



OFFICE OF DISCIPLINARY COUNSEL

September 12, 2018

Hamilton P. Fox, III
Disciplinary Counsel

Julia L. Porter
Deputy Disciplinary Counsel

Senior Assistant Disciplinary Counsel
Jennifer P. Lyman
Becky A. Neal

Assistant Disciplinary Counsel
Joseph N. Bowman
Hendrik deBoer
Dolores Dorsainvil
Gayle Marie Brown Driver
Jerri U. Dunston
Ebtehaj Kalantar
Jelani C. Lowery
Sean P. O'Brien
Joseph C. Perry
William R. Ross
Clinton R. Shaw, Jr.
H. Clay Smith, III
Caroll Donayre Somoza
Traci M. Tait

Senior Staff Attorney
Lawrence K. Bloom

Manager, Forensic Investigations
Charles M. Anderson

Senior Forensic Investigator
Kevin E. O'Connell

CONFIDENTIAL

BY FIRST CLASS AND CERTIFIED
MAIL NO. 9414-7266-9904-2129-1969-66

Nnamdi James Nwaneri, Esquire
7214 Kempton Road
Lanham, Maryland 20706

Re: *In re Nnamdi James Nwaneri, Esquire*
D.C. Bar Registration No. 1017312
Disciplinary Docket No. 2017-D059

Dear Mr. Nwaneri:

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 ("Rules"). We are, therefore, issuing you this Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8.

We docketed this matter based upon a complaint by your former client, TT, who states that after he retained you to assist him with regard to regulatory matters pertaining to the operation of his convenience store, you neglected the matter and as a result his business suffered.

Relevant facts

In June 2016, TT retained Alpha Bah, Esquire, and the law firm Bah Legal and Consulting, LLC, to assist him with regard to regulatory matters pertaining to his newly acquired small business, a convenience store. Mr. Bah, who is licensed in Maryland, but not the District of Columbia, contacted you to represent TT. Eventually, a dispute developed between Mr. Bah, you and TT, and TT filed a disciplinary complaint against you alleging misconduct.

You attempted to resolve the disciplinary matter by reaching a settlement with TT, and you provided us with a copy of a document entitled "Settlement Agreement and Release" (Settlement Agreement), between TT, you, Alpha Bah, Esquire, and Bah Legal and Consulting, LLC. TT and Mr. Bah executed the

Settlement Agreement on April 25, 2017. According to the Settlement Agreement, in exchange for a payment of \$2,000, TT agreed “to forever discharge Bah Legal and Consulting, LLC, Alpha Bah, [and] Nnamdi Nwaneri by way of filing a letter of dismissal and forever ceasing and desisting from filing any further cause of action against Bah.” The preamble to the Settlement Agreement specifically includes you in its definition of the name, “Bah.” In addition, there is no indication that TT was represented by independent counsel when he executed the Settlement Agreement, and no writing indicating that you advised him to seek the advice of independent legal counsel.

Rule 1.8(g) – conflict of interest

Rule 1.8(g) provides as follows:

A lawyer shall not: (1) Make an agreement prospectively limiting the lawyer’s liability to a client for malpractice; or (2) Settle a claim or potential claim for malpractice arising out of the lawyer’s past conduct with unrepresented client or former client unless that person is advised in writing of the desirability of seeking the advice of independent legal counsel and is given a reasonable opportunity to do so in connection therewith.

The Settlement Agreement, executed after you received a copy of the disciplinary complaint that TT filed against you, violates Rule 1.8(g). The clause prohibiting TT from pursuing “any further cause of action against Bah,” which includes you, prospectively limits your liability to TT for any malpractice claim that he may wish to pursue. In addition, you did not advise TT of the desirability of seeking independent legal counsel before he executed the Settlement Agreement.

Rule 8.4(d) – prohibiting a lawyer from engaging in conduct that seriously interferes with the administration of justice

Rule 8.4(d) states, “It is professional misconduct for a lawyer to . . . engage in conduct that seriously interferes with the administration of justice.” In *In re Martin*, 67 A.3d 1032, 1051 (D.C. 2014), the Court held that the respondent violated Rule 8.4(d) by requiring his client to withdraw its bar complaint against respondent as a condition in the settlement of a fee dispute.

The Settlement Agreement between you, Mr. Bah, and TT violates Rule 8.4(d), prohibiting a lawyer from engaging in conduct that seriously interferes with the administration of justice. Once TT filed his disciplinary complaint and Disciplinary Counsel docketed the matter for investigation, TT became a possible witness in disciplinary proceedings against you. According to the Settlement Agreement, TT agreed to “file a letter of dismissal” of his disciplinary complaint in exchange for a payment of \$2,000. Thus, the Settlement Agreement constitutes evidence of an attempt to obstruct Disciplinary Counsel’s investigation. Although your signature does not appear on the Settlement Agreement, the preamble specifically names you as a party, and you presented the Settlement Agreement to us as a bar to further investigation or prosecution of TT’s disciplinary

complaint against you. We therefore find clear and convincing evidence that you attempted to obstruct Disciplinary Counsel's investigation, in violation of Rule 8.4(d).

Conclusion

In issuing this informal admonition, we have taken into consideration that you have cooperated during the investigation, that you have no prior discipline, and that you have accepted responsibility for your actions by accepting this informal admonition. You have also agreed to take a three-hour CLE course on professional ethics offered by the D.C. Bar, and pre-approved by this office. You will complete the CLE course within one year of the date of this Informal Admonition.

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 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

HPF:JNB:eaf