

**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD OF PROFESSIONAL RESPONSIBILITY**



<p>IN THE MATTER OF</p> <p>MELANIE M. MFUME, ESQ.</p> <p style="text-align: center;">Respondent</p> <p>A Member of the Bar of District of Columbia Court of Appeals Bar Number: 986367 Date of Admission: February 9, 2009</p>	<p>Disciplinary Docket No. 2019-D101</p>
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**ANSWER TO PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS
AND SPECIFICATION OF CHARGES**

Respondent, Melanie Murray Mfume, Esq. files her Answer and respectfully avers:

1. Respondent Mfume admits the allegations contained in Paragraph 1 of the Petition.
2. Respondent Mfume admits that the representation of the client occurred in the state of Maryland as alleged in Paragraph 2 of the Petition but denies all remaining allegations of misconduct in Paragraph 2.
3. Respondent Mfume admits the allegations contained in Paragraphs 3-7 of the Petition.
4. Respondent Mfume denies the statement “also known as the balloon payment date” but admits the remaining allegations contained in Paragraph 8 of the Petition.
5. Respondent Mfume admits the allegations contained in Paragraphs 9-12 of the Petition.
6. Respondent Mfume admits the allegations contained in Paragraph 13 and clarifies that that Ms Berry stated that she believed that the attorney had reduced the amount owed from \$11,000 to \$8,000 and Ms. Berry assumed that he also “dropped the threat of pursuing a \$21,000 lien.”

7. Respondent Mfume admits the allegations contained in Paragraph 14 of the Petition.
8. Respondent Mfume admits allegations in Paragraph 14 to the extent that the attorney provided the three (3) previous settlement agreements and clarifies the attorney stated that he “had not declared default as he hoped to work out a new agreement with [Ms. Berry], explained the carryover balance from April 2008, explained that after each subsequent agreement that [Ms. Berry] defaulted and a new agreement was entered into, explained that if a hearing was called that he was prepared to call his former associate to testify that Ms. Berry met with him ‘for an extended period of time’ going over figures and that she agreed with the figures prior to signing, and explained that the payments are applied to the current assessment first in order to avoid further late fees each month. Respondent Mfume denies the remaining allegations contained in Paragraph 15 of the Petition.
9. Respondent Mfume admits the remaining allegations contained in Paragraphs 16-18 of the Petition.
10. Respondent Mfume admits the allegations contained in Paragraph 19 and clarifies that the attorney failed to disclose that he had filed a new case after advising Respondent Mfume that he would prepare the new settlement agreement the following week in the April 14, 2017 email referenced in Paragraph 18 of the Petition.
11. Respondent Mfume admits the admits the allegations contained in Paragraph 20 but corrects that the attorney emailed on May 1, 2017.
12. Respondent Mfume admits that the attorney emailed an unsigned Notice of Dismissal but denies the remaining allegations contained in Paragraph 21 of the Complaint. Repondent

Mfume clarifies that the attorney advised her that he was sending the new settlement agreement in the April 14, 2017 email referenced in Paragraph 18 of the Petition.

13. Respondent Mfume admits the allegations contained in Paragraph 22-24 of the Petition. She clarifies that the emails were sent on May 1, 2017.
14. Respondent Mfume admits the allegations contained in Paragraph 25-26 of the Petition and clarifies that she forwarded the Notice of Dismissal to Ms. Berry and advised that the attorney was going to file the dismissal, that she would forward the settlement agreement and to keep making payments.
15. Respondent Mfume admits the allegations contained in Paragraph 27 of the Petition.
16. Respondent Mfume admits the allegations contained in Paragraphs 77-79 of the Petition. She corrects that her response was a 17-page timeline of communications with 63 pages of supporting documentation.
17. Respondent Mfume admits the allegations contained in Paragraph 28 of the Petition and clarifies that the attorney emailed the agreement on May 3, 2017 and advised that he would be away for the rest of the week. She advised that she would follow up and was delayed due to court schedule. The attorney advised that MS Berry made two payments and noted the reduced balanced through April 2017.
18. Respondent Mfume denies the allegations contained in Paragraph 29 of the Petition. She emailed Ms. Berry on June 19, 2017 to clarify that the attorney had not yet responded to her offer to auto-debit her payments from her bank account and asked Ms. Berry if she was still interested in signing the agreement if the association declined to accept her offer to auto-debit.
19. Respondent Mfume admits the allegations contained in Paragraphs 30-34 of the Petition.

