

# EXHIBIT 17

## AGC CASE EXAMPLE #4

*Petitioner's Answers to Respondent's Interrogatories,*  
dated February 19, 2016

*Atty. Griev. Comm'n. v. Dalton F. Phillips, Misc. AG No. 47, Sept. Term 2015*

(Cir. Ct. Prince George's Co. Case No. CAE15-30633)

Bar Counsel Lydia E. Lawless (then as an Assistant Bar Counsel) executed the interrogatories on behalf of Petitioner. There is no attempt to comply with the oath requirement of Md. Rule 2-421(b).

ATTORNEY GRIEVANCE COMMISSION  
OF MARYLAND

Petitioner

v.

DALTON F. PHILLIPS

Respondent.

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IN THE  
COURT OF APPEALS  
OF MARYLAND

Misc. Docket AG No. 47

September Term, 2015

In the Circuit Court  
for Prince George's County  
Case No. CAE15-30633

PETITIONER'S RESPONSE TO RESPONDENT'S  
FIRST SET OF INTERROGATORIES

The Attorney Grievance Commission of Maryland, Petitioner, by Lydia E. Lawless, Assistant Bar Counsel, its attorney, hereby responds pursuant to Maryland Rule 2-421(b) to the Respondent First Set of Interrogatories to Petitioner.

**GENERAL OBJECTIONS AND STATEMENTS**

1. Petitioner objects to the discovery requests to the extent that they request information or documents protected from discovery by the work product doctrine.
2. Petitioner objects to the discovery requests to the extent that they seek information or documents that are not relevant to the claim or defense of any party or reasonably calculated to lead to the discovery of admissible evidence.
3. The responses and objections contained herein are made on the basis of information presently known to Petitioner and are made without waiving any objections. Petitioner reserves its right to supplement or amend its discovery responses.
4. All of the responses below are made subject to and without waiving the General Objections.

INTERROGATORIES

INTERROGATORY NO. 1: Identify all facts that support your allegation or assertion

that Respondent filed or caused to be filed Articles of Organization with the State of Maryland of Assessments and Taxation establishing the law firm of Phillips, Phillips and Dow, LLC.

ANSWER: The Respondent was the only attorney licensed to practice law in Maryland at the time the Articles of Organization were filed and the Respondent had management or supervisory authority of the firm as stated in his communications with and correspondence to Abigail Meehan and Bar Counsel as well as during his statement under oath. (See Petitioner's Response to Respondent's Request for Production of Documents).

INTERROGATORY NO. 2: Identify all facts that support your allegation that Solon Phillips has never been licensed to practice law in any jurisdiction.

ANSWER: Solon Phillips has never been licensed to practice law in any jurisdiction nor does he contend that he was. Upon information and belief, he took the Maryland Bar Examination on multiple occasions and has not yet been admitted to practice.

INTERROGATORY NO. 3: Identify all facts that support your allegation that Respondent (a) formed or assisted in the formation of a law firm that included a non-lawyer as a director, officer, shareholder or manager and (b) practiced law under the name of said firm.

ANSWER: See Answer to Interrogatory No. 1 above. Additionally see correspondence from the Respondent to Abigail Meehan and to Bar Counsel as well as communication from Solon Phillips to Abigail Meehan. (See Petitioner's Response to Respondent's Request for Production of Documents).

INTERROGATORY NO. 4: Identify all facts that support your allegation that Respondent (1) practiced law in a firm that did not reflect its nature; and (2) that the name of the Firm is misleading.

ANSWER: Objection. The interrogatory is incomprehensible. To the extent the

Petitioner understands to interrogatory to request information regarding the misleading nature of the law firm of Phillips, Phillips and Dow, LLC, Petitioner states that the name of the Firm includes a non-attorney, does not disclose the jurisdictional limitations of the attorneys or the fact that a non-attorney was a member of the law.

INTERROGATORY NO. 5: If you contend that filing Articles of Organization to Form a law firm constitutes the practice of law, identify the basis of that contention.

ANSWER: No such contention.

INTERROGATORY NO. 6: If you contend that the Firm sent the letter to Ms. Abigail Meehan, identify all the facts that support that contention.

ANSWER: See communications and correspondence between Abigail Meehan, the Respondent and Bar Counsel identified in Petitioner's Response to Respondent's Request for Production of Documents.

