

VIRGINIA:

BEFORE THE FOURTH DISTRICT, SECTION I SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
Ardra Monique O'Neal

VSb Docket No. 20-041-118685

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On February 24, 2021 and June 8, 2021, meetings were held in this matter before a duly convened Fourth District, Section I Subcommittee consisting of Dusty Sparrow Reed, Chair, Allison Helen Carpenter, Member, and Sandra K. Bushue, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand without Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar ("VSB"), by Laura Ann Booberg, Assistant Bar Counsel, and Ardra Monique O'Neal, Respondent, pro se.

WHEREFORE, the Fourth District, Section I Subcommittee of the Virginia State Bar hereby serves upon Respondent the following PUBLIC Reprimand without Terms:

I. FINDINGS OF FACT

1. For all times relevant hereto, Respondent has been licensed to practice law in the Commonwealth of Virginia. She was licensed to practice in the Commonwealth of Virginia on December 7, 2000.
2. Respondent is also licensed to practice law in Ohio and the District of Columbia.¹
3. In 2015, Derrick Homesley ("Homesley") retained Respondent to represent him in an appeal from a decision of the Circuit Court for Prince George's County, Maryland. Respondent did not advise Homesley that she was not admitted in Maryland. Alan Mitchell ("Mitchell"), Respondent's associate, was admitted in Maryland.

¹ Respondent was admitted to practice law in Ohio on 11/12/1996 and the District of Columbia on 10/1/1999.

4. At the time, Respondent was using a Letter of Engagement with a mixture of a retainer, hourly, and contingency fee. Homesley thought that he had retained Respondent on a contingency fee basis.
5. On September 25, 2015, Mitchell filed a Notice of Appeal in the Maryland Court of Special Appeals. However, Respondent was the only attorney in the firm that communicated with Homesley or engaged in settlement negotiations with opposing counsel.
6. In March 2016, Homesley became dissatisfied with Respondent. Respondent told Homesley that he would need to pay for the costs associated with the appeal. Notwithstanding Homesley's belief that Respondent's fee was contingent, on March 7, 2016, Respondent emailed Homesley an invoice for \$22,612.50. The charges listed on the invoice were mostly for services performed by Respondent and her paralegals.
7. On March 15, 2016, Mitchell filed a brief in the Court of Special Appeals. On May 9, 2016, Respondent wrote to Homesley and advised that since they were not able to settle his case, the firm would only continue to represent him on an hourly basis. On May 26, 2016, after Respondent did not hear from Homesley, she terminated her representation. Mitchell withdrew his representation and on June 17, 2016, the court struck Mitchell's appearance.
8. On February 4, 2020, Respondent entered into an agreement with Maryland Bar Counsel Lydia Lawless for a Proposed Reprimand, in which Respondent "acknowledge[d] that she violated Rules 1.4 (communication), 1.5(b) (fees), 5.5(b) (unauthorized practice of law; multijurisdictional practice of law) and 8.4(a) and (d) (misconduct) of the Maryland Attorneys' Rules of Professional Conduct."²
9. On February 19, 2020 the Maryland Attorney Grievance Commission ("the Commission") approved the Proposed Reprimand. On February 25, 2020, the Commission administered a letter of Reprimand to Respondent after for engaging in professional misconduct while representing a client in an appeal to the Maryland Court of Appeals.³ The letter detailed the facts and rule violations which Respondent endorsed and acknowledged in signing the Proposed reprimand.
10. The Maryland Rules provide that a reprimand constitutes discipline which is public and open to inspection. A copy of the letter was served on Respondent on February 27, 2020.
11. Pursuant to Virginia Rule of Professional Conduct 8.3(e)(1), Respondent had until April 21, 2020 to notify the Clerk of the VSB of her Reprimand. She did not notify

² February 4, 2020 Proposed Reprimand is attached as Exhibit A.

