

DISTRICT OF COLUMBIA COURT OF APPEALS

In re Darlene C. Jackson

In re Jackson · No. 23-BG-0554 · Decided August 31, 2023

SUMMARY

The District of Columbia Court of Appeals imposed a 60-day suspension on Darlene C. Jackson, with reinstatement conditioned on demonstrating fitness to practice law. The court adopted the Board on Professional Responsibility’s findings that Jackson violated professional-conduct rules by issuing a subpoena during a discovery stay, disclosing a sealed settlement agreement, failing to comply with court rules and orders, and failing to respond to Disciplinary Counsel.

CASE DETAILS

|                       |                                                                                                                                                                                                                                 |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | District of Columbia Court of Appeals                                                                                                                                                                                           |
| WRITING FOR THE COURT | Per Curiam; McLeese, Associate Judge; Deahl, Associate Judge; Washington, Senior Judge                                                                                                                                          |
| JURISDICTION          | District of Columbia                                                                                                                                                                                                            |
| DECIDED               | August 31, 2023                                                                                                                                                                                                                 |
| DOCKET                | 23-BG-0554                                                                                                                                                                                                                      |
| DISPOSITION           | other                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | The District of Columbia Court of Appeals reviewed the Board on Professional Responsibility's report and recommendation in an attorney-discipline proceeding. The respondent filed no exceptions to the Board's recommendation. |
| STANDARD OF REVIEW    | The court applies a deferential standard of review to the Board's report and recommendation; when no exceptions are filed, the standard becomes even more deferential.                                                          |
| PRECEDENTIAL VALUE    | Published opinion                                                                                                                                                                                                               |

TOPICS

- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility
- appellate procedure

## QUESTIONS PRESENTED

1. Whether the court should accept the Board on Professional Responsibility's recommended sixty-day suspension with reinstatement conditioned on a showing of fitness when the respondent filed no exceptions.
2. Whether the recommended sanction was reasonable and appropriate for the violations found by the Board.

## HOLDINGS

1. When no exceptions are filed to the Board on Professional Responsibility's report and recommendation, the court may impose the recommended discipline after applying an especially deferential review, and the court accepted the recommendation here.
2. Respondent was suspended from practicing law in the District of Columbia for sixty days, with reinstatement conditioned on demonstrating fitness to practice law.

## KEY QUOTATIONS

*“When . . . there are no exceptions to the Board’s report and recommendation, our deferential standard of review becomes even more deferential.” (at 2)*

*“Accordingly, it is ORDERED that respondent Darlene C. Jackson is hereby suspended from the practice of law in the District of Columbia for 60 days, with reinstatement conditioned on demonstrating fitness to practice law.” (at 3)*

## FACTUAL BACKGROUND

Darlene C. Jackson issued a subpoena in a federal civil action while discovery was stayed and disclosed the contents of a sealed settlement agreement. She also failed to comply with local rules and court orders and, during the disciplinary investigation, failed to respond to Disciplinary Counsel despite a Board order directing her to do so. She did not participate in the disciplinary proceedings or file exceptions to the Board's recommendation.

## PROCEDURAL HISTORY

The Board on Professional Responsibility recommended a sixty-day suspension with reinstatement conditioned on a showing of fitness. The Board found violations arising from respondent's issuance of a subpoena while discovery was stayed, disclosure of a sealed settlement agreement, noncompliance with local rules and court orders, and failure to respond to Disciplinary Counsel and comply with a Board order. The court accepted the recommendation and entered the recommended discipline.

