

**DISTRICT OF COLUMBIA
BOARD ON PROFESSIONAL RESPONSIBILITY**



Annual Report

August 1, 2023 – July 31, 2024

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Introduction

The Board on Professional Responsibility is the adjudicative arm of the District of Columbia Court of Appeals, responsible for the administration of the attorney disciplinary system and the adjudication of cases of attorney misconduct against members of the District of Columbia Bar and others who fall within the Court's disciplinary jurisdiction. The attorney disciplinary system enforces the D.C. Rules of Professional Conduct, which were adopted by the Court to protect the public from unethical attorneys and to preserve the integrity of the legal profession.

Disciplinary cases are adversarial proceedings, prosecuted by the Office of Disciplinary Counsel, and heard by Hearing Committees, which consist of two active D.C. Bar members and a member of the public who is not a lawyer. All hearings are open to the public. In-person hearings are held in Courtroom II of the Historic Courthouse of the District of Columbia Court of Appeals, at 430 E Street, N.W., Washington, D.C. 20001. Hearings may also be held over Zoom. All hearings are live-streamed on the [Hearing Committees' YouTube page](#) to permit public access. The [hearing schedule](#) may be found on the Board's website www.dcattorneydiscipline.org.

Hearing Committees issue reports and recommendations, which include findings of fact, conclusions of law, and a recommendation as to sanction, and which are reviewed by the Board on Professional Responsibility in most instances. The Board consists of seven active members of the D.C. Bar and two members of the public who are not attorneys. The Board hears in-person oral arguments in Courtroom II. Oral arguments may also be held over Zoom. All oral arguments are live-streamed on the [Board's YouTube page](#) to permit public access. The [oral argument schedule](#) is available on the Board's website.

Board members are appointed by the D.C. Court of Appeals. Hearing Committee members are appointed by the Board. All Board and Hearing Committee members serve without compensation.

The Office of Disciplinary Counsel is charged with the investigation and prosecution of disciplinary complaints. It is located in Building A of the Superior Court, at 515 5th Street, N.W., Suite 117, Washington, D.C. 20001.

The Board's Office of the Executive Attorney supports the Board in its administrative functions and supports the Board and the Hearing Committees in their adjudicatory functions. It is located in Suite 138 of the Historic Courthouse.

The Staff Directories of the [Office of Disciplinary Counsel](#) and the [Office of the Executive Attorney](#) may be found on the Board's website.

This report summarizes the activities of the Board, the Hearing Committees, and the Office of Disciplinary Counsel during the period August 1, 2023 – July 31, 2024, which comprised the 2023-24 Board term.

Board Review

The Board reviews Hearing Committee reports and recommendations in contested disciplinary cases, as well as motions for temporary and disability suspension and motions to dismiss petitions for reinstatement filed by the Office of Disciplinary Counsel. The Board also considers negotiated discipline, criminal conviction, reciprocal discipline, and reinstatement cases referred by the Court of Appeals. In contested cases, the Board hears oral argument, issues disciplinary orders, and files reports and recommendations with the Court. The Chair of the Board is responsible for ruling on substantive and procedural motions, including motions to compel a response to a disciplinary complaint, for a protective order, and for deferral of disciplinary proceedings, as well as motions to recommend that the Court impose a temporary suspension, a disability suspension, or disbarment on consent, among others.

Board Members (2023-24)

Bernadette Sargeant, Esquire, Board Chair is a partner at Stinson LLP, where she counsels and represents clients in a range of employment law issues. Prior to joining Stinson, Ms. Sargeant represented private industry clients in her own

practice and served as an Assistant United States Attorney. She is a graduate of the University of Michigan School of Law.

Robert L. Walker, Esquire, Board Vice Chair, is Of Counsel at Wiley Rein LLP, where he represents clients in federal and state ethics advisory and investigative matters (including in connection with financial disclosure obligations), in internal investigations, and in prosecutions arising under campaign finance, fraud, public corruption, and other criminal laws. Mr. Walker is a former Chief Counsel and Staff Director of the Senate and House ethics committees and is a former federal prosecutor.

Sara K. Blumenthal is retired from the National Park Service where she served as the Deputy Associate Regional Director for the National Capital Region. In that position, Ms. Blumenthal managed multi-discipline staff with responsibility for legislation and Congressional liaison, among numerous other duties.

Margaret M. Cassidy, Esquire, founded Cassidy Law PLLC, a firm that advises corporate clients on federal government contracting, exporting and compliance and ethics issues. Prior to founding Cassidy Law PLLC, Ms. Cassidy served as in-house counsel, as well as a Senior Deputy Attorney General and an Assistant District Attorney in Pennsylvania.

Thomas Gilbertsen, Esquire, is a partner at Dueffert Gilbertsen PLLC, where he represents a broad range of clients in litigated matters, with a focus on investigations and enforcement litigation by state and federal agencies. Prior to

forming Dueffert Gilbertsen, Mr. Gilbertsen was a sole practitioner. He has also been a partner at other larger firms in the District of Columbia, focusing on antitrust and intellectual property litigation. He is a frequent author and presenter at ABA and other professional seminars on topics of antitrust, consumer protection, professional ethics, and agency enforcement litigation.

William V. Hindle, M.D., is a retired physician. He is a Diplomate of the American Board of Radiology, and was in private practice from 1975-2001. He served as the Chief of the Department of Radiology at the Inova Alexandria Hospital (1988-94 and 2001-04), and later at the Inova Mount Vernon Hospital (2004-06). Dr. Hindle also held leadership positions in the D.C. Chapter of the American College of Radiology.

