

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
ASHKIRA HASSAN MOHAMUD**

**VS B DOCKET NO. 23-053-128611**

**MEMORANDUM ORDER OF PUBLIC REPRIMAND WITH TERMS**

A panel of the Virginia State Bar Disciplinary Board (the “Board”) heard this matter on February 23, 2024. Panel members included Kamala H. Lannetti (“Chair”); Alan S Anderson; Donita M. King; Joseph D. Platania; and Elisabeth Martingayle, Lay Member. The Chair polled members of the Panel as to whether any of them had any personal or financial interest that may affect, or may be reasonably perceived to affect, their ability to be impartial, to which inquiry each member responded in the negative.

Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, represented the Virginia State Bar (the “Bar”). Ashkira Hassan Mohamud (“Respondent”) was represented by Dale G. Mullen, Esq. and Michelle E. Hoffer, Esq. and was present for the panel hearing.

Beverly S. Horne, court reporter, Chandler & Halasz, Inc., PO Box 1975, Mechanicsville VA 23116, (804) 730-1222, after having been duly sworn, reported the hearing and transcribed the proceeding.

The Clerk of the Disciplinary System (“Clerk”) timely sent all legal notices of the date and place in the manner prescribed by Part Six, Section IV, Paragraph 13-18 of the *Rules of the Supreme Court of Virginia* (“Rules” or “Rule”).

The matter came before the Board on the Subcommittee Determination (Certification) of the Fifth District Subcommittee, Section III, pursuant to Part 6, Section IV, Paragraph 13-18 of the *Rules*, involving charges of misconduct by Respondent in violation of Rules of Professional

Conduct. During the Prehearing Conference Call held on February 14, 2024, the Chair admitted without objection VSB Exhibits 1-3 and 9 through 54 were admitted without objection, VSB Exhibits 4-8 were admitted over Respondent’s objections, and Respondent’s Exhibits 1-12. The parties agreed to 34 numbered stipulations, set forth below, and entered into evidence without objection at the request of the Chair as VSB Exhibit 55.

The Board heard testimony from the following witnesses, who were sworn under oath: Lamonte David Johnson, Elizabeth Soc, Esq., and the Respondent. The Board found all witnesses to be credible.

### **I. FINDINGS OF FACT**

The Board made the following findings of fact based on clear and convincing evidence and set forth in stipulations submitted by the parties:

1. Respondent was admitted to the Virginia State Bar (“VSB”) in 2021. At all relevant times, Respondent was a member of the VSB.
2. In 2021, Complainant Lamonte Johnson (“Johnson”) was driving for Lyft when he asserted that he was being chased by another vehicle. One of his passengers said she thought her husband was chasing them. Johnson asked the passengers to leave his car, but they refused. Subsequently, Johnson identified J.R.M. as the man he believed was chasing him. Johnson confronted J.R.M. and an altercation followed. Johnson had a police report filed against J.R.M. but the charges were not prosecuted.
3. Johnson was referred to Respondent for representation. Respondent spoke with Johnson on the phone on February 17, 2022, and met with Johnson on March 10, 2022.
4. On March 14, 2022, Respondent had a five-minute call with Johnson. She wrote in her notes, “Told him will call on Wednesday to draft the lawsuits.”
5. On April 11, 2022, Respondent met with Johnson and discussed the possibility of suing the passengers in his car, J.R.M., and the Prince William County police department. Respondent said that she would issue a Freedom of Information Act (“FOIA”) request to the police department and get back to him.

