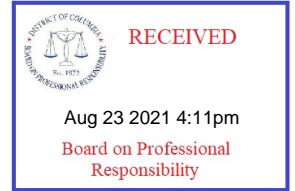


**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**



In the Matter of :

Jehan A. Carter, Esquire :
Respondent, :

Disciplinary Docket Nos. 2018-D215 :
2019-D112 :

A Member of the Bar of the :
District of Columbia Court of Appeals. :
Bar Number:1018067 :
Date of Admission: January 10, 2014 :

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 R. X and XI, § 2(b).

1. Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar R. XI. Pursuant to D.C. Bar R. XI, § 1(a), jurisdiction is found because Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on January 10, 2014, and assigned Bar number 1018067.

2. At all times herein, Respondent was the sole principal of the Carter Law Group, PLLC.

COUNT I – KAREN LAKE

3. In 2015, Karen Lake asked Respondent, her friend and former colleague, to collaborate with her on a business venture that would provide couples therapy using music. Respondent agreed to provide 30 percent of the company's start-up costs and assist with the formation and launch of the business in exchange for a 30 percent share of the business, with Ms. Lake owning the remaining 70 percent.

4. One of the ways that Respondent agreed to assist the business was by providing "pro bono" legal services for one year. Respondent provided Ms. Lake with an "Attorney Retainer Agreement" listing "Karen Lake c/o Music Resolution" as the client and stating, "Attorney will solely represent Client as Legal counsel on all matters involving business and legal affairs."

5. On October 8, 2015, Respondent filed articles of organization with the D.C. government incorporating Music Resolution, LLC. She listed herself as registered agent for the company.

6. In 2016, Music Resolution hired Respondent's sister, Jeria Carter, to provide web design services for the company. On September 3, 2016, Jeria Carter sent invoices to Music Resolution seeking a total of \$1,000 in fees.

7. In November 2017, due to disagreements, Respondent and Ms. Lake agreed to dissolve the partnership. They did not formally dissolve the partnership at

that time.

8. On May 19, 2018, Respondent and Ms. Lake exchanged contentious emails. After the exchange, Ms. Lake was unable to access the Music Resolution website. Ms. Lake called GoDaddy, the hosting service for her website, and learned that someone had deleted her content. GoDaddy was able to restore the website.

9. On May 20, 2018, Ms. Lake emailed Jeria Carter and told her that her website had been hacked and that she had contacted the FBI and local police about the matter.

10. On May 21, 2018, Respondent emailed GoDaddy stating that she had not hacked the account and that she had the right to access the website because the business had not yet been formally dissolved. In response, GoDaddy informed Respondent that it would not take any action based on the dispute unless a lawsuit was filed.

11. Respondent hired an attorney, Anthony Carducci, to represent her in potential legal action against Ms. Lake for defamation and harassment. In a letter dated May 30, 2018, Mr. Carducci demanded, among other things, that Ms. Lake make full payment to Jeria Carter for the web design services she previously provided. Mr. Carducci stated that Ms. Lake's failure to make full payment within 30 days would result in the website being locked.

12. Ms. Lake did not pay Jeria Carter.

13. On June 15, 2018, Respondent emailed GoDaddy asking for access to the website to take down Jeria Carter's design. In response, GoDaddy directed Respondent to its copyright and trademark policies.

14. On June 21, 2018, Respondent filed a trademark claim with the United States Patent and Trademark Office for the "Music Resolution" name.

15. On June 22, 2018, Respondent filed a claim against Ms. Lake with GoDaddy stating that Ms. Lake was infringing upon her "Music Resolution" trademark and improperly using Jeria Carter's website design without paying for it. Respondent attached a copy of the trademark application.

16. On June 25, 2018, based on the trademark claim, GoDaddy temporarily suspended Ms. Lake's website but informed Respondent that the website would be reinstated unless she submitted proof of a court action based on the infringement.

17. In order to resolve the issue and have her website reinstated, Ms. Lake offered to pay Jeria Carter \$700 for the website, which she believed was the appropriate amount based on her 70 percent ownership of Music Resolution at the time the website was created. Jeria Carter demanded \$1,000, and Ms. Lake refused.

18. On July 2, 2018, Respondent filed on behalf of Jeria Carter a lawsuit in the Small Claims and Conciliation Division of the DC Superior Court for \$1000 based on unpaid web design services. On the filing form, Respondent designated herself as attorney for Jeria Carter.

19. The same day, Respondent sent a copy of the complaint to GoDaddy, resulting in the continued suspension of Music Resolution's GoDaddy account.