³ The February 25, 2020 letter of Reprimand is attached as Exhibit B.

the VSB until November 3, 2020, after the matter was referred for investigation by the Fourth District, Section I Subcommittee.⁴

II. NATURE OF MISCONDUCT

Virginia Rule of Professional Conduct 8.5(b)(1) provides that when a Virginia lawyer engages in misconduct outside of Virginia, “for conduct in connection with a proceeding in a court, agency, or other tribunal before which a lawyer appears, the rules to be applied shall be the rules of the jurisdiction in which the court, agency, or other tribunal sits, unless the rules of the court, agency, or other tribunal provide otherwise.”⁵

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

Maryland Attorney Rules of Professional Conduct:

RULE 19-308.5. DISCIPLINARY AUTHORITY; CHOICE OF LAW (8.5)

(a) Disciplinary Authority.

⁴ On April, 28, 2020, the VSB received the letter of Reprimand from the Attorney Grievance Commission of Maryland.

⁵ RULE 8.5 Disciplinary Authority; Choice Of Law

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of Virginia, regardless of where the lawyer's conduct occurs. A lawyer not admitted in Virginia is also subject to the disciplinary authority of Virginia if the lawyer provides, holds himself out as providing, or offers to provide legal services in Virginia. By doing so, such lawyer consents to the appointment of the Clerk of the Supreme Court of Virginia as his or her agent for purposes of notices of any disciplinary action by the Virginia State Bar. A lawyer may be subject for the same conduct to the disciplinary authority of Virginia and any other jurisdiction where the lawyer is admitted.

(b) Choice of Law. In any exercise of the disciplinary authority of Virginia, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a proceeding in a court, agency, or other tribunal before which a lawyer appears, the rules to be applied shall be the rules of the jurisdiction in which the court, agency, or other tribunal sits, unless the rules of the court, agency, or other tribunal provide otherwise;

(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred; and

(3) notwithstanding subparagraphs (b)(1) and (b)(2), for conduct in the course of providing, holding out as providing, or offering to provide legal services in Virginia, the Virginia Rules of Professional Conduct shall apply.

(1) An attorney admitted by the Court of Appeals to practice in this State is subject to the disciplinary authority of this State, regardless of where the attorney's conduct occurs.

(2) An attorney not admitted to practice in this State is also subject to the disciplinary authority of this State if the attorney:

(A) provides or offers to provide any legal services in this State,

(B) holds himself or herself out as practicing law in this State, or

(C) has an obligation to supervise or control another attorney practicing law in this State whose conduct constitutes a violation of these Rules.

(3) An attorney may be subject to the disciplinary authority of both this State and another jurisdiction for the same conduct.

(b) Choice of Law. In any exercise of the disciplinary authority of this State, the rule of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct, the rules of the jurisdiction in which the attorney's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. An attorney shall not be subject to discipline if the attorney's conduct conforms to the rules of a jurisdiction in which the attorney reasonably believes the predominant effect of the attorney's conduct will occur.

RULE 19-301.4. COMMUNICATION (1.4)

(a) An attorney shall:

(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 19-301.0 (f) (1.0), is required by these Rules;

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

(3) promptly comply with reasonable requests for information; and

(4) consult with the client about any relevant limitation on the attorney's conduct when the attorney knows that the client expects assistance not permitted by the Maryland Attorneys' Rules of Professional Conduct or other law.

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

RULE 19-301.5. FEES (1.5)

(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the attorney will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.

RULE 19-305.5. UNAUTHORIZED PRACTICE OF LAW; MULTI-JURISDICTIONAL PRACTICE OF LAW (5.5)

(b) An attorney who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the attorney is admitted to practice law in this jurisdiction.

RULE 19-308.4. MISCONDUCT (8.4)

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Maryland Attorneys' Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(d) engage in conduct that is prejudicial to the administration of justice;

Virginia Rules of Professional Conduct:

RULE 8.3 Reporting Misconduct

(e) A lawyer shall inform the Virginia State Bar if:

(1) the lawyer has been disciplined by a state or federal disciplinary authority, agency or court in any state, U.S. territory, or the District of Columbia, for a violation of rules of professional conduct in that jurisdiction;

The reporting required by paragraph (e) of this Rule shall be made in writing to the Clerk of the Disciplinary System of the Virginia State Bar not later than 60 days following entry of any final order or judgment of conviction or discipline.

