

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTERS OF
KEVIN PATRICK DOUGHERTY**

**VSB DOCKET NOS. 25-051-133773
25-051-133859
25-051-134067
25-051-134072
25-051-134907
25-041-134986**

**AGREED DISPOSITION MEMORANDUM ORDER
ONE YEAR AND ONE DAY SUSPENSION**

On December 17, 2025, these matters were heard, telephonically, by the Virginia State Bar Disciplinary Board (the "Board") upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part Six, Section IV, Paragraph 13-6.H of the Rules of the Supreme Court of Virginia. The panel consisted of Alison G. M. Martin, First Vice Chair (the "Chair"); Yvonne S. Gibney; Reiss F. Wilks; Lisa A. Wilson; and Tammy D. Stephenson, Lay Member. The Virginia State Bar was represented by Richard W. Johnson, Jr., Assistant Bar Counsel. Kevin Patrick Dougherty (the "Respondent") was present and was not represented by counsel.. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing these matters to which each member responded in the negative. Jennifer Thomas, court reporter, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Certification, Respondent's Answer, Respondent's Disciplinary Record, the arguments of the parties, and after

due deliberation,

It is **ORDERED** that the Board accepts the Agreed Disposition and the Respondent shall receive a Suspension for one year and one day, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order. The sanction is effective December 17, 2025.

It is further **ORDERED** that Bar Counsel redact all references and records related to the Respondent's mental, emotional or physical health from the documents available to the public.

It is further **ORDERED** that the Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent must forthwith give notice by certified mail of the Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing Attorneys and presiding Judges in pending litigation. The Respondent must also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of her clients. The Respondent must give such notice immediately and in no event later than fourteen (14) days of the effective date of the Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than forty-five (45) days of the effective date of the Suspension. The Respondent must also furnish proof to the Clerk of the Disciplinary System of the Virginia State Bar within sixty (60) days of the effective date of the Suspension that such notices have been timely given and such arrangements have been made for the disposition of matters.

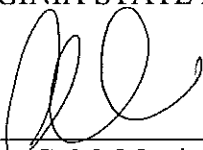
It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of the Suspension, he shall submit an affidavit to that effect within sixty (60) days of the effective date of the Suspension to the Clerk of the Disciplinary System at the Virginia State

Bar. The Board must decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof shall be on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of subparagraph 13-29.

It is further **ORDERED** that pursuant to Part Six, Section IV, Paragraph 13-9.E, of the Rules of the Supreme Court of Virginia, the Clerk shall assess all costs against the Respondent.

It is further **ORDERED** that an attested copy of this Order be mailed by the Clerk to the Respondent by electronic, first-class and certified mail, return receipt requested, to his Virginia State Bar address of record, at Kevin Patrick Dougherty 2243 Castle Rock Sq Apt 1B Reston, VA 20191-2223, and a copy by electronic mail to Richard W. Johnson, Jr., Assistant Bar Counsel.

ENTERED THIS 19th DAY OF DECEMBER, 2025
VIRGINIA STATE BAR DISCIPLINARY BOARD



Alison G. M. Martin
First Vice Chair

4.

[REDACTED]

[REDACTED]

[REDACTED]

Case No. 25-051-134072 (Complainant Judge Michael Devine)

Client David Rodriguez Umana

5. In or about September 2023, Umana retained Respondent to represent him in a divorce matter in Fairfax Circuit Court. Umana paid Respondent a \$5,250 advanced legal fee. Respondent did not preserve the \$5,250 advanced legal fee, or any portion thereof, in a trust account.
6. Umana unsuccessfully attempted to contact Respondent twenty times and left numerous unreturned voicemails.
7. Respondent did not notify Umana of Respondent's October 2024 Administrative Suspension.
8. Umana's matter was scheduled for trial on December 2, 2024.
9. Respondent did not inform Umana that his trial was scheduled for December 2, 2024.
10. Respondent did not appear at the trial nor did he inform Umana, opposing counsel or the court that he would not be present.
11. As of June 5, 2025, Respondent had not refunded any of Umana's advanced legal fee.

Client Satinder Singh

12. In or about August 2023, Singh retained Respondent to represent him in a divorce matter in Fairfax Circuit Court. Singh paid Respondent a \$5,000 advanced legal fee. Respondent did not preserve the \$5,000 advanced legal fee, or any portion thereof, in a trust account.

