

Disciplinary Counsel requests that this matter be assigned to a hearing committee and that a hearing be scheduled. Pursuant to Board Rule 9.7(a), Disciplinary Counsel takes no position as to whether Petitioner should be reinstated. The underlying misconduct took place more than 20 years ago. However, it was protracted and involved Petitioner's conviction for conspiracy to commit espionage, attempted espionage, obtaining national defense information, and making false statements; conduct which goes directly to Petitioner's integrity and the integrity of this Bar. The gravity of this misconduct warrants heightened scrutiny of every aspect of Petitioner's petition for reinstatement to the Bar. *See In re Borders*, 662 A.2d 1381, 1382. Disciplinary Counsel cannot take a position on Petitioner's reinstatement unless and until she presents evidence, including testimony under oath and subject to cross-examination, demonstrating her fitness to resume the practice of law.

Petitioner must demonstrate her fitness to resume the practice of law prior to reinstatement and she bears the burden in this proceeding to demonstrate by clear and convincing evidence that she has the moral qualifications, competency, and learning in the law required for readmission, and that her resumption of the practice of law will not be detrimental to the integrity and standing of the bar, or to the administration of justice, or subversive to the public interest. D.C. Bar R. XI, § 16(d)(1); Bd. Rule 9.1(c). The particular factors to be addressed in this reinstatement

proceeding (the “*Roundtree* factors”) are: (i) the nature and circumstances of the misconduct for which the attorney was disciplined; (ii) the attorney’s recognition of the seriousness of such misconduct; (iii) the attorney’s post-discipline conduct, including steps taken to remedy past wrongs and prevent future ones; (iv) the attorney’s present character; and (v) the attorney’s present qualifications and competence to practice law. Bd. Rule 9.1(c); *see also In re Roundtree*, 503 A.2d 1215, 1217 (D.C. 1985) (setting forth the standard adopted in the Board Rules).

Answers to Factual Allegations in the Petition for Reinstatement

Disciplinary Counsel responds below to the material facts alleged in the Petition. Disciplinary Counsel has organized its responses according to the headings in Petitioner’s petition for reinstatement.

I. Nature and Circumstances of Misconduct

A. Facts

Disciplinary Counsel admits the allegations related to the conviction but denies that the allegations represent a complete discussion of the nature and circumstances of the underlying misconduct.

Disciplinary Counsel lacks knowledge as to Petitioner’s bases to contest her conviction and what her testimony would have addressed. Disciplinary Counsel notes that the Fourth Circuit’s holding was based on Petitioner’s claim of ineffective assistance of counsel (by violating her right to testify), and the Court limited its

finding to “potential prejudice” that merely “necessitate[d] a hearing.” *U.S. v. Squillacote*, 183 Fed. App’x 393, 394 (4th Cir. 2006) (“expressing no opinion on the merits of Squillacote’s [] claim or the believability of her proposed testimony”). The district court subsequently denied Petitioner’s claim. *See United States v. Squillacote*, 328 F. App’x 174 (4th Cir. 2009) (dismissing Petitioner’s appeal).

B. Elaboration of Circumstances of Conviction

Disciplinary Counsel admits that Petitioner provided the classified documents that were the subject of her conviction to undercover U.S. agents so that those documents were not in fact provided to a foreign government. Except as admitted herein, Disciplinary Counsel denies Petitioner’s assertions. Whether the alleged facts warrant mitigation is a legal conclusion to which no response is required.

Disciplinary Counsel admits that Respondent was suffering from mental health issues at the time of the underlying misconduct. Except as admitted herein, Disciplinary Counsel denies or lacks knowledge to admit Petitioner’s assertions about her mental and physical health issues, including her assertions about the causal relationship those had to her misconduct.

Disciplinary Counsel denies the assertions in the top paragraph on page four that Petitioner’s statements recorded by the government were not true or exaggerated.

Disciplinary Counsel lacks knowledge of the government’s theory of the case

or the jury's deliberations as asserted in the bottom paragraph on page four, which contain legal conclusions to which no response is required.

Disciplinary Counsel lacks knowledge of the Stand family and their relationship with Petitioner as asserted in the first paragraph on page five.

