DISTRICT OF COLUMBIA COURT OF APPEALS BOARD ON PROFESSIONAL RESPONSIBILITY

Oct 31 2024 9:01am

Board on Professional

Responsibility

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In the Matter of

CLYDE C. CRANE IV, ESQUIRE,

Disciplinary Docket No. 2022-

D213

Respondent,

:

A Member of the Bar of the

District of Columbia Court of Appeals.

Bar Number: 1003053

Date of Admission: September 9, 2011

PETITION FOR NEGOTIATED DISCIPLINE

Disciplinary Counsel and Respondent Clyde C. Crane IV, through counsel, agree to enter into a negotiated discipline to D.C. Bar Rule XI, § 12.1 and Board Rule 17. Respondent, also known as Clyde "T.J." Koons, is the subject of the above-referenced investigation by Disciplinary Counsel pursuant to D.C. Bar Rule XI §§ 6(a)(2), 8(a), and Board Rule 2.1.

I. Statement of the Nature of the Matter

Disciplinary Counsel docketed this matter for investigation in December 2022 after reviewing a complaint alleging that Respondent was in contempt of a court order issued by the Circuit Court for the County of Fairfax.

II. Stipulation of Facts and Rule Violations

- 1. Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on September 9, 2011, and assigned Bar number 1003053. He is also licensed in Virginia; however, he is in an inactive status.
- 2. Respondent and Leslie E. Crane were married in October 2002. On May 11, 2015, Ms. Crane filed for divorce from Respondent in Fairfax County Circuit Court. At the time, Ms. Crane was, and still is, disabled and unable to work while Respondent worked as an attorney earning between \$120,000-\$165,000 per year. Respondent was represented by Anita McFadden during the divorce proceedings.
- 3. On February 24, 2016, the parties entered into a Property Settlement and Support Agreement ("PSSA"). The PSSA required Respondent to pay spousal support, certain insurance premiums, and unreimbursed medical expenses for Ms. Crane.
- 4. On April 25, 2016, a final order of divorce was entered in Fairfax County Circuit Court. The PSSA was incorporated into the final order for divorce. Pursuant to the final order of divorce, the parties were required to give each other and the court at least thirty days' advance written notice of any change of address or telephone number. Respondent's address for purposes of service and notice in the final order of divorce was 2207 Dike Road, Woodland, WA 98674.

- 5. Ms. McFadden withdrew as counsel for Respondent upon entry of the final order of divorce.
- 6. On July 13, 2017, Respondent sent Ms. Crane an email from crane_tj@yahoo.com, with the subject: Change of Address. In the email, Respondent wrote, "My new address is: Saudi Aramco PO Box 8523, Dhahran 31311, Saudi Arabia." Respondent did not provide a residential address and did not file a change of address with the court until October 28, 2019. When he did file the change of address with the court, he provided the same PO Box that he provided Ms. Crane in July 2017.
- 7. On October 9, 2018, Ms. Crane, through counsel, filed a Verified Petition for Issuance of a Rule to Show Cause. In the Petition, Ms. Crane alleged, *inter alia*, that Respondent was in violation of the parties' Final Order of Divorce and requested that the court issue a *Rule to Show Cause* against Respondent and find him in contempt of court for violating the final order of divorce. She also requested that the court order Respondent to pay all amounts owed to her.
- 8. On October 17, 2018, the court issued a Rule to Show Cause, requiring Respondent to appear before the court on November 16, 2018, to show cause why he failed to obey the final order of divorce and should not be held in contempt of court.

- 9. On November 16, 2018, the court held a hearing on the Rule to Show Cause; however, Ms. Crane had not been able to serve Respondent, and he did not appear. The court issued an Amended Rule to Show Cause, setting a new hearing date of January 30, 2019, to give Ms. Crane additional time to effectuate service upon Respondent.
- 10. Ms. Crane, through counsel, made several attempts to serve Respondent with the Rule to Show Cause and Amended Rule to Show Cause. Counsel sent the documents to Respondent's P.O. Box in Saudi Arabia, but the package was returned undelivered. The documents were also emailed to Respondent's email address: crane_tj@yahoo.com. Finally, Ms. Crane served Respondent's mother-in-law at Respondent's last known residential address in Woodland, WA.
- 11. On January 30, 2019, the court held a hearing on the Amended Rule to Show Cause. Respondent did not appear. The court found that Ms. Crane's service on Respondent's mother-in-law in Woodland, WA, was valid and Respondent had sufficient notice of the hearing. The court ruled that it would find Respondent in contempt for failure to pay the amounts owed under the final order of divorce but did not immediately enter the order because Ms. Crane intended to supplement the record regarding the exact amounts Respondent owed related to various obligations.

