

SANCTIONS AND ACTIONS AFFECTING LICENSURE (FY 2023)

CAPLAN, David Ollie – Disbarred on September 13, 2022, effective immediately, in a reciprocal action from Arizona, for failing to properly safekeep funds in an attorney trust account and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. The Respondent received client funds for fees to be paid to the United States Patent and Trademark Office but failed to remit the necessary payments, resulting in patent applications being deemed abandoned. The Respondent did not timely advise the client of the abandonments or of his failure to make necessary payments. The Respondent commingled the client's funds with his business and personal funds and failed to maintain proper attorney trust account records. In addition, the Respondent misrepresented to the State Bar of Arizona that he maintained professional liability insurance.

FRANKLE, Alan Benjamin – Commission Reprimand on August 24, 2022, for failing to represent his client competently and diligently, failing to adequately communicate with his client, and engaging in conduct that is prejudicial to the administration of justice. In 2015, the Respondent prepared a will for his client and filed the original document for safekeeping with the local Register of Wills per his client's request. In 2018, the Respondent prepared a new will, revoking the 2015 will, for his client, who retained possession of the original document. After the client's death, one of the client's sons told the Respondent that he was unable to locate the original 2018 will, and the Respondent advised that it was presumed to be destroyed and that the son could submit the 2015 will for probate. The Respondent failed to appreciate that the 2018 will, if probated, would have revoked the 2015 will and failed to appropriately advise the son regarding the 2018 will.

GREENE, Tina Deloris – Suspension by Consent for sixty days on July 22, 2022, stayed in favor of one year of probation with the terms contained in the Probation Agreement, in a reciprocal action from the District of Columbia. The Respondent failed to provide her client in an employment discrimination case with a written fee agreement, failed to represent her client competently and diligently, failed to communicate with her client about the ongoing litigation, and interfered with an ongoing disciplinary investigation.

HAMMERSCHMIDT, James Robert – Commission Reprimand on September 30, 2022, for failing to represent his client diligently, failing to adequately communicate with his client, and engaging in conduct that is prejudicial to the administration of justice. The Respondent represented a client in mediation and advised that he would provide a memorandum and documentation in support of the client's position. The Respondent failed to provide any memorandum or documentation to the client, the opposing party, or the mediator, and the opposing party eventually withdrew from the mediation.

HARMON, Jewel M. – Suspension by Consent for sixty days on July 22, 2022, stayed in favor of one year of probation with the terms contained in the Probation Agreement, in a reciprocal action from the District of Columbia, for failing to represent her clients competently and diligently, failing to take steps to protect her clients' interests upon termination of the representation, and engaging in conduct that is prejudicial to the administration of justice. The Respondent engaged in misconduct in three separate probate matters: while serving as guardian for two minor children;

while serving as general conservator and co-guardian of an incapacitated ward; and while serving as successor trustee in a contentious estate matter.

HAUSMANN, Wendy Arlene – Reprimand by Consent on August 10, 2022, in a reciprocal action from the Supreme Court of Florida, for violating the Florida Rules of Professional Conduct in failing to abide by requirements for limiting the scope of representation, representing a client involving a conflict of interest, entering into a business transaction with a current client without obtaining the client’s informed consent, failing to uphold her duties to a former client, and engaging in conduct that is prejudicial to the administration of justice. The Respondent represented a recreational club in several legal matters. At the request of the club’s treasurer, the Respondent made a loan to the club without advising the club to seek independent legal advice. The club later reimbursed the Respondent and terminated the representation. Later, civil litigation occurred between the club and the treasurer, and the Respondent represented the treasurer in some of those proceedings without obtaining the informed consent of the club, her former client.

HAVERSACK, Eric Hans – Commission Reprimand on September 2, 2022, for failing to safekeep funds in an attorney trust account, failing to promptly deliver funds that a third party was entitled to receive, failing to make required deposits in an attorney trust account, and failing to comply with attorney trust account record-keeping requirements. The Respondent received a settlement check for a client whose prior counsel had asserted an attorney’s fee lien of which the Respondent was aware. The Respondent failed to promptly notify prior counsel that he was in possession of funds in which prior counsel asserted an interest, which the Respondent and the client disputed. In addition, the Respondent deposited settlement checks received on behalf of two clients into his operating account rather than an attorney trust account, failed to maintain a chronological record of all trust account deposits and disbursements, and did not create and maintain individual client matter records.

