

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

**BY FIRST-CLASS AND CERTIFIED  
MAIL NO. 71603901984512229597**

Randy McRae, Esquire  
c/o Bruce L. Marcus, Esquire  
Attorneys at Law  
Capital Office Park  
6411 Ivy Lane, Suite 116  
Greenbelt, MD 20770

Re: In re Randy McRae, Esquire  
D.C. Bar No. 96662  
Bar Docket No. 2006-D323

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 find as follows: During 2005, you were licensed to practice law in the District of Columbia, but not in Maryland. Pursuant to an agreement with Peter Maignan, Esquire, you practiced law in association with the law offices of Maignan & Associates, which was located in Maryland.

On March 10, 2005, you met with C.K. and agreed to represent him in a property liability matter. You executed a retainer agreement that states the following: "This agreement describes the terms on which RANDY MCRAE, of Counsel, to Maignan & Associates agrees to represent [C.K.] . . ." The letterhead on the retainer agreement provided the following:

Maignan Law Firm  
Attorneys and Counselor at Law

8181 Professional Place, Suite 205  
Landover, MD 20774  
(301) 429-1274  
FAX (301) 429-1279

Your Retainer Agreement did not indicate the jurisdiction in which you were licensed to practice law, and failed to disclose that you were not licensed to practice law in Maryland. You did not inform C.K. that you were not licensed to practice law in Maryland.

Also on March 10, 2005, you gave C.K. a business card that provided the same Landover, MD address that you listed on your retainer agreement. Your business card identified you as a Certified Public Accountant and Attorney at Law, provided a Maryland address, but failed to indicate the jurisdiction in which you were licensed to practice law, and failed to disclose that you were not licensed to practice law in Maryland.

In correspondence you sent to Fleetwood on C.K.'s behalf, you used stationary with the following letterhead:

Law Office of Randy McRae  
Attorneys and Counselors at Law

Capitol Area Office  
10640 Campus Way South, Suite 110  
Largo, MD 20774  
(301) 459-5255  
FAX (301) 459-9111

You sent C.K. a copy of this letter. Your letter to Fleetwood did not indicate the jurisdiction in which you were licensed to practice law, and failed to disclose that you were not licensed to practice law in Maryland.

In January 2006, C.K. filed a complaint with the Attorney Grievance Commission of Maryland. On November 17, 2006, the Attorney Grievance Commission ("Commission") of Maryland issued you a public reprimand based on your conduct while representing C.K. The Commission determined that you violated Maryland Rules of Professional Conduct 5.5, which prohibits the unauthorized practice of law.

Pursuant to Rule 8.5(b)(2)(i),<sup>1</sup> we reviewed your conduct under the District of Columbia Rules of Professional Conduct. We find that your conduct in this matter is inconsistent with the requirements of Rules 5.5(a), 7.1(a), and 7.5(a). Rule 5.5(a) provides: "A lawyer shall not: (a)

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<sup>1</sup> District of Columbia Rules of Professional Conduct 8.5 (b)(2)(i) 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: (2)(i) If the lawyer is licensed to practice only in this jurisdiction, the rules to be applied shall be the rules of this jurisdiction . . ."

Practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.” Maryland Rules of Professional Conduct 5.5(b) provides the following:

- (b) A lawyer 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.

We find that you violated this Rule by practicing law in association with the law offices of Maignan & Associates, which was located in Maryland.

Rule 7.1(a) provides:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it:

- (1) Contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading; . . .

Your failure to communicate that you were not licensed to practice in Maryland on your Retainer Agreement, your business card, and on the letterhead of correspondence to Fleetwood, Inc. was misleading because you failed to disclose that you were not admitted to practice law in Maryland, where you maintained your law office. Your failure to clarify that you were licensed only in the District of Columbia constitutes a false or misleading communication in violation of Rule 7.1(a)(1). Rule 7.5 (a) provides the following: “A lawyer shall not use a firm name, letter or other professional designation that violates Rule 7.1. . .” We find your conduct violated Rule 7.1, and consequently, Rule 7.5(a).

In issuing this informal admonition, we have taken into consideration that you cooperated with our investigation, your client’s legal position was not compromised by your misleading communication, and you have no prior disciplinary history except for this same matter arising in Maryland.

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

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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

WES:BN:itm

Enclosure: Attachment to Letter of Informal Admonition

cc (w/o Encl.): C.K.