6. On May 9, 2022, Respondent made a FOIA request to the police department regarding the underlying incidents. In her letter, Respondent wrote “you should know that I am an attorney representing Lamonte Johnson in a civil suit against [J.R.M.] and the PRINCE WILLIAM COUNTY POLICE DEPARTMENT.”
7. On May 18, 2022, Respondent emailed Johnson the FOIA response from the police.
8. On June 29, 2022, Johnson e-mailed Respondent that he had been “looking for another lawyer and or another team of lawyers and found nothing.” He followed up the next day and said “by looking for more lawyers I meant someone to work a long side with you nor [sic] replace you.”
9. On July 3, 2022, Respondent responded. She asked what was going on and said “I thought you meant you were hiring another lawyer.” She then asked whether Johnson wanted to move forward with a lawsuit, and against whom. She said she though “we should schedule a time this week where you can come into my office and discuss the next steps.”
10. On July 5, 2022, Johnson responded, “No mam [sic] I want to definitely move forward with you. I just wanted to hopefully get another lawyer or a huge team of lawyers to help follow your lead since you’ve been the foundation. But yes I’d like to sue any and everyone I can for the fullest extent.”
11. On July 8, 2022, Johnson met Respondent and signed an “Attorney Retainer Agreement” for representation. A true and accurate copy of the Retainer Agreement was submitted as VSB Exhibit 20.
12. Also on July 8, 2022, Respondent emailed the Prince William County police department stating she was “investigating Mr. Johnson’s potential legal claims against the Prince William County Police Department.” She offered to meet the following week.
13. On July 25, 2022, Respondent told her temporary office assistant that “the detective called me last week and still wants to talk. Ask him (Johnson) if Thursday afternoon works....See if you can find an example of a notice of claim/notice of intent to sue.”
14. After sending the July 25, 2022 email, Respondent did not perform any substantial, substantive work on Johnson’s case.
15. Respondent told VSB Investigator Foley that, after she entered into the engagement agreement, she did “minimal to nothing” on the case. She never reached out to Johnson again except for a holiday greeting that she sent via text message. She acknowledged that she should have called Johnson. She acknowledged that she should have sent Johnson a termination letter.

16. Johnson said that he tried to call Respondent several times between July 2022 and February 2023, and she never responded. Respondent told VSB Investigator Foley that she was having difficulty with the phone number that Johnson was calling and did not get any messages from him.
17. On March 22, 2023, Johnson filed a bar complaint. He said that he had not heard from Respondent in months.
18. On March 24, 2023, Intake Counsel James Bodie sent a copy of the complaint to Respondent and asked her to communicate with Mr. Johnson by April 3, 2023 and send the VSB a summary of the conversation.
19. On March 28, 2023, Johnson spoke to R.H., an attorney who worked in the same office building as Respondent. R.H. said that when she spoke to Respondent about Johnson's case, Respondent's "instant reaction" was that there was "no actual retention." R.H. promised Johnson that "by tomorrow, you will have heard from her."
20. Also on March 28, 2023, Respondent emailed attorney A.D. to seek advice regarding Johnson's bar complaint. A true and accurate copy of the email exchange between Respondent and A.D. has been submitted as VSB Exhibit 28.
21. On March 29, 2023, Respondent responded to Johnson's bar complaint via a letter to Johnson with a copy to the VSB. A true and accurate copy of Respondent's response has been submitted as VSB Exhibit 32.
22. Also on March 29, 2023, Johnson called Respondent. A true and accurate recording of the call between Johnson and Respondent was submitted as VSB Exhibit 31.
23. After the call with Johnson, Respondent emailed Intake Counsel James Bodie again. She said that she had spoken with Johnson. "I asked him what contract he was referring to in his letter and he stated that he had a retainer agreement. After he couldn't find it, he accused me of breaking into his house and stealing it multiple times."
24. On March 30, 2023, Johnson filed another bar complaint against Respondent.
25. On March 31, 2023, Intake Counsel James Bodie dismissed Johnson's complaint based on Respondent's representation that the legal representation had concluded.
26. On April 4, 2023, Johnson emailed and texted Respondent to ask her, "did someone threaten or black mail you into saying you never retained me? I ask this because you and I both know we met on July 8<sup>th</sup> 2022 at 4 pm and you definitely retained me and you definitely gave me copied of the agreement. In fact that was the purpose of our meeting that day."

27. On May 3, 2023, Johnson filed another bar complaint. A true and accurate copy of the May 3, 2023 bar complaint was submitted as VSB Exhibit 43.
28. On June 7, 2023, bar counsel sent a letter to Respondent enclosing a copy of Johnson's bar complaint. A true and accurate copy of the letter and enclosures has been submitted as VSB Exhibit 43.
29. On July 19, 2023, the VSB issued a subpoena duces tecum to Respondent seeking her entire client file for Johnson.
30. On August 21, 2023, Respondent responded to the subpoena duces tecum. The response included an August 21, 2023 letter from Respondent to Johnson, a true and correct copy of which was submitted as VSB Exhibit 44.
31. On October 10, 2023 VSB Investigator Foley interviewed Respondent at her office. When he asked Respondent why she did not disclose to the VSB that Johnson had retained her, Respondent claimed that she had sent the bar complaint to other attorneys and they told her to respond in the way that she did. When VSB Investigator Foley asked Respondent whether she was relying on the advice of counsel, she said she was not.

