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May 30, 2018

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**BY FIRST-CLASS AND CERTIFIED
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Adedayo Idowu, Esquire
Law Offices of Adedayo O. Idowu
305 Broadway, Suite 1400
New York, NY 10007

In re Adedayo Idowu, Esquire
(D.C. Bar Registration No. 980250)
Disciplinary Docket No. 2013-D203

Dear Mr. Idowu:

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 New York and District of Columbia Rules of Professional Conduct. We therefore are issuing you this Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8.

In 2013, counsel for your former client filed a complaint against you with the New York Departmental Disciplinary Committee for the First Judicial Department. Although you were and remain a member of the New York Bar, the First Judicial Department believed you maintained an office in D.C. and referred the matter here. In fact, at the time of the misconduct alleged, your office and law practice were in New York City. Your client in the underlying immigration matter also lived in New York and her successor lawyer was a New York lawyer. We subsequently referred the matter back to the First Judicial Department and deferred our investigation pending action by New York. New York apparently did not take any action and we reactivated our investigation. As discussed below, we find that your conduct violated the Rules of Professional Conduct.

Serving the District of Columbia Court of Appeals and its Board on Professional Responsibility

515 5th Street NW, Building A, Room 117, Washington, DC 20001 • 202-638-1501, FAX 202-638-0862

On October 24, 2012, your former client sent you a letter discharging you in her immigration matter and directing you to send her client file to her new counsel. The client provided you the name and address for her new counsel. That same day, successor counsel sent you a letter requesting the entire file and any future correspondence that you might receive in her matter. You received copies of both letters, the originals of which were in the file you later produced to Disciplinary Counsel. You did not send the client file to successor counsel as your client directed.

On December 4, 2012, successor counsel wrote you again for the file. Successor counsel said that the client could be prejudiced by your not providing the file and warned you of his intention to file a disciplinary complaint if you did not deliver the file. You still failed to deliver the file, although you claimed that your office manager attempted to deliver it on December 26, 2012, but then told you it had been returned because your account number was invalid. You then failed to take any steps to deliver the file until June 2014, *after* you were under investigation.

In April 2013, successor counsel filed a complaint against you with the First Judicial Department in New York. The First Judicial Department referred the case to our office and D.C. Disciplinary Counsel sent you a copy of the complaint in late May 2013, asking for your response. It was only then that you delivered the client's documents and file to successor counsel.

We find that your delay of more than seven and a half months to deliver the client file violated your obligations under New York Rule 1.16(e). This rule provides that, upon termination of a representation, the lawyer must take steps, to the extent reasonably practicable, to avoid foreseeable prejudice to the rights of the client, including delivering to the client all papers and property to which the client is entitled. *See In re Thai*, 987 A.2d 428, 430 (D.C. 2009) (lawyer violated D.C. Rules of Professional Conduct in immigration case, including Rule 1.16(d), by taking five days to turn over file after client requested it; although delay relatively short, client had only 30 days to appeal and delay was therefore significant; also the lawyer actively obstructed efforts of his former client and successor counsel to obtain the file; the court repeated its previous statement "that 'a client should not have to ask twice' for his file.")).¹ You have not provided any credible excuse for your failure to deliver the client file as soon as your client and successor counsel requested it in October 2012. Further, you were not entitled to reimbursement for the cost of copying the file as you claimed in your response – it was the client's file.

We also find that your conduct in our investigation violated D.C. Rule 8.4(d). On May 28, 2013, when Disciplinary Counsel wrote you about the complaint, it sent you a subpoena *duces tecum* for the client file. Although you received the letter and enclosed subpoena, you did not deliver any documents responsive to the subpoena. On January 28, 2014, Disciplinary Counsel wrote to remind you of your obligation to comply with the subpoena in this matter and another subpoena issued in another matter. You acknowledged your responsibility to comply with the

¹ *Thai* was a D.C. case applying D.C. Rule 1.16(d), but the requirements of this rule are very similar to New York Rule 1.16(e), which applied to your conduct pursuant to D.C. Rule 8.5(b)(ii).

subpoenas and said you would do so by February 14, 2014, but then failed to produce any documents, including after receiving another letter from Disciplinary Counsel on February 21, 2014. Disciplinary Counsel had to file a motion to enforce the subpoenas and obtain a Court order directing you to comply before you finally produced responsive documents on April 28, 2014 – 11 months after they were first requested by subpoena in this matter.

Rule 8.4(d) prohibits “conduct that seriously interferes with the administration of justice.” Comment [2] to Rule 8.4 discusses a lawyer’s obligation to cooperate with Disciplinary Counsel in connection with an investigation, stating:

The cases under paragraph (d) include acts by a lawyer such as: failure to cooperate with Disciplinary Counsel; failure to respond to Disciplinary Counsel’s inquiries or subpoenas; failure to abide by agreements made with Disciplinary Counsel; . . . failure to keep the Bar advised of respondent’s changes of address, after being warned to do so; and tendering a check known to be worthless in settlement of a claim against the lawyer or against the lawyer’s client. Paragraph (d) is to be interpreted flexibly and includes any improper behavior of an analogous nature to these examples.

Your failure to respond and provide responsive documents to Disciplinary Counsel’s subpoenas in a timely fashion violated Rule 8.4(d). Your conduct also was contrary to D.C. Bar Rule XI, § 8(a), which provides, in pertinent part, that “[a]n attorney under investigation has an obligation to respond to Disciplinary Counsel’s written inquiries in the conduct of an investigation, subject to constitutional limitations.”

In deciding to issue you an Informal Admonition, we have considered that you have no prior discipline and that you eventually delivered the client file to successor counsel and provided the documents responsive to Disciplinary Counsel’s subpoenas. 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 to the Office of Disciplinary Counsel, with a copy to the Board on Professional Responsibility, within 14 days of the date of this letter, 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(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(d). 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,

Hamilton P. Fox, III
Disciplinary Counsel

Enclosure: Attachment to Letter of Informal Admonition

cc (w/o Encl.): Complainant

HPF:JLP:act