13. Respondent did not notify Singh of Respondent's 2024 Administrative Suspension.
14. Respondent failed to appear at a December 6, 2024 hearing in Singh's case and did not inform Singh, opposing counsel, or the court that he would not be present.
15. As of June 5, 2025, Respondent has not refunded any of Singh's advanced legal fee.
16. In the Umana and Singh matters, Judge Michael Devine issued a Rule to Show Cause with a return date of January 17, 2025, against Respondent to explain his absence.
Respondent did not appear at the show cause hearing on January 17, 2025.

Client Veronica Esmerelda Olivas Barja

17. In or about December 2023, Barja retained Respondent in a divorce matter in Fairfax Circuit Court. Barja paid Respondent a \$5,000 advanced legal fee. Respondent did not preserve Barja's advanced legal fee, or any portion thereof, in a trust account.
18. Respondent did not notify Barja of Respondent's October 2024 Administrative Suspension.
19. Barja's matter was scheduled for trial on January 14, 2025.
20. Respondent did not appear at the trial nor did he inform Barja, opposing counsel, or the court that he would not be present.
21. Respondent has not refunded any of Barja's advanced legal fee.
22. In the Barja matter, Judge Steve Shannon issued a Rule to Show Cause with a return date of February 28, 2025. Respondent did not appear at the show cause hearing on February 28, 2025.

Case No. 25-051-133859 (Complainant Elizabeth Bookwalter)

23. In March 2024, Renan Merida (“Merida”) retained Respondent in a divorce matter in Fairfax Circuit Court. Merida paid Respondent a \$5,090 advanced legal fee. Respondent did not preserve Merida’s advanced legal fee, or any portion thereof, in a trust account.
24. Elizabeth Bookwalter (“Bookwalter”) was opposing counsel in the Merida matter. Bookwalter and Respondent conducted a deposition on October 26, 2024, ten days after Respondent’s October 2024 Administrative Suspension. Respondent did not advise Bookwalter of the October 2024 Administrative Suspension.
25. On November 19, 2024, at a scheduled hearing before Judge Shannon, Merida told Judge Shannon that Respondent was on the way to the courthouse. After Judge Shannon attempted to call Respondent without success, Respondent texted Merida, advising Merida of Respondent’s October 2024 Administrative Suspension. Judge Shannon issued a Rule to Show Cause against Respondent. Respondent failed to appear at the scheduled hearing on February 28, 2025.
26. Respondent did not notify the Court or opposing counsel that he would not appear on November 19, 2024.
27. After Respondent failed to appear on November 19, 2024, Merida called Respondent’s office five or six times. Respondent did not return any of his calls.
28. As of June 5, 2025, Respondent has not refunded any of Merida’s advanced legal fee.

Case No. 25-051- 133773 (Complainant Gustavo Casarrubias)

29. In or about May 2024, Gustavo Casarrubias (“Casarrubias”) retained Respondent to represent him in an appeal of a child support matter in Alexandria Circuit Court.

Casarrubias paid Respondent a \$5,000 advanced legal fee. Respondent did not preserve the \$5,000 advanced legal fee, or any portion thereof, in a trust account.

30. Respondent did not perform any substantive work on Casarrubias' case.
31. Respondent did not notify Casarrubias of Respondent's October 2024 Administrative Suspension.
32. On November 7, 2024, the night before a scheduled hearing in the case, Respondent told Casarrubias that he was ill and would not be able to represent him.
33. On November 8, 2024, Respondent did not appear at the hearing nor did he inform the court or opposing counsel that he would not be present. The Alexandria Circuit Court dismissed Casarrubias' matter after denying Casarrubias' request for a continuance.
34. Casarrubias told the Alexandria Circuit Court that Respondent "disappeared" and did not refund any portion of his fee.

Case No. 25-051-134067 (Complainant Rosa Santos)

35. In or about May 2024, Rosa Santos ("Santos") retained Respondent to represent her on a protective order matter in Arlington Juvenile and Domestic Relations Court. Santos paid Respondent a \$2,500 advanced legal fee. Respondent did not preserve the \$2,500 advanced legal fee, or any portion thereof, in a trust account.
36. Respondent did not notify Santos of Respondent's October 2024 Administrative Suspension.
37. Santos' matter was scheduled for trial on October 28, 2024.
38. On October 27, 2024, Respondent called Santos and told her that he would appear virtually at the trial the next day. On October 28, 2024, Respondent did not appear at the

trial nor did he inform Santos, opposing counsel, or the court that he would not be present.