- 12. On July 23, 2019, Ms. McFadden entered a special appearance on behalf of Respondent and filed a motion to quash service of process and dismiss Ms. Crane's Amended Rule to Show Cause, Verified Petition for Issuance of Rule to Show Cause, and Motion to Modify Spousal Support for lack of service of process. Respondent's motion was denied on September 20, 2019.
- 13. On March 13, 2020, the court held Respondent in contempt. The court found that Respondent had willfully and knowingly violated the final order of divorce and entered a judgment against Respondent in favor of Ms. Crane in the amount of \$192,999.32. The court set purge terms, which required Respondent to pay the judgement within 180 days of the order.
- 14. On April 10, 2020, Respondent, through Ms. McFadden, filed a notice of appeal with the Court of Appeals of Virginia. Respondent argued that he was not properly served with the motion to show cause and, therefore, the contempt order was void. He also argued that he should not have been found in contempt because he did not willfully violate the divorce decree due to his alleged inability to pay. Respondent also argued that the amount of the sanction and attorney's fees awarded Ms. Crane were excessive.
- 15. On February 2, 2021, the Court of Appeals of Virginia affirmed the lower court's decision. The appellate court found that Respondent was properly

served with the motion to show cause, that the evidence was sufficient to find him in willful contempt of court, and that the lower court did not err in imposing sanctions or awarding Ms. Crane attorney's fees based on Respondent's failure to abide by the divorce order and appear in the lower court proceedings.

- 16. Ms. McFadden withdrew as counsel for Respondent on July 22, 2021.

 Respondent's Failure to Respond to Disciplinary Counsel's Investigation
- 17. On October 28, 2022, Ms. Crane filed a disciplinary complaint against Respondent, alleging that his failure to abide by the court orders and being found in contempt of court violated the Rules of Professional Conduct. Ms. Crane alleged that Respondent had not made any payments or attempts to cure his contempt since July 22, 2021.
- 18. On December 15, 2022, Disciplinary Counsel sent a letter of inquiry with a copy of the complaint to Respondent's email address of record with the D.C. Bar, crane_tj@yahoo.com, and asked him to provide a written response by January 4, 2023. Disciplinary Counsel did not receive a rejection notice from Yahoo.com after the email was sent.
- 19. On December 27, 2022, Disciplinary Counsel also mailed the inquiry letter with a copy of the complaint to Respondent's two addresses of record with the DC Bar: P.O. Box 861 Woodland, Washington 98674-0900 and P.O. Box 8523

Saudi Aramco, Dhahran 31311, Saudi Arabia. On January 19, 2023, the United States Postal Service returned Disciplinary Counsel's letter and the complaint sent to Respondent's Woodland, Washington P.O. Box address. The letter sent to the P.O. Box in Saudi Arabia was not returned.

- 20. Respondent did not provide a response to Disciplinary Counsel's letter of inquiry by January 4, 2023, and he did not ask for an extension of time to provide the requested response.
- 21. On February 7, 2023, Disciplinary Counsel sent another letter to Respondent, again by email to crane_tj@yahoo.com, informing him that his failure to respond in writing to the allegations in the complaint could result in further disciplinary actions under Rules 8.1(b) and 8.4(d) and requested that he respond by February 21, 2023. The email was not returned undelivered, and Respondent did not respond to an email inquiry.
- 22. On February 8, 2023, Disciplinary Counsel also mailed the February 7th letter, which included a copy of the complaint, to Respondent at another address he used 7630 Provincial Drive, Apartment 109, McLean, Virginia 22102. The letter and enclosures were sent by first-class and certified mail. Disciplinary Counsel also sent the February 7th letter with enclosures to Respondent's P.O. Box address in Saudi Arabia by air mail.