Sharon R. Rice-Hicks, Esquire, is Supervisory General Attorney (Branch Chief) at the U.S. Equal Employment Opportunity Commission, where she manages and leads team of compliance officers who are tasked with monitoring federal agencies' compliance with corrective actions ordered in Office of Federal Operations appellate decisions. Ms. Rice-Hicks also determines program milestones and goals to achieve goals set in strategic enforcement plan mandated by OFO Director, as well as determining and allocating resources needed to achieve short-term and long-term departmental goals. She also reviews compliance cases after issuance of appellate decisions from Appellate Review Program when

corrective actions are ordered, and sets office policies and procedures to ensure efficiency and transparency.

Michael E. Tigar, Esquire, is Emeritus Professor of Law at Duke University School of Law, and Professor Emeritus of Law at Washington College of Law, American University, Washington, D.C. He was Acting Professor of Law at UCLA and Joseph D. Jamail Chair in Law at The University of Texas. He has lectured at dozens of law schools, judicial conferences and bar associations in the United States, Europe, Africa, and Latin America, including service as *Professeur Invité* at the faculty of law of *Université Aix-Marseille (formerly Université Paul Cézanne)*. He is a 1966 graduate of Berkeley Law School (University of California, Berkeley).

Board Activity in the 2023-24 Board Term

New Cases Before the Board

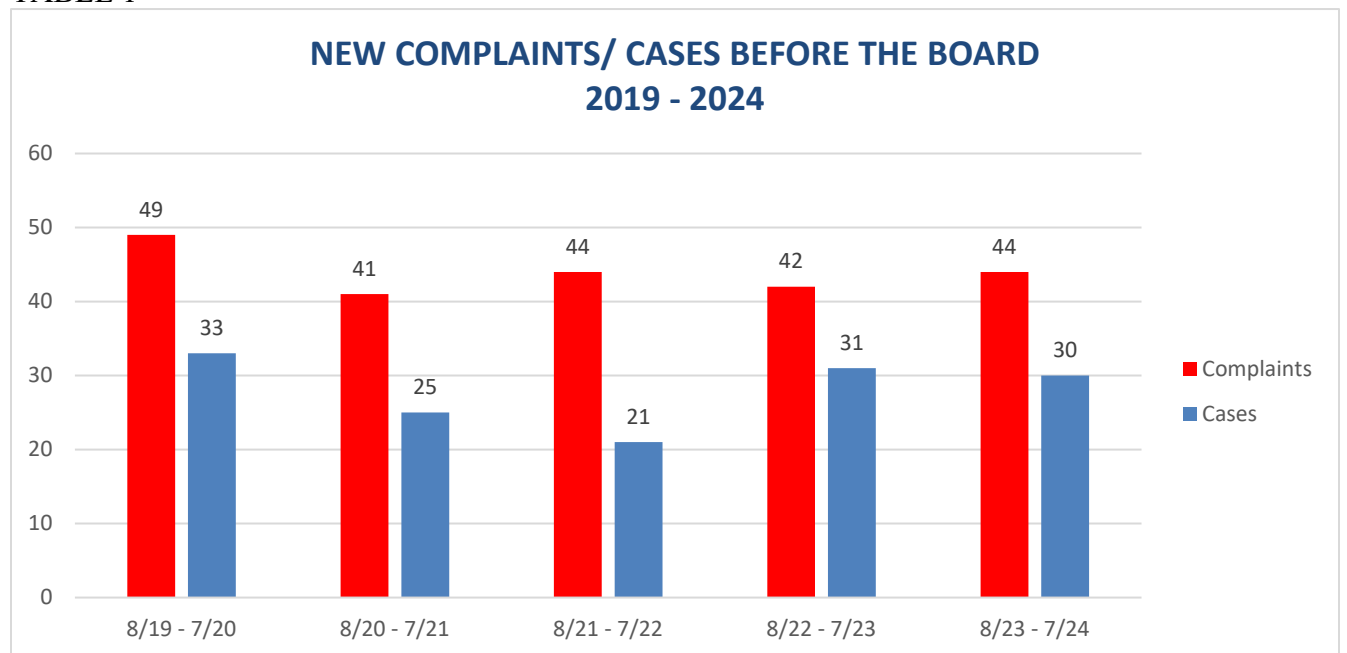
During the period August 1, 2023 through July 31, 2024, 30 new cases involving 44 individual disciplinary complaints were filed with the Board.¹ These cases included 15 Hearing Committee reports (consisting of 26 complaints), 5 criminal cases referred by the Court of Appeals, 4 disability matters (consisting of 7 complaints), and 6 additional cases (consisting of 6 complaints), which included motions to accept consent to disbarment, motions to dismiss petitions for

¹ Multiple disciplinary complaints may be consolidated in a single case brought by Disciplinary Counsel.

reinstatement, and a report in a matter where Disciplinary Counsel moved to revoke conditions of practice.

Table 1 shows the number of new cases (and the related number of complaints) filed with the Board from 2019-20 through the 2023-24 Board term.

TABLE 1



Cases Disposed by the Board

During 2023-24 Board term, the Board resolved 26 cases (covering 36 complaints), including 17 reports and recommendations (covering 24 complaints) filed with the Court of Appeals. The recommendations addressed 12 contested petitions instituting formal disciplinary proceedings (covering 19 complaints), 2 motions to accept consent to disbarment (covering 2 complaints), 2 matters arising out of a criminal conviction, and 1 report regarding Disciplinary Counsel's request

to revoke conditions of practice. Additionally, the Board ordered an informal admonition in 1 case (covering 1 complaint), dismissed 3 petitions for reinstatement, and referred 1 reinstatement matter to a Hearing Committee. The Board also granted motions to petition the Court for disability suspension in 4 matters (covering 7 complaints). The Chair of the Board issued 113 orders. Board members approved Disciplinary Counsel’s recommendations for diversion in 5 docketed complaints.

Table 2 shows the total number of cases (and the related number of complaints) resolved by the Board from 2019-20 through the 2023-24 Board term.

