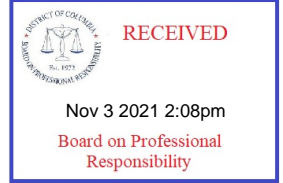


**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**



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**In the Matter of** :  
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**Joseph Owens, Esquire** : **Disciplinary Docket No. 2018-D041**  
 :  
**Respondent** :  
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 :  
**Bar Registration No. 980884** :  
**Date of Admission: May 9, 2008** :  
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**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 Rules X and XI, § 2(b).

Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar Rule XI. Respondent is subject to this disciplinary jurisdiction because:

1. Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted by motion on May 9, 2008, and assigned Bar number 980884.

2. Yuri Joselson is a naturalized United States citizen, originally from Ukraine. Mr. Joselson was a defense contractor who relied upon having security clearance for his employment. From 2004-2008 Mr. Joselson had “Special Compartmentalized Information” level security clearance. From 2008-2014 Mr.

Joselson did not maintain security clearance because he worked on projects for which it was not required. In 2014, Mr. Joselson accepted a new position at a new company that required “Secret” level security clearance. His new company applied for the security clearance on his behalf.

3. In 2015, Mr. Joselson received notice that his security clearance was denied. Mr. Joselson responded and requested a hearing before the Defense Office of Hearings and Appeals (DOHA).

4. On February 25, 2017, Mr. Joselson retained Respondent to represent him before DOHA. The retainer agreement called for an advance flat fee of \$4,000, and stated that if Mr. Joselson terminated the engagement early, Respondent would provide a refund consisting of the “original payment minus an appropriate deduction for work performed,” at the hourly rates of \$250 for Respondent, \$100 for paralegals, and \$30 for clerks and secretaries.

5. Mr. Joselson paid the \$4,000 fee by check dated February 25, 2017.

6. On March 16, 2017, Respondent deposited the funds into his IOLTA at Wells Fargo Bank with an account number ending in #8900.

7. By May 18, 2017, Respondent had withdrawn almost all of Respondent’s funds from the IOLTA. On that day, the ending daily balance in Respondent’s #8900 IOLTA was \$200. Respondent had not earned \$3,800 of Mr. Joselson’s fee before withdrawing the funds and did not have authority from Mr.

Joselson to use the money before earning it.

8. When Mr. Joselson hired Respondent, the DOHA hearing was scheduled for March 7, 2017. It was later continued to September 20, 2017.

9. On August 25, 2017, Mr. Joselson called Respondent and left him a voicemail asking that he postpone the DOHA hearing. Mr. Joselson's mother had broken her leg and was unable to assist his wife in caring for their daughter who has special needs. Because Mr. Joselson was caring for both his mother and special needs daughter, he would not be able to leave home and travel to attend the DOHA hearing in Washington, D.C.

10. On August 26, 2017, Mr. Joselson sent Respondent a follow up email, stating that he had left Respondent a voicemail, and that he needed Respondent to postpone the DOHA hearing.

11. On August 30, 2017, Respondent emailed the administrative judge and opposing counsel from the Department of Defense. Respondent informed them that Mr. Joselson was unavailable due to family issues.

12. On August 31, 2017, the judge replied to Respondent's email, asking Respondent to propose alternate dates for the hearing. The judge also asked whether DoD counsel opposed the request for continuance.

13. On September 1, 2017, Mr. Joselson emailed Respondent asking whether he had heard back from the judge/scheduling office. Respondent said he

had, but that there was no definitive answer yet. Respondent did not explain to Mr. Joselson that the judge had requested alternate dates and Respondent had not yet replied. Respondent did not discuss alternate dates with Mr. Joselson.

14. On or about September 5, 2017, Mr. Joselson received a notice stating that he was required to appear at the DOHA hearing on September 20, 2017. He was concerned because he knew he could not appear on that date and he thought that Respondent had gotten the hearing postponed.

15. Mr. Joselson sent an email to the DOHA administrative judge and opposing counsel. In the email, Mr. Joselson explained that he thought the hearing had been postponed and requested confirmation that it had been postponed.

16. In reply to the email, the judge stated that she had not yet decided whether to postpone the hearing. She said that she had asked Respondent for alternate dates when he and Mr. Joselson were available for the hearing and was still waiting for those alternate dates.

17. Later that day, Respondent replied to the judge's August 31, 2017 email requesting alternate dates. Respondent requested that the hearing be continued to December because he was completely booked in October and had limited availability in November. After some back and forth, the judge rescheduled the hearing for December 12, 2017.

18. Based on this experience, Mr. Joselson grew increasingly concerned

about the level and effectiveness of Respondent's communication with DOHA.

19. On September 13, 2017, Mr. Joselson asked Respondent to provide him with copies of all emails Respondent had sent to and received from DOHA regarding Mr. Joselson's case. Mr. Joselson also asked to be copied on future correspondence or that Respondent forward to him all future correspondence with DOHA regarding his case.

20. Three days later, having received no answer from Respondent, Mr. Joselson sent a follow-up email requesting a response.

21. Respondent replied that he would not copy Mr. Joselson on his communications with opposing counsel and/or the court. Respondent said that he would keep Mr. Joselson "informed of the information [he] need[ed]."

22. On October 4, 2017, Mr. Joselson expressed his concerns about the representation to Respondent. Mr. Joselson did not feel sufficiently prepared for the DOHA hearing and thought Respondent had not worked on his case. He explained that the representation could not continue. Mr. Joselson asked for a full refund, but Respondent refused to refund any of the \$4,000 advance fee Mr. Joselson had paid.

