

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

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In the Matter of	:	
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Monique Daniel Pressley, Esquire	:	
	:	
Respondent,	:	Disciplinary Docket No. 2018-D017
	:	
A Member of the Bar of the	:	
District of Columbia Court of Appeals.	:	
Bar Number: 464432	:	
Date of Admission: September 13, 1999	:	
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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 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 September 13, 1999, and assigned Bar number 464432.

2. Respondent was the sole signatory for a business account held in the name of The Pressley Firm PLLC entitled "Attorney Trust" at SunTrust Bank (-2791).

3. David Landers was stationed at the Naval Air Station Joint Reserve Base in Belle Chase, Louisiana as a member of the United States Navy. On August 23, 2015, David died under suspicious circumstances.

4. On March 30, 2017, Randal and Tara Landers, David's parents, hired Respondent to

represent them in connection with their son's death. The written retainer agreement set forth a "discounted" rate of \$625 per hour. The agreement stated that Respondent would provide monthly invoices to the Landers, setting forth the hours spent that month and an itemized description of the services rendered.

5. Prior to signing the retainer agreement, Mr. Landers expressed concern that the agreement was vague with respect to the services being provided by Respondent. To allay his concerns, Respondent included an appendix to the retainer agreement, wherein she set forth specific tasks that she agreed to perform for the Landers. Respondent agreed to assist the Landers in acquiring records from the Department of the Navy and county sheriff's office in Louisiana, requesting network information from AT&T related to David's death, conducting a ballistics test, confirming that the coroner's office complied with the Landers' wishes, and determining if legal action against the county sheriff's office was viable.

6. The same day, the Landers wired \$15,000 to Respondent's Attorney Trust account as an initial retainer to be billed against. At the time the funds were deposited, the account had a negative balance of -\$413.01. The wire transfer brought the balance of the account to \$14,588.01.

7. After the funds were deposited, Respondent transferred \$1,800 out of the Attorney Trust account and withdrew \$500 in cash from the ATM. Respondent did not record any notation identifying the purpose of the transfer.

8. On April 1, 2017, Respondent transferred an additional \$2,000 out of the Attorney Trust account. Respondent did not record any notation identifying the purpose of the transfer.

9. On April 3, 2017, Respondent transferred \$8,500 out of her Attorney Trust account. Respondent did not record any notation identifying the purpose of the transfer.

10. On April 6, 2017, Respondent transferred \$1,300 out of her Attorney Trust account. Respondent did not record any notation identifying the purpose of the transfer.

11. On April 8, 2017, Respondent withdrew \$200 from her Attorney Trust account in cash from the ATM.

12. On April 12, 2017, Respondent withdrew \$800 from her Attorney Trust account in cash from the ATM. After this transaction, the account had a negative balance of -\$549.99. Other than two interest payments of less than a dollar, no other deposits were made into the account between March 30, 2017 and April 12, 2017.

13. By April 12, 2017, Respondent had not performed sufficient work to earn the entirety of the Landers' \$15,000 retainer fee.

14. Respondent did not send the Landers an invoice for any hours spent on their case in the month of April.

15. On May 1, 2017, Respondent emailed Mr. Landers to introduce him to Leticia Kimble, another attorney who was working on the case, and informed him that she and Ms. Kimble had undertaken an initial review of the case.

16. On May 22, 2017, Respondent and Ms. Kimble spoke with the Landers on a conference call. Based on the call, the Landers grew concerned because they felt neither attorney was sufficiently familiar with the case.

17. Respondent did not send the Landers an invoice for any hours spent on their case in the month of May.

18. On June 18, 2017, Respondent provided Mr. Landers with a strategic plan she and Ms. Kimble had for the Landers' case. The plan included an estimate that the firm would spend 25

hours on the case by the end of June and that the amount of time spent would double in July.

19. On June 26, 2017, Respondent texted Mr. Landers, telling him that he would be receiving an invoice by email shortly and asking for an estimate of his budget for the case. The next day, Mr. Landers responded by email expressing concern that the retainer fee had already been consumed despite none of the specific services listed in the appendix to the retainer agreement having been completed. Respondent replied that the retainer fee had not been consumed and that she believed that the first invoice had included less than 10 hours of work. She also told Mr. Landers that she was trying to keep costs down by having Ms. Kimble, who billed at a rate of \$525 per hour, do as much as possible. She reiterated that the attorneys had worked 25 hours on the case by the end of June.

20. On July 8, 2017, Mr. Landers had not yet received any invoice and emailed Respondent asking her to send it. He also asked for an explanation of the services Respondent had provided so far in July and an estimate of the cost for the services listed in the appendix to the retainer agreement. In response, Respondent stated that Mr. Landers should have already received invoices from May and June. She did not otherwise respond to Mr. Landers' questions.

21. On July 11, 2017, Mr. Landers sent an email terminating Respondent and asking for a refund of most of the retainer fee. In response, Respondent stated that she would finalize the Landers' account and "reply in due course." When Mr. Landers terminated her, Respondent had not completed any of the services agreed upon in the appendix to the retainer agreement.

22. On July 18, 2017, Heather Tenney, Mr. Landers' new counsel, sent an email to Respondent requesting Mr. Landers' file, an invoice, and a refund of any unearned portion of the retainer fee.

23. From July 2017 to November 2017, Ms. Tenney sent several emails and letters and spoke to Respondent on the phone unsuccessfully attempting to obtain Mr. Lander's file and an invoice and refund.

24. On October 30, 2017, Mr. Landers sent a letter to Respondent saying that he still had not received any invoice or refund and requesting a full refund of the \$15,000 retainer fee.

25. Having received no response, on November 6, 2017, Mr. Landers sent another letter reiterating his request for a full refund.

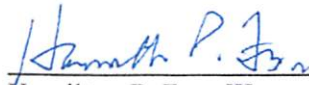
26. Mr. Landers never received his file, an invoice or a refund from Respondent.

27. Mr. Landers paid Ms. Tenney's firm over \$2,000 in connection with obtaining his file and a refund from Respondent.

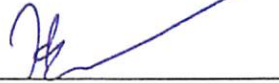
28. Respondent's conduct violated the following District of Columbia Rules of Professional Conduct:

- a. Rule 1.15(a) by intentionally or recklessly misappropriating the Landers' funds;
- b. Rule 1.15(c) by failing, upon request, to render a full accounting regarding advanced fees paid by the Landers;
- c. Rule 1.15(e) by failing to treat advanced fees paid by the Landers as client property until earned; and
- d. Rule 1.16(d) by failing to surrender papers to which the Landers were entitled and to refund unearned advanced fees after being terminated.

Respectfully submitted,



Hamilton P. Fox, III
Disciplinary Counsel

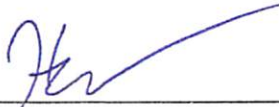


Hendrik R. deBoer
Assistant Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL
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(202) 638-1501

VERIFICATION

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



Hendrik R. deBoer
Assistant Disciplinary Counsel

Subscribed and affirmed before me in the District of Columbia this 2nd day of October, 2018.

My Commission Expires:

10/31/2020

Date



Notary Public



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

In the Matter of

MONIQUE D. PRESSLEY, ESQUIRE

Respondent

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Disciplinary Docket No. 2018-D017

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

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