TABLE 2

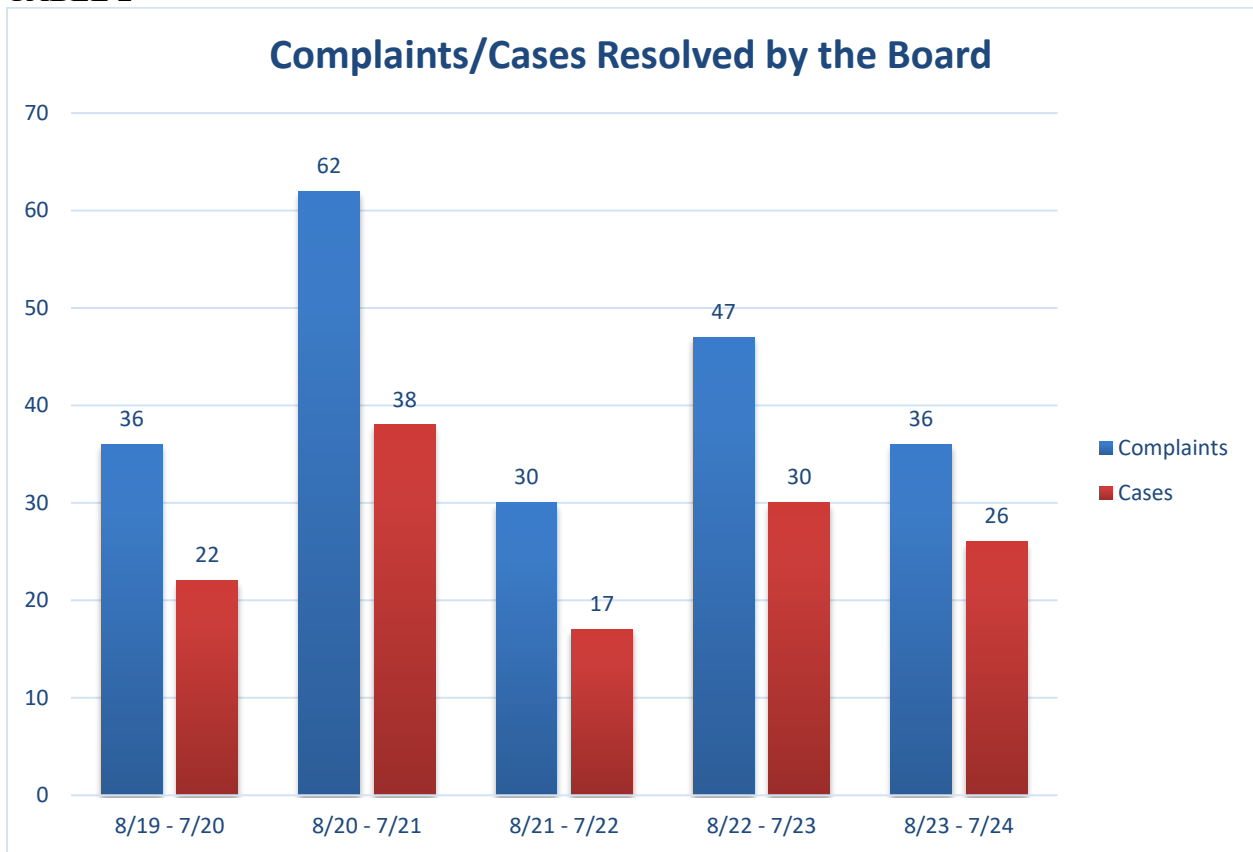


Table 3 shows the number of orders issued by the Chair of the Board from 2019-20 through the 2023-24 Board term.

