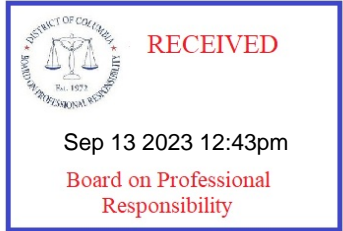


**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**



In the Matter of	:	
Jean M. Robinson,	:	
	:	
Respondent	:	DCCA No. 19-BG-39
	:	Disciplinary Docket No. 2015-D192
	:	
Bar Number: 484954	:	
Date of Admission: February 6, 2004	:	
Effective Date of Suspension: June 3, 2019	:	

PETITION FOR REINSTATEMENT

1. On May 12, 2019, Jean M. Robinson, Esq. was suspended from the practice of law in the District of Columbia for a period of eighteen months. The suspension was effective on June 3, 2019.
2. On June 12, 2019, Ms. Robinson filed an affidavit with the D.C. Court of Appeals pursuant to D.C. Bar Rule XI, § 14(g). *See* Exhibit 1. The affidavit confirmed that Ms. Robinson had completed each of the steps required to be undertaken by attorneys under suspension as set forth in Rule 14. *Id.* No objection was raised regarding the substance of the petition.
3. The eighteen-month suspension period began on June 12, 2019 and ended on December 12, 2020.
4. The suspension period having elapsed, and the standards for reinstatement being satisfied, Ms. Robinson now respectfully petitions the Board on Professional Responsibility for readmission to the Bar of the District of Columbia pursuant to D.C. Bar R. XI, § 16 and Board on Professional Responsibility Rule 9.8.
5. Ms. Robinson has not practiced law during the period of her suspension. She has complied fully with the terms of the order of suspension and will continue to comply with them until her license is reinstated.
6. A completed Reinstatement Questionnaire is attached as Exhibit 2.

The Standards for Reinstatement Are Satisfied

7. Ms. Robinson has the moral qualifications, competency, and learning in law required for readmission to the bar of the District of Columbia.

8. The resumption of the practice of law by Ms. Robinson will not be detrimental to the integrity and standing of the Bar, or to the administration of justice, or subversive to the public interest.
9. This Board and the D.C. Court of Appeals consider five factors when determining an attorney's fitness to resume the practice of law in the District of Columbia: (1) the nature and circumstances of the misconduct for which the Petitioner was disciplined; (2) whether the Petitioner recognizes the seriousness of the misconduct; (3) the Petitioner's conduct since discipline was imposed, including the steps taken to remedy past wrongs and prevent future ones; (4) the Petitioner's present character; and (5) the Petitioner's present qualifications and competence to practice law. The Petitioner maintains that all five of these factors, as demonstrated below, weigh in favor of reinstatement of the Petitioner's license to practice law in the District of Columbia.

i. Nature and Circumstances Surrounding Petitioner's Misconduct.

- a. The nature and circumstances surrounding the misconduct for which the Petitioner was disciplined are unique and highly unlikely to ever recur.
- b. From October 1999 through June 2014, Petitioner served as General Counsel and Chief Compliance Officer ("CCO") for SourceAmerica, a 501(c)(3) nonprofit organization headquartered in Vienna, Virginia. SourceAmerica's mission is to provide employment for people with disabilities via the Ability One federal government contract set-aside program. Petitioner's job duties and responsibilities included overseeing, providing, and coordinating legal advice and counsel to SourceAmerica's Board of Directors, senior management, and Affiliate Members on day-to-day operational and transactional legal issues related to the employment of people with disabilities working on government contracts procured through the Ability One Program. As General Counsel and CCO, Ms. Robinson was specifically tasked with ensuring that all SourceAmerica officers, directors, staff, and Source America Affiliates were in compliance with Ability One program mandates, the Federal Acquisition Regulations, and other applicable federal laws and regulations. She was also responsible for ensuring that these individuals and entities were engaging in good corporate governance and equitable, non-discriminatory procurement practices.
- c. During the last 8 years of Petitioner's 15-plus-year tenure with SourceAmerica, the organization and certain of its officers and directors became the subject of intense criminal investigations and litigation from the U.S. Department of Justice ("DOJ"), Offices of Inspector General, and other government agencies and litigants. Specifically, as was publicly reported, the Organization and some of its officers and staff were investigated for

mismanagement, illegal operations, financial fraud, operating in violation of the law, obstruction of justice and steering of federal contracts.