- 23. On February 21, 2023, the letter that was sent to Respondent's McLean, Virginia address by certified mail was returned unsigned. On February 23, 2023, the USPS returned the letter that was sent to Respondent's McLean, Virginia address by first class mail. The letter sent to Respondent's P.O. Box in Saudi Arabia was not returned.
- 24. Respondent did not provide any response to Disciplinary Counsel's letter of inquiry by February 21, 2023, either by email or regular mail, and he did not ask for an extension of time to provide the requested response.
- 25. On March 8, 2023, Disciplinary Counsel filed with the Board on Professional Responsibility, pursuant to Board Rule 2.10, a motion to compel Respondent's written response to the investigation. Disciplinary Counsel served its motion on Respondent by email, which was not returned, and by first-class email to the Woodland, WA P.O. Box, the Saudia Arabia P.O. Box, and the Mclean, VA address. Only the letter sent to Respondent's address in McLean, VA was returned.
- 26. Respondent did not file an opposition or otherwise respond to Disciplinary Counsel's motion.
- 27. On May 8, 2023, the Board issued an Order compelling Respondent to submit a written response to Disciplinary Counsel's investigation within ten days. Pursuant to Board Rule 2.10(a), the Office of the Executive Attorney sent a copy of

the Board's Order to Respondent to his email address on record with the DC Bar, crane_tj@yahoo.com, as well as his mailing address: P.O. Box 861, Woodland, WA 98647. Neither was returned. Respondent did not respond pursuant to the Board Order.

- 28. On June 29, 2023, Respondent renewed his registration with the D.C. Bar. He continued to list his addresses as crane_tj@yahoo.com, P.O. Box 861, Woodland, WA 98647, and a secondary address of P.O. Box 8523, Saudi Aramco, 31311 Dhahran, Saudi Arabia.
- 29. On January 17, 2024, Disciplinary Counsel filed a Specification of Charges against Respondent. Disciplinary Counsel attempted to serve Respondent via email, U.S. Postal Service, and FedEx, but Respondent never acknowledged receipt of any correspondence sent by Disciplinary Counsel. On March 26, 2024, Disciplinary Counsel filed a motion with the D.C. Court of Appeals for service by alternative means. The motion was granted on May 7, 2024, and Disciplinary Counsel served Respondent via his email address on the same day.
- 30. On August 22, 2024, the Hearing Committee Chair issued an Order directing Respondent and Disciplinary Counsel to confer on potential hearing dates. Disciplinary Counsel asked Respondent for his availability via email, but he did not respond. Disciplinary Counsel filed a statement regarding hearing dates on August

- 30, 2024 and the Hearing Committee Chair issued an Order on September 9, 2024 setting the hearing for December 3 and 12, 2024. The Order was sent to Respondent's crane_tj@yahoo.com email address.
- 31. On September 10, 2024, Respondent responded to Disciplinary Counsel's email about proposed hearing dates. In his email, Respondent explained that his mail service in Saudi Arabia is unreliable, and he never received any of the packages sent by Disciplinary Counsel. He also stated that while crane_tj@yahoo.com is an active email address, it is no longer his primary email address, and he does not check it regularly. He explained that Disciplinary Counsel's emails ended up in the spam folder and were automatically deleted after 30 days. Respondent took full responsibility for the issues related to both his mail service and email, and he acknowledged that it is his responsibility to ensure the D.C. Bar and Disciplinary Counsel can contact him.
- 32. Respondent's stipulated conduct violated the following Rules of Professional Conduct:
 - a. Virginia Rule 3.4(d), in that he knowingly disobeyed a ruling of a tribunal made in the course of a proceeding;

- b. District of Columbia Rule 8.1(b), in that he knowingly failed to respond reasonably to a lawful demand for information regarding this matter from the Office of Disciplinary Counsel;
- c. District of Columbia Rule 8.4(d), in that he engaged in conduct that seriously interfered with the administration of justice; and
- d. D.C. Bar R. XI, § 2(b)(3), in that he failed to comply with an order of the Board.