TABLE 3

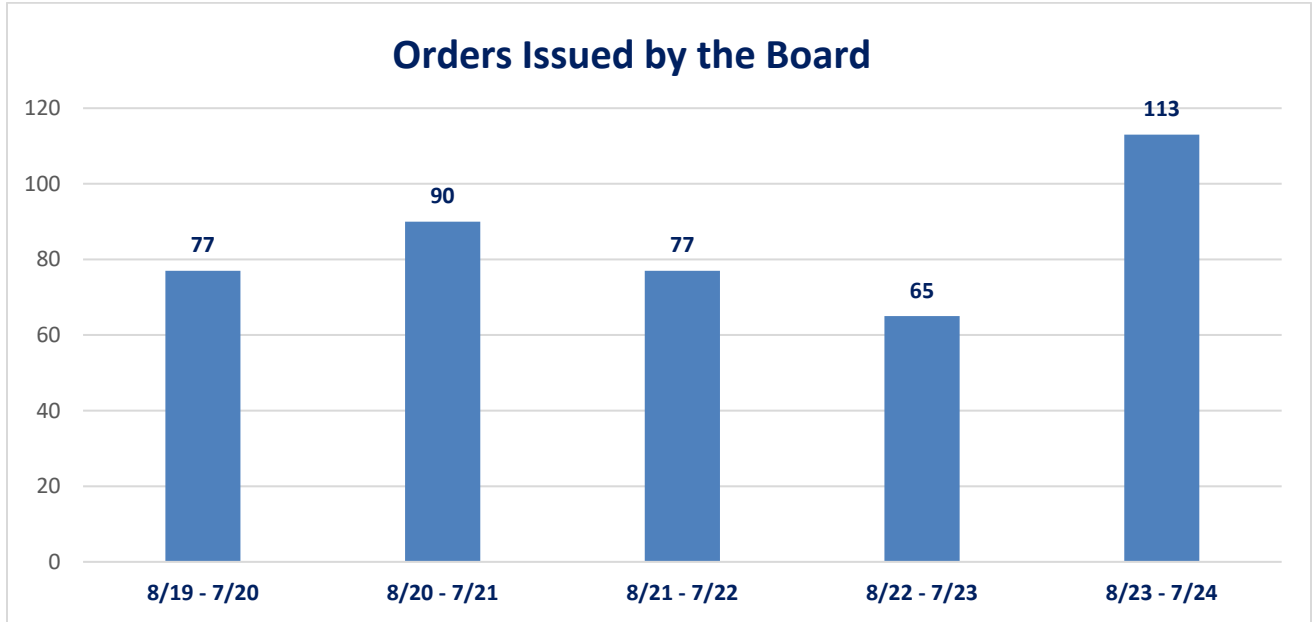
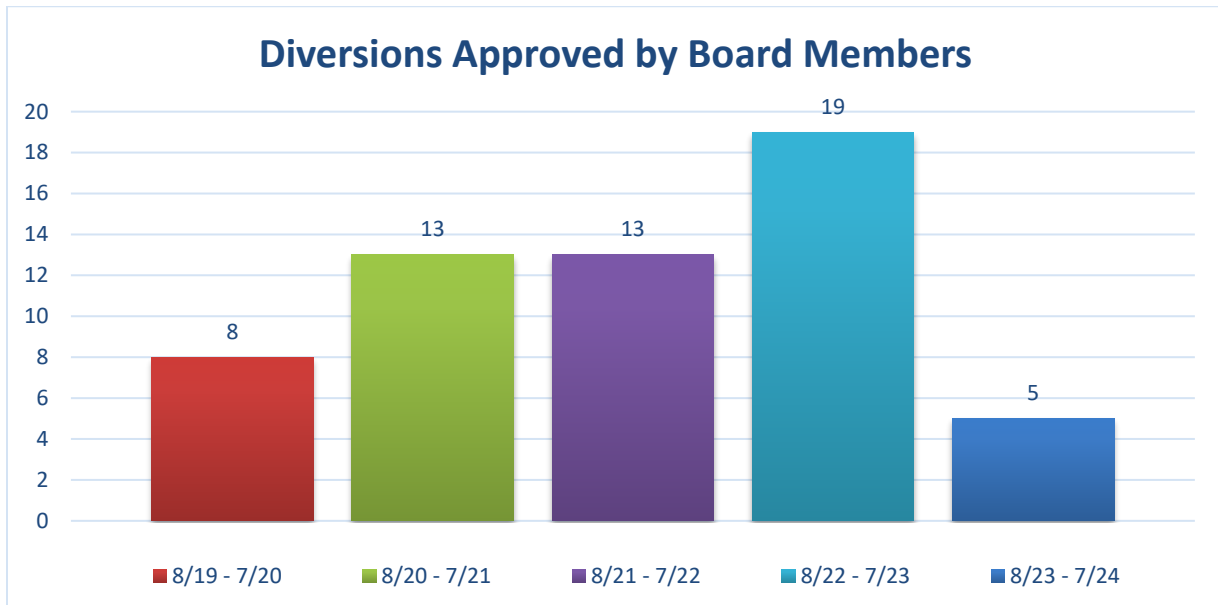


Table 4 shows the number of diversion agreements approved by Board members from 2019-20 through the 2023-24 Board term.

TABLE 4



As of July 31, 2024, there were 2 matters pending a Board report and 3 matters pending oral argument before the Board.

The Hearing Committees

The Board maintains a large roster of active D.C. Bar members and non-attorney members of the public, who serve on the Board's 12 standing Hearing Committees and on Ad Hoc Hearing Committees. The Board has continued its efforts to maintain a broad range of professional experience and diversity on the Hearing Committees. Active members of the D.C. Bar and members of the public who are interested in serving on a Hearing Committee are encouraged to contact the Office of the Executive Attorney.

Hearing Committees conduct full evidentiary hearings on Disciplinary Counsel's petitions instituting formal disciplinary proceedings and in contested reinstatement cases. Following the close of the evidentiary hearing in a contested discipline case, the Hearing Committee prepares a report with written findings of fact, conclusions of law, and a recommended sanction, which is filed with the Board. Reports in contested reinstatement cases are filed directly with the Court. Hearing Committees also conduct limited hearings on petitions for negotiated discipline. Before the limited hearing, the Hearing Committee may review Disciplinary Counsel's investigative file *in camera* and meet with Disciplinary Counsel *ex parte* to discuss the basis for Disciplinary Counsel's recommendation for negotiated discipline. The Hearing Committee files a report directly with the Court if it recommends the approval of negotiated discipline. Where it does not, it issues an order rejecting the petition for negotiated discipline.

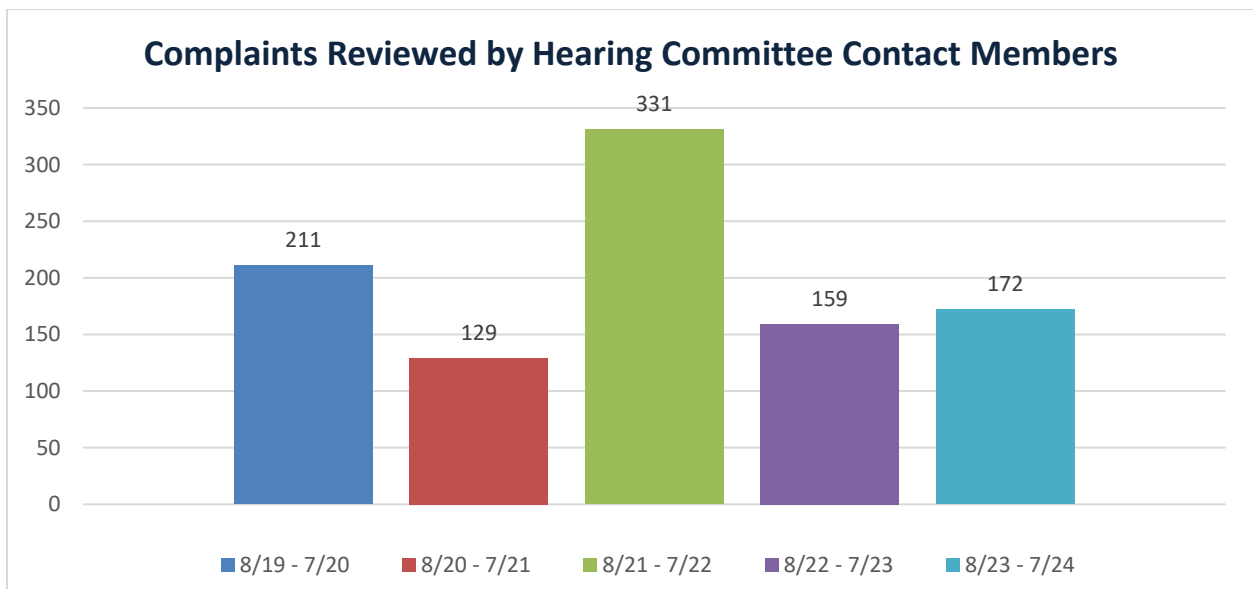
The current roster of Hearing Committee members is available on the Board’s [website](#).