- d. In 2012, during the period of intense investigations and litigation, Ms. Robinson was asked by the SourceAmerica Board and senior management, pursuant to the terms of a Settlement Agreement, to serve as a neutral compliance monitor/arbitrator of SourceAmerica's procurement procedures and contract allocation recommendations relating to a SourceAmerica Affiliate that had previously filed a bid protest action against SourceAmerica in the U.S. Court of Federal Claims in 2010. She was asked to do this while serving in her dual role as General Counsel and COO. In the Bid protest action, the Source America Affiliate alleged that SourceAmerica had unfairly denied it lucrative contract opportunities and full participation in the Ability One Program. Pursuant to the terms of the Settlement Agreement, Ms. Robinson was tasked to objectively monitor the Affiliate litigant's participation in the Ability One Program over a three-year period and to use best efforts to ensure the Affiliate was treated objectively, fairly, and equitably by SourceAmerica, with specific attention to its procurement practices, procedures, and contract allocation recommendations.
- e. It was while serving in this monitoring and liaison role between SourceAmerica and its Affiliate, and assisting in a concurrent DOJ and GSA Inspector General investigation of SourceAmerica's transactions related to the Affiliate litigant, that Ms. Robinson violated the Virginia Rules of Professional Conduct by revealing SourceAmerica's confidences and/or secrets that it expected to be held inviolate and protected by attorney-client privilege. She intentionally prejudiced her client by revealing confidences to government agents, certain SourceAmerica officers/agents, and the Ability One Affiliate who was a party to the Settlement Agreement. Ms. Robinson also dishonestly concealed her assistance to the government agents that were investigating the Organization from certain SourceAmerica officials. This misconduct violated Virginia Rules of Professional Conduct 1.3(c), 1.6(a), and 8.4 (c) and resulted in Ms. Robinson's suspension from the District of Columbia Bar pursuant to Rule 8.5(b)(2)(ii) of the D.C. Rules of Professional Conduct and reciprocally from the State Bar of Wisconsin.
- f. Ms. Robinson fully accepts and acknowledges her sole responsibility for these violations, which occurred in unique circumstances that are unlikely to recur. At the time of the violations, as described above, Ms. Robinson assumed a dual role in which she was serving as the General Counsel for SourceAmerica and simultaneously as a monitor to observe her client's conduct towards the client's Affiliate. Ms. Robinson appreciates the way in which these circumstances contributed to her faulty decision-making and will assuredly

take steps to make certain that she does not occupy such a dual role in the future.

- g. Additionally, as was recognized by the District of Columbia Court of Appeals Board on Professional Responsibility Ad Hoc Hearing Committee and bar counsel during Ms. Robinson's disciplinary proceeding, Ms. Robinson did not commit the ethical violations that led to her suspension because of a motivation to obtain any personal or pecuniary benefit. Quite the opposite, Ms. Robinson's disclosures were made based on her honest belief that she was correcting what she believed to be inappropriate conduct by certain SourceAmerica representatives:

Respondent did not engage in the prohibited conduct out of any pecuniary or other personal interest. Rather, she believed that SourceAmerica was engaged in various improper practices and that by disclosing the information in the circumstances in which she disclosed it, SourceAmerica would correct its conduct and act in what she believed would be a more responsible manner.

Report and Recommendation Approving Petition for Negotiated Discipline at 13.

- h. In view of the facts set out above, and Ms. Robinson's admission that her conduct violated the Virginia Rules of Professional Conduct, as well as her full acceptance of responsibility for her misconduct and her exceptional cooperation with the D.C. Office of Disciplinary Counsel during its two plus year investigation, the nature and circumstances of the misconduct for which Petitioner was disciplined weigh in favor of reinstatement.

ii. Petitioner's Recognition of the Seriousness of Misconduct.

