



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

In the Matter of :
 :
DANA A. PAUL, ESQUIRE, : **Disciplinary Docket No. 2019-D199**
 :
Respondent :
 :
Member of the Bar of the District of:
Columbia Court of Appeals :
Bar Number: 490142 :
Date of Admission: Nov. 12, 2004 :
 :

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 Rule X and D.C. Bar Rule XI, § 2(b).

Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar Rule XI. Pursuant to D.C. Bar Rule XI, § 1(a), jurisdiction is found because:

1. Respondent Dana A. Paul is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on November 12, 2004 and assigned Bar number 490142.

The conduct and standards that Respondent has violated are as follows:

2. By letter dated April 19, 2018, N.E., a member of the D.C. Bar, and her

husband filed a complaint with the Maryland Attorney Grievance Commission and Office of Disciplinary Counsel for the District of Columbia.

3. The complaint alleged that Respondent had mishandled litigation in which he was representing N.E. and her husband. The litigation arose from a failed real estate transaction.

4. By letter dated May 4, 2018, Disciplinary Counsel forwarded the complaint to Respondent and asked him to provide a written response.

5. By letter dated May 8, 2018, Respondent provided a written response. He did not address the merits of the complaint against him, contending that because the underlying litigation was brought in Maryland, and a complaint had also been made to the Maryland disciplinary authority, "I do not wish to confer jurisdiction on your office by responding to her complaints." His letter did, however, make a number of *ad hominem* statements against N.E., including that he had no doubt she would commit perjury at her trial in the underlying matter, that she suffers from severe emotional issues, and that she is not mentally competent to be a member of the bar.

6. By letter dated August 13, 2018, Respondent filed his own bar complaint against his former client N.E. This was a new complaint and was not filed in defense of the complaint brought by N.E. and her husband, which Respondent had refused to address on the merits. In the complaint, he accused N.E. and her husband

of engaging in conduct in the litigation in which he had represented them that would be illegal under Maryland law. He provided what he alleged were documents that had been provided to him by his former clients. He also stated his belief that his former clients had engaged in additional illegal conduct against himself and said that if he had proof, he would refer her to a Maryland prosecutor.

7. In his letter of August 13, 2018, Respondent also alleged that N.E. had committed misconduct in another case in which he had represented her. He claimed that she had sought to alter a settlement agreement without disclosing the changes to him or to the opposing side.

8. After Ms. N.E., through counsel, had denied the allegations made in the August 13, 2018 letter, in a letter dated October 10, 2018, Respondent accused her of “flat-out lying.” He reiterated the charges in the August 13 letter, alleged that N.E. was “not fit to practice law” and “a dishonest person who should not be practicing law.” He stated, “I am only filing this grievance because of the grievance [N.E.] filed against me.”

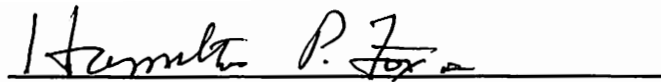
9. Respondent’s conduct violated the following District of Columbia Rules of Professional Responsibility;

a. Rule 1.6 in that he revealed either privileged information, *i.e.*, a confidence, or a secret of his former clients, Ms. N.E. and her husband, disclosure of which would be embarrassing or would likely be detrimental to them, when it was

not reasonably necessary to do so to establish a defense to a disciplinary charge or to respond to an allegation concerning his representation of N.E. and her husband; and

b. Rule 8.4(d), in that he engaged in conduct that seriously interferes with the administration of justice by retaliating against a former client who had filed a complaint against him with the Office of Disciplinary Counsel.

Respectfully submitted,

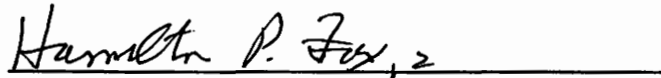


Hamilton P. Fox, III
Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL
515 Fifth Street, N.W.
Building A, Room 117
Washington, D.C. 20001
(202) 638-1501

VERIFICATION

I do affirm that I verily believe the facts stated in the Specification of Charges to be true.




Hamilton P. Fox, III
Disciplinary Counsel

Subscribed and affirmed before me in the District of Columbia this 12th day of September, 2019.

My Commission Expires:



12/14/2023


Notary Public

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PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS

A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals' Rules Governing the Bar (D.C. Bar R.).

B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has approved the institution of these disciplinary proceedings.

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

BY: Hamilton P. Fox, III
Hamilton P. Fox, III
Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL
515 Fifth Street, N.W.
Building A, Room 117
Washington, D.C. 20001
TELEPHONE: (202) 638-1501
FAX: (202) 638-0862