Hearing Committee Activity During the 2023-24 Board Term

During the period August 1, 2023 – July 31, 2024, Hearing Committee Contact Members reviewed Disciplinary Counsel’s recommended disposition of 172 docketed complaints. Contact Members approved Disciplinary Counsel’s recommendations to dismiss 123 docketed complaints, to issue Informal Admonitions in 10 complaints, and to file formal disciplinary charges in 39 complaints.

Table 5 shows the number of docketed complaints reviewed by Contact Members from 2019-20 through the 2023-24 Board term.

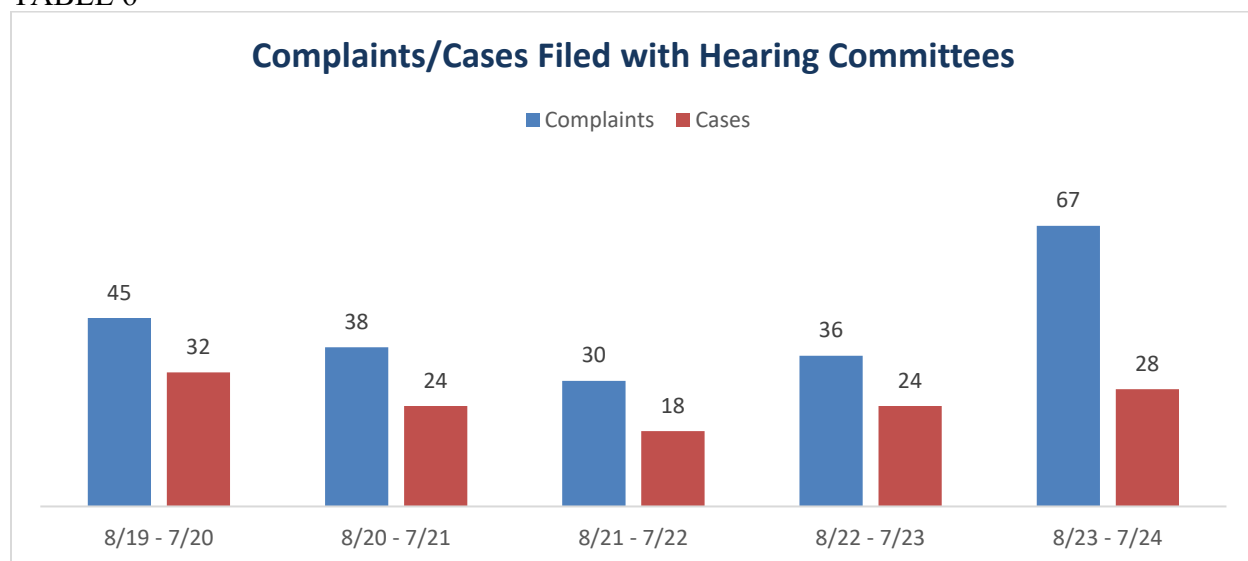
TABLE 5



Twenty-Eight new cases were filed with the Hearing Committees during the 2023-24 Board term: 17 petitions instituting formal disciplinary proceedings (covering 46 complaints), 7 petitions for negotiated discipline (covering 17 complaints), 2 petitions for reinstatement (covering 2 complaints), 1 probation revocation (covering 1 complaint), and 1 motion to revoke conditions of practice (covering 1 complaint).

Table 6 shows the total number of cases (and the related number of complaints) filed with the Hearing Committees from 2019-20 through the 2023-24 Board term.