- a. Ms. Robinson fully recognizes and appreciates the seriousness of her misconduct, a fact that also weighs in favor of reinstatement.
- b. Ms. Robinson has fully accepted responsibility for her misconduct, for which she not only was subject to disciplinary proceedings, but also terminated from her position as General Counsel to SourceAmerica. Ms. Robinson has not minimized or mischaracterized her misconduct. She is truly remorseful and has spent a great deal of time both before and during the suspension period grappling with the improper decisions she made and the harm she caused. When asked by the State Bar of Wisconsin why she believed her license should be reinstated, Ms. Robinson stated the following:

I am profoundly repentant of the misconduct upon which my suspension was based and I realize the necessity for irreproachable conduct within the profession and the sacredness of an Attorney's duties. I understand my obligation to uphold and protect information protected by the attorney-client privilege and my duty of loyalty to clients. I am an honest person with good moral character who made a serious mistake in the way I responded to eight years of intense criminal investigation and litigation of my client by the Department of Justice, Offices of the Inspector General and other government agencies and litigants. Under no circumstances should I have concealed my assistance and cooperation with the government agents from certain SourceAmerica Officials. I have been thoroughly punished for my misconduct and have undertaken extensive efforts to ensure I will never engage in such misconduct again I truly believe that reinstatement of my license to practice law would not be subversive to public interest or detrimental to the integrity and standing of the Bar or the administration of justice and that no good purpose would be served by denying my reinstatement to the Wisconsin Bar.

- c. Ms. Robinson has fully committed herself to and will adhere to the high standards of integrity and legal competence required of a lawyer licensed in the District of Columbia.

iii. Petitioner's Conduct Since the Discipline Was Imposed.

- a. Ms. Robinson's conduct since the discipline was imposed, including the steps taken to remedy past wrongs and prevent future ones, also weighs in favor of reinstatement.
- b. Ms. Robinson has not been the subject of any allegation of improper conduct of any kind during the eighteen-month period of her suspension or thereafter. Moreover, although there is no chance that the violations discussed above could recur between Ms. Robinson and SourceAmerica, given her termination from the organization and the unique set of circumstances in which they occurred, Ms. Robinson has taken the following steps to ensure that the misconduct that led to her suspension will not recur with future clients, should she be fortunate enough to have her license reinstated and to become gainfully re-employed as Counsel.
- c. Ms. Robinson has re-familiarized herself with both the District of Columbia and Wisconsin Rules of Professional Conduct and the ABA Model Rules of Professional Responsibility by completing the following Continuing Legal

Education Ethics and Professional Responsibility Courses and Credits
focused on ethics and compliance:

- Mandatory Course on D.C. Rules of Professional Conduct & D.C. Practice (Course Sponsor – District of Columbia Bar)
- Legal Ethics 2020 (Course Sponsor – Wisconsin State Bar)
- Ethical & Logistical Considerations During Covid (Course Sponsor – Wisconsin State Bar)
- Staying Within the Lines: Ethical Issues for Lawyers During a Crisis (Course Sponsor – Lawline)
- Attorney Discipline Update 2020 DC, MD & VA (Course Sponsor – District of Columbia Bar)
- Advising Clients on Developing & Executing a Compliance Program 2020 (Course Sponsor – District of Columbia bar)
- Time Management for Lawyers: How to Master Your Workflow, Keep Up with E-Mail, and Work Productivity 2020 (Course Sponsor – District of Columbia Bar)
- Employment Law Update 2020 (Course Sponsor – Wisconsin State Bar)
- 2022 Annual Legal Ethics Seminar- Ethics/Professional Responsibility (Course Sponsor – Quarles & Brady LLP)
- Ethically Navigating Communication Minefields (Course Sponsor – Wisconsin State Bar)
- Civility and Safety: A Panel Discussion with Judges and Attorneys (Course Sponsor – Wisconsin State Bar)
- Survivor 2023: The Law Firm Challenge (Course Sponsor – Wisconsin State Bar)
- Are you Billing Ethically (Course Sponsor – Wisconsin State Bar)
- Where Were the Lawyers? The Lawyer as Whistleblower: Conflicting Obligations Governing Lawyers' Conduct (Course Sponsor – American Bar Association)

