

**THE FOLLOWING INFORMAL ADMONITION WAS ISSUED
BY BAR COUNSEL ON
January 2, 2008**

**BY FIRST-CLASS AND CERTIFIED
MAIL NO. 7160-3901-9845-1222-9146**

Randy McRae, Esquire
1822 11th Street, N.W.
Washington, D.C. 20001

**Re: *In re Randy McRae, Esquire*
D.C. Bar No. 96662
Bar Docket Nos. 2003-D097
and 2003-D080**

Dear Mr. McRae:

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 4, 2003, based on a complaint filed by your former clients, ("K.S.") and ("L.G."). We find as follows: On August 20, 1997, K.S. and L.G. were involved in a car accident. On August 21, 1997, K.S. contacted your law firm and spoke to your legal assistant, ("B.L."), who was not licensed to practice law. On August 21, 1997, B.L. met with L.G. and agreed that your firm would represent her interests. On August 25, 1997, B.L. met with K.S. and agreed that your firm would represent her interests. K.S. and L.G. believed that B.L. was an attorney who worked with your law firm, and they communicated exclusively with B.L. B.L. did not notify you that your firm represented K.S. and L.G., and he proceeded to hold himself out as a lawyer, negotiate with the insurance company, and attempt to settle their case. On May 28, 1999, the insurance company sent you their final letter refusing to settle the matter.

The statute of limitations relating to the August 20, 1997 accident expired on August 19, 2000. In August 2000, you discovered that B.L. had been "handling" K.S. and L.G.'s matter without your knowledge, and that B.L. had obtained the services of another attorney to file suit on their behalf. You instructed B.L. to notify the clients that your firm no longer represented them, and provide them with their client files. B.L. did not do as you instructed; he did not tell K.S. or L.G. that he turned over the representation to another attorney, and he continued to communicate with them as if your firm still represented their interests. B.L. did enlist another attorney to file suit on their behalf.

You were the sole attorney in your firm and the only attorney responsible for supervising your legal assistant, B.L. You did not take any steps to ensure that your firm properly terminated your representation of K.S. and L.G.

Rule 1.4 provides the following:

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable request for information.

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

Rule 1.16(d) provides the following:

In connection with any termination of representation, a lawyer shall take timely steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled . . .

Rule 5.3(b) provides the following:

A lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer.

You directed B.L. to terminate the representation, but he did not follow your instructions and, instead, referred the clients' case to another attorney without notifying the clients. Ensuring that the client knows that the attorney-client relationship has concluded is a fundamental aspect of communicating with the client. In this case, when you discovered that your legal assistant had been handling a case without your knowledge, you were obligated to notify K.S. and L.G. of your employee's misconduct so that they could take appropriate action to protect their interests. Instead, they continued to communicate with B.L. under the mistaken impression that he was an attorney and that your firm continued to represent their interests. As the supervising attorney, you were responsible for communicating with the clients directly, or at a minimum, confirming that B.L. had communicated with the clients in accordance with your instructions. Accordingly, we find that you violated Rule 1.4(a) and (b), 5.3(b), and 1.16(d).

In issuing this informal admonition, we have taken into consideration that you cooperated with our investigation, another attorney agreed to represent K.S. and L.G. and filed suit on their behalf, after you discovered the B.L. had misrepresented himself to the clients, you discharged him from your employ.

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

cc (w/o Encl.): K.S. and L.G.

WES:BN/cr