In addition to the stipulations listed above, The Board made the following findings of fact based on clear and convincing evidence:

32. On March 29, 2023, Johnson called Respondent. He recorded the call. A true and accurate recording of the call between Johnson and Respondent has been submitted as VSB Exhibit 31. (See Stipulation #22 above).
33. During the March 29, 2023, call, Johnson stated "you retained me." Respondent responded to that comment by stating "I was unaware you retained me."
34. On October 10, 2023, Respondent was interviewed at her law office by VSB Investigator Foley. The interview was recorded. When questioned during that interview about her representation of Johnson, Respondent eventually "fully [acknowledged] that she was hired to sue Maldonado and PWC Police on behalf of Johnson. Mohamud considered the lawsuits that she was hired to prosecute on behalf of Johnson to be personal injury matters with a two-year statute of limitations." VSB Exhibit 3.
35. During the February 23, 2024, hearing before the Board, Respondent testified. On direct examination when asked about whether or not she had a retainer agreement with Johnson, Respondent stated "I never denied having a retainer agreement, I vividly remember our interaction."

## II. NATURE OF MISCONDUCT

Based upon stipulations submitted by the parties, testimony and evidence received at the hearing, the Board finds by clear and convincing evidence that the Respondent's conduct set forth below constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### **1. RULE 1.3 Diligence**

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

The Respondent stipulated to, and the Board found that the Respondent's conduct violated Rule 1.3 (a) by the following conduct:

- A. Respondent admitted to not performing any substantial work on the Johnson's case after July 2022.
- B. Respondent admitted to not informing Johnson that she had determined that his claims were not viable.
- C. Respondent admitted that she was not familiar with the law related to Johnson's claims and preferred to concentrate on her criminal cases.

### **2. RULE 1.4 Communication**

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

The Respondent stipulated to, and the Board found that the Respondent's conduct violated Rule 1.4 (a) by the following conduct:

- A. Respondent admitted that she did not regularly communicate with the Johnson regarding the status of his claims.
- B. Respondent failed to promptly respond to Johnson's calls and visits to her office to obtain information about the status of his case.
- C. Johnson had to contact Respondent's mentor in order to get Respondent to contact him about the status of his case.
- D. Respondent did not accurately provide Johnson with information about whether she was representing him.

### **3. RULE 1.16 Declining or Terminating Representation**

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

The Respondent stipulated to, and the Board found that the Respondent's conduct violated Rule 1.16 (d) by the following conduct:

- A. Respondent did not provide reasonable notice to Johnson that she decided to terminate her representation many months before Johnson filed his complaint with the VSB.
- B. Respondent did not take timely actions to protect Johnson's interests after determining that she was no longer representing Johnson. Instead Respondent allowed Johnson's claims to linger for months without advising him of any applicable notice provisions or applicable statutes of limitations.

#### **4. RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law.

The Board found that the Respondent's conduct violated Rule 8.4 (c) by the following conduct:

A. Respondent was dishonest when she told Johnson during their March 29, 2023 recorded phone conversation that she was unaware that he had retained her despite her statements to VSB Investigator Foley and her testimony before the Board that she always knew that she had entered into a retainer agreement with Johnson.

#### **5. RULE VIOLATIONS NOT FOUND**

The Board did not find clear and convincing evidence of violations of the Rules 1.3 (b) and 8.1 (a)(b) and (d).

### **III. SANCTION**

After the Board announced its finding by clear and convincing evidence that the Respondent had violated the Rules of Professional Conduct identified in the Nature of Misconduct, it received further evidence and argument as to the appropriate sanction to be imposed, including aggravating and mitigating factors.

The Board accepted into evidence as VSB Exhibit 56 the Certification of Respondent's disciplinary record in Virginia which indicates that that Respondent had no prior public or private disciplinary record. The VSB called Johnson to testify regarding how his experience with Respondent had caused him to lose confidence with the legal system.