- Consumer Litigation Funding: The Basics, Current Regulatory, Ethical, and Confidentiality Issues (Course Sponsor – American Bar Association)
 - Lawyering in the D.C. Spotlight (Course Sponsor – American Bar Association)
 - The Model Rules and First Amendment Freedoms: An exploration of Model Rules 8.2 and 8.4 (g) (Course Sponsor – American Bar Association)
 - Lawyering in the Pandemic: Business as Unusual (Course Sponsor – American Bar Association)
- d. As a result of taking these courses and being charged with the misconduct that is the subject of these proceedings, Ms. Robinson has become extremely well-versed in attorney-client privilege, confidentiality and client loyalty issues, the Federal Acquisition Regulation Business Ethics Requirements, False Claims Act disclosure requirements and claims, ethics in Government contracting, and the crime-fraud exception to District of Columbia Rule of Professional Conduct 1.6 (Confidentiality). As such, she is confident that she will be able to competently navigate any ethical issues and fully comply with the District of Columbia Rules of Professional Conduct in future representations, should they arise.
- e. To assist her in conforming her conduct to the Rules of Professional Conduct for attorneys, Petitioner has also identified available resources through the District of Columbia and Wisconsin Bars and the Association of Professional Responsibility Ethics Counsel Members with whom she will consult in the event ethical dilemmas or situations arise in the course of her future representation of clients. Ms. Robinson also will consult with the D.C. Bar Legal Ethics Helpline or the Wisconsin Bar Ethics Hotline before taking actions in the course of a representation about which an ethics question may arise, to doubly ensure her actions do not violate the Professional Responsibility rules or her ethical obligations and responsibilities or raise the appearance of impropriety in any way.
- f. In addition to the courses listed above, Petitioner has taken extensive Continuing Legal Education classes to thoroughly re-educate herself about various aspects of legal practice in the District of Columbia, to further ensure that she never violates the ethical rules again. In addition

to completing more than 70 hours of CLE, Ms. Robinson has purchased, at significant personal expense, a D.C. Bar “Passport” membership, a State Bar of Wisconsin Pinnacle Ultimate Gold Pass, and a Lawline Unlimited CLE membership so that she has unlimited access to Continuing Legal Education. Ms. Robinson is continuing to take ethics-related CLE courses and is committed to doing so in the future.

g. Ms. Robinson engaged in significant volunteer work during her suspension period, although her ability to do so was significantly limited by the Covid 19 pandemic and related stay-at-home orders. Nevertheless, she completed the following:

- Participated in numerous food drives with the non-profit organization Food for Others in Fairfax, Virginia;
- Organized and participated in various MLK Service Day Projects as well as food and clothing drives for the homeless and hungry in Maryland and Washington, DC;
- Provided donations and volunteer service assistance for clothing and food banks for the Lorton Community Action Center in conjunction with Cranford United Methodist Church, in Lorton, Virginia;
- Additional community service through Girl Scouts USA.

iv. Petitioner’s Present Character.

- a. The Petitioner is of excellent present character, which further supports her petition for reinstatement. Numerous witnesses who have known Ms. Robinson for as long as twenty-five years are prepared to provide references and testify about her honesty, integrity, and dedication to her profession.
- b. All of Ms. Robinson’s proposed character witnesses are fully aware of the events and circumstances surrounding her violations of the Rules of Professional Conduct and will testify that this painful episode is not reflective of her character overall, but rather, an outlier in an otherwise admirable career as an attorney.

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

- a. Ms. Robinson possesses the necessary present qualifications and competence to practice law, which is another factor weighing in favor of reinstatement.
- b. Ms. Robinson successfully practiced law in Washington, D.C. and Virginia for many years prior to the events that led to her suspension.
- c. In the eighteen months she was suspended, Petitioner engaged in extensive legal educational activities in order to maintain her competency. While largely remaining at home during the pandemic, she created a Training and Human Resources Consultancy Limited Liability Company. The company was licensed to do business in Virginia in August 2020. In the course of creating the company, Ms. Robinson engaged in significant legal learning related to government contracting and labor and employment law.
- d. Petitioner also spent time during her suspension reading legal journals and other literature related to the areas in which her practice historically has been focused, including federal procurement, small business set-asides, and human resources issues.
- e. The Supreme Court of Wisconsin reinstated Ms. Robinson's license to practice law in Wisconsin on October 20, 2021.

Conclusion

For the foregoing reasons, Ms. Robinson respectfully asks the D.C. Court of Appeals to reinstate her license to practice law in the District of Columbia.

Dated: September 13, 2023

Respectfully submitted,

/s/Hilary LoCicero

Hilary Holt LoCicero

BLL LLP

1707 L Street, NW

Washington DC 20036

(202) 603-8680

hhlocicero@bllfirm.com

COUNSEL TO JEAN M. ROBINSON