

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



In the Matter of :
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 :
WILLIAM S. STANCIL, ESQUIRE :
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Respondent, :
 :
 :
A Member of the Bar of the :
District of Columbia Court of Appeals. :
Bar Number: 370895 :
Date of Admission: June 20, 1983 :
 :

**Disciplinary Docket Nos.
2022-D073, 2022-D142**

SPECIFICATION OF CHARGES

The disciplinary proceeding instituted by this petition is 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). 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:

1. Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on June 20, 1983, and assigned Bar number 370895. Respondent is also an inactive member of the Virginia State Bar.

The facts giving rise to the charges of misconduct are as follows:

2. At all relevant times herein, Respondent was a solo practitioner who maintained his law office in the District of Columbia.

Count I
Disciplinary Docket No. 2022-D073

3. On December 22, 2016, Judge Iscoe entered a Judgment of Absolute Divorce, Alimony, Permanent Custody and Child Support in *Latoya Smith v. Rodney Gaylor*, D.C. Superior Court Case Nos. 2015 DRB 004118 and 2015 DRB 004029.

4. As part of the divorce judgment, the court awarded the parties joint physical custody of their two minor children, and it specified a custody-sharing schedule. Mr. Gaylor was awarded custody “on Wednesday afternoons after school until Friday morning at the beginning of school, and the second and fourth weekends.”

5. The court also awarded Mr. Gaylor “two weeks of additional visitation” during the minor children’s summer recess from school. Mr. Gaylor was required to “provide Ms. Smith with the dates of these weeks by May 1st of each year” to exercise his additional visitation.

6. On February 8, 2017, Judge Iscoe issued a two-page Order clarifying that Mr. Gaylor’s weekly custodial schedule applied “both when the children are in school, and during their summer vacation,” and it specified when and where pick-up and drop-off would occur “[d]uring summer vacation, holidays or days when the children are not in school[.]” This Order did not change the physical custody

schedule, instead stating that “[t]he December 22, 2016 Order remains in full force and effect.”

7. Ms. Smith did not understand that the clarifying order supplemented, rather than supplanted, the custody schedule outlined in the divorce judgment. Instead, she believed that the clarifying order was the sole order governing custody, and as a result, she believed that Mr. Gaylor no longer had a right to two additional weeks of summer visitation. This led to various disagreements between Ms. Smith and Mr. Gaylor.

8. Prior to May 1, 2021, Mr. Gaylor notified Ms. Smith that he would exercise his two additional weeks of summer vacation from Sunday, August 15, 2021, through Sunday, August 29, 2021. The start of this additional visitation coincided with the end of Mr. Gaylor’s regular custodial time, which ran from Wednesday, August 11 through Sunday, August 15 (that weekend being the second weekend of the month).

9. Ms. Smith disagreed with Mr. Gaylor’s proposed visitation schedule. She had planned a trip with the children during the two weeks that Mr. Gaylor had chosen, and she believed Judge Iscoe’s clarifying order had removed his right to the two-week visitation period. Ms. Smith attempted to mediate the disagreement

through the court's Multi-Door Dispute Resolution Division. However, mediation was unsuccessful.

10. Ms. Smith then contacted Respondent for assistance in filing an emergency motion with the court. Respondent did not advise Ms. Smith that her understanding of the custody orders was incorrect, and he did not advise her that she did not meet the court's standard for an emergency filing. Instead, Respondent simply did as Ms. Smith instructed him.

11. On July 29, 2021, Respondent filed an Emergency Motion requesting that the court "clarify[] summer custody between the parties once and for all" In pertinent part, the Emergency Motion alleged:

- a. "Since the court issued its order of February 8, 2017, [Mr. Gaylor] has interpreted said order as giving him two weeks of custody in the summer with the parties' minor children,"
- b. "[Mr. Gaylor] further believes he can randomly select any two weeks in the summer he wants for custody without consulting [Ms. Smith]....,"
and
- c. "This year [Mr. Gaylor] has chosen August 15-29, 2021 as his two weeks."

