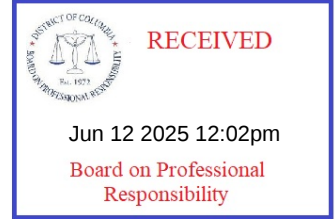


**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**



In the Matter of

Thomas H. Queen, Esquire

Respondent

**A Member of the Bar of the District of
Columbia Court of Appeals.**

Bar Number: 146340

Date of Admission: 1/28/1968

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DDN. 2023-D158

SPECIFICATION OF CHARGES

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar R. X and XI, § 2(b).

Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar R. XI. Pursuant to D.C. Bar R. XI, § 1(a), jurisdiction is found because:

1. Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on January 28, 1968, and assigned Bar Number 146340.

The facts giving rise to the charges of misconduct are as follows:

2. Since the 1990s, Respondent owned and operated a law firm called Thomas H. Queen & Associates. Respondent shared office space with his brother, Charles Queen, who operated a separate law firm, Charles A. Queen & Associates.

3. In 2000, Charles Queen opened IOLTA account XXXX5562 at Riggs Bank under the name Charles A. Queen & Associates. Riggs Bank later became PNC Bank, and the IOLTA became account XXXX8453.

4. Respondent did not maintain an IOLTA in his own name. Rather, he used his brother's account to deposit money generated from his practice.

5. By 2015, Charles Queen had stopped using the IOLTA for his own practice. Since that time, any money deposited in the IOLTA belonged to Respondent, his clients, or third parties to whom his clients owed money.

6. Despite Respondent using the IOLTA, Charles Queen remained the only signatory to the account.

7. Respondent, however, exercised dominion and control over his brother's IOLTA. Respondent made deposits or caused them to be made in the account. Respondent also controlled the transfer of funds out of the account. Charles Queen gave Respondent access to the checkbook for the IOLTA, which was kept in the office. At Respondent's request, his brother signed groups of blank

checks or individual blank checks without knowing the payees, amounts, or the purpose of the payment.

8. PNC mailed monthly statements for the IOLTA to the office address Respondent shared with his brother. Charles Queen gave Respondent permission to open the monthly statements.

9. Respondent did not maintain adequate records to account for the funds deposited into and withdrawn from the IOLTA. And, Respondent commingled his own earned fees with entrusted funds belonging to his clients or others in the IOLTA.

A. Recordkeeping

10. Respondent did not maintain a general ledger or client ledgers for funds in the IOLTA. He did not regularly reconcile the funds in the IOLTA with bank statements for the account. The documents Respondent provided to the Office of Disciplinary Counsel were insufficient for it to determine the source of funds deposited into the IOLTA and the purpose of all the withdrawals and other transactions in the account. For example:

- a. In at least two matters (*i.e.*, the *Turpin* and the *Gantt* estate matters discussed below), Respondent withdrew from the IOLTA more money than he was entitled to receive as attorney's fees for his work;

- b. Respondent was uncertain about the source of funds for some payments made from the IOLTA, including payments to himself and third parties; and
- c. Respondent did not produce records to support or explain check no. 1865 written on the IOLTA on April 24, 2023, for \$76,192.14 to the Personal Representative of the Estate of Anthony X. Jackson.

B. Commingling

11. In September 2018, Respondent caused a payment of \$128,665.84 on behalf of his client Tonja Benett to be wired into the IOLTA.

12. Respondent held Ms. Bennett's entrusted funds in the IOLTA until October 20, 2023. While Ms. Bennett's entrusted funds were in the IOLTA, Respondent held or deposited earned fees into the account, and thus commingled his funds with entrusted funds.

1. The *Turpin* Estate

13. When Respondent deposited Ms. Bennett's fund in the IOLTA, he was still holding earned fees in the account that he had received in January 2017. On or about January 11, 2017, Respondent deposited a check for \$85,000 into the IOLTA from the sale of property in the Mary Turpin estate. Respondent represented the Personal Representative of the *Turpin* estate, Calvin Holloway. Pursuant to the

settlement in the case, Respondent's client was to receive \$64,565.55 and Respondent was to receive the remainder--\$19,180 for attorney's fees and the balance of approximately \$1,254.45 for expenses.

14. In January 2017, Respondent paid the client \$64,565.55 by check no. 1691, leaving a balance of \$20,434.45 from the *Turpin* estate in the IOLTA.

15. Between January 2017 and September 2020, Respondent withdrew \$24,500 from the IOLTA, noting on the checks that the funds represented his earned attorney's fees in the *Turpin* matter. The withdrawals included:

- a. check no. 1692 dated January 19, 2017, payable to his brother for \$5,000 in attorney's fees;
- b. check no. 1700 dated May 7, 2020, payable to himself for \$6,000 as a partial fee payment in the *Turpin* matter;
- c. check no. 1801 dated August 13, 2020, payable to himself for \$6,500 as a partial fee payment in the *Turpin* matter; and
- d. check no. 1853 dated September 7, 2020, payable to himself for \$7,000 as a partial fee payment in the *Turpin* matter.

2. The Patterson Matter

16. On or about November 27, 2018, while Ms. Bennett's entrusted funds were in the account, Respondent deposited a check dated July 17, 2018, for \$34,933.35 from the Estate of Maudia E. Patterson into the IOLTA. The check was for earned attorney's fees that the Probate Court had approved in a July 18, 2018 order.