39. Santos' subsequent attempts to contact Respondent were unsuccessful.

40. As of June 5, 2025, Respondent has not refunded any of Santos' advanced legal fee.

Case No. 25-051-134986 (Complainant Cristina Tembory)

41. On April 18, 2024, Cristina Tembory ("Tembory") retained Respondent to represent her in a divorce matter in Fairfax Circuit Court. Tembory paid Respondent a \$5,000 advanced legal fee. Respondent did not preserve the \$5,000 advanced legal fee, or any portion thereof, in a trust account.

42. In August 2024, Respondent stopped returning Tembory's phone calls and emails.

43. Respondent did not notify Tembory of Respondent's October 2024 Administrative Suspension.

44. The matter was to be scheduled on the October 28, 2024 term day.

45. Respondent advised Tembory that he would be present in court on October 28, 2024.

On October 28, 2024, Respondent did not appear at term day, nor did he advise Tembory, opposing counsel or the court that he would not be present.

46. Tembory later contacted Respondent's former law partner who told her that Respondent was on administrative leave.

47. As of June 5, 2025, Respondent has not refunded any of Tembory's advanced legal fee.

VSB Docket Number 25-051-134907 (Complainant Francy Marin)

48. On or about August 28, 2024, Francy Marin ("Marin") retained Respondent to represent her in a traffic matter in Warren County General District Court. Marin paid Respondent a \$1,200 advanced legal fee.

49. Marin's matter was scheduled for trial on September 17, 2024.
50. Respondent continued Marin's matter to December 4, 2024.
51. Respondent did not notify Marin of Respondent's October 2024 Administrative Suspension.
52. On December 4, 2024, Respondent did not appear at the trial, nor did he inform Marin or the court that he would not appear.
53. On June 5, 2025, Respondent has not refunded any of Marin's advanced legal fee.

Additional Stipulations of Fact Common to All Matters

54. By Order entered January 23, 2025, the Fairfax Circuit Court appointed a receiver for Respondent's law practice in accordance with Va. Code § 54.1-3900.01.¹ Since May 2025, Respondent has cooperated with the receiver, including providing \$11,240.00 to be refunded to his former clients.
55. [REDACTED]

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct²:

Case No. 25-051-134072 (Complainant Judge Michael Devine)

RULE 1.1 Competence

¹ Va. Code § 54.1-3900.01 provides, in part:

A. Upon a showing that an attorney is unable to properly discharge responsibilities to clients by reason of the attorney's disability, impairment, absence or death or that a suspended or disbarred attorney has not complied with Part Six, Section IV, Paragraph 13 M of the Rules of the Virginia Supreme Court, and that no responsible party capable of properly discharging the attorney's responsibilities to clients is known to exist, the circuit court of any city or county wherein the attorney resides, or in the case of a deceased attorney resided, or maintained an office, upon the ex parte petition of Bar Counsel may issue an order appointing one or more attorneys to serve as receiver with the powers and duties specified in this section.

² Italicized language is explanatory and is not intended to limit the findings of the tribunal.

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.
- (c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.6 and Rule 3.3.

By failing to appear at Umana's December 2, 2024 hearing, by failing to appear at Singh's December 6, 2024 hearing, by failing to appear at Barja's January 14, 2025 hearing, by failing to advise his clients, the court or opposing counsel that he would not appear, by abandoning the representation of Umana without notifying him, by abandoning the representation of Singh without notifying him, and by abandoning the representation of Barja without notifying him Respondent violated Rules 1.1, 1.3(a), 1.3(b), and 1.3(c) of the Rules of Professional Conduct.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

By failing to advise Umana of the December 2, 2024 hearing date, by failing to return Umana's 18-20 phone calls, by failing to inform Umana he would not present at the December 2, 2024 hearing date, and by failing to inform Umana, Singh, and Barja that his license to practice law was suspended, Respondent violated Rules 1.4(a) and 1.4(b) of the Rules of Professional Conduct.

RULE 1.16 Declining Or Terminating Representation

- (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
 - (1) the representation will result in violation of the Rules of Professional Conduct or other law;
 - (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]

By failing to withdraw from the Singh, Barja, and Umana matters after learning that he was suspended from the practice of law and after his mental condition materially impaired his ability to represent them, which resulted, at the very least, in violations of Rules of Professional

Conduct 1.1 and 1.3, Respondent violated Rules of Professional Conduct 1.16(a)(1) and 1.16(a)(2).

RULE 1.16 Declining Or Terminating Representation

(c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable Rules of Court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e)[.]