TABLE 6

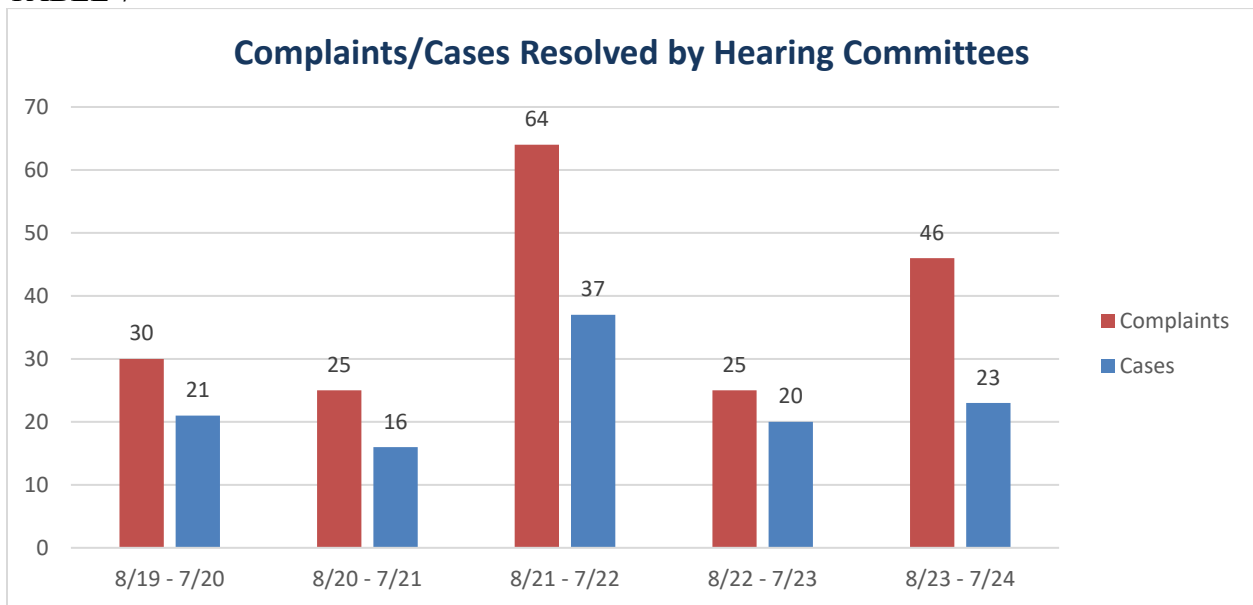


During the 2023-24 Board term, the Hearing Committees conducted 15 pre-hearing conferences, held 48 days of hearings, issued 15 reports (covering 26 complaints) in contested cases, issued 7 reports recommending approval of petitions for negotiated discipline (covering 19 complaints), issued 1 report in a probation revocation matter, and administratively closed 1 additional matters due to the death

of Respondent or the resolution of the matter through a related case. This 1 case covered 8 complaints.

Table 7 shows the total number of cases (and the related number of complaints) resolved by the Hearing Committees from 2019-20 through the 2023-24 Board term.

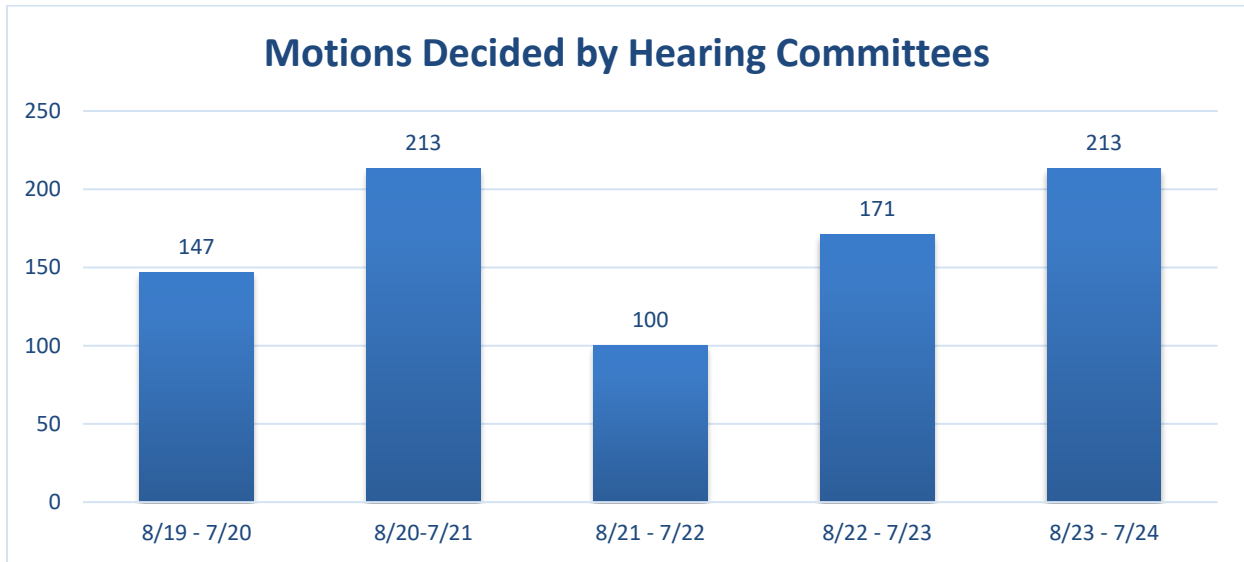
TABLE 7



Hearing Committees also decide evidentiary and procedural motions. During the 2023-24 Board term, Hearing Committees issued 213 orders.

Table 8 shows the number of orders issued from 2019-20 through the 2023-24 Board term.

TABLE 8



Negotiated Discipline

Tables 9 and 10 show the number of petitions for negotiated discipline (and related number of complaints) filed and resolved by the Hearing Committees from 2019-20 through the 2023-24 Board term.