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a PUBLIC Reprimand Without Terms and Ardra Monique O'Neal is hereby so reprimanded. Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

FOURTH DISTRICT, SECTION I
SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By: _____


Dusty Sparrow Reed
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on July 1, 2021, a true and complete copy of the Subcommittee Determination (Public Reprimand Without Terms) was sent by certified mail to Ardra Monique O'Neal, Respondent, at The O'Neal Firm LLP, 700 12th St NW Ste 700, Washington, D.C. 20005, Respondent's last address of record with the Virginia State Bar.



Laura Ann Booberg
Assistant Bar Counsel

VIRGINIA:

BEFORE THE FOURTH DISTRICT, SECTION I SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
ARDRA MONIQUE O'NEAL

VSb Docket No. 20-041-118685

AGREED DISPOSITION
PUBLIC REPRIMAND WITHOUT TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar, by Laura Ann Booberg, Assistant Bar Counsel, and Ardra Monique O'Neal, Respondent, pro se hereby enter into the following agreed disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. For all times relevant hereto, Respondent has been licensed to practice law in the Commonwealth of Virginia. She was licensed to practice in the Commonwealth of Virginia on December 7, 2000.
2. Respondent is also licensed to practice law in Ohio and the District of Columbia.¹
3. In 2015, Derrick Homesley ("Homesley") retained Respondent to represent him in an appeal from a decision of the Circuit Court for Prince George's County, Maryland. Respondent did not advise Homesley that she was not admitted to practice law in Maryland. Respondent's associate, Alan Mitchell ("Mitchell"), was admitted to practice law in Maryland.
4. At the time, Respondent was using a Letter of Engagement with a mixture of a retainer, hourly, and contingency fee. Homesley thought that he had retained Respondent on a contingency fee basis.
5. On September 25, 2015, Mitchell filed a Notice of Appeal in the Maryland Court of Special Appeals. However, Respondent was the only attorney in the firm that communicated with Homesley or engaged in settlement negotiations with opposing counsel.

¹ Respondent was admitted to practice law in Ohio on 11/12/1996 and the District of Columbia on 10/1/1999.

6. In March 2016, Homesley became dissatisfied with Respondent. Respondent told Homesley that he would need to pay for the costs associated with the appeal. Notwithstanding Homesley's belief that Respondent's fee was contingent, on March 7, 2016, Respondent emailed Homesley an invoice for \$22,612.50. The charges listed on the invoice were mostly for services performed by Respondent and her paralegals.
7. On March 15, 2016, Mitchell filed a brief in the Maryland Court of Special Appeals. On May 9, 2016, Respondent wrote to Homesley and advised that since they were not able to settle his case, the firm would only continue to represent him on an hourly basis. On May 26, 2016, after Respondent did not hear from Homesley, she terminated her representation. Mitchell withdrew his representation and on June 17, 2016, the Maryland Court of Special Appeals struck Mitchell's appearance.
8. On February 4, 2020, Respondent entered into an agreement with Maryland Bar Counsel Lydia Lawless for a Proposed Reprimand, in which Respondent "acknowledge[d] that she violated Rules 1.4 (communication), 1.5(b) (fees), 5.5(b) (unauthorized practice of law; multijurisdictional practice of law) and 8.4(a) and (d) (misconduct) of the Maryland Attorneys' Rules of Professional Conduct." ²
9. On February 19, 2020 the Maryland Attorney Grievance Commission ("the Commission") approved the Proposed Reprimand. On February 25, 2020, the Commission administered a letter of Reprimand to Respondent for engaging in professional misconduct while representing a client in an appeal to the Maryland Court of Appeals. ³ The letter detailed the facts and rule violations which Respondent endorsed and acknowledged in signing the Proposed Reprimand.
10. The Maryland Rules provide that a Reprimand constitutes discipline which is public and open to inspection. A copy of the letter was served on Respondent on February 27, 2020.
11. Pursuant to Virginia Rule of Professional Conduct 8.3(e)(1), Respondent had until April 21, 2020 to notify the Clerk of the VSB of her Reprimand. She did not notify the VSB until November 3, 2020, after the matter was referred for investigation by the Fourth District, Section I District Committee. ⁴

² February 4, 2020 Proposed Reprimand is attached as Exhibit A.

