

**THE FOLLOWING INFORMAL ADMONITION WAS ISSUED
BY BAR COUNSEL ON
January 25, 2008**

***BY FIRST-CLASS AND CERTIFIED
MAIL NO. *7160-3901-9845-1222-9160***

John O. Iweanoge, Esquire
1026 Monroe Street, N.E.
Washington, D.C. 20017

**Re: *In re John O. Iweanoge, Esquire*
D.C. Bar No. 439913
Bar Docket No. 2003-D131**

Dear Mr. Iweanoge:

This office has completed its investigation of the above-referenced matters. 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, sections 3, 6, and 8.

We docketed this matter for investigation on April 15, 2003, based on information we received regarding your representation of ("K.S.") and ("L.H.") in a personal injury lawsuit you filed on their behalf in the Circuit Court of Maryland for Prince George's County. We find as follows: In August 1997, K.S. and L.H. were involved in an automobile accident. On August 4, 2000, you met with ("B.L."), a legal assistant with the law firm representing K.S. and L.H., who asked you to file a lawsuit on their behalf because there were no lawyers in his firm that were licensed in Maryland. You believed that B.L. was an attorney, but you did not take any steps to confirm whether or where he was licensed. You agreed to represent K.S. and L.H. for litigation purposes, and to split the fee with B.L.

On August 17, 2000, you filed a complaint in the Circuit Court of Maryland for Prince George's County Civil Division. You relied on B.L. to serve the defendant with the complaint. You did not speak with or discuss filing the complaint with either K.S. or L.H., and instead, relied on B.L. to communicate with the clients. Neither K.S. nor L.H. knew about your representation, consented to your filing the lawsuit on their behalf, or the splitting of the fee with B.L.

On October 3, 2000, you received the client file and copies of the written fee agreement executed by the originating firm. Nothing in the fee agreement for either K.S. or L.H. mentioned representation by another attorney outside of the original firm or a division of fees among attorneys.

After you received the fee agreements, you did not communicate with K.S. or L.H. or B.L. about your fees or your responsibilities in the case.

On September 10, 2001, the court sent you written notice that the matter would be dismissed for lack of jurisdiction or prosecution unless you filed a motion within 30 days showing good cause to defer entry of a dismissal order. You failed to respond to the court's notice. On October 15, 2001, the court dismissed the case without prejudice.

In March 2002, you contacted B.L. to inquire about the status of the case. In August 2002, B.L. discovered that the court had dismissed the case and notified you. On August 29, 2002, you filed a motion to reinstate the clients' case. On September 29, 2002, the court denied your motion to reinstate. On November 4, 2002, you spoke to one of the clients regarding the status of the case. On December 5, 2002, you filed a motion for reconsideration of court's order of dismissal. On December 30, 2002, the court denied your motion.

Pursuant to Rule 8.5(b)(1)¹, we reviewed your conduct under the Maryland rules. We find that your conduct in this matter is inconsistent with the requirements of Maryland Bar Rules ("Rules") 1.1 (competence), 1.3 (diligence), 1.4 (communication), and 1.5 (e) (fees).

Rule 1.1 provides:

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Also, Rule 1.3 provides the following: "A lawyer shall act with reasonable diligence and promptness in representing a client." An attorney has a duty to periodically check the docket entries in a matter. *In re W.E.T. and I.J.T.*, 793 A.2d 471, 474 (D.C. 2002), citing *Maryland Metals, Inc. v. Harbaugh*, 365 A.2d 600, 603 (MD 1976) ("In the practice of law, a lawyer is charged with the responsibility of knowing what is entered upon the dockets, from time to time, in the case of which he is counsel. It is his duty to follow the dockets so as to keep himself abreast of the happenings in his case . . ."). You failed to determine the status of the matter or actively pursue your clients' claim for two years. Even if you did not receive the court's dismissal notice, you had a responsibility to actively monitor the status of their case. Accordingly, we find that your conduct violated Rules 1.1 and 1.3.

¹ District of Columbia Rules of Professional Conduct 8.5 (b)(1) provides: "Choice of Law. In any exercise of the disciplinary authority of this jurisdiction, the Rules of Professional Conduct to be applied shall be as follows: (1) For conduct in connection with a proceeding in a court before which a lawyer has been admitted to practice (either generally or for the purposes of that proceeding), the rules to be applied shall be the rules of the jurisdiction in which the court sits, unless the rules of the court provide otherwise . . ."

Rule 1.4 provides the following:

(a) A lawyer shall:

(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, . . . is required by these Rules;

(2) keep the client reasonably informed about the status of the matter; and

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

You had no communication with either K.S. or L.H. until over two years after the representation commenced, and over a year after the matter had been dismissed. You state that you relied on B.L., who you believed was the primary lawyer on the case, to maintain communication with the client. Your misplaced reliance does not alleviate your duty to communicate with your clients regarding the status of their matter. Accordingly, we find that you violated Rule 1.4(a)(1), (2), and (b).

Finally, Rule 1.5(e) provides the following:

(e) A division of a fee between lawyers who are not in the same firm may be made only if:

(1) the division is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the representation;

(2) the client agrees to the joint representation and the agreement is confirmed in writing; and

(3) the total fee is reasonable.

You state that you relied on the clients' original fee agreement as the basis of their informed consent to your role as litigation counsel and their approval of your fee. However, there is no provision in the signed fee agreement that address sharing fees or responsibilities with an attorney from another firm. Once you received copies of the fee agreement, you did not contact the clients or obtain their consent for your representation or fees. Accordingly, we find your conduct violated Rule 1.5(e).

In issuing this informal admonition, we have taken into consideration that you cooperated with our investigation, you contacted the client once you discovered the matter had been dismissed, you attempted to rectify your error by filing motions with the court, and you accept responsibility for your actions by agreeing to this informal admonition.

This letter constitutes an Informal Admonition pursuant to D.C. Bar Rule XI, sections 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 Bar Counsel, with a copy to the Board on Professional Responsibility, within 14 days of the date of this letter, unless Bar Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated, and Bar 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,

Wallace E. Shipp, Jr.
Bar Counsel

Enclosure: Attachment to Letter of Informal Admonition

WES:BN:cr