

COURT OF APPEALS OF MARYLAND

Attorney Grievance Commission v. Dominguez

427 Md. 308 (2012) · Decided July 3, 2012

SUMMARY

The Maryland Court of Appeals reviewed disciplinary proceedings against attorney Denese Dominguez arising from neglect of matters for homeless clients and representation of a wrongful-termination claimant. The court accepted findings that Dominguez violated multiple Maryland Lawyers' Rules of Professional Conduct, including rules concerning competence, diligence, communication, termination of representation, responses to Bar Counsel, and misconduct. The court imposed disbarment based on the pattern and seriousness of the violations and related aggravating factors.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Battaglia, J.
JURISDICTION	Maryland
DECIDED	July 3, 2012
DISPOSITION	other
PROCEDURAL POSTURE	The Attorney Grievance Commission filed a petition for disciplinary or remedial action against Dominguez. After Dominguez failed to answer, an order of default was entered, and a circuit court judge conducted an evidentiary hearing and issued findings of fact and conclusions of law. The Court of Appeals reviewed the uncontested findings and conclusions and imposed disbarment.
STANDARD OF REVIEW	When neither party files exceptions to the hearing judge's findings of fact, the Court of Appeals accepts those findings as established by clear and convincing evidence and reviews the hearing judge's conclusions of law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Attorney Grievance Commission of Maryland v. Denese Dominguez

TOPICS

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PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

employment law

QUESTIONS PRESENTED

1. Whether the hearing judge's uncontested findings established violations of Maryland Lawyers' Rules of Professional Conduct 1.1, 1.3, 1.4, 1.16(d), 8.1(b), and 8.4(a), (c), and (d).
2. Whether Dominguez's failure to respond to discovery, communicate with a client, terminate representation, and appear at hearings violated the professional-conduct rules.
3. Whether Dominguez's false statement to Bar Counsel and failure to respond to Bar Counsel's lawful demands violated Rules 8.1(b), 8.4(c), and 8.4(d).
4. What sanction was appropriate for Dominguez's pattern of neglect, client abandonment, misrepresentation, and failure to cooperate with Bar Counsel.

HOLDINGS

1. Because neither party filed exceptions, the Court accepted the hearing judge's findings of fact as established by clear and convincing evidence and reviewed the conclusions of law.
2. Dominguez violated Rules 1.1, 1.3, 1.4(a), 1.16(d), 8.1(b), 8.4(a), 8.4(c), and 8.4(d) through neglect of Project clients, failure to communicate and return files or terminate representation, failure to cooperate with Bar Counsel, and misrepresentation concerning George Lee.
3. Dominguez violated Rules 1.1, 1.3, 1.4(a)(2), 1.4(a)(3), 8.4(a), and 8.4(d) by failing to respond to discovery after court orders, failing to communicate with Suter, advising Suter not to attend a hearing, failing to appear at hearings, and failing to withdraw timely.
4. Disbarment was the appropriate sanction because Dominguez demonstrated a pattern of neglect and client abandonment, made misrepresentations, failed to cooperate with Bar Counsel, and was unfit to practice law.

KEY QUOTATIONS

"Just as Fox was unfit to practice law, so too is Dominguez." (328)

"Accordingly, we have disbarred the Respondent, Denese Dominguez." (328)

FACTUAL BACKGROUND

Dominguez represented several clients through the Homeless Persons Representation Project but failed to complete or file expungement petitions, communicate with clients, return files, or terminate representations properly. She later represented Wanda Suter in a wrongful-termination action and failed to respond adequately to discovery, comply with court orders, communicate with Suter, and appear at required hearings, resulting in attorney-fee assessments and other adverse orders. Dominguez also falsely denied to Bar Counsel that George Lee was her client and failed to cooperate with monitoring and disciplinary investigations under a Conditional Diversion Agreement.

PROCEDURAL HISTORY

Bar Counsel consolidated three complaints into a petition alleging violations of the Maryland Lawyers' Rules of Professional Conduct. The Court of Appeals referred the matter to Judge Paul A. Hackner of the Circuit Court for Anne Arundel County. Dominguez was served, failed to answer or contest the default, and did not appear at the evidentiary hearing or oral argument. Judge Hackner found the charged violations by clear and convincing evidence. The Court of Appeals accepted the findings, agreed with the legal conclusions, and entered an order disbaring Dominguez effective immediately.

DISPOSITION

other

CASES CITED

- Attorney Grievance v. Harris, 366 Md. 376, 395, 784 A.2d 516, 527 (2001)
- Attorney Grievance v. Tinsky, 377 Md. 646, 835 A.2d 542 (2003)
- Attorney Grievance v. Mooney, 359 Md. 56, 83, 753 A.2d 17, 31 (2000)
- Attorney Grievance v. Brown, 426 Md. 298, 44 A.3d 344 (2012)
- Attorney Grievance v. Seltzer, 424 Md. 94, 114, 116-117, 34 A.3d 498, 510-512 (2011)
- Attorney Grievance v. Nelson, 425 Md. 344, 40 A.3d 1039 (2012)
- Attorney Grievance v. Payer, 425 Md. 78, 38 A.3d 378 (2012)
- Attorney Grievance v. Brady, 422 Md. 441, 457, 30 A.3d 902, 911 (2011)
- Attorney Grievance v. Coppola, 419 Md. 370, 406, 19 A.3d 431, 453 (2011)
- Attorney Grievance v. Fox, 417 Md. 504, 11 A.3d 762 (2010)
- In re Allen, 326 Or. 107, 949 P.2d 710, 721 (1997)
- Attorney Grievance v. Whitehead, 405 Md. 240, 263, 950 A.2d 798, 812 (2008)
- Attorney Grievance v. Thompson, 367 Md. 315, 331, 786 A.2d 763, 773 (2001)