³ The February 25, 2020 letter of Reprimand is attached as Exhibit B.

⁴ On April 28, 2020, the VSB received the letter of Reprimand from the Attorney Grievance Commission of Maryland.

II. NATURE OF MISCONDUCT

Pursuant to Virginia Rule of Professional Conduct 8.5(a), “[a] lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of Virginia, regardless of where the lawyer’s conduct occurs.”

Virginia Rule of Professional Conduct 8.5(b)(1) provides that when a Virginia lawyer engages in misconduct outside of Virginia, “for conduct in connection with a proceeding in a court, agency, or other tribunal before which a lawyer appears, the rules to be applied shall be the rules of the jurisdiction in which the court, agency, or other tribunal sits, unless the rules of the court, agency, or other tribunal provide otherwise.”⁵

Because Respondent’s conduct occurred before a Maryland tribunal and was related to a dispute in Maryland, the Maryland Attorney Rules of Professional Conduct apply. With regard to Respondent’s failure to timely notify the VSB of the Reprimand, Respondent’s conduct was directed toward Virginia, and therefore Virginia Rule of Professional Conduct 8.3(e)(1) applies.

⁵ RULE 8.5 Disciplinary Authority; Choice Of Law

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of Virginia, regardless of where the lawyer’s conduct occurs. A lawyer not admitted in Virginia is also subject to the disciplinary authority of Virginia if the lawyer provides, holds himself out as providing, or offers to provide legal services in Virginia. By doing so, such lawyer consents to the appointment of the Clerk of the Supreme Court of Virginia as his or her agent for purposes of notices of any disciplinary action by the Virginia State Bar. A lawyer may be subject for the same conduct to the disciplinary authority of Virginia and any other jurisdiction where the lawyer is admitted.

(b) Choice of Law. In any exercise of the disciplinary authority of Virginia, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a proceeding in a court, agency, or other tribunal before which a lawyer appears, the rules to be applied shall be the rules of the jurisdiction in which the court, agency, or other tribunal sits, unless the rules of the court, agency, or other tribunal provide otherwise;

(2) for any other conduct, the rules of the jurisdiction in which the lawyer’s conduct occurred; and

(3) notwithstanding subparagraphs (b)(1) and (b)(2), for conduct in the course of providing, holding out as providing, or offering to provide legal services in Virginia, the Virginia Rules of Professional Conduct shall apply.

Although Respondent is not admitted to practice law in Maryland, her conduct subjected her to Maryland's disciplinary authority under Maryland Disciplinary Rule of Professional Conduct 8.5.

Therefore, such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

Maryland Attorney Rules of Professional Conduct:

RULE 19-308.5. DISCIPLINARY AUTHORITY; CHOICE OF LAW (8.5)

(a) Disciplinary Authority.

(1) An attorney admitted by the Court of Appeals to practice in this State is subject to the disciplinary authority of this State, regardless of where the attorney's conduct occurs.

(2) An attorney not admitted to practice in this State is also subject to the disciplinary authority of this State if the attorney:

(A) provides or offers to provide any legal services in this State,

(B) holds himself or herself out as practicing law in this State, or

(C) has an obligation to supervise or control another attorney practicing law in this State whose conduct constitutes a violation of these Rules.

(3) An attorney may be subject to the disciplinary authority of both this State and another jurisdiction for the same conduct.

(b) Choice of Law. In any exercise of the disciplinary authority of this State, the rule of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct, the rules of the jurisdiction in which the attorney's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. An attorney shall not be subject to discipline if the attorney's conduct conforms to the rules of a jurisdiction in which the attorney reasonably believes the predominant effect of the attorney's conduct will occur.

RULE 19-301.4. COMMUNICATION (1.4)

(a) An attorney shall:

(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 19-301.0 (f) (1.0), is required by these Rules;

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

(3) promptly comply with reasonable requests for information; and

(4) consult with the client about any relevant limitation on the attorney's conduct when the attorney knows that the client expects assistance not permitted by the Maryland Attorneys' Rules of Professional Conduct or other law.