TABLE 9

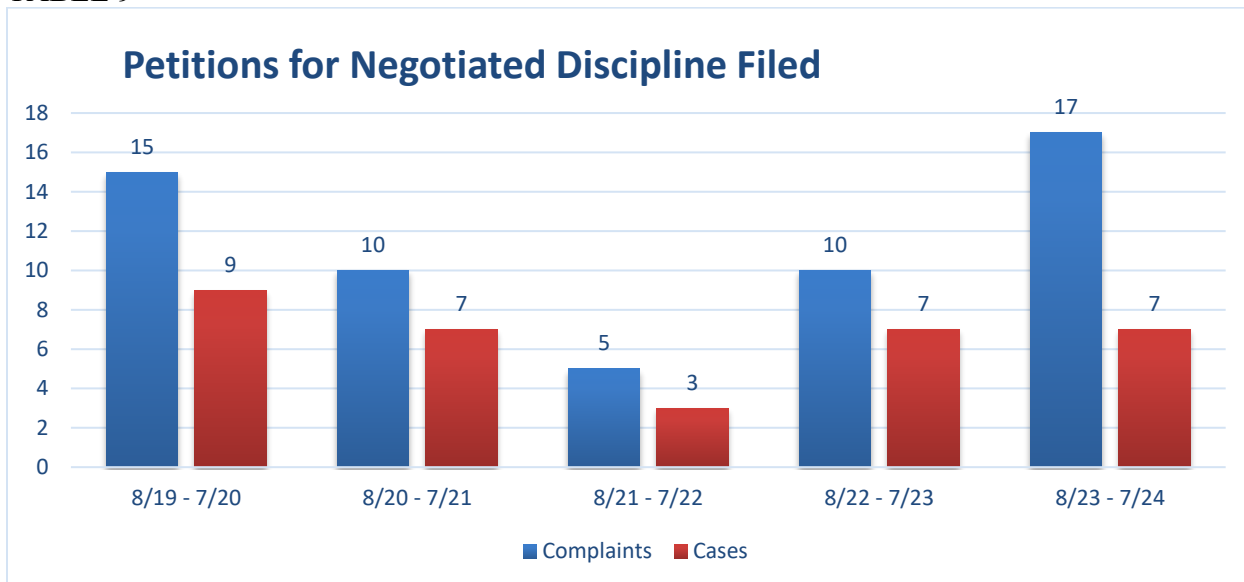
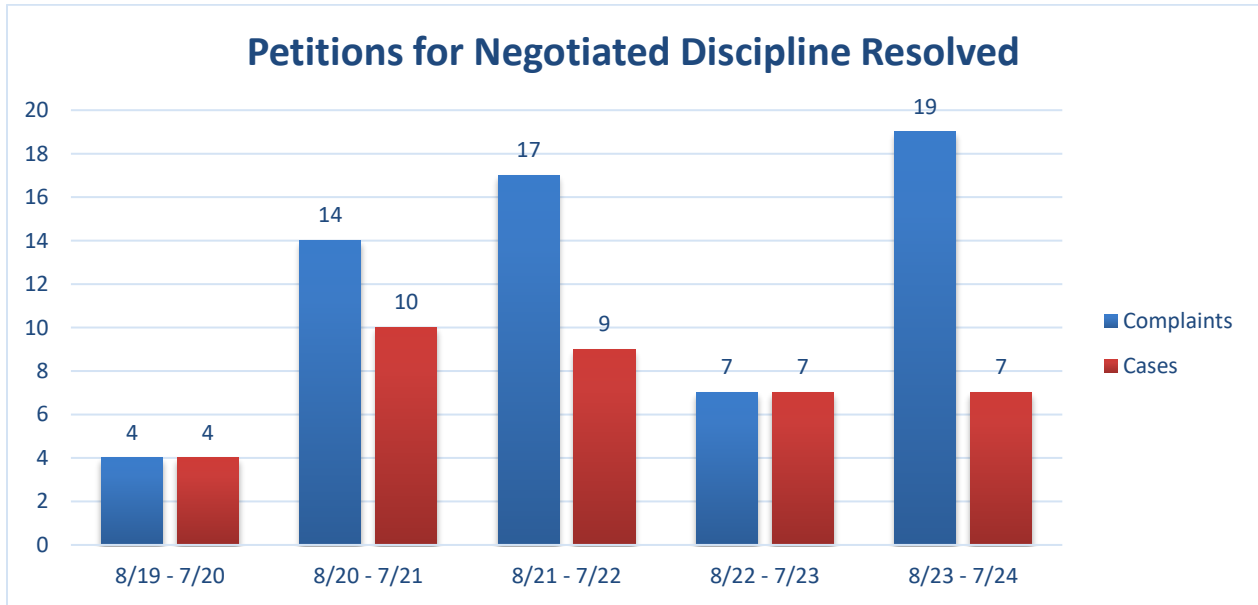


TABLE 10²



At the end of the 2023-24 Board term, 27 cases (involving 39 complaints) were pending before Hearing Committees. Of the cases pending before Hearing Committees, 20 cases (involving 31 complaints) were contested, 5 cases (involving 8 complaints) were petitions for negotiated discipline, 1 case (involving 1 complaint) was involving probation revocation, and 2 cases (involving 2 complaints) were petitions for reinstatement.

The Office of Disciplinary Counsel

The Office of Disciplinary Counsel investigates all complaints and allegations of ethical misconduct and recommends dispositions ranging from dismissal, diversion, and the issuance of an informal admonition to a petition for negotiated discipline or the institution of formal charges. The Office of Disciplinary Counsel has a dual function: to protect the public and the courts from unethical conduct by

² Does not include petitions that were withdrawn.

members of the D.C. Bar and to protect members of the D.C. Bar from unfounded complaints.

Where formal charges are filed, the Office of Disciplinary Counsel prosecutes the charges before a Hearing Committee, the Board, and ultimately the D.C. Court of Appeals.

