

VIRGINIA:

BEFORE THE FIFTH DISTRICT, SECTION III COMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
MICHAEL KEITH BLANKENSHIP

VSB Docket No. 25-053-134757

DISTRICT COMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On May 7, 2026, a meeting was held in this matter before a duly convened Fifth District, Section III Committee consisting of Kristen Lea Kugel, Chair Presiding; Staci Holloway Figueroa, Member; Priti Khanna, Member; Richard Brent Orsino, Member; and Jennifer L. Neel, Lay Member. During the meeting, the Fifth District, Section III Committee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-7.A.9. The agreed disposition was entered into by the Virginia State Bar, by Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, and Michael Keith Blankenship (“Respondent”), pro se.

WHEREFORE, the Fifth District, Section III Committee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. Respondent was admitted to the Virginia State Bar (“VSB”) in 2005. At all relevant times, Respondent was a member of the VSB.
2. In 2019, Complainant Thomas Graziano retained Respondent to represent him in two patent applications pending before the United States Patent and Trademark Office (“USPTO”), and one patent litigation matter. Respondent appeared as counsel of record for Graziano in the two patent applications.

3. After one of Graziano's patent applications was deemed abandoned, Graziano hired new counsel, David Giangrossi.
4. On December 6, 2024, Giangrossi asked Respondent to turn over Graziano's patent application files.
5. On December 9, 2024, Giangrossi followed up with Respondent regarding the return of Graziano's files. Respondent replied that he would provide them in two to three days.
6. On December 20, 2024, having not received Graziano's patent application files, Giangrossi followed up with Respondent again. Respondent replied that he had a "bunch of surgeries two weeks ago," but he would be back in the office on Monday and get to work on providing the files.
7. Respondent still did not provide Graziano's patent application files.
8. Giangrossi followed up with Respondent regarding Graziano's patent application files on January 3, January 16, January 17, and February 17, 2025.
9. Respondent still did not provide Graziano's patent application files.
10. On February 24, 2025, Giangrossi, on behalf of Graziano, filed a bar complaint regarding Respondent's failure to return Graziano's patent application files.
11. On February 26 and March 11, 2025, VSB intake counsel asked Respondent to communicate with Graziano or Giangrossi about their request for a return of the files. Respondent never responded and never returned the files.
12. Consequently, on March 20, 2025, this matter was opened for preliminary investigation by bar counsel. The bar complaint was served on Respondent at his

physical address and email address of record with the VSB, and he was informed that he had a duty to respond to the bar complaint pursuant to Rule 8.1(c).

13. Respondent did not respond to the bar complaint.
14. On April 25, 2025, bar counsel referred Graziano's complaint to the Fifth District, Section III Committee of the VSB for further investigation. VSB Investigator Robert Graves attempted to contact Respondent many times to obtain a response.
15. On May 13, 2025, Respondent wrote to bar counsel that he had just been released from the hospital and "over the last few months I have been contained in various hospitals, including for a period of about a week were [sic] I was quarantined with a very rare bacterial infection Can we set up a time to talk by telephone?" In response, bar counsel informed him that Investigator Graves was assigned to his case, and he would hear from Investigator Graves. Bar counsel also asked Respondent to respond in writing to the bar complaint. Respondent responded, "Confirmed."
16. Respondent still did not provide a written response to the bar complaint, despite Investigator Graves following up with Respondent on July 25, August 11, and September 8, 2025.
17. On September 18, 2025, Respondent agreed to an interview with Investigator Graves. However, he still did not provide a written response to the bar complaint.

II. NATURE OF MISCONDUCT

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

Pursuant to Virginia Rule of Professional Conduct 8.5(b), “for conduct in connection with a proceeding in a court, agency, or other tribunal before which a lawyer appears, the rules to be applied shall be the rules of the jurisdiction in which the court, agency, or other tribunal sits, unless the rules of the court, agency, or other tribunal provide otherwise.” Also, “for any other conduct, the rules of the jurisdiction in which the lawyer’s conduct occurred” apply.

The two patent applications for which Graziano requested his files are pending before the USPTO. Therefore, the USPTO Rules of Professional Conduct, which are codified at Title 37 of the *Code of Federal Regulations*, Part 11, Subpart D, apply to Respondent’s conduct in connection with those proceedings. Virginia Rule of Professional Conduct 8.1 applies to Respondent’s failure to respond to the bar.

37 C.F.R. § 11.116 Declining or terminating representation.

- (d) Upon termination of representation, a practitioner 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, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The practitioner may retain papers relating to the client to the extent permitted by other law.

By failing to provide the patent application files to successor counsel despite numerous requests from Giangrossi and despite promising several times that he would do so, Respondent violated the USPTO Rules of Professional Conduct. 37 C.F.R. § 11.116(d).

VIRGINIA RULE 8.1 Bar Admission and Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

...

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6[.]

By failing to provide a written response to the bar complaint, despite acknowledging receipt of the complaint and agreeing to do so, Respondent violated Rule 8.1(c).

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, having approved the agreed disposition, it is the decision of the District Committee to impose a Public Reprimand with Terms. The terms are:

1. Respondent must turn over all of Graziano's file materials in his possession, custody, and control to Giangrossi.
2. Respondent must confirm in writing to bar counsel that he has turned over all of Graziano's file materials in his possession, custody, and control to Giangrossi.

If any of the terms are not met within two weeks of the issuance of any District Committee Determination accepting this Agreed Disposition, pursuant to the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraphs 13-16.BB and 13-16.CC, the District Committee shall hold a hearing and Respondent shall be required to show cause why a Certification for Sanction Determination should not be imposed. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed. Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-9.E, the Clerk of the Disciplinary System shall assess costs.

Entered May 15, 2026.

FIFTH DISTRICT, SECTION III COMMITTEE
OF THE VIRGINIA STATE BAR



Kristen Lea Kugel
Acting Chair