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November 29, 2011

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**BY FIRST-CLASS AND CERTIFIED
MAIL NO. 71603901984907613468**

Ronald A. Colbert, Esquire
Law Office of Ronald A. Colbert
1629 K Street, N.W., Ste. 300
Washington, D.C. 20036

Re: *In re Ronald A. Colbert, Esquire*
(D.C. Bar Registration No. 476137)
Bar Docket No. 2009-D104

Dear Mr. Colbert:

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. We are, therefore, issuing you this Informal Admonition pursuant to D.C. Bar R. XI, §§ 3, 6, and 8.

We docketed this matter on March 6, 2009, based upon an ethical complaint filed by your former client, (VAD), who hired you to represent him in a personal injury lawsuit. We find as follows: On or about December 8, 2007, VAD hired a Maryland attorney to represent him, and this attorney contacted you to handle the matter. The written fee agreement prepared and executed by VAD and the Maryland attorney did not identify you as the attorney handling the matter, or indicate that she would be splitting her fees with you, and the division of responsibility.

You agreed to represent VAD in filing a civil suit relating to a car accident that occurred on December 8, 2006, in the District of Columbia. You did not provide VAD with a writing that advised him of your division of services or the effect on the fees charged.

On or about June 17, 2008, you filed a lawsuit on behalf of VAD in the District of Columbia Superior Court. On or about October 22, 2008, the defendant filed a Motion to Compel Discovery. You failed to file a response on VAD's behalf. On November 17, 2008, the court granted the defendant's motion and ordered discovery be propounded within ten days of the order. You failed to submit discovery within ten days.

On or about December 8, 2008, the defendant filed a motion for sanctions and asked the court to dismiss the case with prejudice or impose sanctions for your failure to respond fully to the defendant's discovery requests. On December 9, 2008, you produced to defense counsel VAD's executed interrogatory responses and response to production of documents. You failed to file an opposition to defendant's motion for sanctions and dismissal. On or about January 16, 2009, the court granted defendant's motion and dismissed your client's complaint without prejudice.

In March 2009, you informed VAD that although his lawsuit had been dismissed, you would re-file the lawsuit or file a motion to vacate, at your expense. VAD terminated the relationship with you and shortly thereafter directly negotiated a settlement of his claim with the insurance company. Neither you nor the Maryland attorney collected any fees.

Based upon our investigation of this matter, we conclude that you violated Rules 1.1(a), 1.3(a), 3.4(c), and 1.5(e).

Rule 1.1(a) states that "[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation." You failed to provide competent representation when you failed to respond to defendant's motion to compel discovery and motion for dismissal and/or sanctions. You state that you did not respond to the defendant's motion to compel and defendant's motion for sanctions because, albeit late, you provided defense counsel with plaintiff's answers to the discovery requests. You provided these responses on December 9, 2008, *after* the date imposed by the court order. You made certain assumptions about litigation matters that are not consistent with the court rules and placed your client at risk of having sanctions imposed against him or of losing his cause of action through a dismissal with prejudice. Absent a court ruling to the contrary, or an agreement with opposing counsel, an attorney must respond to motions filed with the court even if the matter may become moot. We find that your failure to respond to the two motions violates Rule 1.1(a).

Rule 1.3(a) states that, "[a] lawyer shall represent a client zealously and diligently within the bounds of the law." You failed to act diligently with regard to VAD and did not comply with the court's order to respond to the discovery requests until after the deadline. Your failure to file any motion in response to the defendant's motion and your failure to timely comply with the court's order evinces a lack of diligence and zeal, in violation of Rule 1.3(a).

Rule 3.4(c) states: "[A] lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists." You violated this Rule by the facts discussed above.

Rule 1.5(e) states that lawyers who are not in the same firm may divide fees only if: "The client is advised, in writing, of the identity of the lawyers who will participate in the representation, of the contemplated division of responsibility, and of the effect of the association of the lawyers

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outside the firm on the fee to be charged." You violated this Rule by failing to notify VAD in writing of the division of responsibility, the effect on the fees, and the terms of the fee arrangement.

In issuing this Informal Admonition, we have taken into consideration that you cooperated with our investigation and that you demonstrate your willingness to accept responsibility for your misconduct by agreeing to accept this informal admonition, you have no prior discipline, and you were experiencing a family emergency at the time of the misconduct.

As a condition of this Informal Admonition, you agree to a comprehensive in-office audit of your office procedures (including but not limited to a review of your financial accounting and bookkeeping records, supervision of non-attorney staff, and client communication systems) conducted by Dan Mills, the Manager of the Practice Management Advisory Service of the District of Columbia Bar, within two months of the date of this Informal Admonition. You agree to grant Mr. Mills full access to your employees and operational systems, including your client files, engagement letters, and computer systems, and at the completion of the assessment, you agree to follow all of Mr. Mills's recommendations.

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, with a copy to the Board on Professional Responsibility, within 14 days of the date of this letter, 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(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(d). 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 (w/o Encl.): VAD

WES:BN:act