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March 3, 2025

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Via email only to: steve@ilimer.com

In re Charles T. Tucker, Jr., Esquire
Disciplinary Docket No. 2018-D205
D.C. Bar Membership No. 993515

Dear Mr. Tucker:

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

This matter was docketed for investigation based on a complaint filed by K.W. on behalf of the Riggs Park Advocates for Environmental Justice Association ("the Association"). D.F., then-president of the Association also pursued the bar complaint on the Association's behalf. Based on our investigation of this matter, we find that your conduct violated Rule 1.5(a) and (b) and Rule 1.16(d).¹ We find as follows:

¹ Rule 1.5(a) provides, in relevant part, that "[a] lawyer's fee shall be reasonable." Rule 1.5(b) provides that "When the lawyer has not regularly represented the client, the basis or rate of the fee, the scope of the lawyer's representation, and the expenses for which the client will be responsible shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation." Rule 1.16(d) provides, in relevant part, that "In connection with any termination of representation, a lawyer shall take timely steps to the extent reasonably practicable to protect a client's interests[.]"

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

515 5th Street N.W., Building A, Room 117, Washington, D.C. 20001 ▪ 202-638-1501, FAX 202-638-0862

In or around the fall of 2016, you agreed to represent members of the Association in a mass tort action filed in D.C. Superior Court against Chevron, the state of Maryland, and the Maryland Department of Environment. You did not enter into a written agreement reflecting the fees and costs members of the Association would be expected to pay. You filed the complaint in November 2016. The Association fired you in December 2016. You did not notify the court that your representation had ended or seek to withdraw from representation. In January 2017, the Court dismissed the case without prejudice for lack of service on defendants.

In or around the Spring of 2017, you once again agreed to represent members of the Association in the same matter, agreeing to sue the same defendants in D.C. Superior Court. On March 30, 2017, you signed an engagement agreement that provided for a contingency fee arrangement where you would collect 35% of any recovery as fees should the case settle prior to going to trial, 37% of any recovery as fees should the case proceed to trial, and 40% of any recovery as fees should the case be appealed to a higher court.

On April 4, 2017, you filed a complaint on behalf of members of the Association in D.C. Superior Court and filed an amended complaint on June 6, 2017 (Civil Action No. 17-CV-2351).

On July 25, 2017, the court granted the State of Maryland's motion to dismiss. On August 17, 2017, you filed a motion for reconsideration of this order. However, on that same day, you sent an e-mail to a representative for the plaintiffs discussing the possibility of pursuing an appeal with the D.C. Court of Appeals. In that e-mail, you attempted to charge the plaintiffs an hourly rate for further services. Specifically, you stated:

[W]e may have to take our case to the Court of Appeals and that would require a more exhaustive fee. The time for preparing a brief with the applicable law would be more of the time factor here so I would estimate you could potentially be looking at another 5500 to 6k...that is with me reducing my rate to \$250 per hour because this easily would take another 30 plus hours to complete. This cost estimate is being given as this is where I am seeing this going. In anticipation of this I am going to file the necessary form requesting an appeal of her Order in the Court of Appeals and pay the \$100 applicable fee. Please add this expected cost to my bill and send me funds payable of \$2850...

After this e-mail, members of the Association informed you that they had been consulting with another lawyer and no longer needed your services.

Analysis

We find that your conduct violated Rule 1.5(a). Your attempt to collect hourly fees in August 2017 was contrary to the March 2017 retainer agreement wherein you agreed to represent members of the Association on a contingency fee basis. Your attempt to demand payment in a manner different than previously agreed to in the retainer agreement--in the middle of litigation--was unreasonable. Although a hybrid arrangement whereby an attorney collects a reduced-rate hourly fee and a lesser percentage from a recovery could be reasonable, the client must agree to the terms beforehand.

We also find that your conduct violated Rule 1.5(b). When you filed the 2016 complaint on behalf of members of the Association and performed other legal services, you had not provided members of the Association with a writing setting forth the basis or rate of your fee, the scope of your representation, or the expenses the Association would be required to pay.

Finally, we find that your conduct violated Rule 1.16(d) because when the Association fired you in 2016, you failed to file a motion to withdraw from the representation.

In deciding to issue this letter of Informal Admonition rather than institute formal disciplinary charges against you, we have taken into consideration that you have cooperated with our investigation and that you have accepted responsibility for your misconduct by accepting this Informal Admonition. As a condition of this Informal Admonition, you agree within the next 90 days to take the Basic Training & Beyond two-day training offered by the D.C. Bar Practice Management Advisory Service. You will provide proof of completion of both days of training within ten days after completion of the course. In the event you do not complete the CLE within 90 days this Informal Admonition will be considered null and void and Disciplinary Counsel may initiate disciplinary proceedings against you.

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 R. 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 R. XI, § 8(c). 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.

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Sincerely,

/s/ Hamilton P. Fox, III

Hamilton P. Fox, III
Disciplinary Counsel

cc: K.W (via first-class mail w/o enclosure)

Encl.: Attachment to Letter of Informal Admonition

HPF:JUD:ip