The Respondent offered testimony from Respondent and Elizabeth Soc. Respondent testified that in the aftermath of this incident she has taken CLE courses on running a law practice and how to avoid committing malpractice as well as making changes to her practice that included no longer taking court appointed and Virginia Lawyer's Referral cases. Respondent referred to past emotional issues and how her path to licensure was delayed addressing these issues. She also testified that she cares for her almost ten-year-old son with little financial support from the child's father. Ms. Soc testified that Respondent is "a treasure for access to justice" and is learning that she "cannot help everybody." Ms. Soc testified that she has been assisting Respondent with making professional changes and personal counseling.

The Board accepted argument from both the VSB and Respondent's legal counsel and solicited clarifying information from the parties prior to recessing into closed session to deliberate.

#### **IV. DISPOSITION**

The Board considered all exhibits, testimony, and arguments.

The Board considered as mitigating factors: 1) Respondent's lack of a disciplinary record; 2) Respondent's inexperience in the practice of law; 3) Respondent's personal and emotional problems; and 4) the Johnson's loss of confidence in the legal system as the only harm contained in the record.

The Board considered as aggravating factors: 1) Respondent's dishonest and selfish motives; 2) Respondent's lack of remorse and refusal to acknowledge the wrongfulness of her actions; and 3) the vulnerability of Johnson in relying on the Respondent to handle his claims.

After due deliberation, the Board reconvened and announced its decision in a Summary Order on 2/23/24. Upon motion by the Bar, an amended order was issued on 3/4/24 (without objection by the parties) to clarify the terms of the discipline imposed.

It is **ORDERED** that Respondent will receive a **PUBLIC REPRIMAND WITH TERMS**. The terms will be:

**TERM 1. VJLAP**

A. No later than March 8, 2024, Respondent will contact the Virginia Judges and Lawyers Assistance Program ("VJLAP") and schedule an evaluation to be conducted by VJLAP. Thereafter, Respondent will fully participate in the evaluation conducted by VJLAP and will implement all of VJLAP's recommendations.

B. Respondent will enter into a written contract with VJLAP for a minimum period of three years and will comply with the terms of such contract, including meeting with VJLAP and its professionals, as directed. Respondent authorizes VJLAP to provide monthly reports to Bar Counsel stating whether Respondent is in compliance with VJLAP's contract with Respondent. Pursuant to Paragraph 13-18.O, Bar Counsel will monitor Respondent's compliance with the VJLAP contract. If a VJLAP representative and Bar Counsel determine that Respondent is not in substantial compliance with her contract, Bar Counsel will serve notice requiring Respondent to show cause why the alternative disposition will not be imposed.

C. If the Respondent violates the terms of the VJLAP contract, a three year suspension will be imposed.

## **TERM 2. CLE**

- A. On or before October 31, 2024, Respondent will complete six hours of CLE credits in law practice management, 6 hours of CLE credits in legal ethics, and the Virginia Professionalism course. Respondent's CLE attendance obligation set forth in this paragraph will not be applied toward her Mandatory CLE requirement in Virginia or any other jurisdictions in which Respondent may be licensed to practice law.
- B. Respondent will certify her compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance form (Form 2) to Bar Counsel, promptly following her attendance at each such CLE program(s) and no later than November 1, 2024.
- C. If the Respondent fails to complete the required CLE credits set forth in this Term, a three-year suspension will be imposed.

It is further **ORDERED** that pursuant to Part Six, Section IV, Paragraph 13-9 E. of the *Rules*, the Clerk shall assess all costs against the Respondent.

It is further **ORDERED** that the Clerk shall mail an attested copy of this Memorandum Order of Public Reprimand with Terms to Respondent, Ashkira H. Mohamud, by certified mail, return receipt requested, to her Virginia State Bar address of record, at the Law Office of Ashkira H. Mohamud, PLLC., 4029 Justine Dr., Annandale, Virginia 22003, and by electronic mail to Dale G. Mullen and Michelle E. Hoffer, Respondent's Counsel and Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel.

ENTERED this 25<sup>th</sup> day of April 2024

VIRGINIA STATE BAR DISCIPLINARY BOARD

  
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Kamala H. Lannetti, Chair