## DISPOSITION

other

## CASES CITED

- In re Viehe, 762 A.2d 542, 543 (D.C. 2000) (per curiam)

- In re Padharia, 235 A.3d 747, 748-49 (D.C. 2020) (per curiam)
- In re Wemhoff, 142 A.3d 573, 573-74 (D.C. 2016) (per curiam)
- In re Cooper, 936 A.2d 832, 833 (D.C. 2007) (per curiam)

## OPINION

### PER CURIAM.

Notice: This opinion is subject to formal revision before publication in the Atlantic and Maryland Reporters. Users are requested to notify the Clerk of the Court of any formal errors so that corrections may be made before the bound volumes go to press. DISTRICT OF COLUMBIA COURT OF APPEALS No. 23-BG-0554 IN RE DARLENE C. JACKSON, RESPONDENT. A Suspended Member of the Bar of the District of Columbia Court of Appeals (Bar Registration No. 445931) On Report and Recommendation of the Board on Professional Responsibility (BDN: 22-BD-020; DDN 2020-171) (Decided August 31, 2023) Before MCLEESE and DEAHL, Associate Judges, and WASHINGTON, Senior Judge.

PER CURIAM: The Board on Professional Responsibility recommends that Darlene C. Jackson be suspended from the practice of law for 60 days with reinstatement conditioned upon a showing of fitness. Specifically, the Board found that respondent issued a subpoena in a federal court civil action while discovery was stayed; disclosed the contents of a sealed settlement agreement; and failed to comply with local rules and court orders, violating D.C.

R. Prof. Conduct 3.4(c). During the course of the investigation into the charges, respondent failed to respond to Disciplinary Counsel despite a Board order directing her to do so; therefore, the Board also found that respondent violated D.C. R. Prof. Conduct 8.1(b) (knowing failure to respond to Disciplinary Counsel), D.C. R. Prof. Conduct 8.4(d) (serious interference with the administration of justice), and D.C.

Bar R. XI, § 2(b)(3) (failure to comply with Board order). Respondent did not participate in the disciplinary proceedings and has not filed any exceptions to the Board's report and recommendation. Respondent also has not yet filed the required D.C. Bar R. XI, § 14(g) affidavit after the court imposed an interim suspension on August 10, 2023.

Under D.C. Bar R. XI, § 9(h)(2), "if no exceptions are filed to the Board's report, the [c]ourt will enter an order imposing the discipline recommended by the Board upon the expiration of the time permitted for filing exceptions." See also *In re Viehe*, 762 A.2d 542, 543 (D.C. 2000) (per curiam) ("When... there are no exceptions to the Board's report and recommendation, our deferential standard of review becomes even more deferential.").

Because no exceptions have been filed and we agree that the Board's recommended sanction is reasonable and appropriate for the violations presented here, 1 we accept the recommendation that

respondent be 1 See, e.g., *In re Padharia*, 235 A.3d 747, 748-49 (D.C. 2020) (per curiam) (imposing six-month suspension and conditioning reinstatement on the attorney's demonstrating his fitness to resume the practice of law for violating D.C.

R. Prof. Conduct 3.4(c), 8.1(b), and 8.4(d) where the attorney ignored filing deadlines in 30 3 suspended for sixty days with reinstatement conditioned on demonstrating fitness to practice law. Accordingly, it is ORDERED that respondent Darlene C. Jackson is hereby suspended from the practice of law in the District of Columbia for 60 days, with reinstatement conditioned on demonstrating fitness to practice law.

Respondent's attention is directed to the requirements of D.C. Bar. R. XI, § 14 and their effect on eligibility for reinstatement. See D.C. Bar. R. XI, § 16(c). So ordered. immigration matters, resulting in dismissal of those actions, and failed to respond to Disciplinary Counsel's inquiries for nearly seven months); *In re Wemhoff*, 142 A.3d 573, 573-74 (D.C.

2016) (per curiam) (imposing 30-day suspension stayed with one- year probation and additional conditions for violations of D.C. R. Prof. Conduct 3.4(c), 8.4(d) and 1.6(a) where the attorney disclosed client confidences while withdrawing from representation and failed to attend a court-ordered status hearing, but apparently cooperated with Disciplinary Counsel's investigation); *In re Cooper*, 936 A.2d 832, 833 (D.C.

2007) (per curiam) (imposing 30-day suspension with fitness requirement for violations of D.C. R. Prof. Conduct 8.1(b) and 8.4(d) and D.C. Bar R. XI, § 2(b)(3)).