



# OFFICE OF DISCIPLINARY COUNSEL

February 9, 2018

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**BY FIRST CLASS AND CERTIFIED  
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Lynne Bernabei, Esquire  
c/o Thomas Mason, Esquire  
Harris, Wiltshire & Grannis, LLP  
1919 M Street, N.W., 8<sup>th</sup> Floor  
Washington, D.C. 20036

**In re Lynne Bernabei, Esquire  
D.C. Bar No 938936  
Disciplinary Docket No. 2012-D376**

Dear Ms. Bernabei:

At the direction of the Board on Professional Responsibility, I am issuing you this Informal Admonition.

General Electric Co. complained to this Office that its former lawyer, M. Adrian Koeck, had violated Rule 1.6 of the D.C. Rules of Professional Conduct by disclosing its client confidences and secrets. In the course of looking into this complaint, the Office opened an investigation into the conduct of Ms. Koeck's counsel, one of whom was you.

In November 2007, Ms. Koeck met with you to engage you to represent her in an administrative action for wrongful discharge, which she had filed against GE. She had been employed as an in-house lawyer by General Electric Consumer & Industrial, a division of GE, from January 2006 to January 2007. GE had discharged her. Ms. Koeck advised you that in the course of her employment as an in-house counsel, she had discovered evidence that she believed showed GE was engaging in tax fraud in Brazil. She said that she had reported the issue to her superiors but that they took no action to stop the alleged fraudulent activity. Ms. Koeck said that she believed GE had retaliated against her for reporting the alleged tax fraud within the company and had terminated her employment because she objected to the alleged fraud. She also told you that she had taken documents related to the alleged fraudulent activity with her when she left GE to be able to show that she did nothing wrong and why GE had fired her. The documents that Ms. Koeck had retained included client confidences and/or secrets.

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Ms. Koeck was also represented by G. Robert Blakey, her former law school professor. Mr. Blakey discussed Ms. Koeck's case with you, and the two of you agreed that Ms. Koeck should contact the press, advise it of the alleged fraud, and provide it with supporting documentation. You believed that this "press strategy" would put pressure on GE to resolve Ms. Koeck's administrative case. In December 2007, you told a lawyer representing GE "words to the effect of 'I have marching orders to go to the press unless you . . . agree[] to mediate within the next week or so.'" This attempt to invoke mediation failed when GE declined to mediate.

You remained eager for something to appear in the press because you believed that a news article would be the "best thing" for the lawsuit. With your knowledge and encouragement, Mr. Blakey contacted a reporter, David Cay Johnston, to see if he might be interested in the story. Mr. Johnston was interested, and with your knowledge and agreement, Ms. Koeck met and discussed her story with him and provided him with hundreds of pages of internal GE documents. Mr. Johnston sought to run the story in *The New York Times*, but the *Times* did not publish it. When you became aware that the *Times* was not going to publish the story, you made efforts to interest a reporter from *The Washington Post*. Mr. Johnston eventually published an article in *Tax Notes International* on June 30, 2008, entitled "Blame it on Rio, GE's Brazilian headache." The article relied heavily on internal GE documents that Ms. Koeck, with your encouragement, had supplied.

A Hearing Committee found that your conduct violated D.C. Rule of Professional Conduct 8.4(a), in that you knowingly assisted Ms. Koeck in violating Rules 1.6(a), revealing client confidences and secrets or using a confidence and secret to the disadvantage of a former client. The Board on Professional Responsibility adopted the Hearing Committee's finding and directed me to issue you an Informal Admonition.

This letter constitutes an Informal Admonition, pursuant to D.C. Bar Rule XI, §§ 3,6, and 8 and is public when issued.

Very truly yours,

Hamilton P. Fox, III  
Disciplinary Counsel

HPF:act