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January 31, 2022

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**SENT VIA FIRST-CLASS AND
CERTIFIED MAIL NO. 9414 7266 9904 2182 6711 03**

Duncan K. Brent, Esquire
11709 Leesborough Circle
Silver Spring, Maryland 20902

Via email: dbrent@earthlink.net

**Re: *In re Duncan K. Brent, Esquire*
Disciplinary Docket No. 2021-D072
D.C. Bar Membership No. 445234**

Dear Mr. Brent:

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

We opened an investigation based upon a complaint filed by your former client, "GHM." Based upon our investigation, we find as follows: On June 23, 2017, GHM was involved in a car accident, which resulted in injuries to her and her passengers. Subsequently, GHM hired William Shiffman, Esquire, who discovered he had a conflict of interest, and in 2018, Mr. Shiffman referred GHM's case to you. Mr. Shiffman met with you and GHM at his office and delivered the client file to you. During the meeting, GHM hired you to pursue any possible claims related to the car accident, and she signed a retainer agreement. When you received the case, you incorrectly noted the statute of limitations to file a lawsuit as June 23, 2021, when the correct date was June 23, 2020. You failed to file a complaint for GHM within the statute of limitations period, which resulted in GHM losing her right to pursue her civil claim in court. You have no explanation for your failure to note the correct date.

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GHM states that she contacted you, by phone, numerous times throughout the representation, and you failed to respond to her requests for information. Although you claim that you spoke to GHM three times during your representation, you admit that you did not inform GHM of your failure to file a complaint on her behalf by, June 23, 2020. Given your admission that you did not review your office file until after the statute of limitations had passed, and your lack of documents reflecting work performed or contacts with GHM, we do not credit your belief that you spoke to her.

Based upon our investigation of this matter, we conclude that you violated Rules 1.1(a), 1.1(b), 1.3(a) and 1.4(a):

Rules 1.1(a) and 1.1(b) state, respectively: “[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation,” and “serve a client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters.” We find that you did not provide GHM with competent representation when you failed to file a complaint on her behalf by the date the statute of limitations ended. Your failure permanently deprived GHM of her right to pursue her civil matter in court.

Rule 1.3(a) states: “[a] lawyer shall represent a client zealously and diligently within the bounds of the law.” You violated this Rule when you calculated the statute of limitations as a full year after the deadline to file a claim on GHM’s behalf passed and failed to review GHM’s case file after you wrote the incorrect date on her client file. You have not been able to explain the reason for your lapses.

We also find that your failure to adequately communicate with GHM throughout the representation, provide information or notify her when you failed to file a complaint on her behalf violated Rule 1.4(a), which requires you to keep a client reasonably informed about the status of a matter.

In deciding to issue this letter of Informal Admonition rather than institute formal disciplinary charges against you, we have considered your claims that you were assisting with the care of your father, who was diagnosed with cancer, during the time of your representation. We have also taken into consideration that you took this matter seriously, that you cooperated with our investigation, and that you have accepted responsibility for your misconduct including by accepting this Informal Admonition. You have also agreed to attend (by live video conference) the D.C. Bar Practice Management Advisory Service’s Basic Training and Beyond Course, held over a two-day period.

This letter constitutes an Informal Admonition for your violation of Rules 1.1(a) and (b), 1.3(a), and 1.4(a), 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 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 Disciplinary 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) and (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 R. XI, § 8(c). Such a hearing could result in a 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,

A handwritten signature in black ink that reads "Hamilton P. Fox" followed by three stylized initials.

Hamilton P. Fox
Disciplinary Counsel

Enclosure: Attachment to Letter of Informal Admonition

cc: GHM (w/o enclosure)

HPF:BN:MJR:ip