
IN THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

RYAN DILLON-CAPPS

Plaintiff-Appellant,

vs.

OHANA GROWTH PARTNERS, LLC *et al*

Defendants-Appellees.

No. **25-1162**

On Appeal from the U.S. District
Court Northern District of Maryland
No. 1:24-CV-3744-BAH

INFORMAL BRIEF: APPENDIX B – AGC V. PIERRE

AGC v Pierre Summary: (1) Marilyn Pierre decided to run for election against an incumbent judge; (2) a complaint was filed against her, invoking Maryland law prohibiting adverse statements about an incumbent judge during an election, based on a social media post created by her campaign team; (3) Bar Counsel initiated an investigation and took action on an application from 1993; (4) Bar Counsel subsequently initiated proceedings against Pierre, asserting that her response to the inquiry contained an inaccurate statement regarding her litigation experience; (5) during the discovery process, the state court records produced were irreconcilable; and (6) after discovery had closed, the state court produced a document of Pierre’s litigation that supported Bar Counsel’s position.

Marilyn Pierre lost her case,

From 27:04 to 28:18 of oral arguments in *AGC v. Marylyn Pierce*,

Justice Watt says “And actually what Rule 19-711 says is that Bar Counsel should file a complaint. Did you actually file a complaint”

Former Bar Counsel Ms. Lawless answered “ Your Honor, Bar Counsel has never filed a complaint in the history of the Attorney Grievance Commission. We open complaints in the name of Bar Counsel. So, for Example, if we receive a or read a slip opinion from the from the Appellate Court of Maryland that contains information that may may constitute a violation of the Rules of Professional Conduct, the complaint is docketed in the name of Bar Counsel, but there’s no separate document or Complaint Form that’s filled out by Bar Counsel. We would then write to the person –”

Justice Watts interrupts “You are aware that the language of the rule. Rule 19-711 does require or state that Bar Counsel will file it.”

Ms. Lawless responds “Yeah, I think that the agency has always interpreted that in the way that it's operated since 1975. There’s never been a complaint filed by Bar Counsel in any of the cases where a complaint is initiated in the name of Bar Counsel. What we do is, we do the analysis, we either send the underlying documentation we receive or, as we did in this case, we write up specific questions and request specific information in response to those questions.”

[Transcribed from https://youtu.be/_NlqknDPvns?si=e48FYowZCZqKwOlc]

RESPECTFULLY SUBMITTED

April 16, 2025

/s/ Ryan Dillon-Capps

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