

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF

BENJAMIN THOMAS BLEDSOE

VS. DOCKET NO. 19-090-115345

MEMORANDUM ORDER

This matter came to be heard on October 23, 2020 via Microsoft Teams Video Conference. Benjamin Thomas Bledsoe appeared, *Pro Se*. The panel members consisted of Carolyn V. Grady, Esq., Chair, Devika E. Davis, Esq., Alexander Simon, Esq., John D. Whittington, Esq., and lay member, Martha J. Goodman. The Virginia State Bar was represented by Edward J. Dillon, Jr., Senior Assistant Bar Counsel. Beverly S. Lukowsky, Court Reporter of Chandler & Halasz, Stenographic Court Reporters, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, after being duly sworn by the Chair reported this matter and transcribed the proceedings.

The Chair opened the hearing by calling the case and inquiring if both parties were ready to proceed, to which they both responded in the affirmative.

At the outset of the hearing, the Chair inquired of each member of the Board whether any of them had any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel. All members of the Board, including the Chair, responded in the negative. All legal notices of the date and place were timely sent by the Clerk of the Disciplinary

System (hereinafter referred to as “the Clerk”) in the manner prescribed by the *Rules of the Supreme Court of Virginia* (hereinafter referred to as the “*Rule(s)*”), Part Six, §IV, ¶13-22.

This matter came before the Board pursuant to certification of the 9th District Subcommittee, VSB Docket No. 19-090-115345, certified on March 31, 2020.

Virginia State Bar Exhibits 1 – 27 were admitted in evidence, without objection. Demonstrative Exhibits LEO 1853, Respondent’s disciplinary history, Memorandum Order in Virginia State Bar v. Compton, VSB Docket No. 06-102-3595, and a timeline were considered but not admitted as Exhibits by the Virginia State Bar. Respondent’s Exhibits 1-12, 14, 15 and 24 were admitted without objection. Respondent’s Exhibit 13 was admitted over the Virginia State Bar’s objection. Respondent’s Exhibits 16-23 were admitted without objection for the sanctions phase of this matter. A motion to exclude witnesses was made by the Virginia State Bar and granted by the Chair. The Virginia State Bar made an opening statement, the Respondent did not. The Virginia State Bar presented its evidence which included its exhibits and the testimony of Captain Royal J. Eanes. The Respondent cross examined this witness. The Virginia State Bar then rested and the Respondent made a motion to strike the Bar’s evidence as to Rule 1.7(a)(2), which motion was denied by the Chair. Respondent suggested the Board go directly to the sanction phase which the Board did not agree to do. Respondent then presented evidence by way of his testimony and exhibits. Respondent then

rested. Respondent renewed his motion to strike, which was again denied by the Chair. No rebuttal evidence was presented. Both parties made closing arguments.

The Board then retired in private session to consider the matter.

After its deliberation, the Board returned to the open hearing and announced through the Chair that by unanimous vote the Board found clear and convincing evidence to substantiate the Respondent's violations of the following:

Rule 1.7(a)(2): Finding of facts: Respondent had physical contact of a sexual nature with his client at the courthouse when Respondent appeared there to represent the client in the matter before the court.

Rule 1.8(e)(1): Stipulated by Respondent in VSB Exhibit 27.

Rule 1.8(e)(2): Stipulated by Respondent in VSB Exhibit 27.

Rule 8.4(b): Stipulated by Respondent in VSB Exhibit 27.

Rule 8.4(c): Stipulated by Respondent in VSB Exhibit 27.

The Chair then allowed the parties to present evidence in the sanctions phase. The Virginia State Bar presented evidence through the testimony of Lisa A. Marshall, Virginia State Bar Investigator and Special Agent Robert Brooke. The Respondent cross examined Ms. Marshall and Special Agent Brooke. The Respondent presented evidence through James Leffler and the Respondent answered questions from the Board. The parties then made closing arguments. The Board once again retired to private session to deliberate in the sanctions phase of this matter. During its deliberation the Board considered the entire Stipulation

of Facts contained in Virginia State Bar's Exhibit 27, which were agreed to by the Respondent and the following aggravating factors:

1. The Respondent's selfish motive in engaging in a personal relationship with multiple clients which was conducted over several months;
2. The Respondent's multiple offenses with more than one client, and repeated use of the attorney client visitation room for a sexual relationship and inappropriate touching in the courtroom as well as providing the client contraband (VSB Exhibit 27, paragraph 15) and money;
3. The vulnerability of Respondent's victim, which included her incarceration as well as the fact that she had mental health issues; and
4. The Respondent's legal experience with many years as a practicing attorney, including several as an Assistant Commonwealth Attorney.

The Board considered the following mitigating factors:

1. No prior record of Respondent;
2. Respondent's military service;
3. Respondent's voluntary mental health counseling;
4. Respondent's cooperative attitude;
5. Imposition of other penalties on Respondent; and
6. Respondent's remorse.

The Board then returned to open session to announce its unanimous decision.

Based on the misconduct found, and the evidence presented in aggravation, and in mitigation and having considered argument of counsel, the Board imposed the following sanction:

Revocation of Benjamin Thomas Bledsoe's license to practice law effective October 23, 2020; it is further

ORDERED that Respondent shall comply with the requirements of Part Six, §IV, ¶13-29 of the *Rules*. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the revocation 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 shall also make appropriate arrangements for the disposition of matters then in his care and conformity with the wishes of his clients. The Respondent shall give such notice within fourteen (14) days of the effective date of this order, and he shall make such arrangements as are required herein within forty-five (45) days of the effective date of the suspension. The Respondent shall also furnish proof to the Bar within sixty (60) days of the effective date of the revocation that such notices have been timely given and such arrangements made for the disposition of matters; and is further

ORDERED pursuant to Paragraphs 13-9 (e) of the *Rules*, costs will be assessed.

No further action was taken on this matter.

An attested copy teste of the Order shall be mailed to the Respondent by certified mail and regular mail to his last address of record with the Virginia State Bar at The Law Office of B. Thomas Bledsoe P.C. 115 N. 1st Street, Richmond, VA 23219 and hand-delivered to Edward J. Dillon, Jr., Senior Assistant Bar Counsel, 1111 East Main Street, Suite 700, Richmond, VA 23219.

ENTERED THIS 25th DAY OF November, 2020.

VIRGINIA STATE BAR DISCIPLINARY BOARD

by: _____
Carolyn V. Grady, 1st Vice - Chair