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

RULE 19-301.5. FEES (1.5)

(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the attorney will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.

RULE 19-305.5. UNAUTHORIZED PRACTICE OF LAW; MULTI-JURISDICTIONAL PRACTICE OF LAW (5.5)

(b) An attorney who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the attorney is admitted to practice law in this jurisdiction.

RULE 19-308.4. MISCONDUCT (8.4)

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Maryland Attorneys' Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(d) engage in conduct that is prejudicial to the administration of justice;

Virginia Rules of Professional Conduct:

RULE 8.3 Reporting Misconduct

(e) A lawyer shall inform the Virginia State Bar if:

- (1) the lawyer has been disciplined by a state or federal disciplinary authority, agency or court in any state, U.S. territory, or the District of Columbia, for a violation of rules of professional conduct in that jurisdiction;

The reporting required by paragraph (e) of this Rule shall be made in writing to the Clerk of the Disciplinary System of the Virginia State Bar not later than 60 days following entry of any final order or judgment of conviction or discipline.

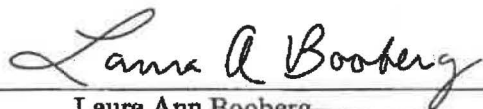
III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to a subcommittee of the Fourth District, Section I Committee for its approval the agreed disposition of a Public Reprimand without Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Fourth District, Section I Committee.

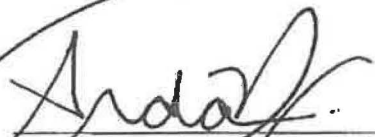
If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

Pursuant to Part 6, § IV, ¶ 13-30.B of the Rules of the Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the subcommittee considering this agreed disposition.

THE VIRGINIA STATE BAR



Laura Ann Booberg
Assistant Bar Counsel



Ardra Monique O'Neal, Esquire
Respondent

February 4, 2020
~~January 3, 2020~~

BC Docket No. 2019-0208

Complainant:

Derrick James Homesley
11413 Hermit Street
Clinton, MD 20735

Respondent:

Ardra Monique O'Neal
700 12th Street, N.W.
Suite 700
Washington, DC 20005
(866) 771-0151
Date of Admission: N/A

PROPOSED REPRIMAND

Pursuant to Maryland Rule 19-717, the Attorney Grievance Commission of Maryland hereby reprimands Ardra M. O'Neal, Respondent, for engaging in professional misconduct while representing a client in an appeal to the Maryland Court of Special Appeals.

The Respondent was admitted to the Ohio Bar on November 12, 1996, the District of Columbia Bar on October 1, 1999 and the Virginia Bar on December 7, 2000. The Respondent is not, and has never been, admitted to the Maryland Bar.

The Respondent is the managing partner of The O'Neal Firm, LLP, located in Washington, D.C. The Respondent's letterhead and advertisements failed to denote that the Respondent is not authorized to practice law in Maryland. In or about 2011, the Respondent hired Alan Mitchell, Esquire, as an associate. Mr. Mitchell was admitted to the Maryland Bar on June 15, 2011.

On September 17, 2015, Derrick J. Homesley, retained the Respondent to represent him in the appeal from the decision of the Circuit Court for Prince George's County in the case of *Homesley v. Maryland State Board of Education*, Case No. CAL14-29085. The Respondent failed to advise Mr. Homesley that she was not a member of the Maryland Bar.

The Respondent's Letter of Engagement, dated September 16, 2015, contained provisions for a retainer fee, hourly fee, and a contingency fee. The letter failed to clearly explain to Mr. Homesley the circumstances under which the various fees would be charged. At all times during the representation Mr. Homesley believed that the Respondent was representing him on a contingency fee basis.

On September 21, 2015, Mr. Mitchell filed a Notice of Appeal in the Court of Special Appeals on behalf of Mr. Homesley. Notwithstanding the fact that she was not licensed to practice law in Maryland and that Mr. Mitchell was the attorney of record, during the pendency of the representation, the Respondent was the only attorney from the firm to communicate with Mr. Homesley regarding his case. The Respondent was also the only attorney from the firm who

VSb Exhibit

A

engaged in settlement negotiations on Mr. Homesley's behalf with opposing counsel.

