

I filed a written response stating that I was unaware that Mr. Andrade had been trying to reach me. Of course, I assumed that, if he had called the firm, he would have learned that I had left the private practice of law and moved to Tampa. On April 14, 1994, I was informed by the committee that the file had been closed without any action taken.

- (b) Deborah Gore Dean, Office of Bar Counsel, The Board on Professional Responsibility, District of Columbia Court of Appeals (1995):

I prosecuted Deborah Gore Dean on behalf of the Office of Independent Counsel. The trial occurred in Washington, D.C. After her conviction on all counts, Ms. Dean filed a bar complaint alleging a number of instances of prosecutorial misconduct during the trial. On June 27, 1996, Bar Counsel sent a letter stating that there was "insufficient evidence of professional misconduct" and Bar Counsel terminated the investigation.

- (c) Jeffrey Del Fuoco, The Florida Bar (2006):

In 2006, Jeffrey Del Fuoco, a former Assistant United States Attorney, filed a bar complaint against me alleging that I threatened him, a threat he took seriously because of my alleged connections with the leadership of the Irish Republican Army, harassed him, berated him, and illegally leaked information about him to the media. In a letter dated August 24, 2006, Bar Counsel stated that the allegations did not warrant further investigation and closed the file.

- (d) Jeffrey Del Fuoco, The Florida Bar (2009):

Jeffrey Del Fuoco made essentially the same complaint to the bar that he made in 2006. On April 2, 2009, I received a letter from The Florida Bar stating that Bar Counsel found insufficient evidence that I had violated any rules of the Supreme Court of Florida which govern attorney discipline. Accordingly, the file was closed.

On May 8, 2009, I received a second letter from Bar Counsel. Apparently, Mr. Del Fuoco had requested an appeal of the earlier decision. Bar Counsel informed Mr. Del Fuoco that the file would remain closed.

- (e) Thomas Spellissy, The Florida Bar (2009):

I prosecuted Thomas Spellissy for a bribery scheme to defraud the United States. Mr. Spellissy appealed his conviction. The conviction was upheld. He now has filed at least eight post-trial motions for a new trial. All but the last one have been denied. The last filed motion is still pending. He also



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June 27, 1996

CONFIDENTIAL

[REDACTED]

Re: [REDACTED]
Bar Docket No. [REDACTED]

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

Dear [REDACTED]

This office has completed its investigation of the ethical issues concerning [REDACTED] 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 United States v. Deborah Gore Dean, 55 F.3d 640 (1995), which raised questions concerning the prosecutors' compliance with their obligations under Brady v. Maryland, 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