

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



In the Matter of :

JEAN M. ROBINSON, :

Petitioner :

A Suspended Member of the Bar of the :

District of Columbia Court of Appeals :

Bar Number: 484954 :

Date of Admission: February 6, 2004 :

Effective Date of Suspension: June 3, 2019:

Board Docket No. 23-BD-039

Disciplinary Docket No. 2023-D134

**DISCIPLINARY COUNSEL’S ANSWER TO
PETITIONER’S PETITION FOR REINSTATEMENT**

Disciplinary Counsel files this Answer to Petitioner’s Petition for Reinstatement pursuant to Board Rule 9.7(a) and D.C. Bar Rule XI, § 16(d).

The District of Columbia Court of Appeals suspended Petitioner on June 3, 2019. *In re Robinson*, 207 A.2d 169 (2019). Her 18-month suspension was based on a negotiated disposition in which she admitted to “intentionally prejudicing her client in the course of the attorney-client relationship, revealing client confidences or secrets, and acting with dishonesty, fraud, deceit or misrepresentation.” *Id.* An additional important component of the sanction was the requirement that Petitioner prove her fitness to practice before reinstatement.

Disciplinary Counsel requests that this matter be assigned to a hearing

committee and that a hearing be scheduled. Pursuant to Board Rule 9.7(a), Disciplinary Counsel takes no position as to whether Petitioner should be reinstated. The underlying misconduct took place ten years ago. However, it was protracted and involved Petitioner intentionally prejudicing her client by repeatedly and dishonestly divulging confidences and secrets when she knew or had reason to believe that information would be used against the client. This conduct goes directly to Petitioner's integrity and the integrity of this Bar.

The gravity of this misconduct warrants heightened scrutiny of every aspect of Petitioner's petition for reinstatement to the Bar. *See In re Joseph*, 287 A.3d 1248, 1251 (D.C. 2023). Disciplinary Counsel cannot take a position on Petitioner's reinstatement until she presents evidence, including testimony under oath and subject to cross-examination, demonstrating her fitness to resume the practice of law. Petitioner bears the burden in this proceeding to demonstrate by clear and convincing evidence that she has the moral qualifications, competency, and learning in the law required for readmission, and that her resumption of the practice of law will not be detrimental to the integrity and standing of the bar, or to the administration of justice, or subversive to the public interest. D.C. Bar R. XI, § 16(d)(1); Bd. Rule 9.1(c). The particular factors to be addressed in this reinstatement proceeding (the "*Roundtree* factors") are: (i) the nature and circumstances of the misconduct for which the attorney was disciplined; (ii) the attorney's recognition of

the seriousness of such misconduct; (iii) the attorney's post-discipline conduct, including steps taken to remedy past wrongs and prevent future ones; (iv) the attorney's present character; and (v) the attorney's present qualifications and competence to practice law. Bd. Rule 9.1(c); *see also In re Roundtree*, 503 A.2d 1215, 1217 (D.C. 1985) (setting forth the standard adopted in the Board Rules).

Answers to Factual Allegations in the Petition for Reinstatement

Disciplinary Counsel responds below to the material facts alleged in the Petition. Disciplinary Counsel has organized its responses according to the headings and numbering in Petitioner's petition for reinstatement.

1. Admit
2. Admit
3. Admit
4. Whether the standards for reinstatement have been met is a conclusion of law for the Hearing Committee to decide. Admit remainder of paragraph.
5. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.
6. Admit
7. This is a conclusion of law for the Hearing Committee to decide.
8. This is a conclusion of law for the Hearing Committee to decide.
9. Whether the five fitness factors considered in reinstatement proceedings

weigh in Petitioner's favor is a conclusion of law for the Hearing Committee to decide.

I. Nature and Circumstances of Misconduct

- a. Deny
- b. Disciplinary Counsel admits that Respondent worked for Source America as General Counsel but lacks sufficient knowledge to admit or deny the specifics of her duties, responsibilities, and tasks.
- c. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.
- d. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.
- e. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements about Petitioner's role in this paragraph. Admit remaining statements in this paragraph.
- f. Whether Petitioner fully accepts and takes responsibility for her misconduct is a legal conclusion for the Hearing Committee to determine. Disciplinary Counsel denies that these were unique circumstances and are unlikely to recur.
- g. Admit
- h. This is a conclusion of law for the Hearing Committee to decide.

II. Petitioner's Recognition of Seriousness of Misconduct

- a. This is a conclusion of law for the Hearing Committee to decide.
- b. Disciplinary Counsel admits that Petitioner made the quoted statement to the State Bar of Wisconsin. The remaining statements in this paragraph are conclusions of law for the Hearing Committee to decide.
- c. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.

III. Petitioner's Conduct Since the Discipline Was Imposed

- a. This is a conclusion of law for the Hearing Committee to decide.
- b. Admit that Disciplinary Counsel has received no allegation of improper conduct by Petitioner during the eighteen-month suspension or thereafter. Disciplinary Counsel lacks sufficient knowledge to admit or deny whether allegations of improper conduct occurred anywhere else. Deny that there is no chance that the violations could recur between Petitioner and SourceAmerica.
- c. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.
- d. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.
- e. Disciplinary Counsel lacks sufficient knowledge to admit or deny the

statements in this paragraph.

- f. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.
- g. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.

IV. Petitioner's Present Character

- a. Whether Petitioner is of excellent present character is a legal conclusion for the Hearing Committee to decide. Disciplinary Counsel lacks sufficient knowledge to admit or deny the remaining statements in this paragraph.
- b. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.

V. Petitioner's Present Qualifications and Competence to Practice Law

- a. This is a conclusion of law for the Hearing Committee to decide.
- b. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.
- c. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.
- d. Disciplinary Counsel lacks sufficient knowledge to admit or deny the statements in this paragraph.
- e. Admit

* * * * *

If Disciplinary Counsel is deemed not to have answered any allegation in the Petition for Reinstatement, Disciplinary Counsel denies each such allegation and demands strict proof. No admission of fact should be interpreted as a concession by Disciplinary Counsel that one or more of the *Roundtree* factors has been satisfied. Disciplinary Counsel reserves the right to amend and supplement this Answer, as its investigation is ongoing.

Respectfully submitted,

/s Hamilton P. Fox, III
Disciplinary Counsel

/s Jelani C. Lowery
Assistant Disciplinary Counsel

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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing to be e-mailed to Petitioner's counsel, Hilary LoCicero, hhlocicero@bllfirm.com on December 13, 2023.

/s Jelani C. Lowery