12. After Respondent filed his Emergency Motion, the case was reassigned to Judge McLean.

13. On August 2, 2021, Judge McLean entered an Order holding the Emergency Motion in abeyance pending service and the scheduling of a hearing. Judge McLean noted that the allegations in the Emergency Motion did not meet the court's standard for a same-day, emergency hearing, and that custody "is currently governed" by the 2016 divorce judgment.

14. Later, on August 2, 2021, Respondent filed a Motion for Reconsideration, in which he argued, *inter alia*, that "[t]he Court has misinterpreted the existing custody order. [Mr. Gaylor] does not currently have two weeks visitation with the minor children in the summer." Respondent attached Judge Iscoe's clarifying order.

15. On Tuesday, August 10, 2021, Judge McLean entered an Order denying the Motion for Reconsideration and setting a status hearing for December 16, 2021. Judge McLean also specified that "[f]or purposes of this summer, Mr. Gaylor shall have the two additional weeks of visitation" as set forth in the 2016 divorce judgment.

16. Respondent then advised Ms. Smith that he would file a second motion for reconsideration, and that while the motion was pending, she did not have to allow

Mr. Gaylor to pick up the children. He further instructed her that she should not be home on the day that Mr. Gaylor came to pick up the children.

17. On Wednesday, August 11, 2021, Ms. Smith's did not allow Mr. Gaylor to pick up the children in accordance with Respondent's advice.

18. On Thursday, August 12, 2021, Respondent filed a Second Motion for Reconsideration. This time, Respondent argued that "[t]he Order of the Court dated February 8, 2017 by Judge Craig Iscoe is the current and governing order between the parties in the instant case." Respondent also argued that Judge Iscoe intended for neither party to have additional summer visitation. Respondent asked the court to "rescind it [*sic*] grant of two additional weeks of visitation to [Mr. Gaylor] for this summer"

19. Judge McLean did not immediately rule on the Second Motion for Reconsideration.

20. Ms. Smith did not allow Mr. Gaylor to exercise custody from Wednesday, August 11 through Sunday, August 29, 2021.

21. On November 19, 2021, Mr. Gaylor filed a Motion for Contempt.

22. On November 29, 2021, Respondent filed an Opposition on behalf of Ms. Smith. Although he signed the Opposition, Ms. Smith wrote it. Respondent had instructed Ms. Smith to write notes in response to the Motion for Contempt,

which she did in the first-person. Respondent did not edit Ms. Smith's notes for organization or grammar, and he copied her notes verbatim without conducting any independent factual or legal research. The opposition failed to address any valid defense to the Motion for Contempt, and it included irrelevant information such as Ms. Smith's thought process for prior positions she took in mediation, comments to Respondent about the case's history, her general impressions of the case, and her rationale for prior potential violations of the custody schedule. Ms. Smith believed that Respondent would use her notes to craft an opposition. She did not know that he would simply file what she wrote, and she did not consent to that course of action. Ms. Smith was embarrassed that her notes became part of the public record in her family court case. Respondent did not charge Ms. Smith for the Opposition.

23. The Opposition stated that Ms. Smith "followed the advice of counsel not to allow my children to go with Mr. Gaylor because [the Second Motion for Reconsideration] was now pending in court," and because she believed Mr. Gaylor would proceed to exercise his two weeks of additional visitation. The Opposition also stated that Ms. Smith "was not at home – under the advice of my Counsel" when Mr. Gaylor attempted to pick up the children from her.

24. On December 16, 2021, the court held a status hearing at which Judge McLean addressed the Second Motion for Reconsideration and Motion for

Contempt. Respondent explained that he and Ms. Smith believed that Judge Iscoe's clarifying order entirely replaced the custody provisions in the 2016 divorce judgment. When Judge McLean asked why he believed that in light of her August 10, 2021 Order (explicitly stating that Mr. Gaylor would have the two-week visitation period), Respondent argued that Judge Iscoe's Order was controlling, and that Judge McLean had not considered that Order. Respondent also stated that he advised Ms. Smith to follow only Judge Iscoe's Order as he understood it. Ms. Smith testified that she acted on the advice of counsel when she refused to allow Mr. Gaylor to pick up the children and exercise his two weeks.

25. On April 1, 2022, Judge McLean held Ms. Smith in civil contempt for refusing Mr. Gaylor his additional two weeks of summer vacation, and ordered her to pay \$2,000 in attorney's fees. Judge McLean found that Respondent's advice to Ms. Smith "was directly contrary to an order that no one argues was unclear[.]"