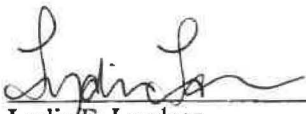
Beginning in March 2016, Mr. Homesley began communicating his dissatisfaction with the Respondent's representation. On March 7, 2016, the Respondent wrote to Mr. Homesley, expressed doubt that a settlement could be reached, and advised him that he would need to pay for the costs associated with the appellate brief. On March 9, 2016, Mr. Homesley responded to the Respondent's March 7 letter and stated that he wanted to settle the matter however, if no settlement could be reached, he expected the Respondent's firm to represent him at oral argument in the Court of Special Appeals, scheduled for October 2016. Mr. Homesley also explained to the Respondent that, according to his interpretation of the fee agreement, all litigation costs would be deducted from funds received from the settlement. Later that same day, the Respondent emailed Mr. Homesley an invoice charging him \$22,612.50 for legal services provided to him by the firm. The overwhelming majority of the charges listed on the invoice were for services performed by the Respondent and one of the firm's paralegals.

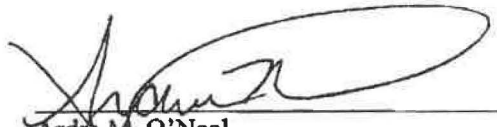
On March 15, 2016, Mr. Mitchell filed a brief in the Court of Special Appeals on behalf of Mr. Homesley. On May 9, 2016, the Respondent wrote to Mr. Homesley and advised that, since they were not able to settle the matter, the firm would be ending its contingency representation and offered to represent him on an hourly fee basis. On May 26, 2016, having received no response to her May 9 letter, the Respondent sent a letter to Mr. Homesley advising that the firm was terminating its representation. On June 17, 2016, the court struck Mr. Mitchell's appearance.

Based upon his conduct as described herein, Ms. O'Neal acknowledges that she violated Rules 1.4 (communication), 1.5(b) (fees), 5.5(b) (unauthorized practice of law; multi-jurisdictional practice of law) and 8.4(a) and (d) (misconduct) of the Maryland Attorneys' Rules of Professional Conduct. The Attorney Grievance Commission reprimands Ms. O'Neal for these violations. Ms. O'Neal also agrees to attend and complete a continuing legal education ("CLE") program on the subject of law practice management offered by the District of Columbia Bar Association and to provide proof of same to Bar Counsel within nine months.

STIPULATION AND WAIVER

Lydia E. Lawless, Bar Counsel, and Ardra M. O'Neal, Esquire, Respondent in BC Docket No. 2019-0208, hereby enter into this joint waiver of further proceedings for the purpose of submitting a proposed reprimand to the Attorney Grievance Commission of Maryland for approval. The Respondent endorses the text of the proposed reprimand as set forth above.


Lydia E. Lawless
Bar Counsel


Ardra M. O'Neal
Respondent

**ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND**

OFFICE OF THE EXECUTIVE SECRETARY

200 HARRY S. TRUMAN PARKWAY
SUITE 300
ANNAPOLIS, MARYLAND 21401
410-514-7085

MARIANNE J. LEE, ESQUIRE
EXECUTIVE SECRETARY

February 25, 2020

Ardra M. O'Neal
700 12th Street, N.W.
Suite 700
Washington, DC 20005

RE: BC Docket No. 2019-0208
Complainant: Derrick James Homesley

Dear Ms. O'Neal:

The Attorney Grievance Commission, at its meeting on February 19, 2020, approved the proposed Reprimand agreed upon by you and Bar Counsel and directed that this letter of Reprimand be administered to you.

Pursuant to Maryland Rule 19-717, the Attorney Grievance Commission of Maryland hereby reprimands Ardra M. O'Neal, Respondent, for engaging in professional misconduct while representing a client in an appeal to the Maryland Court of Special Appeals.

The Respondent was admitted to the Ohio Bar on November 12, 1996, the District of Columbia Bar on October 1, 1999 and the Virginia Bar on December 7, 2000. The Respondent is not, and has never been, admitted to the Maryland Bar.

