

**THE FOLLOWING INFORMAL ADMONITION WAS ISSUED  
BY BAR COUNSEL ON  
December 20, 2007**

**BY FIRST-CLASS AND CERTIFIED  
MAIL NO. 71603901984512229580**

Donald M. Temple, Esquire  
Temple Law Offices  
1229 15<sup>th</sup> Street, N.W.  
Washington, DC 20005

Re: In re Donald Temple, Esquire  
D.C. Bar No. 408749  
Bar Docket No. 2006-D226

Dear Mr. Temple:

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 June 22, 2006, based on an ethical complaint filed by your former client ("S.B."), who states that you failed to file a timely notice of appeal on her behalf. She states that when her company went bankrupt, the court appointed a trustee. She states that there were multiple lawsuits and adversary proceedings related to the bankruptcy. She states that in January 2003, she hired you to represent her in filing a malpractice lawsuit against one of her former attorneys. She states that in January 2005, after the court dismissed her lawsuit, she asked you to file an appeal. She states that you agreed to do so, but that you failed to file a timely notice of appeal. S.B. states that when she contacted you regarding the status of her case, you admitted that you had missed the appeal deadline.

You admit that you failed to file a timely notice of appeal. You state that you were extremely busy with other matters, and you relied on an associate in your office to calculate the appeal deadline. You state that you do not specifically recall assigning an associate to research the matter but, based on your review of documents in the client file, that's what you believe happened. You state that the associate mistakenly informed you that S.B. had thirty days to file an appeal, although the applicable court rule provided that she had ten days to do so.

We find as follows: On January 7, 2005, the court issued an order dismissing S.B.'s case and entered the order on January 10, 2005. On January 11, 2005, you sent S.B. a copy of the judge's decision and informed her that she had thirty days to file an appeal. You agreed to file the appeal, although you advised your client that you were unfamiliar with bankruptcy court procedures. On February 7, 2005, you spoke to your client and told her that you had missed the deadline for filing an appeal. On February 8, 2005, within thirty days of the court order but beyond the ten-day deadline, you filed a motion for leave to note an appeal. In March 2005, the court held a hearing on the matter, and on April 1, 2005, the court denied your motion.

Rule 1.1 provides:

- (a) A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.
- (b) A lawyer shall serve a client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters.

Also, Rule 1.3 provides the following:

- (a) A lawyer shall represent a client zealously and diligently within the bounds of the law.
- (c) A lawyer shall act with reasonable promptness in representing a client.

Competent handling of a matter "includes adequate preparation and continuing attention to the needs of the representation to assure that there is no neglect of such needs." Rule 1.1, Comment 5. A competent, diligent lawyer reviews the applicable rules for filing an appeal. Because you were mistaken about the time period for filing an appeal, you failed to take the necessary steps to preserve your client's right to note an appeal. Accordingly, we find that your conduct violated Rules 1.1 (a) and (b) and 1.3(a) and (c).

In issuing this informal admonition, we have taken into consideration that you cooperated with our investigation, you did not misrepresent the status of the case to your client, you attempted to rectify your error by promptly filing motions with the court, and you accept responsibility for your actions by agreeing to this informal admonition. To the extent that the ethical complaint raises other allegations, we do not find clear and convincing evidence of misconduct.

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,

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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

WES:BN:itm

Enclosure: Attachment to Letter of Informal Admonition

cc (w/o Encl.): S.B.