

OFFICE OF BAR COUNSEL

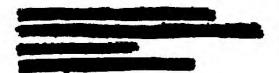
THE BOARD ON PROFESSIONAL RESPONSIBILITY DISTRICT OF COLUMBIA COURT OF APPEALS

BAR COUNSEL Leonard H. Becker

DEPUTY BAR COUNSEL. Wallace E. Shipp, Jr. 515 Fifth Street, N.W. Building A, Room 127 Washington, D.C. 20001-2797 (202) 638-1501 FAX (202) 638-0862

June 27, 1996

CONFIDENTIAL



Re: Bar Docket No.

O'Neill/Bar Counsel Bar Docket No. 397-95

Dear Mr. Jeffress:

This office has completed its investigation of the ethical issues concerning Esquire and Robert O'Neill, Esquire. We have evaluated this matter in light of an attorney's obligations as set forth in the District of Columbia Rules of Professional Conduct (the "Rules"). It is the burden of this office to have clear and convincing evidence of a violation of the Rules to institute disciplinary proceedings against an attorney. "Clear and convincing" evidence is more than a mere preponderance of the evidence, which would be sufficient in a civil proceeding. We do not find clear and convincing evidence in our investigation and therefore, we must dismiss the matter.

History of Disciplinary Investigation

We commenced an investigation upon review of the opinion of the United States Court of Appeals for the District of Columbia Circuit in <u>United States v. Deborah Gore Dean</u>, 55 F.3d 640 (1995), which raised questions concerning the prosecutors' compliance with their obligations under <u>Brady v. Maryland</u>, 373 U.S. 83 (1963), and certain of the prosecutors' trial tactics.

On July 18, 1995, we wrote the Independent Counsel in our Undocketed No. U-410-95 to advise that we had commenced a preliminary inquiry based upon the Court of Appeals' opinion and