INTERROGATORY NO. 7: Identify all facts that support the allegation that (a) Solon Phillips sent the Cease and Desist letter to Abigail Meehan; (b) that the letter represents the unauthorized practice of law; and (c) that a lawyer-client relationship existed between Solon Phillips and Crystal Meehan, on whose behalf the letter was sent. In addition, if you contend that Respondent knew that Solon Phillips sent the Cease and Desist letter, identify all facts that support that contention.

ANSWER: Objection. The Interrogatory is unduly burdensome. The facts that support the allegations are contained in the documents identified in Petitioner's Response to Respondent's Request for Production of Documents and it is anticipated that additionally facts will be obtained during the depositions of Solon Phillips and the Respondents as well as the testimony of Abigail Meehan.

INTERROGATORY NO. 8: If you contend that Respondent had an obligation to reveal the name of the junior attorney he was thinking of in his email of May 29, 2014, even after he learned that information was false, identify the basis of that contention.

ANSWER: See Rule 8.1 of the Maryland Lawyers' Rules of Professional Conduct.

INTERROGATORY NO. 9: Identify all facts that support your allegation that Respondent knew Solon Phillips was engaged in the unauthorized practice of law, ratified the conduct and assisted him with same.

ANSWER: The facts that support the allegations are contained in the documents identified in Petitioner's Response to Respondent's Request for Production of Documents and it is anticipated that additionally facts will be obtained during the depositions of Solon Phillips and the Respondents as well as the testimony of Abigail Meehan.

INTERROGATORY NO. 10: Identify all facts that support your allegation that (a) Respondent filed a frivolous Motion to Quash and Request for Protective Order; (b) the Motion was filed solely for the purpose of obstructing and delaying Bar Counsel's investigation; and (c) Respondent's reply to the Petitioner's Opposition was frivolous.

ANSWER: Objection. The question of whether or not the Motion and Reply were frivolous calls for a legal conclusion. Without waiving any objection, the allegation is supported by the documents identified in Petitioner's Response to Respondent's Request for Production of Documents, specifically the correspondence between the Respondent and Assistant Bar Counsel relating to the Respondent's statement under oath, the Motion, Response, Reply and Memorandum of the Court.

INTERROGATORY NO. 11: Identify all facts that support your allegation that on January 7, 2015, Respondent violated Rule 8.1(a), or otherwise testified falsely about (a) the Firm,

including its formation, his knowledge of the Firm and whether the Firm had any clients and Solon Phillips' involvement with the Firm and (b) the facts underlying the complaint filed by Ms. Meehan.

**ANSWER:** Petitioner alleges that the Respondent made the following false statements during his statement under oath on January 7, 2015:

Q: What is the corporate structure of the firm; do you know?

A: I don't know.

Q: Did the law firm ever have any clients?

A: Not that I recall. Not that I know.

Q: And you never had any communications with [Solon Phillips] about [the firm]?

A: Well, I – the law firm never got established after I believe – it never got going. I don't know anything about it. We never had any clients as far as I know. He never had any clients. Mr. Dow never had any clients. And it just remained dormant. I don't know anything about it. I was not involved. I just asked him, well, put my name, when I retire I probably would join you guys.

Q: There is this [June 17, 2014] email from Solon Phillips?

A: No, I have not seen that either.

Q: The June 17<sup>th</sup> e-mail from solon Phillips show that it was cc'ed to you?

A: If it was, I didn't see it. I didn't get it. Where are you seeing the cc?

Q: "Indicating.)

A: Oh, if it was, I had not seen it. Well, let's put it this way, I don't' recollect seeing it.

The "facts" that support the allegations are contained in the documents identified in Petitioner's Response to Respondent's Request for Production of Documents and the testimony of the witnesses.

**INTERROGATORY NO. 12:** If you contend that that Respondent knew prior to May 2014 that Solon had not been licensed to practice law in Maryland, identify all the facts that support that contention.

**ANSWER:** The Respondent is Solon Phillips' father. The Respondent formed a law firm with Solon Phillips in August 2009.

INTERROGATORY NO. 13: Identify each person you expect to call as a witness at the hearing and describe the substance of each witness's testimony.

