



# OFFICE OF BAR COUNSEL

July 13, 2011

**BY FIRST-CLASS AND CERTIFIED  
MAIL NO. 7160 3901 9848 5745 9543**

Wallace E. Shipp, Jr.  
*Bar Counsel*

Elizabeth A. Herman  
*Deputy Bar Counsel*

*Senior Assistant Bar Counsel*  
Judith Hetherton  
Julia L. Porter

*Assistant Bar Counsel*  
Joseph N. Bowman  
Ross T. Dicker  
Gayle Marie Brown Driver  
Hamilton P. Fox, III  
Catherine L. Kello  
Becky Neal  
William Ross  
H. Clay Smith, III  
Traci M. Tait

*Senior Staff Attorney*  
Lawrence K. Bloom  
Dolores Dorsainvil  
Joseph C. Perry  
Mary-Helen Perry

Anne P. Hovis, Esquire  
1101 30<sup>th</sup> Street, NW  
Suite 500  
Washington, DC 20007

Re: *In re Anne P. Hovis, Esquire*  
D.C. Bar No. 412531  
Bar Docket No. 2005-D329

Dear Ms. Hovis:

This office has completed its investigation of the above-referenced matter. We find that your conduct reflected a disregard of certain ethical standards under the District of Columbia Rules of Professional Conduct (the "Rules"). We are, therefore, issuing you this Informal Admonition pursuant to D.C. Bar R. XI, §§ 3, 6, and 8.

We docketed this matter for investigation on September 26, 2005, based upon a complaint by C.M., who stated that you contacted her at a time when you knew she was represented by counsel. In your response to the complaint, you acknowledge that while representing Advanced Bio-Delivery LLC in a dispute with C.M, you sent to C.M. the email that was attached to her ethical complaint. In this email, you repeatedly acknowledged that you were aware that C.M. was represented by counsel in this matter. In particular your email denigrated C.M.'s counsel, R.R. Esquire, and then asked C.M., "Is this the lawyer who you want to represent you and CRM against the legal equivalent of the **DREAM TEAM**?" (emphasis in original). Further, you stated to C.M.: "If we go to our credit facility and shareholders with R.R.'s proposal, they will view the proposal as evidence that you have defrauded ADB and them." You closed the email by admonishing C.M. to contact your husband (who was then an attorney licensed in Virginia) because "[h]e is the only thing that can prevent nuclear war."

At the time you sent your email to C.M., Rule 4.2(a) stated:  
During the course of representing a client, a lawyer shall not communicate or cause another to communicate about the subject of the representation with a party known to be represented by another lawyer in the matter, unless the lawyer has the prior consent of the lawyer representing such other party or is authorized by law to do so.

We find that you contacted C.M. at a time when you knew her to be represented in the matter by another lawyer. It is clear from the context of the email that your purpose was to persuade C.M. that she should not rely on her lawyer's advice and instead should comply with demands you were making in your role as counsel for C.M.'s adversary, Advanced Bio-Delivery LLC. As such, the communication was indisputably "about the subject of the representation." Thus, your conduct in this regard violated your obligations under Rule 4.2(a).

This letter constitutes an Informal Admonition pursuant to D.C. Bar R. XI, §§ 3, 6, and 8, and is public when issued. Please refer to the attachment to this letter of Informal Admonition for a statement of its effect and your right to have it vacated and have a formal hearing before a hearing committee.

If you would like to have a formal hearing, you must submit a written request for a hearing to the Office of Bar Counsel, with a copy to the Board on Professional Responsibility, within 14 days of the date of this letter, unless Bar Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated, and Bar Counsel will institute formal charges pursuant to D.C. Bar R. XI, § 8 (b). The case will then be assigned to a Hearing Committee, and a hearing will be scheduled by the Executive Attorney for the Board on Professional Responsibility pursuant to D.C. Bar R. XI, § 8 (c). Such a hearing could result in a recommendation to dismiss the charges against you or a recommendation for a finding of culpability, in which case the sanction recommended by the Hearing Committee is not limited to an Informal Admonition.

Sincerely,

Wallace E. Shipp, Jr.  
Bar Counsel

Enclosure: Attachment to Letter of Informal Admonition

cc (w/o Encl.): C.M. (c/o R.R.)

WES:WRR:gjh