26. Ms. Smith paid the \$2,000 attorney's fees award directly to Mr. Gaylor on July 1, 2022.

27. Respondent's conduct in Count I violated the following Rules of the District of Columbia Rules of Professional Conduct:

- a. Rule 1.1(a), in that he failed to provide competent representation to his client;

- b. Rule 1.1(b), in that he failed to serve his client with the skill and care commensurate with that generally afforded to clients by other lawyers in similar matters;
- c. Rule 1.6(a), in that he knowingly revealed his client's confidence or secret;
- d. Rule 3.1, in that he brought or defended a proceeding, as well as asserted or controverted an issue therein, without a basis in law and fact for doing so that was not frivolous and for which there was no good-faith argument for an extension, modification, or reversal of existing law; *and*
- e. Rule 8.4(d), in that he engaged in conduct that seriously interfered with the administration of justice.

Count II
Disciplinary Docket No. 2022-D142

28. On August 18, 2020, Respondent filed a Complaint for Wrongful Eviction on behalf of his client, Barbara Pittman, against her sister, Jacqueline Williamson. *Pittman v. Williamson*, D.C. Superior Court Case No. 2020 CA 003674 B. Respondent sought \$500,000 in damages on behalf of Ms. Pittman. Respondent signed the Complaint, but he did not have Ms. Pittman sign a verification.

29. The Complaint alleged that Ms. Pittman had been evicted from a house at 140 Wilmington Place SE, Washington, D.C., on July 5, 2017, that Ms. Williamson “conducted a self-help eviction without going through the D.C. Landlord-Tenant Court,” and that Ms. Williamson “and person(s) acting at her direction, put Plaintiff’s personal property on the curb ... and made noefforts [*sic*] to protect it from weather or theft.”

30. In fact, Ms. Pittman had been lawfully evicted from the property at 140 Wilmington Place SE following a jury trial in the Landlord-Tenant Branch of D.C. Superior Court, Case No. 2016 LTB 001395. That case had been appealed to the D.C. Court of Appeals, which affirmed the trial court following full briefing and an oral argument.

31. Respondent drafted the Complaint based on information provided to him by Ms. Pittman and Bernard Gray. Ms. Pittman told Respondent that there was a prior eviction case, but that she believed it was unlawful. Mr. Gray is an attorney who represented Ms. Pittman in case number 2016 LTB 001395. Respondent admits that Mr. Gray told him that the United States Marshal Service was involved in Ms. Pittman’s eviction.

32. The U.S. Marshal Service is responsible for executing evictions (*i.e.*, writs of restitution) issued by D.C. Superior Court judges.

33. Despite knowing that there was a prior landlord-tenant case and that the U.S. Marshal Service was involved in Ms. Pittman's eviction, Respondent did not independently investigate or objectively evaluate the wrongful eviction claim prior to filing the complaint.

34. On October 30, 2020, Dorene Haney, Esq., entered a limited appearance in the wrongful eviction case on behalf of Ms. Williamson. She asked Respondent to dismiss the case voluntarily because Ms. Pittman had been lawfully evicted. Ms. Haney provided Respondent with the court docket and writ of restitution issued in case number 2016 LTB 001395.

35. Respondent reviewed the information provided by Ms. Haney and discussed it with Ms. Pittman. He advised Ms. Pittman that the eviction appeared lawful, but Ms. Pittman continued to believe that it was not. Respondent took no further action.

36. On November 5, 2020, Ms. Haney filed a Motion to Dismiss pursuant to Sup. Ct. Civ. R. 12(b)(6). Respondent did not file an opposition.

37. On November 17, 2020, Respondent filed a Motion to Amend Complaint Caption, seeking to change the case caption from "Wrongful Eviction" to "Destruction of Property." Despite knowing that his client had been lawfully evicted, Respondent did not seek to remove the inaccurate allegation that Ms.

Williamson performed a self-help eviction. He also did not seek to join any additional party, or add or remove any other allegations from the body of the Complaint, simply averring that it “can stay as it is.” Respondent performed no independent investigation or objective analysis of the destruction of personal property claim, again basing it solely on what his client and Mr. Gray had previously told him.

