



# OFFICE OF DISCIPLINARY COUNSEL

June 8, 2017

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**BY FIRST-CLASS AND CERTIFIED  
MAIL NO. 9414 7266 9904 2060 2423-95**

Joshua N. Rose, Esquire  
1407 Highland Drive  
Silver Spring, Maryland 20910

***In re Joshua N. Rose, Esquire***  
**D.C. Bar Registration No. 420606**  
**Bar Docket No. 2015-D182**

Dear Mr. Rose:

This office has completed its investigation of the above-referenced matters. 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 D.C. Bar Rule XI, §§ 3, 6, and 8.

You and your firm represented Complainant in an employment case beginning in 2005. Over time, other counsel became involved in the representation of Complainant and others who had discrimination and retaliation claims against the employer. In 2008, while you and your firm were lead counsel for Complainant, defense counsel filed a motion to compel, which the court granted and awarded defense counsel their fees as a sanction. The court did not enter the order awarding the fees, however, until May 14, 2014, after Complainant's claims had been litigated and lost. The court assessed the sanction against Complainant and your firm, jointly and severally.

On May 15, 2014, another lawyer involved in the litigation sent you an e-mail, telling you that the court had issued the sanction order "[y]esterday" and attaching a copy of the order. A few days later, you exchanged e-mails with Complainant about the order, and on May 25, 2014, you told Complainant that you would file a notice of the appeal for the sanction order, but would not appeal her substantive, individual claims. Complainant and you exchanged further e-mails, and in an e-mail on June 15, 2014, you told Complainant that you would not represent her, but that you would file the notice of appeal on the sanction order. You then delayed doing so until sometime in late June or early July 2014, after the filing deadline.

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On July 9, 2014, you e-mailed Complainant saying that although you intended to file a notice of appeal and decide later whether a brief was warranted, you learned the time for filing the notice had expired on June 15, 2014. In the interim, on July 7, 2014, Complainant filed a motion for an extension of time to file her notice of appeal for the sanction order. Complainant informed the court that you had agreed to file the notice of appeal, but had failed to do so, and provided the court a redacted copy of your May 25, 2014 e-mail. The court granted Complainant's motion, and she was able to appeal the sanction order, although she did not prevail on the merits.

In your response, you sought to shift some of the blame to Complainant, stating that she did not provide you the necessary information to file the notice and did not advance the filing fee. But, there was nothing in your e-mail about the client paying the filing fee. Further, you did nothing on or after May 25, 2014, to determine the filing deadline, although you should have known the sanction order was issued on May 14, 2014. Waiting more than 30 days before seeking to file the notice of appeal was not reasonable under the circumstances, and violated your obligations under Rules 1.1 (competence) and 1.3(a) and (c) (diligence).

In deciding to issue you this informal admonition rather than seek a greater sanction, we have considered that: you have no prior discipline; you acknowledged your misconduct including by accepting this informal admonition; and your client did not suffer any actual prejudice from your failure to file a timely notice or appeal, as she was granted an extension and the court accepted her notice of appeal.

This letter constitutes an Informal Admonition pursuant to D.C. Bar Rule 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 within 14 days of the date of this letter to the Office of Disciplinary Counsel, with a copy to the Board on Professional Responsibility, unless Disciplinary Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated, and Disciplinary Counsel will institute formal charges pursuant to D.C. Bar Rule 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 Rule XI, § 8(c). Such a hearing could result in a recommendation to dismiss the charges against you or a recommendation for a

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

Sincerely,

Hamilton P. Fox, III.  
Disciplinary Counsel

Enclosure: Attachment letter to Informal Admonition

cc: Complainant

HPF:JLP:eaf