

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 18 DB 2024
Petitioner :
v. : File No. C1-20-407
EMEKA IGWE : Attorney Registration No. 200334
Respondent : (Philadelphia)

ORDER

AND NOW, this 13th day of March, 2024, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said EMEKA IGWE be subjected to a PUBLIC REPRIMAND by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement. Costs shall be paid by the Respondent.

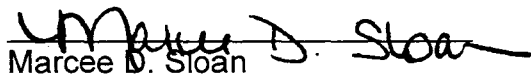
BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD

Attest:



Marcee D. Sloan

Board Prothonotary

The Disciplinary Board of the
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

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|---------------------------------|---|----------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 18 DB 2024 |
| Petitioner | : | |
| | : | File No. C1-20-407 |
| | : | |
| v. | : | |
| | : | Attorney Registration No. 200334 |
| EMEKA IGWE, | : | |
| Respondent | : | (Philadelphia) |

PUBLIC REPRIMAND

Emeka Igwe, you appear before the Disciplinary Board for the imposition of a Public Reprimand ordered by the Board on March 13, 2024. By letter of that same date, the Board notified you of the disposition of this matter and further notified you of your opportunity to demand as of right the institution of formal charges within twenty days of the date of notification. You did not demand the institution of formal charges; therefore, you accept this public reprimand.

It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of the Commonwealth. Yet as repugnant as this task may be, it has been found necessary that you receive this public discipline.

Attorney Igwe, you are being reprimanded today for your misconduct in the Tatianna Cooper-Pierce matter. The record demonstrates that Ms. Cooper-Pierce is the mother of Alani Pierce, a special needs child who died unexpectedly in July of 2018. Alani had a Special Needs Trust ("SNT") valued at approximately \$4 million. Ms. Cooper-Pierce was referred to you by another lawyer, and five days after Alani's death, she met with you at your law office concerning her interest in obtaining the funds in the SNT outright. Ms. Cooper-Pierce expressed some concern that the estranged

biological father, who was not listed on Alani's birth certificate and was never a part of Alani's life, would inherit funds from the SNT. You agreed to represent Ms. Cooper-Pierce and had her sign two fee agreements. The first was a flat fee agreement to pay \$40,000 for "services involved in the adjudication of the SNT" and the second was a contingency fee agreement for a "civil case involving the SNT and a contested beneficiary right from the estranged father," in which you would receive 40% of the total proceeds of the estate. However, you failed to adequately explain to your client all aspects of the fee agreements and representation in order for her to make a fully informed decision about representation. Ms. Cooper-Pierce did not understand that you would be entitled to receive \$667,296.49 as your fee under the contingent fee agreement and that your \$40,000 flat fee was not included as part of your contingent fee contesting the biological father's hypothetical attempt to inherit from the SNT. Further, your client was not aware that you would be paying a one-third referral fee to another lawyer. As well, you failed to adequately explain that the SNT was established for the benefit of Alani, and the estranged father had no rights as a beneficiary and might not inherit from the SNT as an intestate heir as he had never expressed any interest in the child or the SNT.

In February 2019, the Trustee filed a Petition for Adjudication with the Orphans' Court proposing that Ms. Cooper-Piece was the sole beneficiary of the SNT and requesting that the balance of the SNT be paid to a continuing SNT for Ms. Cooper-Pierce's benefit. You were not involved in filing the Petition. The biological father neither contested the adjudication petition nor participated in the Orphans' Court proceeding. In July 2019, the Court granted the Trustee's Petition and decreed Ms. Cooper-Pierce as the sole beneficiary of the uncontested SNT.

Shortly thereafter, you presented Ms. Cooper-Pierce with a Statement of Distribution requesting payment of \$667,296.49. This was an attempt to collect a clearly excessive fee, because you were not entitled to receive any fees under the contingency fee agreement as the biological father never contested his right to inherit; the fee was grossly out of proportion to the minimal time and effort you expended; and the Trustee, not you, filed the Adjudication Petition that resulted in your client being named the sole beneficiary of the SNT.

Ms. Cooper-Pierce objected to paying more than 10% of the SNT to you as a fee, and after some negotiation with your client, you eventually agreed to the 10%. However, the Trustee refused to pay your legal fee, so you requested that Ms. Cooper-Pierce seek to terminate the SNT so she could pay you outright. You then referred Ms. Cooper-Pierce to Attorney Robert Bemby to file a Petition to Terminate the SNT, which was filed in April of 2020. The Court denied the Petition in May of 2020, after which Mr. Bemby asked for reconsideration. The Trustee filed a response in June 2020, explaining that, among other things, you had: initially requested a 40% fee and agreed to reduce to 10% after Ms. Cooper-Pierce's objection; had done minimal work that did not warrant such an outrageous fee; had threatened to collect your fee directly from Ms. Cooper-Pierce if the SNT did not pay you; failed to provide any time entries for the work purportedly performed for Ms. Cooper-Pierce; referred Ms. Cooper-Pierce to Mr. Bemby to file the Petition to Terminate so that you could collect payment of your fee; and was taking advantage of Ms. Cooper-Pierce's lack of experience.

On July 2, 2020, you signed an affidavit which stated that you and your firm represented Ms. Cooper-Pierce with regard to the July 25, 2018 contingency fee agreement and forfeited any right to compensation under the agreement. Thereafter,

Mr. Bemby filed a praecipe to withdraw the reconsideration request and in July of 2021, the Orphans' Court granted the request and reinstated the SNT in its entirety.

By your conduct, you violated the following Pennsylvania Rules of Professional Conduct ("RPC"):

1. RPC 1.4(b) – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
2. RPC 1.5(a) – A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.
3. RPC 8.4(a) – It is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.
4. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

Attorney Igwe, your conduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.

It is the Board's duty to reprimand you for your misconduct. We note that you have no prior record of discipline since your admission to practice in Pennsylvania in 2005. Please be aware that any subsequent violations on your part will result in further discipline and more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

S/Celeste Dee

Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on May 10, 2024.