38. On December 1, 2020, Ms. Haney filed an Opposition to the Motion to Amend, arguing that the Complaint as amended would still fail to state a claim. The Opposition pointed out that Ms. Pittman’s personal property was removed from the home under the supervision of the U.S. Marshal Service pursuant to a lawful eviction, not by Ms. Williamson or others acting at her direction.

39. On January 25, 2021, the court granted the Motion to Dismiss in part, treating it as a motion for summary judgment and entering judgment in favor of Ms. Williamson regarding the wrongful eviction claim. The court denied Respondent’s Motion to Amend and dismissed the destruction of personal property claim.

40. On February 9, 2021, Ms. Haney filed a Motion for Award of Attorney’s Fees, and Respondent filed an Opposition on March 1. In his Opposition, Respondent argued that Ms. Pittman “honestly believed that her eviction was a self-

help eviction notwithstanding court documents to the contrary,” and that the Complaint “was a good faith effort to get some closure and move on with her life.”

41. On May 26, 2021, the court ordered Respondent and his client to pay \$1,720 in attorney’s fees to Ms. Williamson. The court found that the Complaint “was initiated in bad faith, as the claim of wrongful eviction was entirely without merit.” The court further found that “the manner in which [Respondent] litigated this matter was in bad faith” because he “could not have in good faith believed that the instant lawsuit had any merit, particularly after [he] was informed of the prior eviction action.” The court stated that it would enter a money judgment in favor of Ms. Williamson if the attorney’s fees were not paid by September 13, 2021.

42. Neither Respondent nor his client paid the attorney’s fees by September 13, 2021.

43. On April 20, 2022, Ms. Haney filed a Motion for Entry of Money Judgment, informing the court that “[n]o payments of any kind were made in the past year.”

44. On June 16, 2022, the court entered judgment against Respondent and his client, jointly and severally, in the amount of \$1,720 with interest at the statutory rate per annum.

45. On July 26, 2022, Ms. Williamson filed a complaint with Disciplinary Counsel alleging, *inter alia*, that “to date neither [Respondent nor his client has] rendered payment to satisfy” the money judgment.

46. On August 15, 2022, Disciplinary Counsel forwarded Ms. Williamson’s complaint to Respondent for his response.

47. Two days later, on August 17, 2022, Respondent wrote to Disciplinary Counsel that, upon receipt of the disciplinary complaint, he “telephoned Barbara Pittman to find out if she sent the amount awarded” but that he was unable to reach her. He asked that Disciplinary Counsel “hold this matter in abeyance” until he was able to reach his client.

48. On August 29, 2022, Respondent emailed Disciplinary Counsel a copy of a cashier’s check and postal receipt showing that Ms. Pittman had mailed a payment of \$1,720 to Ms. Williamson’s attorney three days prior.

49. Respondent’s conduct in Count II violated the following Rules of the District of Columbia Rules of Professional Conduct:

- a. Rule 1.1(a), in that he failed to provide competent representation to his client;

- b. Rule 1.1(b), in that he failed to serve his client with the skill and care commensurate with that generally afforded to clients by other lawyers in similar matters;
- c. Rule 3.1, in that he brought a proceeding, as well as asserted or controverted an issue therein, without a basis in law and fact for doing so that was not frivolous and for which there was no good-faith argument for an extension, modification, or reversal of existing law;
and
- d. Rule 8.4(d), in that he engaged in conduct that seriously interfered with the administration of justice.

Respectfully submitted,

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

/s/ Jason R. Horrell
Jason R. Horrell
Assistant Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL
515 5th 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 that the facts stated in the Specification of Charges to be true and correct.

Executed on this 21st day of December, 2022.

/s/ Jason R. Horrell _____
Jason R. Horrell
Assistant Disciplinary Counsel

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



In the Matter of

WILLIAM S. STANCIL, ESQUIRE

Respondent

Bar Registration No. 370895

Date of Admission: June 20, 1983

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: **Disciplinary Docket Nos. 2022-D073**
: **& 2022-D142**
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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

/s/ Hamilton P. Fox, III

Hamilton P. Fox, III

Disciplinary Counsel

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