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July 1, 2014

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CONFIDENTIAL

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1750 K Street, N.W., Suite 2 East
Washington, D.C. 20006

In re Harold Brazil, Esquire
D.C. Bar No. 190124
Bar Docket No. 2013-D123

Dear Mr. Brazil:

This office has completed its investigation of the above-referenced matter. We find that your conduct reflected a disregard of certain ethical standards under the District of Columbia Rules of Professional Conduct (the "Rules"). We are therefore, issuing you this Informal Admonition pursuant to Rule XI, §§ 3, 6, and 8 of the District of Columbia Court of Appeals Rules Governing the Bar.

We docketed this matter for investigation on March 18, 2013, based on a complaint filed against you by your opposing counsel (R.M.) in a personal injury matter with regard to your representation of your clients. We find as follows:

R.M. states that on February 26, 2013, he received a telephone call from your client (C.T.H.), Parent and Next Friend of a minor child, who informed him that she had not received settlement funds that were due to her minor child in a personal injury settlement despite the fact that R.M. sent you a settlement check, almost one year earlier, in March 2012. R.M. states that the underlying personal injury matter was settled at a pretrial hearing in October 2011.

You state that you delayed disbursing the settlement funds to C.T.H. because you represented several other clients who were injured as a result of the same collision between two buses and you wanted to disburse all the funds for the several, unrelated clients at the same time. You state that R.M. failed to send the settlement check for another client, C.S. You state that C.T.H.'s check remained in your possession "un-cashed."

R.M. states that he waited for you to provide a certification that, the other client, C.S., had not received any Medicare/Medicaid benefits, as required by the settlement. You failed to do so until R.M. filed this complaint. You have since had the insurance company re-issue the settlement checks and the clients have received their disbursements.

Based upon our investigation of this matter, we conclude that you violated Rules 1.3(a), 1.3(c), 1.15(a), and 1.15(c).

Rule 1.15(a) requires an attorney to safeguard property of clients and Rule 1.15(c) requires that attorney promptly deliver client property to the client. Comment [1] to Rule 1.15 states that property of clients should be kept in a trust account. When you received the check from the insurance company, you had an obligation to deposit it into your trust account and promptly deliver to C.T.H. the funds her minor child was entitled to. You held the check in your possession, but not in a trust account, for over a year until it went stale. Although you state that you were waiting for opposing counsel to send settlement funds for another client who was also involved in the motor vehicle accident, you had an obligation as a fiduciary to properly safe-keep the property you had already received in connection with C.T.H.'s representation. Your conduct in this matter constituted conduct that violated Rules 1.15(a) and 1.15(c).

Rules 1.3(a) and 1.3(c) state, respectively: "[a] lawyer shall represent a client zealously and diligently within the bounds of the law" and "shall act with reasonable promptness in representing a client." You also violated these Rules based upon the discussion above.

In deciding to issue this Informal Admonition rather than institute formal disciplinary charges against you, we have taken into consideration that there was no misappropriation of entrusted funds, you cooperated with our investigation, you have accepted responsibility for your actions and agree to accept this Informal Admonition, and you have no prior discipline although you have been practicing in this jurisdiction since 1976.

If you change your mind about accepting this Informal Admonition and would like to have a formal hearing, you must submit a written request for a hearing within 14 days of the date of this letter to the Office of Bar Counsel, with a copy to the Board on Professional Responsibility, unless Bar Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated and Bar Counsel will institute formal charges pursuant to D.C. Bar R. XI, §§ 8 (b) and (c). The case will then be assigned to a Hearing Committee and a hearing will be scheduled by the Executive Attorney for the Board on Professional Responsibility pursuant to D.C. Bar R. XI, § 8 (c). Such a hearing could result in a recommendation to dismiss the charges against you or a recommendation for a finding of

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culpability, in which case the sanction recommended by the Hearing Committee is not limited to an Informal Admonition.

Sincerely,

Wallace E. Shipp, Jr.
Bar Counsel

Enclosure: Attachment letter to Informal Admonition

cc: R.M. (w/o enclosure)

WES/DD/cs