rule 8.4(d), and D.C. Bar R. XI, § 2(b)(3), and on that basis are issuing this informal admonition.

Disciplinary Counsel had to go some lengths, including seeking and obtaining orders from the Board and Court, before you provided a response to the complaint and documents responsive to the subpoena *duces tecum*. Your failure to cooperate with Disciplinary Counsel's investigation violated Rule 8.4(d), which provides that "[i]t is professional misconduct for a lawyer to engage in conduct that seriously interferes with the administration of justice."¹ The prohibition of Rule 8.4(d) applies not only to activities which may cause a tribunal to reach an incorrect decision, but also to conduct which taints the decision making process. *In re Keiler*, 380 A.2d 119, 125 (D.C. 1977). Rule

¹ To violate Rule 8.4(d), the lawyer's conduct must (1) be improper, *i.e.*, the lawyer either acted or failed to act when he should have; (ii) bear directly upon the judicial process with respect to an identifiable case or tribunal; and (iii) taint the judicial process in more than a *de minimis* way, *i.e.*, it must have potentially had an impact upon the process to a serious and adverse degree. *In re Hopkins*, 677 A.2d 55, 60-61 (D.C. 1996).

8.4(d) also is violated if the lawyer's conduct causes the unnecessary expenditure of time and resources in a judicial proceeding. *In re Cole*, 967 A.2d 1264, 1266 (D.C. 2009). Comment [2] to Rule 8.4 discusses a lawyer's obligation to cooperate with Disciplinary Counsel in connection with an investigation, stating:

The cases under paragraph (d) include acts by a lawyer such as: failure to cooperate with Disciplinary Counsel; failure to respond to Disciplinary Counsel's inquiries or subpoenas; failure to abide by agreements made with Disciplinary Counsel; . . . failure to keep the Bar advised of respondent's changes of address, after being warned to do so; and tendering a check known to be worthless in settlement of a claim against the lawyer or against the lawyer's client. Paragraph (d) is to be interpreted flexibly and includes any improper behavior of an analogous nature to these examples.

D.C. Bar Rule XI, § 8(a), also states, in pertinent part, "An attorney under investigation has an obligation to respond to Disciplinary Counsel's written inquiries in the conduct of an investigation, subject to constitutional limitations."

Your failure to respond to Disciplinary Counsel's inquiries in a timely fashion, and after the Board ordered you to do so also violated D.C. Rule XI, § 2(b)(3), which provides that an attorney's failure to comply with the Board or Court order constitutes misconduct. Similarly, your failure to comply fully with Disciplinary Counsel's subpoena violated both Rule 8.4(d) and D.C. Rule XI, § 2(b)(3).

In deciding to issue you an Informal Admonition, we have considered that you have no prior discipline and that you eventually responded to Disciplinary Counsel's inquiries and subpoena. This letter constitutes an Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8, and 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 to the Office of Disciplinary Counsel, with a copy to the Board on Professional Responsibility, within 14 days of the date of this letter, unless Disciplinary Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated, and Disciplinary Counsel will institute formal charges pursuant to D.C. Bar Rule XI, § 8(c). 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 Rule XI, § 8(d). Such a hearing could result in a recommendation to dismiss the charges against you or a recommendation for a finding of

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culpability, in which case the sanction recommended by the Hearing Committee is not limited to an Informal Admonition.

Sincerely,

Wallace E. Shipp, Jr.
Disciplinary Counsel

Enclosure: Attachment to Letter of Informal Admonition

cc (w/o Encl.): Complainant

WES:JLP:act