III. Statement of Promises

33. Disciplinary Counsel has not made any promises regarding the underlying matter other than to recommend a 30-day suspension, fully stayed in favor of one year probation with conditions as part of this negotiated discipline.

IV. The Agreed-Upon Sanction

A. Agreed Sanction

- 34. Respondent and Disciplinary Counsel have agreed that the appropriate sanction for the stipulated misconduct is a suspension of from the practice of law for thirty (30) days, fully stayed on the condition that Respondent be placed on probation for a period of one year.
- 35. During the period of probation, Respondent shall comply with the following terms:

- a. He shall update his contact information with D.C. Bar Member

 Services to include a current email address that he checks regularly

 and a phone number at which he can be reliably reached. These

 updates shall be made within 30 days of the negotiated discipline

 being accepted by the Court, if not earlier. Respondent will provide

 proof of the updates to Disciplinary Counsel.
- b. He shall comply with the terms of the Spousal Support Modification
 Order issued by the Circuit Court for the County of Fairfax on July
 22, 2021. During the probationary period, proof of compliance will
 be sent to Disciplinary Counsel no later than the 5th day of each
 month.
- 36. If Respondent fails to comply with the terms of his probation, his probation may be revoked and he may be required to serve the 30-day suspension previously stayed herein, consecutively with any other discipline or suspension that may be imposed in the event of a finding that he engaged in further unethical conduct.

B. Relevant Precedent

37. Cases involving a knowing failure to respond to Disciplinary Counsel's inquiry and a Board Order, and a serious interference with the

administration of justice, generate a range of sanction from a Board reprimand to 30-day suspensions. See, e.g., Lea, 969 A.2d 881; In re Cooper, 936 A.2d 832 (D.C. 2007) (per curiam); *In re Burnett*, 878 A.2d 1291 (D.C. 2005) (per curiam); In re Nielsen, 768 A.2d 41 (D.C. 2001) (per curiam) (Public Censure); In re *Taylor*, Bar Docket No. 504-98, at 9-11 (BPR Apr. 26, 2001) (Board Reprimand). Similarly, sanctions in cases involving violations of D.C. Rule 3.4(c) (the equivalent to V.A. Rule 3.4(d)) range from a moderate suspension with probationary terms to an informal admonition. See, e.g., In re Untalan, 174 A.3d 259 (D.C. 2017) (per curiam) (six-month suspension with all but 60 days stayed in favor of one year of probation with conditions where attorney ignored multiple court orders to file a brief in each of seven separate criminal or juvenile appeals in which he had been appointed as counsel); In re Blackwell, 299 A.3d 561 (D.C. 2023) (six-month suspension with all but 60 days stayed in favor of three years' probation with conditions where attorney failed to pay court-ordered child support and made false statements to Disciplinary Counsel); In re Wemhoff, 142 A.3d 573 (D.C. 2016) (30-day suspension fully stayed in favor of one year probation with conditions where attorney revealed client confidences, disobeyed an obligation under the rules of a tribunal and seriously interfered with the administration of

justice); and *In re Richardson*, Disciplinary Docket No. 2003-D259 (September 7, 2004) (Informal admonition for failure to pay child support).

38. A 30-day suspension fully stayed in favor of one year probation with conditions is justified because it is within the range of sanctions.

C. Mitigating Circumstances

39. The sanction takes into account several mitigating factors. First, Respondent has taken responsibility for his failure to respond to Disciplinary Counsel and comply with the Board order. In an email to Disciplinary Counsel, Respondent acknowledged that it was his responsibility to check the email address he had on file with the D.C. Bar and his failure to do so was entirely his fault. Second, as of August 31, 2024, Respondent has satisfied the purge terms of the contempt order, including repayment of Ms. Crane's portion of the parties' 2015 tax refund. Finally, Respondent has no prior discipline.

Respectfully submitted,

/s/ Hamilton P. Fox, III Hamilton P. Fox, III Disciplinary Counsel

/s/ Dru M. Foster Dru M. Foster Assistant Disciplinary Counsel Clyde C. Crane IV Respondent

Stanley Reed

Respondent's Counsel

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