HOSTAGE, Christopher V. – Commission Reprimand on August 29, 2022, for failing to represent his clients competently, disclosing confidential client information, failing to safekeep funds in an attorney trust account, and engaging in conduct that is prejudicial to the administration of justice. The Respondent deposited his client’s flat fee directly into his operating account without obtaining his client’s informed consent, confirmed in writing, to hold the unearned funds outside of trust. In addition, two clients posted negative online reviews about the Respondent’s representation, and the Respondent posted responses that revealed confidential information regarding the representation.

MITCHELL, Robert Andrew – Suspension by Consent for sixty days on August 10, 2022, stayed in favor of one year of probation with the terms contained in the Probation Agreement, for committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as an attorney; and engaging in conduct that is prejudicial to the administration of justice. The Respondent pled guilty to two counts of disorderly conduct and two counts of malicious destruction of property.

MOSLEY, Kevin Louis – Commission Reprimand on September 29, 2022, for failing to represent his client diligently, failing to adequately communicate with his client, and engaging in conduct

that is prejudicial to the administration of justice. The Respondent was appointed to assist a criminal defendant with his *pro se* motion for a new trial by filing any appropriate supplement thereto. The Respondent failed to file a supplement and failed to advise the client that he had decided not to file any supplement based upon his review of the case. The Respondent failed to respond to communications from the client and from the court about the status of the motion, and the court eventually removed the Respondent as counsel.

RAVENELL, Kenneth Wendell – Temporary suspension on July 7, 2022, effective September 6, 2022, pending further Order from the Court of Appeals.

ROSENBERG, Brian Jeffrey – Indefinite Suspension by Consent on August 10, 2022, effective immediately, with the right to petition for reinstatement after ninety days, for failing to represent his client competently; failing to adequately communicate with his client; engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and engaging in conduct that is prejudicial to the administration of justice. The Respondent was assigned to pursue an unlawful detainer action on behalf of one of his employer's clients in Virginia. The Respondent filed a Summons for Unlawful Retainer, which the court rejected because the filing listed a first court appearance date that the Respondent had failed to coordinate with the court as required. The Respondent failed to advise his supervisor and the client that the court rejected the filing and instead intentionally misrepresented to his supervisor and the client that the case was pending, that he appeared for a first court date, and that the matter was continued.

ROUSE, Josephia Elese Georgetta – Commission Reprimand on July 25, 2022, for engaging in dishonest conduct and conduct that is prejudicial to the administration of justice. The Respondent, inappropriately believing that the agreement was the "same" as a prior agreement signed by the client, instructed her paralegal to sign the client's name to a marital settlement agreement without the client's knowledge or authorization. The Respondent also instructed her paralegal to affix a notary public's signature to the marital settlement agreement without the notary public's knowledge or authorization. The Respondent recognized her error, apologized, and advised that the agreement she instructed her paralegal to sign was substantially identical to an agreement previously signed by the client.

TINGWEI, Susan Engonwei – Temporary suspension on September 26, 2022, effective immediately, pending further Order from the Supreme Court of Maryland.

TRUITT, James Franklin – Commission Reprimand on August 25, 2022, for knowingly disobeying obligations under the rules of a tribunal, failing to properly supervise non-attorney assistants, and engaging in conduct that is prejudicial to the administration of justice. Between 2014 and 2021, the Respondent permitted non-attorney office staff members to prepare unopposed notices of voluntary dismissal, affix the Respondent's electronic signature, and file the notices without the Respondent's review. The Respondent failed to indicate to the courts that the notices were signed by any individual other than the Respondent. By permitting subordinate non-attorney assistants to affix his signature and file pleadings he had not personally reviewed, the Respondent failed to comply with signature requirements of Maryland Rule 1-311.

TUCKER, Charles T., Jr. – Commission Reprimand on August 24, 2022, for failing to abide by the scope of representation, failing to represent his client diligently, failing to adequately communicate with his clients, failing to communicate to his clients the scope of the representation and the basis or rate of the fee and expenses for which his clients would be responsible before or within a reasonable time after commencing the representation, failing to recognize a conflict of interest, and failing to take steps to protect his clients' interests upon termination of the representation. The Respondent engaged in professional misconduct while representing clients in four individual employment matters. The Respondent failed to adequately explain the scope of the representation and the terms of his retainer agreement to two clients. He failed to adequately communicate with three clients about the status of their cases. Upon the termination of representation, the Respondent failed to promptly provide two clients with accountings of their funds and failed to promptly refund one client the unearned portion of the fees the client had paid. In addition, in an automobile accident matter, the Respondent agreed to represent both the driver and the passenger but failed to advise them that the joint representation created a conflict of interest and failed to obtain their informed consent, confirmed in writing, waiving the conflict.