



OFFICE OF BAR COUNSEL

June 17, 2010

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Douglas B. Evans, Sr. Esquire
817 L Street, S.E.
Washington, D.C. 20003

via certified and regular mail

Re: **Evans/Vorachack**
Bar Docket No. 2010-D093

Dear Mr. Evans:

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 (D.C. Bar R.)

We docketed this matter for investigation on March 8, 2010, based upon a disciplinary complaint filed by your former client ("B.V."). B.V. alleges that in 2008 you orally agreed to assist her with obtaining an expungement of an arrest record. B.V. says that she paid you \$700 for the case but that you took no action and failed to communicate with her about the status of her case despite her requests. She also says that you failed to refund her retainer.

You state that you could find no evidence of an arrest record to expunge. You admit that you failed to effectively communicate with B.V. or provide her with a retainer agreement or other writing.

We find as follows: You failed to communicate with B.V. You failed to maintain a client file for B.V., and you failed to provide a retainer agreement or other writing in compliance with Rule 1.5(b). You refunded the entire retainer paid by B.V., after you were notified of this investigation.

We conclude that you violated Rules 1.4(a) and 1.5(b).

Rule 1.4(a) states that a lawyer shall keep a client reasonably informed and shall promptly respond to reasonable requests for information. We find that

you violated Rule 1.4(a) by failing to advise B.V. of your unsuccessful efforts to locate an arrest record in her case and to promptly respond to her reasonable requests for information.

Rule 1.5(b) states, “when the lawyer has not regularly represented the client, the basis or rate of the fee, the scope of the lawyer’s representation, and the expenses for which the client will be responsible shall be communicated to the client in writing. . . .” We find that you violated Rule 1.5(b) by failing to provide B.V. with a retainer agreement or other writing detailing the scope of your representation or the basis or rate of your fee.

In issuing this Informal Admonition, we have taken into consideration that although you have two prior Informal Admonitions issued on May 2, 2001 and November 30, 2001, (involving your representation of one client), you have cooperated with this office and made a full refund to B.V. We have also considered that there was no prejudice to your client. Additionally, you agree that this Informal Admonition is contingent upon your participation and completion of the District of Columbia Bar’s Basic Training Seminar offered by the Practice Management Advisory Service within six months of the date of this letter. You agree to notify this office within one month of taking the course and provide proof of such attendance.

This letter constitutes an Informal Admonition pursuant to D.C. Bar R. XI, §§ 3, 6, and 8 and is public when issued. Please refer to the attachment to this letter of Informal Admonition for a statement of its effect and your right to have it vacated and have a formal hearing before a Hearing Committee.

If you would like to have a formal hearing, you must submit a written request for a hearing to the Office of Bar Counsel within 14 days of the date of this letter, 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). 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 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 to Letter of Informal Admonition
cc: Ms. BV (w/o enclosure)
Douglas B. Evans, Sr., Esquire (home address)