

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

M. ADRIANA KOECK,
Respondent.

Supreme Court Case
No. SC18-1869

The Florida Bar File
No. 2015-00,717 (2A)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, M. Adriana Koeck, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida. In addition to membership in The Florida Bar, Respondent was a member of the Bar of the District of Columbia Court of Appeals, admitted on December 6, 1993, subject to the jurisdiction of District of Columbia Court of Appeals.

2. Respondent retired from the Bar of the District of Columbia Court of Appeals in 2014 and is on inactive status in Florida. She currently lives in Glendale, California.

3. Respondent is acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is not represented in this matter.

4. This is a reciprocal discipline action, based on the Specification of Charges from the District of Columbia Court of Appeals Board of Professional Responsibility, dated August 19, 2013 and the Order of Suspension from the District of Columbia Court of Appeals, dated February 8, 2018, which imposed a 60-day suspension with reinstatement subject to a showing of fitness (based on respondent's assertion of a disability).

5. The disciplinary measures to be imposed upon respondent are as follows:

- A. A 91-day suspension; and
- B. Payment of The Florida Bar's costs.

6. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.

7. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

A. Respondent was working as an in-house lawyer at General Electric Consumer & Industrial, a division of General Electric Co. ("GE") in Louisville, Kentucky in 2006.

B. Respondent alleged that shortly after she began working at GE, she became aware of fraudulent corporate conduct that exposed GE to significant liability, both criminal and civil.

C. Respondent alleged that she was directed by the general counsel to investigate this conduct, shortly after her employment began.

D. Respondent alleged that she reported her findings to the general counsel but, when he declined to pursue her alleged findings, she made no effort to report her findings further.

E. On October 6, 2006, respondent received an unfavorable performance review. Immediately before a scheduled meeting with a GE Human Resources employee, at which she was to be discharged, respondent emailed the GE corporate ombudsman, alleging that there had been misconduct and that she was being discriminated against for having reported it. As a result of her action, GE postponed her discharge until it could investigate her allegations.

F. On December 9, 2006, respondent discussed GE's alleged illegal activity with a lawyer she had engaged. At this lawyer's suggestion, respondent made a copy of her work computer hard drive. Several of the documents on this hard drive were confidential and/or secret.

G. GE investigated respondent's complaints and found them to be without merit and terminated her.

H. On April 23, 2007, respondent, through an attorney, filed a whistleblower retaliation complaint against GE with OSHA.

I. In late August 2007, respondent contacted her former law professor. He advised her to provide evidence of GE's conduct to an Assistant United States Attorney for the Northern District of Illinois. The materials provided included client confidences and/or secrets protected by Rule 1.6.

J. On December 17, 2007, respondent's attorney told a GE lawyer that her "marching orders" were to go to the press if GE did not mediate respondent's whistleblower complaint.

K. Respondent's attorney contacted a reporter at the New York Times and provided him information and materials that were received from respondent.

L. In January 2008 respondent and her attorney met with a New York Times reporter to answer questions about GE's alleged misconduct. Respondent disclosed information to the reporter that constituted client confidences and/or secrets, protected by Rule 1.6.

M. On April 23, 2008, respondent was interviewed by, and provided GE's client confidences and/or secrets to, representatives of the United States Securities and Exchange Commission.

N. Respondent filed a brief with the Administrative Review Board of the Department of Labor against GE, and GE filed a lawsuit in the United States District Court for the Eastern District of Virginia against respondent.

O. In November 2008 GE and respondent entered into a settlement of all claims with the Department of Labor and in January 2009 respondent and GE entered into a Joint Stipulation of Dismissal with Prejudice of the litigation pending in the Eastern District of Virginia.

P. By reason of the foregoing, respondent was found to have violated the following provisions of the District of Columbia Rules of Professional conduct: Rules 1.6(a) knowingly reveal client confidences and/or secrets. Respondent did not participate in the disciplinary proceedings.

8. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

9. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

10. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,310.75. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

11. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this

proceeding or restitution may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

12. If this plea is approved, and restitution is owed, if the person to whom restitution is owed cannot be located after a diligent search, respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

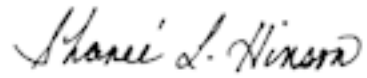
13. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 14 day of February, 2019.



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Dated this 14th day of February, 2019.

A handwritten signature in cursive script that reads "Shaneé L. Hinson".

Shaneé L. Hinson, Bar Counsel
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