17. Respondent withdrew \$6,000 by check no. 1699 in November 2018, and another \$2,000 by check no. 1701 in July 2020, but there are no checks or other records reflecting whether, when, and in what amounts Respondent withdrew the balance of his earned fees in the *Patterson* matter.

3. The Gantt Matter

18. On July 18, 2019, while Ms. Bennett's entrusted funds were in the account, Respondent deposited a check for earned fees of \$24,005.52 into the IOLTA. Respondent had represented an heir in the *Estate of Oscar Gantt*, 2008 ADM 00634. In April 2019, the Probate Court had approved the payment of \$24,005.52 in attorney's fees to Respondent.

19. Between October 2020 and July 2021, Respondent wrote himself several checks on the IOLTA noting that the payments were for his fees in the *Gantt*

matter. Although Respondent deposited \$24,005 in earned fees, he withdrew \$26,500 as follows:

- a. \$3,000 on October 21, 2020, through check no. 1854;
- b. \$5,000 on November 19, 2020, through check no. 1856;
- c. \$3,000 on March 22, 2021, through check no. 1857;
- d. \$5,000 on May 29, 2021, through check no. 1859;
- e. \$3,500 on June 18, 2021, through check no. 1860;
- f. \$2,000 on July 2, 2021, through check no. 1863; and
- g. \$5,000 on July 29, 2021, through check no. 1864.

C. Failure to Cooperate

20. On November 8, 2023, the Office of Disciplinary Counsel sent Respondent a letter of inquiry relating to the IOLTA and a subpoena for financial records.

21. The written inquiry asked, *inter alia*, for a description of the roles of Respondent and his brother in managing the account. Disciplinary Counsel also asked Respondent to confirm the statements made by his brother in a letter to the Office of Disciplinary Counsel. The accompanying subpoena sought, *inter alia*, financial records relating to the IOLTA since January 1, 2016.

22. Two and a half months later, Respondent had not complied fully with the subpoena or responded in writing to the Office of Disciplinary Counsel's written inquiries.

23. On February 13, 2024, the Office of Disciplinary Counsel filed a motion to enforce its November 8, 2023, subpoena with the District of Columbia Court of Appeals and a motion to compel Respondent's written response to the requests for information with the Board on Professional Responsibility. Respondent did not oppose either motion but provided only some of the records subpoenaed.

24. On March 11, 2024, the Board ordered Respondent to respond to Disciplinary Counsel's written questions. Even after being granted additional time to do so, Respondent failed to respond to the inquiries.

25. On March 29, 2024, the Court of Appeals ordered Respondent to comply with Disciplinary Counsel's November 8, 2023 subpoena. Respondent provided additional records, but not all of the records subpoenaed. Three months later, Respondent claimed that he had produced all responsive records in his possession.

26. On April 9, 2024, the Office of Disciplinary Counsel asked Respondent to explain the circumstances under which IOLTA check no. 1865 dated April 24, 2023, for \$76,192.14 was written to the Personal Representative of the Estate of Anthony X. Jackson. Disciplinary Counsel served Respondent with an additional subpoena for his records relating to this payment.

27. Respondent did not respond to the April 9, 2024 letter or subpoena.

28. Respondent violated the following District of Columbia Rules of Professional Conduct:

A. Rule 1.15(a), in that he failed to keep complete records of entrusted funds, and he failed to keep entrusted funds separate from his own funds and engaged in commingling;

B. Rule 8.1(b), in that he knowingly failed to respond to Disciplinary Counsel's lawful demands for information;

C. Rule 8.4(d), in that he seriously interfered with the administration of justice; and

D. D.C. Bar Rule XI, § 2(b)(3), in that he failed to comply with orders of the Court and Board.

Respectfully submitted,

Julia L. Porter

Julia L. Porter
Deputy Disciplinary Counsel¹

Jerri U. Dunston

Jerri U. Dunston
Assistant Disciplinary Counsel

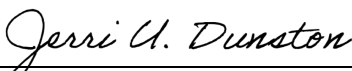
OFFICE OF DISCIPLINARY COUNSEL
515 5th Street, N.W.
Building A, Room 117
Washington, D.C. 20001
(202) 638-1501

¹ Disciplinary Counsel Hamilton P. Fox III is recused from this matter.

VERIFICATION

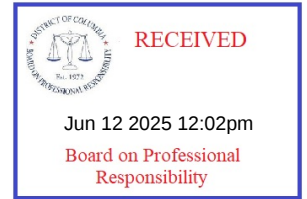
I declare under penalty of perjury under the laws of the United States of America that I verily believe the facts stated in the Specification of Charges to be true and correct.

Executed on this 19th day of May 2025.



Jerri U. Dunston
Assistant Disciplinary Counsel

**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**



In the Matter of

THOMAS H. QUEEN, ESQUIRE,

Respondent,

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**Disciplinary Docket No.
2023-D158**

PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS

A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals' Rules Governing the Bar (D.C. Bar R.).

B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has approved the institution of these disciplinary proceedings.

D. **Procedures**

(1) **Referral to Hearing Committee** – When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** – Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** – The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not answered by Respondent may be deemed established as provided in Board Rule 7.7.

(4) **Mitigation** – Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** – Respondent is entitled to fifteen days’ notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

WHEREFORE, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

Julia L. Porter

Julia L. Porter
Deputy Disciplinary Counsel¹

OFFICE OF DISCIPLINARY COUNSEL
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Telephone: (202) 638-1501

¹ Disciplinary Counsel Hamilton P. Fox III is recused from this matter.