



OFFICE OF BAR COUNSEL
THE BOARD ON PROFESSIONAL RESPONSIBILITY
DISTRICT OF COLUMBIA COURT OF APPEALS

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CONFIDENTIAL

[REDACTED]

Re: [REDACTED]
Bar Docket No. [REDACTED]

O'Neill/Bar Counsel
Bar Docket No. 397-95

Dear Mr. Jeffress:

This office has completed its investigation of the ethical issues concerning [REDACTED] Esquire and Robert O'Neill, Esquire. We have evaluated this matter in light of an attorney's obligations as set forth in the District of Columbia Rules of Professional Conduct (the "Rules"). It is the burden of this office to have clear and convincing evidence of a violation of the Rules to institute disciplinary proceedings against an attorney. "Clear and convincing" evidence is more than a mere preponderance of the evidence, which would be sufficient in a civil proceeding. We do not find clear and convincing evidence in our investigation and therefore, we must dismiss the matter.

History of Disciplinary Investigation

We commenced an investigation upon review of the opinion of the United States Court of Appeals for the District of Columbia Circuit in United States v. Deborah Gore Dean, 55 F.3d 640 (1995), which raised questions concerning the prosecutors' compliance with their obligations under Brady v. Maryland, 373 U.S. 83 (1963), and certain of the prosecutors' trial tactics.

On July 18, 1995, we wrote the Independent Counsel in our Undocketed No. U-410-95 to advise that we had commenced a preliminary inquiry based upon the Court of Appeals' opinion and