By ceasing his representation of Umana, Singh, and Barja without seeking leave of the court, without taking any steps to protect their interests, and by failing to return any of their advanced legal fees, Respondent violated Rules of Professional Conduct 1.16(c) and 1.16(d).

RULE 1.5 Fees

(a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) whether the fee is fixed or contingent.

RULE 1.15 Safekeeping Property

(a) Depositing Funds.

- (1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

(b) Specific Duties. A lawyer shall:

- (4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive; and
- (5) not disburse funds or use property of a client or of a third party with a valid lien or assignment without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

By failing to deposit Umana, Singh, and Barja's advanced legal fees in a trust account, when he had not earned the entirety of their advanced legal fees, and by failing to refund any portion of Umana, Singh, and Barja's advanced legal fees when he abandoned their cases, Respondent violated Rules 1.5(a), 1.15(a)(1), 1.15(b)(4), and 1.15(b)(5).

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law[.]

By not preserving Umana's, Singh's and Barja's advanced legal fees in a trust account, by depositing Umana's, Singh's and Barja's unearned advanced legal fees directly into his operating account, and by abandoning Umana, Singh and Barja's matters without refunding any portion of the advanced legal fees, Respondent violated Rule of Professional Conduct 8.4(b).

Case No. 25-051-133859 (Complainant Elizabeth Bookwalter)

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.
- (c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.6 and Rule 3.3.

By failing to appear at Merida's November 19, 2024 hearing, by failing to advise Merida, the court or opposing counsel that he would not appear, and by abandoning the representation of Merida without notifying him, Respondent violated Rules 1.1, 1.3(a), 1.3(b), and 1.3(c) of the Rules of Professional Conduct.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

By failing to return Merida's phone calls, by failing to inform Merida he would not be present at the December 2, 2024 hearing date, and by failing to inform Merida that his license to practice law was suspended, Respondent violated Rules 1.4(a) and 1.4(b) of the Rules of Professional Conduct.

RULE 1.16 Declining Or Terminating Representation

- (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
 - (1) the representation will result in violation of the Rules of Professional Conduct or other law;
 - (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]

By failing to withdraw from Merida's matter after learning that he was suspended from the practice of law and after his mental condition materially impaired his ability to represent him, which resulted, at the very least, in violations of Rules of Professional Conduct 1.1 and 1.3, Respondent violated Rules of Professional Conduct 1.16(a)(1) and 1.16(a)(2).

RULE 1.16 Declining Or Terminating Representation

- (c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable Rules of Court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.
- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e)[.]

By ceasing his representation of Merida without seeking leave of the court, without taking any steps to protect his interests, and by failing to return any of his advanced legal fee, Respondent violated Rules of Professional Conduct 1.16(c) and 1.16(d).

RULE 1.15 Safekeeping Property

(a) Depositing Funds.

(1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

(b) Specific Duties. A lawyer shall:

(4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive; and

(5) not disburse funds or use property of a client or of a third party with a valid lien or assignment without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

By failing to deposit Merida's advanced legal fee in a trust account, and by failing to refund any portion of Merida's advanced legal fee, Respondent violated Rules 1.5(a), 1.15(a)(1), 1.15(b)(4), and 1.15(b)(5).

RULE 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice of Law

(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

By conducting a deposition in the Merida matter after his license to practice law was suspended, Respondent violated Rule 5.5(c) of the Rules of Professional Conduct.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law[.]

By not preserving Merida's advanced legal fee in a trust account, by depositing Merida's unearned advanced legal fee directly into his operating account, and by abandoning Merida's matter without refunding any portion of the advanced legal fee, Respondent violated Rule of Professional Conduct 8.4(b).

Case No. 25-051- 133773 (Complainant Gustavo Casarrubias)

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.
- (c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.6 and Rule 3.3.

By failing to appear at Casarrubias' November 8, 2024 hearing, by failing to perform any substantive work on Casarrubias' matter, and by abandoning the representation of Casarrubias without notifying him, Respondent violated Rules 1.1, 1.3(a), 1.3(b), and 1.3(c) of the Rules of Professional Conduct.

RULE 1.4 Communication

- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

By failing to inform Casarrubias that he would not present at the November 8, 2024 hearing date, and by failing to inform Casarrubias that his license to practice law was suspended, Respondent violated Rule 1.4(b) of the Rules of Professional Conduct.