20. Respondent Mfume denies the allegations contained in Paragraph 35 of the Petition.
Respondent Mfume had several conversations with the attorney and Ms. Berry about the breakdown of the arrearage amounts based on the information provided by both the attorney and Ms. Berry.
21. Respondent Mfume admits the allegations contained in Paragraph 36 of the Petition. She clarifies that she tried to contact Ms. Berry after July 12, 2017 but was unsuccessful.
22. Respondent Mfume admits the allegations contained in Paragraph 37 of the Petition.
23. Respondent Mfume denies the allegations contained in Paragraph 38 of the Petition.
24. Respondent Mfume admits the allegations contained in Paragraph 39 of the Petition. She clarifies that she didn't know that the attorney declined to dismiss the case.
25. Respondent Mfume admits the allegations contained in Paragraph 40 of the Petition.
26. Respondent Mfume denies the allegations contained in Paragraph 41 of the Petition. She clarifies that the last email received from the attorney was on June 29, 2017.
27. Respondent Mfume admits the allegations contained in Paragraph 42 of the Petition.
28. Respondent Mfume admits the allegations contained in Paragraphs 43-44 of the Petition.
She clarifies that her admission is based solely on her review of the docket while preparing response to the bar complaint.
29. Respondent Mfume admits the allegations contained in Paragraph 45 of the Petition.
30. Respondent Mfume denies the allegations contained in Paragraphs 46-47 of the Petition.
She clarifies that no such email was received from Ms. Berry.
31. Respondent Mfume denies the allegations contained in Paragraphs 48-53 of the Petition.
32. Respondent Mfume admits that she did not enter here appearance but denies the remaining allegations contained in Paragraph 54 of the Petition. She clarifies that on

January 16, 2018, Ms. Berry informed Respondent Mfume of a January 10, 2018 court date.

33. Respondent Mfume denies the allegations contained in Paragraph 55 of the Petition.
34. Respondent Mfume admits the allegations of Paragraph 56 that the January 10, 2018 hearing occurred and that she did not appear but doesn't have sufficient information to form a belief as to the remaining allegations contained in Paragraph 56 of the Petition.
35. Respondent Mfume admits the allegations contained in Paragraphs 57-64 of the Petition. She clarifies that the judgment was entered by affidavit based on the prior stipulated settlement agreement. She further admits that there were two (2) weeks of emails from Ms. Berry that she did not see prior to preparing the response to the bar complaint.
36. Respondent Mfume admits the allegations contained in Paragraphs 65-66 of the Petition. She clarifies that she spoke with Ms. Berry via text and explained that she could not file a motion to vacate because her payments did not align with the prior settlement agreement.
37. Respondent Mfume admits the allegations of Paragraph 67 in that Ms Berry demanded information from Respondent and that she requested consolidation but denies the remaining allegations contained in Paragraph 67 of the Petition.
38. Respondent Mfume admits the allegations contained in Paragraph 68 of the Petition. She clarifies that the motion to vacate was not possible after reviewing the docket.
39. Respondent Mfume admits the allegations contained in Paragraphx 69-71 of the Petition.
40. Respondent Mfume denies the allegations contained in Paragraph 72 of the Petition.
41. Respondent Mfume admits the allegations contained in Paragraphs 74-76 of the Petition.
42. Respondent Mfume denies the allegations contained in Paragraphs 80-81. Specifically, she never made false representations to Maryland Bar Counsel and provided every single

written (correspondence, email and text) communication in her possession at the time that she submitted her response to Ms. Berry's Complaint and at all times thereafter as requested by Disciplinary Counsel.

43. Respondent Mfume admits the allegations contained in Paragraphs 83-84 of the Petition.

44. Respondent Mfume denies the allegations contained in Paragraphs 85-86. Specifically, she never made false representations to Maryland Bar Counsel and provided every single written (correspondence, email and text) communication in her possession at the time that she submitted her response to Ms. Berry's Complaint and at all times thereafter as requested by Disciplinary Counsel.

45. Respondent Mfume denies the allegations contained in Paragraph 87 of the Petition. Respondent Mfume self-reported to Disciplinary Counsel with the same response provided to Maryland Bar Counsel on February 5, 2019. Additionally, Maryland Bar Counsel dismissed Ms. Berry's Complaint on March 14, 2019 noting "that there is an insufficient basis to determine misconduct or that overall circumstances do not warrant an investigation.

46. Respondent Mfume denies the allegations contained in Paragraph 88 of the Petition. Specifically, she never made false representations to Maryland Bar Counsel and provided every single written (correspondence, email and text) communication in her possession at the time that she submitted her response to Ms. Berry's Complaint and at all times thereafter as requested by Disciplinary Counsel.

DEFENSES AND RESERVATION OF RIGHT TO SUPPLEMENT

5. Respondent Mfume reserves the right to supplement her Answer with any and all defenses not asserted herein as they become known or available.

WHEREFORE, Respondent, Melanie Murray Mfume respectfully requests that the Specification of Charges filed by the Office of Disciplinary Counsel be dismissed and for such other and further relief as the Respondent's cause may require.

Respectfully submitted,

/s/Hughie D. Hunt

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CERTIFICATE OF SERVICE

I hereby certify that on 2nd day of February 2023, a copy of the foregoing Answer was served first class mail postage prepaid to:

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Attorneys for Petitioner

/s/Hughie D. Hunt

Hughie D. Hunt, Esq.