23. On October 5, 2017, Mr. Joselson officially terminated the representation in writing via email. He requested that Respondent refund any unearned fees and provide an accounting of the work he had done for any amount he intended to keep.

24. Throughout the representation, Respondent had not kept records of the time he spent working on the case.

25. Respondent did not provide any accounting to Mr. Joselson.

26. During a telephone conversation on October 5, 2017, Respondent offered to refund \$1,000 but Mr. Joselson demanded a full \$4,000 refund.

27. In October 2017, Mr. Joselson hired a new attorney, Alan Edmunds, Esquire. Despite requests for the client file, Respondent did not turn it over.

28. On December 12, 2017, Mr. Edmunds represented Mr. Joselson at the DOHA hearing. That same day, DOHA approved Mr. Joselson's security clearance.

29. On or about January 19, 2018, Respondent sent \$2,000 (two \$1,000 cashier's checks) to Mr. Joselson.

30. Mr. Joselson filed complaints with the Office of Disciplinary Counsel and the Maryland Attorney Grievance Commission.

31. Mr. Joselson also filed a request for arbitration with the Arbitration Panel of the Committee on the Resolution of Fee Disputes of the Maryland State Bar Association, asking for a refund of the remaining \$2,000 Respondent had kept. Lucas F. Webster, Esquire, was appointed to represent Mr. Joselson in the fee dispute arbitration.

32. The arbitration took place on November 8, 2018. Respondent received notice of the arbitration but declined to participate. The arbitrator found that

Respondent had completed at best 1-2 hours of work. She concluded that Respondent had earned \$250 and ordered Respondent to refund the remaining \$1,750 to Mr. Joselson.

33. By letter dated November 26, 2018, Mr. Joselson, through his attorney Mr. Webster, demanded that Respondent pay the arbitration award. Respondent did not pay the award.

34. On January 14, 2019, Mr. Joselson sued Respondent for the arbitration award payment in the District Court of Maryland for Howard County.

35. On March 7, 2019, after various unsuccessful attempts to serve Respondent, Mr. Webster moved for permission to serve Respondent by an alternative method. Mr. Webster argued that they had satisfied the requirements of Maryland Rule 3-121(b) for evasion of service. The court granted the motion.

36. On May 1, 2019, Respondent filed a Notice of Intention to Defend and Demand for Strict Proof.

37. On May 18, 2019, Respondent filed a Motion to Continue and Motion to Appoint Counsel. In the motion, Respondent stated: "Joselson has filed several complaints against Owens; all have been resolved in Owens's favor." At the time Respondent made that statement to the Maryland court, the D.C. Office of Disciplinary Counsel had not resolved Mr. Joselson's complaint in Respondent's favor.

38. On July 14, 2019, Respondent filed a counterclaim alleging that he performed 17 hours of work on the case and that Mr. Joselson should be required to pay him the \$2,000 he previously refunded.

39. The trial was held on July 15, 2019.

40. During the trial, Respondent reiterated his false statement that the complaints Mr. Joselson had filed had been resolved in his favor. Mr. Joselson objected and informed the judge that the D.C. investigation was still ongoing.

41. The Maryland District Court entered judgment in favor of Mr. Joselson in the amount of \$1,750.

42. On July 17, 2019, Respondent filed a notice of *de novo* appeal.

43. The Circuit Court of Maryland for Howard County set a trial date of August 19, 2019.

44. On August 8, 2019, Respondent filed a motion to disqualify Mr. Webster. In that motion, Respondent once again falsely stated that the complaints Mr. Joselson had filed against him in other venues had all been resolved in Respondent's favor. At that time, the D.C. Office of Disciplinary Counsel was investigating this case and had not resolved it in Respondent's favor.

45. The case was continued, and the *de novo* trial was ultimately held on December 3, 2019. The judge found in favor of Mr. Joselson because Respondent did not keep records and could not present any documentary evidence to account for



hours worked on Mr. Joselson's case.

46. On December 5, 2019, the Circuit Court entered judgment in favor of Mr. Joselson in the amount of \$1,750.

47. On December 11, 2019, Mr. Joselson sent Respondent an email requesting payment of the \$1,750 judgment. Respondent did not pay the judgment.

48. On January 2, 2020, Mr. Webster sent Respondent a judgment demand letter.

49. On January 6, 2020, Mr. Webster filed a Request for Writ of Garnishment in the Howard County Circuit Court.

50. On January 6, 2020, Respondent's law partner, Margeret Kurz, Esquire, issued a \$1,750 check to Mr. Joselson to satisfy the judgment.

51. When Disciplinary Counsel subpoenaed Respondent's client file he was unable to provide the requested documents.

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

- a. Rule 1.4(a), in that Respondent failed to keep his client reasonably informed about the status of the case and did not promptly comply with reasonable requests for information;
- b. Rule 1.15(a), in that Respondent failed to keep records of client funds;
- c. Rule 1.15(a), in that Respondent negligently, recklessly, or



**VERIFICATION**

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

\_\_\_\_\_  
/s/  
Jelani C. Lowery  
Assistant Disciplinary Counsel

I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
/s/  
Jelani C. Lowery  
Assistant Disciplinary Counsel

Executed on June 18, 2020.



**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

/s/

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