



OFFICE OF BAR COUNSEL

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CONFIDENTIAL

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In re Ross D. Hecht, Esquire
(D.C. Bar Registration No. 439909)
Bar Docket No. 2010-D307

Dear Mr. Hecht:

This office has completed its investigation of the above-referenced matter. We find that your conduct reflected a disregard of certain ethical standards under the District of Columbia Rules of Professional Conduct ("Rules"). We are, therefore, issuing you this Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8.

We docketed this matter for investigation on July 21, 2010. Our investigation was based upon information contained in a Motion for Ascertainment of Counsel and Request for Status Conference (motion to withdraw) that you filed on behalf of your client in *United States v. ******, 0000-CF0-00000, on April 13, 2010.¹ Your motion revealed confidential and/or secret information about your client, without your client's permission or consent. Specifically, you revealed that your client had not paid you in accordance with your retainer agreement; that he had promised to pay you from the proceeds of a worker's compensation matter from which he was expecting to receive \$12,000; and that your client's family had taken and spent this money without his permission. At the June 18, 2010 hearing, you discussed these issues with the judge at the bench, while your client remained at counsel table. You also revealed that your client's family and other potential witnesses were not cooperating, and that they were abandoning him. After the bench conference, you stated in open court as follows: "Your honor, I think there's a certain amount of misrepresentations that have been made by the client that -- not just financial, you know, when you work with a client there has to be some good faith give and take, and an honest dialogue." Transcript, June 18, 2010, at 15.

¹ Since this informal admonition is a public document, we will conceal the name of your client and the case docket number in order to protect your client's privacy.

We find that your conduct is inconsistent with the requirements of Rule 1.6. This Rule provides, *in pertinent part*, as follows:

- (a) Except when permitted under paragraph (c), (d), or (e), a lawyer shall not knowingly:
 - (1) Reveal a confidence or secret of the lawyer's client;
 - (2) Use a confidence or secret of the lawyer's client to the disadvantage of the client;
 - (3) Use a confidence or secret of the lawyer's client for the advantage of the lawyer or of a third person.
- (b) "Confidence" refers to information protected by the attorney-client privilege under applicable law, and "secret" refers to other information gained in the professional relationship that the client has requested be held inviolate, or the disclosure of which would be embarrassing, or would be likely to be detrimental, to the client.

Under this Rule, you are not permitted to disclose your client's confidences and secrets unless the disclosure falls within the exceptions under paragraphs (c), (d), or (e), none of which apply in this case.

In *In re Gonzalez*, 773 A.2d 1026 (D.C. 2001), Gonzalez filed a motion in open court requesting leave to withdraw from a civil matter in litigation. In his motion, Gonzalez represented that his clients were not paying their bills in a timely manner and that they had failed to cooperate with him in preparing for trial. Gonzalez further alleged that "[his client] has missed appointments on a number of occasions, failed to timely provide information necessary to the case, and made misrepresentations to her attorneys." *Id.* at 1027 (emphasis in original).

In finding that Gonzalez revealed his client's confidences and secrets, the Court stated,

In the body of the motion, which Gonzalez submitted to the court for filing and mailed to opposing counsel in the underlying litigation, Gonzalez alleged that [his client] not only missed appointments and failed to provide necessary information, but also "made misrepresentations to her attorneys." [Footnote omitted.] We think it obvious that a public allegation by a client's own lawyer that the client deliberately lied to him would be "embarrassing" to the client and "would be likely to be detrimental" to her, within the meaning of DR 4-101(A). Indeed, it

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is difficult to understand how a reasonable person could conclude otherwise.

Id. at 1030.

We find clear and convincing evidence that your conduct violated Rule 1.6, prohibiting a lawyer from revealing a client's confidences or secrets.

In issuing this informal admonition, Bar Counsel has taken into consideration that you have no prior discipline, that you cooperated with Bar Counsel's investigation, and that you have taken responsibility for your actions including by accepting this informal admonition.

This letter constitutes an Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8, and is public when issued. Please refer to the attachment to this letter of Informal Admonition for a statement of its effect and your right to have it vacated and have a formal hearing before a hearing committee.

If you would like to have a formal hearing, you must submit a written request for a hearing to the Office of Bar Counsel, with a copy to the Board on Professional Responsibility, within 14 days of the date of this letter, unless Bar Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated, and Bar Counsel will institute formal charges pursuant to D.C. Bar Rule XI, § 8(c). The case will then be assigned to a Hearing Committee, and a hearing will be scheduled by the Executive Attorney for the Board on Professional Responsibility pursuant to D.C. Bar Rule XI, § 8(d). Such a hearing could result in a recommendation to dismiss the charges against you or a recommendation for a finding of culpability, in which case the sanction recommended by the Hearing Committee is not limited to an Informal Admonition.

Sincerely,

Wallace E. Shipp, Jr.
Bar Counsel

Enclosure: Attachment to Letter of Informal Admonition

WES:JNB:itm