ANSWER: Objection. The interrogatory requests information protected by the work product privilege. Without waiving any objection, Petitioner states that the following individuals have discoverable information and may be called to testify at trial:

1. The Respondent
2. Solon Phillips, 4801 Bartletts Vision Drive, Bowie, Maryland 20720
3. Abigail Meehan, 8784 N. 400 W, Huntington, IN 46750 (260.356.4350)
4. Eric Meehan, 8784 N. 400 W, Huntington, IN 46750 (260.356.4350)
5. Crystal Meehan, 328 Hauenstein Rd., Apt. 7, Huntington, IN 46750 (260.224.9854)
6. Anthony Dow, 180 Castlebar Court, Mableton, GA 30126 (770.739.1663)
7. Edwin P. Karr, Investigator for Petitioner.

INTERROGATORY NO. 14: If you contend that Bar Counsel has the authority to order an attorney to neglect his Federal Employer's duties and clients and agree to a deposition at your sole convenience, without regard to his existing schedule, identify the basis of that authority.

ANSWER: Attorneys' obligations as related to Bar Counsel are defined in Rule 8.1 of the Maryland Lawyers' Rules of Professional Conduct.

INTERROGATORY NO. 15: Identify all the facts that support your contention that Respondent violated Rule 3.1. Meritorious Claims and Contentions.

ANSWER: See Answer to Interrogatory No. 10 above.

INTERROGATORY NO. 16: Identify all the facts that support your contention that Respondent violated Rule 5.3. Responsibilities Regarding Non-Lawyer Assistants.

ANSWER: The facts generally are as follows: The Respondent was a partner of the law firm of Phillips, Phillips and Dow, LLC with direct supervisory authority over Solon Phillips. The Respondent failed to make reasonable efforts to ensure that Solon's Phillips' conduct conformed with the Maryland Lawyers' Rules of Professional Conduct, namely that Solon Phillips did not engage in the unauthorized practice of law. The Respondent knew of Solon Phillips unauthorized practice of law, ratified the conduct (as evidenced by his communications with Abigail Meehan) and failed to take any remedial action.

INTERROGATORY NO. 17: Identify all facts that support your contention that Respondent violated Rule 5.4. Professional Independence of a Lawyer.

ANSWER: The facts generally are as follows: The Respondent was a partner of the law firm of Phillips, Phillips and Dow, LLC. Between 2009, when the firm was formed, and present, the Respondent was the only attorney associated with the firm that was authorized to practice law in the State of Maryland; Solon Phillips being a nonlawyer, and Anthony Dow being a Georgia lawyer. During the pendency of the firm, and at all times relevant hereto, the Respondent and Solon Phillips were members of the LLC.

INTERROGATORY NO. 18: Identify all the facts that support your contention that Respondent violated Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law.

ANSWER: See Answers to Interrogatory Nos. 1, 2, 3, 4, 6, 7, 9, 12, 16, 17 and 19. Generally, as evidenced by documents and testimony of the witnesses, the Respondent assisted his son, Solon Phillips, in the unauthorized practice of law as it relates to the Meehan matter.

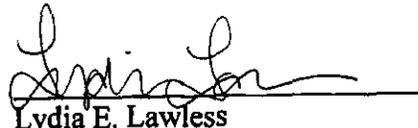
INTERROGATORY NO. 19: Identify all the facts that support your contention that Respondent violated Rule 7.5. Firm Names and Letterheads.

ANSWER: If the Respondent contends that he never actually practiced law with Solon

Phillips and Anthony Dow, then his conduct and statements to Abigail Meehan that the firm existed and that he was the senior attorney were false.

INTERROGATORY NO. 20: Identify all the facts that support your contention that Respondent violated Rule 8.4. Misconduct.

ANSWER: See all previous answers to Interrogatories. The Respondent's conduct as it relates to the Meehan matter involved dishonesty and deceit and brings the profession into disrepute. The Respondent's conduct as it relates to Bar Counsel's investigation was obstructionist, dishonest and involved misrepresentations.

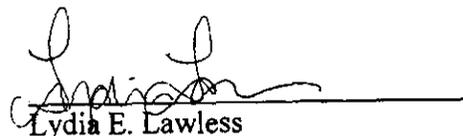


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on the 19th day of February, 2016, a copy of the foregoing Answers to Interrogatories was emailed and mailed, by first-class mail, postage prepaid, to the following:

Dalton F. Phillips  
8024 Rosmere Way  
Chattanooga, TN 37421  
daltonfp@yahoo.com



Lydia E. Lawless