Disciplinary Counsel denies Petitioner's characterization of the facts underlying her conviction as asserted in the paragraph beginning on page five and continuing to the paragraphs on page six.

Disciplinary Counsel denies Petitioner's characterization of the underlying proceedings as asserted in the last paragraph on page 6.

II. Recognition of Seriousness of Misconduct

A. Acknowledgement of Harm

Petitioner's assertions in this section are largely legal conclusions or her personal reflections on underlying facts, which do not require a response or for which Disciplinary Counsel lacks knowledge to respond. To the extent this section contains factual allegations, Disciplinary Counsel lacks knowledge to respond to them.

B. Recognition of Heightened Responsibilities as Attorney

Petitioner's assertions in this section are largely legal conclusions or her personal reflections on underlying facts, which do not require a response or for which Disciplinary Counsel lacks knowledge to respond. To the extent this section

contains factual allegations, Disciplinary Counsel lacks knowledge to respond to them.

III. Conduct During Disbarment to Remedy Past Wrongs

A. Remedial Actions

Disciplinary Counsel admits that Petitioner attended therapy to address mental health issues. Except as stated herein, Disciplinary Counsel lacks knowledge to respond to the factual assertions in this section.

B. Criminal Justice Reform and Other Work

Many of Petitioner's assertions in this section are legal conclusions, personal opinions, or her personal reflections on underlying facts, which do not require a response or for which Disciplinary Counsel lacks knowledge to respond. To the extent factual allegations are made, Disciplinary Counsel lacks knowledge to respond to the assertions in this section.

IV. Present Character

Many of Petitioner's assertions in this section are legal conclusions, personal opinions, or her personal reflections on underlying facts, which do not require a response or for which Disciplinary Counsel lacks knowledge to respond. To the extent factual allegations are made, Disciplinary Counsel lacks knowledge to respond to the assertions in this section.

V. Present Qualifications and Competence

A. Paralegal Work and LLM Completion

Disciplinary Counsel admits that Petitioner has worked on projects to provide paralegal services under attorney supervision. Disciplinary Counsel further admits that certain attorneys have submitted recommendations or endorsements of Petitioner's services. Disciplinary Counsel admits that Petitioner earned an LL.M. degree from the George Washington University Law School in May 2020. Disciplinary Counsel admits that Petitioner took the MPRE on March 12, 2020 and earned a scaled score of 126. Disciplinary Counsel admits that Petitioner worked with Senior Associate Dean Molingero on an independent writing assignment and that Dean Molingero endorsed her work as being "outstanding." Except as admitted herein, Disciplinary Counsel lacks knowledge to respond to Petitioner's factual assertions.

B. Bar Admission to Further Rehabilitative Justice Work

Many of Petitioner's assertions in this section are legal conclusions, personal opinions, or her personal reflections on underlying facts, which do not require a response or for which Disciplinary Counsel lacks knowledge to respond. To the extent factual allegations are made, Disciplinary Counsel lacks knowledge to respond to the assertions in this section.

[Petitioner's] Conclusion

Many of Petitioner's assertions in this section are legal conclusions, personal opinions, or her personal reflections on underlying facts, which do not require a response or for which Disciplinary Counsel lacks knowledge to respond. To the extent factual allegations are made, Disciplinary Counsel lacks knowledge to respond to the assertions in this section.

* * * * *

If Disciplinary Counsel is deemed not to have answered any allegation in the Petition for Reinstatement, Disciplinary Counsel denies each such allegation and demands strict proof. No admission of fact should be interpreted as a concession by Disciplinary Counsel that one or more of the *Roundtree* factors has been satisfied. Disciplinary Counsel reserves the right to amend and supplement this Answer, as its investigation is ongoing. Other than the record related to Petitioner's criminal proceeding and the parallel criminal proceedings against Kurt Stand and James Clark, Disciplinary Counsel intends to introduce facts related to an incident that Petitioner alluded to in her Petition that resulted in her arrest at a Home Depot in 2016.

Respectfully submitted,

/s Hamilton P. Fox, III
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Answer to be e-mailed to Petitioner's counsel, Dominic Litz, Dominic.Litz@weil.com and Michael Akselrad, Michael.Akselrad@weil.com on June 21, 2021.

/s Sean P. O'Brien