

**ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND**

200 HARRY S. TRUMAN PARKWAY
SUITE 300
ANNAPOLIS, MARYLAND 21401
410-514-7085

MARIANNE J. LEE, ESQUIRE
EXECUTIVE SECRETARY

June 29, 2018

Jeffrey M. Schwaber, Esquire
Stein Sperling
25 West Middle Lane
Rockville, MD 20850

RE: BC Docket No. 2018-0748
Complainant: Jaime Wright

Dear Mr. Schwaber:

The Attorney Grievance Commission, at its meeting on June 20, 2018, approved the proposed Reprimand agreed upon by you and Bar Counsel and directed that this letter of Reprimand be administered to you.

Pursuant to Maryland Rule 19-717, the Attorney Grievance Commission of Maryland hereby reprimands Jeffrey M. Schwaber, Respondent, for engaging in professional misconduct that violated Rules 19-301.7 (conflict of interest – general rule) and 19-305.1 (responsibilities of partners, managers, and supervising attorneys) of the Maryland Attorneys' Rules of Professional Conduct.

The Respondent is a principal at the firm Stein, Sperling, Bennett, De Jong, Driscoll PC ("the Firm"). At all times relevant hereto, the Respondent had direct supervisory authority over a number of junior attorneys in the family law practice group.

In January 2015, the Complainant, Jaime Wright, retained the Firm to represent her in connection with her separation from her husband. Later that year, Ms. Wright retained the Firm to represent her in divorce and custody litigation and paid an additional retainer. A draft Petition was prepared but never finalized. Between December 2015 and January 2017, the Firm maintained a balance of \$3,466 in its trust account for Ms. Wright. Ms. Wright did not request a refund because she intended for the Firm to assist her in finalizing her divorce and custody issues or, if necessary, to represent her in litigation. At all times between January 2015 and January 2017, the Firm represented Ms. Wright.

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Meanwhile, in April 2015, Client #2 retained the Firm to represent her in her divorce and custody matters initiated by her estranged husband ("PEL"). In January 2016, Client #2 and PEL signed a settlement agreement and the two were divorced in early May 2016. Also in early May 2016, the Firm learned that PEL and Ms. Wright were dating.

Following her divorce, the Firm continued to represent Client #2 in disputes with PEL associated with the custody and visitation of their minor children. In November 2016, PEL filed a motion to modify custody. On December 7, 2016, a junior attorney filed an answer on behalf of Client #2. In the answer, the Firm made PEL's relationship with Ms. Wright an issue in the custody matter.

The Respondent failed to identify that the Firm had an actual conflict of interest and was required to withdraw from the representation of both Ms. Wright and Client #2. As described below, the junior attorneys, for whom the Respondent was responsible, engaged in a continued course of conduct over the next four months that exacerbated the conflict of interest and violated the Rules of Professional Conduct.

During the fall of 2016, the Firm, on behalf of Client #2, retained an investigator to perform an investigation of PEL. The investigator was tasked with determining, among other things, whether Ms. Wright stayed at PEL's house overnight while the children were present and how much time Ms. Wright spent with the children. The investigator placed a tracking device on Ms. Wright's car.

On January 1, 2017, Ms. Wright discovered the tracking device and obtained an interim peace order against Client #2. Client #2 advised the Firm of the interim order. No one appeared for the final hearing and the matter was dismissed. On January 12, 2017, the junior attorney filed a request to shield peace order records on behalf of Client #2. On February 6, 2017, the attorney appeared and represented Client #2, Ms. Wright did not appear for the hearing and the motion was granted.

On or about January 4, 2017, a junior attorney filed a counter-motion to modify custody on behalf of Client #2. In the counter-motion, the Firm made further allegations involving Ms. Wright's relationship with PEL and her involvement with the children. On February 13, 2017, two junior attorneys with

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the Firm filed an opposition to PEL's motion to modify custody on behalf of Client #2. In the opposition, they again made allegations relating to PEL's relationship with Ms. Wright and her involvement with the children.

Between January 25, 2017 and February 17, 2017, Ms. Wright and her successor counsel urged the Firm to withdraw from the representation of Client #2 citing the conflict of interest. In January 2017, the Firm returned Ms. Wright's unearned funds that had been maintained in the Firm's attorney trust account since 2015. The Firm failed and refused to withdraw from the representation of Client #2.

The Respondent was responsible for the acts of the junior lawyers.

The Maryland Rules provide that a reprimand constitutes discipline which is public and open to inspection. Bar Counsel will be providing a copy of this letter to the Complainant.

Sincerely,



Marianne J. Lee
Executive Secretary

MJL/sg

cc: Alvin I. Frederick, Esquire
Lydia E. Lawless, Esquire

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