

DISTRICT OF COLUMBIA COURT OF APPEALS

In re M. Adriana Koeck, a/k/a Adriana Sanford

178 A.3d 463 (D.C. 2018) · No. 14-BS-1462 · Decided February 8, 2018

SUMMARY

The District of Columbia Court of Appeals imposed a sixty-day suspension with a fitness requirement on M. Adriana Koeck for violating D.C. Rule of Professional Conduct 1.6(a) by disclosing confidential information. The court adopted the Board on Professional Responsibility's uncontested findings and recommendation, noting that the respondent did not participate in the disciplinary proceedings or file exceptions. The suspension would begin when the respondent filed an affidavit complying with D.C. Bar Rule XI, § 14(g).

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Per Curiam; Fisher; Beckwith; Easterly
JURISDICTION	District of Columbia
DECIDED	February 8, 2018
DOCKET	14-BS-1462
DISPOSITION	other
PROCEDURAL POSTURE	The District of Columbia Court of Appeals reviewed the Board on Professional Responsibility's uncontested report and recommendation concerning attorney discipline. No exceptions were filed.
STANDARD OF REVIEW	When no exceptions are filed to the Board's report and recommendation, the court applies an especially deferential standard of review and ordinarily enters the discipline recommended by the Board absent reason to depart from it.
PRECEDENTIAL VALUE	published

TOPICS

[appellate procedure](#) [standard of review](#) [remedies](#)

PRACTICE AREAS

[legal ethics and attorney discipline](#) [professional responsibility](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the court should accept the Board's uncontested determination that Koeck violated D.C. Rule of Professional Conduct 1.6(a).
2. Whether a sixty-day suspension with a fitness requirement was an appropriate sanction.
3. Whether the suspension period should be conditioned on filing an affidavit satisfying D.C. Bar Rule XI, § 14(g).

HOLDINGS

1. When no exceptions are filed to the Board's report and recommendation, the court will enter an order imposing the discipline recommended by the Board upon expiration of the period for filing exceptions, absent a reason to depart from the Board's determination.
2. The court accepted the uncontested finding that Koeck violated Rule 1.6(a) by disclosing confidential information of a prior client to a newspaper reporter and providing no defense for the disclosure.
3. A sixty-day suspension with reinstatement conditioned on a showing of fitness was reasonable under the circumstances.

KEY QUOTATIONS

“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.” (at 2)

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

FACTUAL BACKGROUND

Koeck disclosed confidences and secrets of a former employer to a newspaper reporter. She also made separate disclosures to the United States Attorney's Office for the Northern District of Illinois, the government of Brazil, and the Securities and Exchange Commission, and did not respond to Disciplinary Counsel's request for information. She did not participate in the disciplinary proceedings or object to the recommended discipline.

PROCEDURAL HISTORY

An Ad Hoc Hearing Committee found that M. Adriana Koeck violated D.C. Rule of Professional Conduct 1.6(a) by disclosing confidential information of a former employer and recommended a thirty-day suspension with a fitness requirement. The Board on Professional Responsibility adopted the findings, determined that there were four violations, and recommended a sixty-day suspension with a fitness requirement. Koeck did not participate in the proceedings or file exceptions, and the Court imposed the Board's recommended discipline.

DISPOSITION

other

CASES CITED

- In re Viehe, 762 A.2d 542, 543 (D.C. 2000)
- In re Burton, 472 A.2d 831, 846 (D.C. 1984)
- In re Martin, 67 A.3d 1032, 1053 (D.C. 2013)
- In re Cater, 887 A.2d 1, 6 (D.C. 2005)

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. 14-BS-1462 IN RE M. ADRIANA KOECK, AKA ADRIANA SANFORD, RESPONDENT.

An Administratively Suspended Member of the Bar of the District of Columbia Court of Appeals (Bar Registration No. 439928) On Report and Recommendation of the Board on Professional Responsibility (BDN 260-08) (Decided February 8, 2018) Before FISHER,* BECKWITH, and EASTERLY, Associate Judges. PER CURIAM: In this case, the Board on Professional Responsibility has adopted the Ad Hoc Hearing Committee’s uncontested findings that respondent M. Adriana Koeck violated Rule of Professional Conduct 1.6 (a) when she improperly disclosed confidences and secrets of her former employer to a * Judge Fisher concurs in the judgment only.

2 newspaper reporter. In addition, the Board has determined that respondent violated Rule 1.6 (a) by making separate disclosures of confidences to the United States Attorney’s Office for the Northern District of Illinois, the government of Brazil, and the Securities and Exchange Commission. Based on its determination that Respondent committed four separate rule violations, the Board has recommended a sixty-day suspension with a fitness requirement.

(The Hearing Committee recommended a thirty-day suspension with a fitness requirement.) Respondent did not participate in these disciplinary proceedings at any stage, and she did not file any exceptions to the Committee’s report or to the Board’s Report and Recommendation.

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

We discern no reason to depart from the Board’s determination of misconduct to the extent it is based on the Committee’s findings, adopted by the Board, that respondent disclosed the confidences of a prior client to a newspaper reporter, provided no defense for her disclosure, and

did not respond 3 to Disciplinary Counsel's request for information. See *In re Burton*, 472 A.2d 831, 846 (D.C.

1984) (Disciplinary Counsel must prove each violation, and, if respondent raises a defense to the disclosure of confidential client information, Disciplinary Counsel must establish the defense does not apply.). Moreover, the Board's recommended sanction—a sixty-day suspension with a fitness requirement—is reasonable in light of the facts supporting this single violation of Rule 1.6 (a), see, e.g., *In re Martin*, 67 A.3d 1032, 1053 (D.C.

2013) (in determining the appropriate sanction, the court considers the seriousness and extent of the conduct and respondent's response to the allegations); *In re Cater*, 887 A.2d 1, 6 (D.C. 2005) (to impose a fitness requirement the record must contain clear and convincing evidence that casts doubt on attorney's fitness to practice law), and Ms. Koeck's failure to object to discipline by this court in any measure.

Accordingly, it is ORDERED that M. Adriana Koeck is hereby suspended for a period of sixty days with reinstatement subject to a showing of fitness. For the purposes of reinstatement respondent's period of suspension will not begin to run until such 4 time as she files an affidavit that fully complies with the requirements of D.C. Bar R. XI, § 14 (g). So ordered.