20. Also on July 2, 2018, Ms. Lake filed a complaint against Respondent with the Office of Disciplinary Counsel. Ms. Lake later supplemented her complaint to include an allegation of conflict of interest based on the filing of the Smalls Claim action. On July 19, 2018, Respondent responded to the complaint.

21. On July 24, 2018, Jeria Carter filed an amended complaint in the Small Claims and Conciliation Division, this time represented by a lawyer other than Respondent. The court eventually ruled in favor of Ms. Lake.

22. In November 2018, Ms. Lake hired an attorney to pursue debts from Respondent unrelated to Music Resolution. As part of the settlement of those claims, Respondent agreed to abandon the Music Resolution trademark.

23. Respondent's conduct violated the following District of Columbia Rules of Professional Conduct:

- a. Rule 1.9 in that, having formerly represented Ms. Lake and Music Resolution with respect to hiring Jeria Carter to perform website services, thereafter represented Jeria Carter in the same matter in which Jeria Carter's interests were materially adverse to the interests of Ms. Lake and Music Resolution.

COUNT II – DOMINIQUE COLLIER

24. In 2016, Respondent began to represent Dominique Collier for the purpose of bringing claims against The Steve Harvey Show, on which Ms. Collier had appeared. While appearing on the show, Ms. Collier signed a release that provided that state or federal courts located in Los Angeles County, California were the exclusive forum for any dispute related to Ms. Collier's appearance.

25. On April 12, 2018, Ms. Collier filed *pro se* a complaint in Los Angeles Superior Court for a variety of claims against the Steve Harvey Show and its producers. The law firm Kelly, Drye & Warren LLP represented the defendants.

26. On August 24, 2018, Candace Bryner, whom Ms. Collier had hired as local counsel, entered her appearance in the case on Ms. Collier's behalf. On the same day, Respondent filed an application to be admitted *pro hac vice* in the case. In the application, verified under penalty of perjury, Respondent stated that she was not a resident of California nor had she regularly practiced in California.

27. On September 7, 2018, Kelly Drye filed motions to strike Ms. Collier's complaint on behalf of the defendants, arguing, among other things, that the lawsuit violated California's anti-SLAPP statute and seeking an award of attorney's fees based on that statute.

28. Kelly Drye attempted to serve the motion to strike on Respondent by mailing it to the Washington, DC address that she provided in her *pro hac vice*

application. When the motion was returned as undeliverable, a Kelly Drye employee emailed Respondent asking for her current address. Respondent responded with her “California address” and asked that future mail be sent there.

29. Upon learning that Respondent had a California address, Cary Finkelstein, a Kelly Drye associate working on the case, investigated Respondent and discovered that she held herself out as a Los Angeles or Hollywood attorney on her website and on social media. He also learned that Respondent’s website included a profile for an attorney named Michael Smith, listed as Of Counsel for Respondent’s firm. The associate investigated Michael Smith and could not find a member of the State Bar of California who matched the profile.

30. On September 14, 2018, the defendants filed an opposition to Respondent’s application for admission *pro hac vice* arguing that she was ineligible for *pro hac vice* status because she had held herself out as a Los Angeles attorney. In an accompanying declaration, the associate set forth the results of his investigation, including his investigation of the Michael Smith profile.

31. Less than two hours after the defendants sent Respondent a copy of the opposition, Respondent altered her website to remove the reference to Michael Smith. Mr. Finkelstein noticed that the website had been altered and investigated the issue further. He learned that the image purporting to show Michael Smith was used on other websites, including several collections of corporate headshots on the

website Pinterest. That same day, the defendants filed a supplement to their opposition adding that information.

32. On September 17, 2018, Ms. Bryner filed a response to the opposition and included a declaration from Respondent. In the declaration, Respondent, under penalty of perjury, provided the following explanation for the Michael Smith reference:

Approximately 9 months ago, I purchased a law firm website template through Word Press. The website included sample bios and photos as content for adapting and building the website. I included language relating to my profile and my paralegal on the website. However, I neglected to delete the sample attorney profile and picture of “Michael Smith” that was included with the template. I was not aware of the error until I received defense counsel’s Response to my Pro Hac Vice Application. When this was brought to my attention, I took immediate action to remove the profile from my website.

33. In fact, neither the language of the Michael Smith profile, nor the photograph were included in a WordPress template.

34. Upon receiving the response, Andreas Becker, another Kelly Drye associate, undertook further investigation of the Michael Smith profile. He learned that the information set forth in Michael Smith’s bio, except for one sentence, was copied verbatim from the website of a California lawyer named Michael Kernan of the Kernan Law Firm. On September 19, 2018, the defendants filed an additional pleading setting forth that information.