RULE 1.16 Declining Or Terminating Representation

- (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
 - (1) the representation will result in violation of the Rules of Professional Conduct or other law;
 - (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]

By failing to withdraw from Casarrubias' matter after learning that he was suspended from the practice of law and after his mental condition materially impaired his ability to represent him, which resulted, at the very least, in violations of Rules of Professional Conduct 1.1 and 1.3, Respondent violated Rules of Professional Conduct 1.16(a)(1) and 1.16(a)(2).

RULE 1.16 Declining Or Terminating Representation

(c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable Rules of Court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e)[.]

By ceasing his representation of Casarrubias without seeking leave of the court, without taking any steps to protect his interests, and by failing to return any of his advanced legal fee, Respondent violated Rules of Professional Conduct 1.16(c) and 1.16(d).

RULE 1.5 Fees

(a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) whether the fee is fixed or contingent.

RULE 1.15 Safekeeping Property

(a) Depositing Funds.

(1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

(b) Specific Duties. A lawyer shall:

- (4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive; and

(5) not disburse funds or use property of a client or of a third party with a valid lien or assignment without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

By failing to deposit Casarrubias' advanced legal fee in a trust account, and by failing to refund any portion of Casarrubias' advanced legal fee when he abandoned the case without completing the representation, Respondent violated Rules 1.5(a), 1.15(a)(1), 1.15(b)(4), and 1.15(b)(5).

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law[.]

By not preserving Casarrubias' advanced legal fee in a trust account, by depositing Casarrubias' unearned advanced legal fee directly into his operating account, and by abandoning Casarrubias' matter without refunding any portion of the advanced legal fee, Respondent violated Rule of Professional Conduct 8.4(b).

Case No. 25-051-134067 (Complainant Rosa Santos)

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.
- (c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.6 and Rule 3.3.

By failing to appear at Santos' October 28, 2024 hearing, by failing to advise Santos or the court that he would not appear, and by abandoning the representation of Santos without notifying her, Respondent violated Rules 1.1, 1.3(a), 1.3(b), and 1.3(c) of the Rules of Professional Conduct.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

By failing to return Santos' calls after she made numerous attempts to contact him, by failing to inform Santos that he would not be present at the October 28, 2024 hearing date, and by failing to inform Santos that his license to practice law was suspended, Respondent violated Rules 1.4(a) and 1.4(b) of the Rules of Professional Conduct.

RULE 1.16 Declining Or Terminating Representation

- (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
- (1) the representation will result in violation of the Rules of Professional Conduct or other law;
 - (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]

By failing to withdraw from Santos' matter after learning that he was suspended from the practice of law and after his mental condition materially impaired his ability to represent her, which resulted, at the very least, in violations of Rules of Professional Conduct 1.1 and 1.3, Respondent violated Rules of Professional Conduct 1.16(a)(1) and 1.16(a)(2).

RULE 1.16 Declining Or Terminating Representation

- (c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable Rules of Court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.
- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e)[.]

By ceasing his representation of Santos without seeking leave of the court, without taking any steps to protect her interests, and by failing to return any of her advanced legal fee, Respondent violated Rules of Professional Conduct 1.16(c) and 1.16(d).

RULE 1.5 Fees

- (a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:
- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) whether the fee is fixed or contingent.

RULE 1.15 Safekeeping Property

(a) Depositing Funds.

(1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

(b) Specific Duties. A lawyer shall:

- (4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive; and
- (5) not disburse funds or use property of a client or of a third party with a valid lien or assignment without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

By failing to deposit Santos' advanced legal fee in a trust account, and by failing to refund any portion of Santos' advanced legal fee after he abandoned the case without completing the representation, Respondent violated Rules 1.5(a), 1.15(a)(1), 1.15(b)(4), and 1.15(b)(5).

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law[.]

By not preserving Santos' advanced legal fee in a trust account, by depositing Santos' unearned advanced legal fee directly into his operating account, and by abandoning Santos' matter without refunding any portion of the advanced legal fee, Respondent violated Rule of Professional Conduct 8.4(b).

Case No. 25-051-134986 (Complainant Cristina Temboury)

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.
- (c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.6 and Rule 3.3.

By failing to appear at Temboury's October 28, 2024 term day, and by failing to advise Temboury or the court that he would not appear, and by abandoning the representation of Temboury without notifying her, Respondent violated Rules 1.1, 1.3(a), 1.3(b), and 1.3(c) of the Rules of Professional Conduct.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

By failing to return Temboury's phone calls and emails, by failing to advise Temboury that he would not appear at the October 28, 2024 term day, and by failing to inform Temboury that his license to practice law was suspended, Respondent violated Rules 1.4(a) and 1.4(b) of the Rules of Professional Conduct.