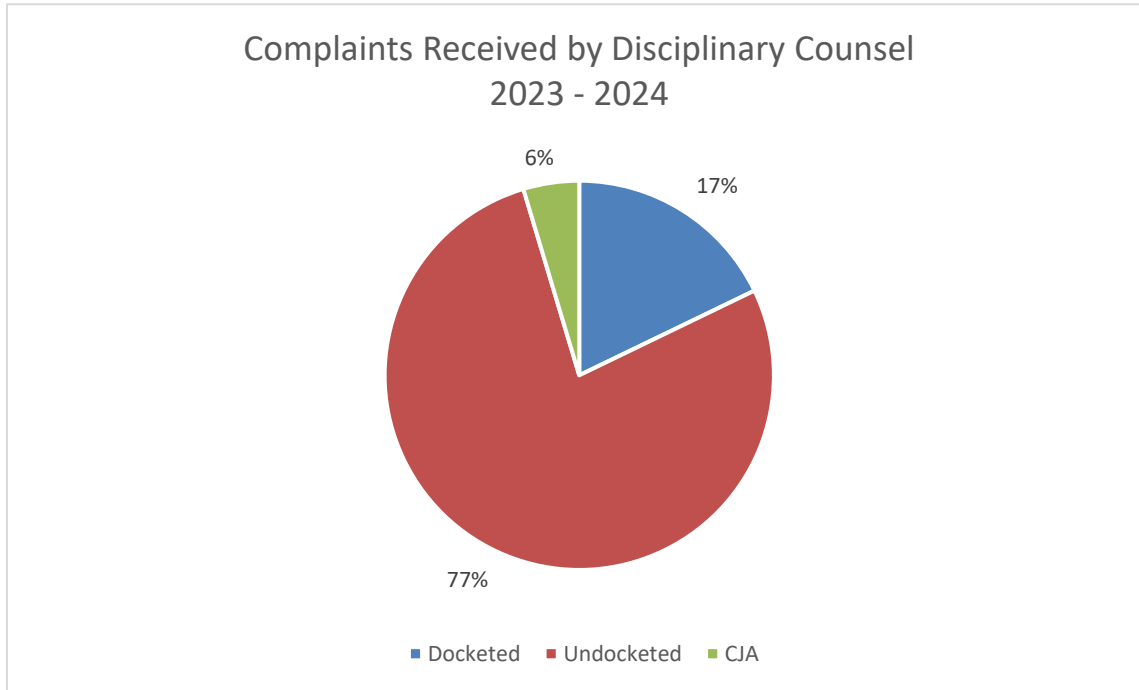
During the period August 1, 2023 through July 31, 2024, 1,252 complaints were filed with the Office of Disciplinary Counsel. When a disciplinary complaint is filed, Disciplinary Counsel conducts a preliminary review or inquiry. Where the complaint does not provide a basis to open a formal investigation or where Disciplinary Counsel does not have jurisdiction, the complaint is treated statistically as an undocketed matter. Of the 1,252 complaints filed in the 2023-24 Board term, the Office of Disciplinary Counsel opened 210 docketed complaints for formal investigation. A docketed complaint is sent to the respondent attorney for a response, and the response is sent to the complainant for comment. Disciplinary Counsel also opened 968 undocketed complaints, where it concluded there was no basis for a formal investigation. When Disciplinary Counsel does not formally investigate a complaint, a letter is sent to the complainant explaining Disciplinary Counsel's decision.

Disciplinary Counsel also received 74 complaints from criminal defendants, or "CJA Complaints." Disciplinary Counsel conducts a preliminary inquiry into CJA

Complaints, and any complaints that are not docketed for investigation are handled in the same way as undocketed matters.

Table 11 shows the breakdown of complaints received by Disciplinary Counsel in the 2022-23 Board term.

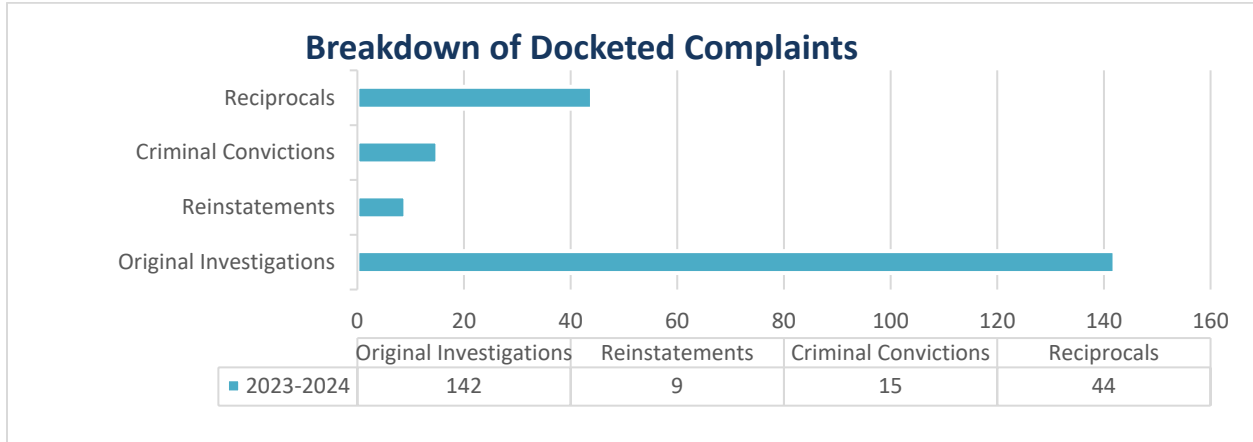
TABLE 11



Docketed complaints consist of original investigations, reciprocal discipline cases, cases involving criminal convictions, and petitions for reinstatement filed by lawyers who were disbarred or suspended with the requirement to demonstrate fitness to practice prior to reinstatement.

Table 12 shows the breakdown of docketed complaints during the 2023-24 Board term.

TABLE 12



Fiscal Matters

The attorney disciplinary system is funded by Bar dues. Maintaining an effective and efficient disciplinary system at a reasonable cost to Bar members is a primary goal of the Board. Funding for the Board and the Office of Disciplinary Counsel is 27.0% of license fees in the Bar’s approved dues funded budget for Fiscal Year 2023-24.

Conclusion

The Board appreciates the cooperation and support of the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the District of Columbia Bar, and the staffs of the Office of the Executive Attorney and the Office of Disciplinary Counsel. The Board particularly wishes to acknowledge all those who serve as members of the Hearing Committees, as practice and financial monitors, and as Special Disciplinary Counsel, and especially those former Hearing Committee and Board members who, having already given generously of their time,

continue to support the work of the Board. The dedicated service of all of these individuals makes possible the effective functioning of our disciplinary system.

February 2025