35. Unbeknownst to Kelly Drye, Mr. Kernan had previously served as Ms. Collier’s local counsel in the case before being terminated. Respondent had

communicated with Mr. Kernan during that period.

36. On November 5, 2018, Ms. Bryner filed a supplemental response to the opposition to the *pro hac vice* application, including declarations from Respondent and Ms. Collier. Respondent's declaration did not address the fact that the Michael Smith profile had been copied from the Kernan Law Firm website.

37. On November 27, 2018, the court held a hearing on the *pro hac vice* application. During the hearing, the judge voiced concerns about Respondent's credibility and honesty with respect to the biography of Michael Smith on her website. The court denied Respondent's application for admission.

38. Ms. Collier eventually settled the lawsuit against The Steve Harvey Show.

39. On May 3, 2019, Ms. Collier filed a complaint against Respondent with the Office of Disciplinary Counsel.

40. On November 25, 2019, the Office of Disciplinary Counsel sent a letter to Respondent asking for an explanation as to how the "Michael Smith" profile had come to appear on her website.

41. On December 5, 2019, Respondent responded to the inquiry, falsely stating that the website at issue was:

a draft website that was being built to include the bio information of Attorney Kernan who at the time was being listed on my website as counsel in the Collier case. From 2016-2017 my graphic designer who was in charge of the new website passed away suddenly, so the bio page he was updating to include Kernan info was left incomplete. The website template About Us section came with a stock photo from google and sample name and bio of a Michael Smith which of course is not a real person but was provided again as a sample. This bio was in the process of being edited to state Kernan bio info as you read instead and ultimately the photo and name would have been changed as well but remained unfinished. Kernan title would have also been stated at the lead counsel in the Collier case not "Of Counsel" as the sample bio stated for the Michael Smith template.

42. Respondent's conduct violated the following Rules and Standards:¹

- a. California Business and Professions Code § 6106 in that Respondent committed an act involving moral turpitude and dishonesty.

¹ Rule 8.5(b) provides:

Choice of Law. In any exercise of the disciplinary authority of this jurisdiction, the Rules of Professional Conduct to be applied shall be as follows:

- (1) For conduct in connection with a matter pending before a tribunal, the rules to be applied shall be the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise, and
- (2) For any other conduct
 - (i) If the lawyer is licensed to practice only in this jurisdiction, the rules to be applied shall be the rules of this jurisdiction, and
 - (ii) If the lawyer is licensed to practice in this and another jurisdiction, the rules to be applied shall be the rules of the admitting jurisdiction in which the lawyer principally practices; provided, however, that if particular conduct clearly has its predominant effect in another jurisdiction in which the lawyer is licensed to practice, the rules of that jurisdiction shall be applied to that conduct.

- b. District of Columbia Rule of Professional Conduct 5.5(a) in that Respondent practiced law in California, a jurisdiction where doing so violated the regulation of the legal profession in that jurisdiction;
- c. District of Columbia Rule of Professional Conduct 8.1(a) in that Respondent, in connection with a disciplinary matter, knowing made a false statement of fact; and
- d. District of Columbia Rule of Professional Conduct 8.4(c) in that Respondent engaged in conduct involving dishonesty.

Respectfully submitted,

_____/S/_____
Hamilton P. Fox, III
Disciplinary Counsel

_____/S/_____
Hendrik R. deBoer
Assistant Disciplinary Counsel

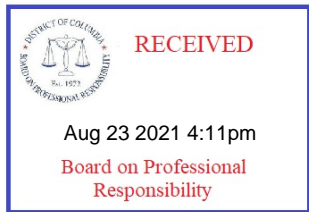
OFFICE OF DISCIPLINARY COUNSEL
515 Fifth Street, N.W.
Building A, Room 117
Washington, D.C. 20001
(202) 638-1501

VERIFICATION

I declare under penalty of perjury under the laws of the United States of America that I verily believe the facts stated in the Specification of Charges to be true and correct.

Executed on this 2nd day of August 2021

_____/S/_____
Hendrik R. deBoer
Assistant Disciplinary Counsel



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

In the Matter of

**Jehan A. Carter, Esquire
Respondent,**

Bar Number: 1018067

Date of Admission: January 10, 2014

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**Disciplinary Docket Nos. 2018-D215
2019-D112**

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.

/S/

Hamilton P. Fox, III
Disciplinary Counsel

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