The Respondent is the managing partner of The O'Neal Firm, LLP, located in Washington, D.C. The Respondent's letterhead and advertisements failed to denote that the Respondent is not authorized to practice law in Maryland. In or about 2011, the Respondent hired Alan Mitchell, Esquire, as an associate. Mr. Mitchell was admitted to the Maryland Bar on June 15, 2011.

On September 17, 2015, Derrick J. Homesley, retained the Respondent to represent him in the appeal from the decision of the Circuit Court for Prince George's County in the case of *Homesley v. Maryland State Board of Education*, Case No. CAL14-29085. The Respondent failed to advise Mr. Homesley that she was not a member of the Maryland Bar.

CERTIFIED – RETURN RECEIPT REQUESTED

**VSB Exhibit
B**

The Respondent's Letter of Engagement, dated September 16, 2015, contained provisions for a retainer fee, hourly fee, and a contingency fee. The letter failed to clearly explain to Mr. Homesley the circumstances under which the various fees would be charged. At all times during the representation Mr. Homesley believed that the Respondent was representing him on a contingency fee basis.

On September 21, 2015, Mr. Mitchell filed a Notice of Appeal in the Court of Special Appeals on behalf of Mr. Homesley. Notwithstanding the fact that she was not licensed to practice law in Maryland and that Mr. Mitchell was the attorney of record, during the pendency of the representation, the Respondent was the only attorney from the firm to communicate with Mr. Homesley regarding his case. The Respondent was also the only attorney from the firm who engaged in settlement negotiations on Mr. Homesley's behalf with opposing counsel.

Beginning in March 2016, Mr. Homesley began communicating his dissatisfaction with the Respondent's representation. On March 7, 2016, the Respondent wrote to Mr. Homesley, expressed doubt that a settlement could be reached, and advised him that he would need to pay for the costs associated with the appellate brief. On March 9, 2016, Mr. Homesley responded to the Respondent's March 7 letter and stated that he wanted to settle the matter however, if no settlement could be reached, he expected the Respondent's firm to represent him at oral argument in the Court of Special Appeals, scheduled for October 2016. Mr. Homesley also explained to the Respondent that, according to his interpretation of the fee agreement, all litigation costs would be deducted from funds received from the settlement. Later that same day, the Respondent emailed Mr. Homesley an invoice charging him \$22,612.50 for legal services provided to him by the firm. The overwhelming majority of the charges listed on the invoice were for services performed by the Respondent and one of the firm's paralegals.

On March 15, 2016, Mr. Mitchell filed a brief in the Court of Special Appeals on behalf of Mr. Homesley. On May 9, 2016, the Respondent wrote to Mr. Homesley and advised that, since they were not able to settle the matter, the firm would be ending its contingency representation and offered to represent him on an hourly fee basis. On May 26, 2016, having received no response to her May 9 letter, the Respondent sent a letter to Mr. Homesley advising that the firm was terminating its representation. On June 17, 2016, the court struck Mr.

CERTIFIED – RETURN RECEIPT REQUESTED

Ardra O'Neal
February 25, 2020
Page 3 of 3

Mitchell's appearance.

Based upon his conduct as described herein, Ms. O'Neal acknowledges that she violated Rules 1.4 (communication), 1.5(b) (fees), 5.5(b) (unauthorized practice of law; multi-jurisdictional practice of law) and 8.4(a) and (d) (misconduct) of the Maryland Attorneys' Rules of Professional Conduct. The Attorney Grievance Commission reprimands Ms. O'Neal for these violations. Ms. O'Neal also agrees to attend and complete a continuing legal education ("CLE") program on the subject of law practice management offered by the District of Columbia Bar Association and to provide proof of same to Bar Counsel within nine months.

The Maryland Rules provide that a reprimand constitutes discipline which is public and open to inspection. Bar Counsel will be providing a copy of this letter to the Complainant.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. J. Lee', with a stylized flourish at the end.

Marianne J. Lee
Executive Secretary

MJL/sg

cc: Michael W. Blow, Esquire

CERTIFIED – RETURN RECEIPT REQUESTED