RULE 1.16 Declining Or Terminating Representation

- (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
 - (1) the representation will result in violation of the Rules of Professional Conduct or other law;
 - (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]

By failing to withdraw from Temboury's matter after learning that he was suspended from the practice of law and after his mental condition materially impaired his ability to represent her,

which resulted, at the very least, in violations of Rules of Professional Conduct 1.1 and 1.3, Respondent violated Rules of Professional Conduct 1.16(a)(1) and 1.16(a)(2).

RULE 1.16 Declining Or Terminating Representation

(c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable Rules of Court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e)[.]

By ceasing his representation of Temboury without seeking leave of the court, without taking any steps to protect her interests, and by failing to return any of her advanced legal fee, Respondent violated Rules of Professional Conduct 1.16(c) and 1.16(d).

RULE 1.5 Fees

(a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) whether the fee is fixed or contingent.

RULE 1.15 Safekeeping Property

(a) Depositing Funds.

(1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

(b) Specific Duties. A lawyer shall:

- (4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive; and
- (5) not disburse funds or use property of a client or of a third party with a valid lien or assignment without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

By failing to deposit Temboury's advanced legal fee in a trust account, and by failing to refund any portion of Temboury's advanced legal fee after he abandoned the case, Respondent violated Rules 1.5(a), 1.15(a)(1), 1.15(b)(4), and 1.15(b)(5).

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law[.]

By not preserving Temboury's advanced legal fee in a trust account, by depositing Temboury's unearned advanced legal fee directly into his operating account, and by abandoning Temboury's matter without refunding any portion of the advanced legal fee, Respondent violated Rule of Professional Conduct 8.4(b).

VS B Docket Number 25-051-134907 (Complainant Francy Marin)

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.
- (c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.6 and Rule 3.3.

By failing to appear at Marin's December 10, 2024 trial, by failing to advise Marin or the court that he would not appear, and by abandoning the representation of Marin without notifying her, Respondent violated Rules 1.1, 1.3(a), 1.3(b), and 1.3(c) of the Rules of Professional Conduct.

RULE 1.4 Communication

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

By failing to advise Marin that he would not appear at the December 10, 2024 trial, and by failing to inform Marin that his license to practice law was suspended, Respondent violated Rule 1.4(b) of the Rules of Professional Conduct.

RULE 1.16 Declining Or Terminating Representation

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

- (1) the representation will result in violation of the Rules of Professional Conduct or other law;
- (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]

By failing to withdraw from Marin's matter after learning that he was suspended from the practice of law and after his mental condition materially impaired his ability to represent her, which resulted, at the very least, in violations of Rules of Professional Conduct 1.1 and 1.3, Respondent violated Rules of Professional Conduct 1.16(a)(1) and 1.16(a)(2).

RULE 1.16 Declining Or Terminating Representation

(c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable Rules of Court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e)[.]

By ceasing his representation of Marin without seeking leave of the court, without taking any steps to protect her interests, and by failing to return any of her advanced legal fee, Respondent violated Rules of Professional Conduct 1.16(c) and 1.16(d).

RULE 1.5 Fees

(a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) whether the fee is fixed or contingent.

RULE 1.15 Safekeeping Property

(b) Specific Duties. A lawyer shall:

- (4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive[.]

By failing to refund any portion of Marin's advanced legal fee after abandoning her matter, Respondent violated Rules of Professional Conduct 1.5(a) and 1.15(b)(4).

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law[.]

By abandoning Marin's matter without refunding any portion of the advanced legal fee, Respondent violated Rule of Professional Conduct 8.4(b).

III. PROPOSED DISPOSITION

Accordingly, bar counsel and Respondent tender to the Disciplinary Board for its approval the agreed disposition of **One Year and One day Suspension** as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. Bar counsel and Respondent agree that the effective date for the sanction shall be the date of entry of the Disciplinary Board Order approving this Agreed Disposition.

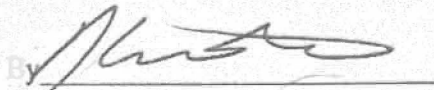
Prior to having his license reinstated in Virginia, Respondent must comply with the requirements set forth in the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-25.D.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules.

THE VIRGINIA STATE BAR

By 

Richard W. Johnson, Jr.
Assistant Bar Counsel

By 
Kevin Patrick Dougherty
Respondent