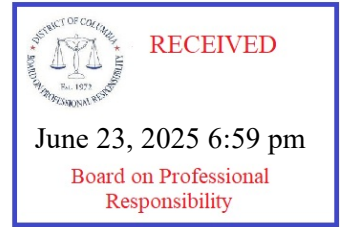


**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**



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**In the Matter of**

**ERICK R. TYRONE,**

**Respondent**

**A Suspended Member of the Bar of the District  
of Columbia Court of Appeals**

**Bar Number: 1031979**

**Date of Admission: 05/13/2016**

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**DDN 2023-D107**

**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 Rule X and Rule XI, § 2(b) of the District of Columbia Court of Appeals Rules Governing the Bar (D.C. Bar R.). Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar R. XI.

1. Pursuant to D.C. Bar R. XI, § 1(a), Disciplinary Counsel has jurisdiction to prosecute because Respondent is a member of the Bar of the District of Columbia Court of Appeals admitted on May 13, 2016, and assigned Bar number 1031979.

2. However, by order of District of Columbia Court of Appeals dated December 1, 2022, Respondent was reciprocally suspended from the practice of law based on misconduct in Maryland for six months. The suspension was to take effect upon his filing an affidavit that fully complies with the requirements of D.C. Bar Rule XI, § 14(g). As of the filing of this Specification of Charges, Respondent had not been reinstated.

3. Respondent also failed to comply with the requirements of D.C. Bar R. XI, § 14, because he failed to file an affidavit demonstrating that he had complied with the Court's suspension order; thus, for purposes of calculating Respondent's reinstatement, his suspension has yet to begin.<sup>1</sup>

4. Respondent is also a member of the Wisconsin Bar.

5. On September 20, 2018, prior to Respondent's suspension, Arnesa Howell retained Respondent's law firm to represent her in a personal injury lawsuit against Adams Restaurant Group, Inc. The suit was filed in the D.C. Superior Court.

6. Once Respondent was suspended in D.C., another attorney at his firm undertook to represent Ms. Howell.

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<sup>1</sup> Respondent's time begins to elapse only when he fully complies with the Court's order and files an affidavit conforming to the requirements of D.C. Bar R. XI, § 14(g). *In re Samad*, 51 A.3d 486-501, (D.C. 2012).

7. Despite his suspension, Respondent participated in most aspects of the representation, including advising on strategy and handling earmarked funds.

8. On or about November 6, 2022, Ms. Howell paid Respondent \$2500 by check #3253 for the opposing expert's upcoming deposition fee. The expert Clifford Hinkes's deposition had not yet been scheduled.

9. Respondent was the sole signatory on PNC business checking account ending in -9704 and titled "Tyrone Law Group LLC."

10. On or about November 14, 2022, Ms. Howell's earmarked check was deposited with Respondent's endorsement into his business checking account. The deposit slip reflected the text: "Howell Deposition Fees." After deposit of Ms. Howell's check, Respondent's business checking account reflected a balance of \$11,408.02.

11. The next day, the balance in Respondent's business checking account fell to \$2,241.99. The opposing expert's deposition fee had not yet been paid.

12. Before the end of November 2022, Respondent's business checking account was overdrawn with a negative balance of \$405.69. The opposing expert's deposition fee still had not yet been paid.

13. The expert's actual advance fee was \$1350, as reflected in an invoice Respondent's law office e-mailed Ms. Howell on December 21, 2022. Respondent

did not refund Ms. Howell the \$1150 difference between her advance payment of \$2500 and the actual fee before or after the deposition was held.

14. Respondent did not pay the defense expert before or after the deposition was held in May 2023. The defendant's insurance company paid Dr. Hinkes.

15. The opposing party prevailed at trial and filed *Defendant's Motion to Enforce Offer of Judgement* seeking an order directing Ms. Howell to refund the defendant's insurance company the expert's deposition fee.

16. Ms. Howell did not understand why she was being pursued in court for a fee she had already paid Respondent to hold in trust and pay.

17. Ms. Howell filed a disciplinary complaint against Respondent in the District of Columbia.

18. Disciplinary Counsel sought from Respondent by written response and subpoena production, *inter alia*, an explanation of the circumstances surrounding payment of Dr. Hinkes's fee.

19. By letter dated January 12, 2024, Respondent conceded that Dr. Hinkes had not been paid from any funds Respondent sent him.

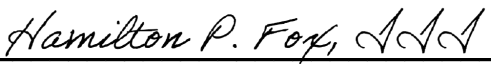
20. As of the filing of this Specification of Charges, Respondent has not paid Dr. Hinkes, refunded the insurance company that did pay him, or provided Ms. Howell a refund.


21. Respondent violated the following District of Columbia Rules of Professional Conduct:

A. Rule 1.15(a), because Respondent engaged in intentional and/or reckless misappropriation, and commingled funds by failing to hold separate from his own money the funds of clients and/or third persons in Respondent's possession in connection with a representation; and

B. Rule 8.4(c), because Respondent engaged in dishonesty by failing to (i) pay the expert the fee he had received from his client, and (ii) refund his client the \$2500 she had advanced for the expert's fee.

Respectfully submitted,

  
\_\_\_\_\_  
Hamilton P. Fox, III  
Disciplinary Counsel

  
\_\_\_\_\_  
Traci M. Tait  
Assistant Disciplinary Counsel

OFFICE OF DISCIPLINARY  
COUNSEL  
515 5<sup>th</sup> Street, N.W.  
Building A, Room 117  
Washington, D.C. 20001  
(202) 638-1501

### **VERIFICATION**

I declare under penalty of perjury that I verily believe the foregoing facts stated in the Specification of Charges are true and correct.



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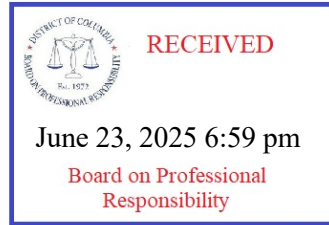
Traci M. Tait  
Assistant Disciplinary Counsel

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March 31, 2025

Date

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



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**In the Matter of**

**ERICK R. TYRONE**

**Respondent**

**Bar Registration No. 1031979**

**Date of Admission: 05/13/2016**

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**: Disciplinary Docket No. 2023-D107**

**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

*Hamilton P. Fox, III*

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