

**THE FOLLOWING INFORMAL ADMONITION WAS ISSUED  
BY BAR COUNSEL ON  
August 28, 2003**

Chernor M. Jalloh, Esquire  
c/o James Wilson Richmond, Jr., Esquire  
1952 Rosemary Hill Drive  
Unit No. 3  
Silver Spring, Maryland 20910

**In re Chernor M. Jalloh; Bar Docket No. 563-02**

Dear Mr. Jalloh:

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 Rule XI, Sections 3, 6, and 8 of the District of Columbia Court of Appeals' Rules Governing the Bar (D.C. Bar R.).

**The Complaint**

We docketed this matter for investigation based on a disciplinary complaint filed by Lisa M. Diehl, one of your former personal injury clients. Ms. Diehl alleges that she did not receive her full share of the settlement proceeds in her matter and asserts that at least two of her medical providers went unpaid. Specifically, she states that you promised her that after paying her medical providers, previous counsel, and your fees, she would receive \$18,000 from the settlement proceeds, but alleges that she has received only \$8,000 to date. Ms. Diehl reports that she was awarded a \$10,000 judgment before the District of Columbia Bar's Attorney/Client Arbitration Board (Arbitration Board) in connection with your representation, but that you have not paid the judgment to date.

We wrote you enclosing Ms. Diehl's complaint and requested that, in addition to responding to her allegations, you provide the following information:

copies of any and all (1) records reflecting ***deposit and disbursement*** of the settlement check in connection with your firm's bank account (including, but not limited to monthly bank statements), pursuant to D.C. Rule of Professional Conduct 1.15; (2) distribution sheets provided your client pursuant to Rule 1.5; (3) writing(s) you provided setting forth the basis or rate of your fee; and (4) assignment and authorization documents.

(Footnote omitted). We enclosed a subpoena for those financial records.

### **Your Responses**

You deny any misconduct. You contend that you “lost and/or misplaced” Ms. Diehl’s case file, including the settlement distribution sheet and list of medical providers, during an office move. You further failed to provide any other documents responsive to our subpoena. Nevertheless, you assert that Ms. Diehl has been paid all of the settlement funds to which she is entitled and that all of her medical providers and previous counsel have been paid. You contend that you made two cash payments to Ms. Diehl, in addition to which you drafted a check made out to her for \$18,000 on August 20, 1999 that was cashed that same day.<sup>1</sup>

### **Ms. Diehl’s Reply**

Ms. Diehl disputes your version of events, although she acknowledges that the endorsement on the \$18,000 check looks like her signature. She denies receiving either the check or the proceeds.

### **Our Investigation**

You failed to maintain complete records of your handling of Ms. Diehl’s entrusted funds. Neither you nor Ms. Diehl could provide a list of Ms. Diehl’s medical providers. Bar Counsel subpoenaed and reviewed your trust account records and the pretrial statement you submitted in Ms. Diehl’s civil action to cull the names of each medical provider. We contacted the providers that we could locate and were unable to verify whether you had an authorization and assignment with any of them. We verified that each provider we

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<sup>1</sup> Because you contend that you do not have the financial records documenting your handling of entrusted funds in Ms. Diehl’s case, the Office of Bar Counsel provided you copies of your trust account records that we had subpoenaed in connection with our investigation. Based on our review of those records, we discovered the \$18,000 check and because you had not discussed it in your initial response, we specifically requested you to address the check in your further response to our inquiries.

contacted was paid after you negotiated balance reductions on Ms. Diehl's behalf, and that you paid Ms. Diehl's prior counsel.

Moreover, our investigation has failed to reveal whether Ms. Diehl cashed the \$18,000 check despite our contacting the bank's fraud unit. The bank had no documents, tapes, or photographs relating to the transaction, and no way to identify the fingerprint placed on the check for identification purposes. Consequently, we cannot establish that Ms. Diehl did not receive all of the funds (if not more) to which she was entitled.

However, by copy of this letter, we inform Ms. Diehl that our analysis in no way prevents her from enforcing the judgment of the Arbitration Board in the appropriate court.

### **Ethical Violations**

Under Rule 1.15(a), you were obligated to maintain records of your handling of Ms. Diehl's entrusted funds. You have acknowledged that you failed to do so. Because you failed to maintain complete trust account records, we find that you violated Rule 1.15(a).

### **Conclusion**

This letter constitutes an Informal Admonition for your violation of Rule 1.15(a) 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 within 14 days of the date of this letter to the Office of Bar Counsel, with a copy to the Board on Professional Responsibility, 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 R. XI, § 8 (b). 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.

Sincerely,

Joyce E. Peters  
Bar Counsel

Encl.: Attachment to Letter of  
Informal Admonition

Sent Regular and Certified Mail No. 7160 3901 9844 1904 5337

cc: Lisa M. Diehl  
c/o Darrel M. Allen, Esquire

JEP:TMT:RLH:snl

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