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**VIRGINIA STATE BAR
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VIRGINIA:

BEFORE THE THIRD DISTRICT, SECTION III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
CHRISTOPHER CAMPBELL BOOBERG

VSb Docket No. 24-033-129903

SUBCOMMITTEE DETERMINATION
PUBLIC REPRIMAND WITHOUT TERMS

On November 4, 2024, a meeting in this matter was held before a duly convened Third District, Section III Subcommittee consisting of Brewster Stone Rawls, Esq, Chair; Tracy Elizabeth Paner, Esq., Member; and Elizabeth Chancy, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand without Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Shelley L. Spalding, Assistant Bar Counsel, and Christopher Campbell Booberg ("Respondent"), pro se.

WHEREFORE, the Third District, Section III Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand without Terms:

I. FINDINGS OF FACT

1. Respondent was admitted to the Virginia State Bar ("VSB") in 1994. At all relevant times, Respondent was a member of the VSB.
2. Sharon Lucas ("Complainant") has a power of attorney for her mother, Essie Turner. Ms. Turner was allegedly injured on April 23, 2018 by negligent care she received while a patient at Southern Virginia Medical Center.
3. In May 2018, through Complainant, Ms. Turner retained Respondent to represent her regarding her injuries on a contingency fee basis.

4. Complainant stated that since May 2018, Respondent has failed to keep her updated on the status of her mother's case.
5. On December 30, 2019, Complainant emailed Respondent asking for an update. The same day, Respondent emailed Complainant, "I am going to reach out to you at the first of the year to see if she is continuing to do well. Unless we can get a response from them within the next few weeks, we will file suit."
6. Complainant again asked for updates on January 30, 2019, and February 4, 2019. Respondent did not provide updates to Complainant in response to these inquiries.
7. On June 15, 2020, Respondent filed a complaint in the Greenville Circuit Court on behalf of Ms. Turner.¹
8. Virginia Code § 8.01-20.1 requires that in medical malpractice cases, at the time of service of process, the plaintiff must have obtained an expert's written statement that the defendant deviated from the applicable standard of care and that the deviation was a proximate cause of plaintiff's injuries.
9. Respondent did not attempt to get an expert's statement regarding Ms. Turner's injuries prior to filing suit on June 15, 2020.
10. On June 30, 2020, Respondent emailed Complainant: "The suit has been filed and we are waiting for a response to see if they are willing to settle. We should have a response within a few weeks. As soon as we hear from them, I will let you know right away."
11. As of June 30, 2020, Respondent had not made any settlement demand regarding Ms. Turner's injuries.

¹ The statute of limitations for medical malpractice in Virginia is two years from the date the medical error occurred, presumable April 23, 2018 here. The complaint Respondent filed on behalf of Ms. Turner on June 15, 2020 was not time-barred because the statute of limitations was tolled by the Supreme Court of Virginia's COVID orders.

12. At the time of Respondent's June 30, 2020, email update Respondent had made no efforts to serve the Complaint on the defendants.
13. On October 4, 2020, Complainant emailed Respondent, "Good evening, per the last correspondence in June, you advised the suit had been filed and was awaiting a response. Please advise on current status of the suit." Respondent did not respond.
14. On October 13, 2020, Complainant emailed Respondent "Hi, just wanted to follow up with you regarding my mom. Please respond at your earliest convenience." Respondent did not respond.
15. Complainant followed up again with a similar email on October 26, 2020. Respondent did not respond.
16. In June of 2021, Complainant again requested an update. On June 20, 2021 Respondent emailed Complainant: "I have filed suit and the next step is to work with an expert witness because we have to obtain an expert witness opinion before we can file the suit. I will keep you up to date on getting the opinion of the expert witness which I don't think will be hard given the facts of our case." Complainant responded the same day "I would like clarification on the filing status. Initially, you state you have filed suit. Subsequently you state an expert opinion has to be obtained before the suit can be filed. I am just trying to understand the process." These emails were followed by multiple emails trying to schedule a phone call between Respondent and Complainant. No phone call between Complainant and Respondent occurred at this time.
17. On January 4, 2022, Complainant emailed Respondent: "I am requesting an update/status of my mother's case, Essie Turner. This case was started in 2018 and in July 2021 I requested a phone call. To date, I have not received a call.

18. On January 8, 2022, Complainant again wrote "I would just like a response, please."
19. Sometime in January 2022, Complainant and Respondent participated in a phone call and discussed Ms. Turner's Case.
20. On August 28, 2023, Complainant wrote Respondent "Good evening, I am requesting an update on my mother's (Essie Turner) case as it has been over a year since you have corresponded with me. I also called your office today and left a message with the individual that answered the phone as I was told I could not be transferred to your voicemail."
21. On August 31, 2023, Complainant filed her bar complaint. In response to the bar complaint, Respondent stated:

I have retained a nurse expert to review the records and provide the necessary opinion to prove that the supervision or treatment of Ms. Turner was negligent. I will share the opinion of the nurse when it is received. I should have the opinion within 30 to 45 days.
22. On November 27, 2023, Complainant texted Respondent: "Good morning, requesting an update/follow up since our last conversation on September 22, 2023." The same day Respondent responded: "the investigative nurse has reviewed the records and suggested that there are some additional records we need. We have requested the records so that we will have a complete set."
23. In his response to the bar complaint, Respondent acknowledged that he did not pursue Ms. Turner's case diligently, and that he failed to communicate with Complainant.
24. During his interview with the VSB's investigator, Respondent was asked about the additional medical records he needed. Respondent stated he still had not received them and would let the VSB know when he did. As of the date of this Agreed Disposition,

Respondent has not confirmed for the VSB that he obtained these additional medical records.

25. Complainant's case remains on the docket for the Greenville Circuit Court.
26. As of September 11, 2024, Respondent is no longer pursuing any claim on behalf of Ms. Turner.

II. NATURE OF MISCONDUCT

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

By failing to diligently obtain Ms. Turner's medical records, failing to diligently pursue an expert opinion, and by failing to diligently pursue service of Ms. Turner's complaint, Respondent violated 1.3(a) as set forth below:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

By failing to respond to Complainant's requests for updates on January 30, 2019, February 4, 2019, October 4, 2020, October 13, 2020 and October 26, 2020, January 4, 2022, and January 8, 2022, failing to update Complainant regarding the status of expert opinion(s) and service of process for Ms. Turner's case; and by advising Complainant on June 30, 2020 that he was awaiting a response from defendants when the complaint had not been served, Respondent violated Rule 1.4(a) and (b) as set forth below:

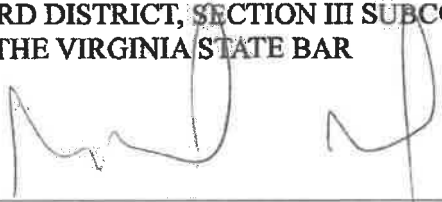
RULE 1.4 Communication

- (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.

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, it is the decision of the Subcommittee to impose a Public Reprimand without Terms, and Christopher Campbell Booberg is so reprimanded. Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

THIRD DISTRICT, SECTION III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



Brewster Stone Rawls
Subcommittee Chair

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2024, a true and complete copy of the foregoing Subcommittee Determination was sent to Christopher Campbell Booberg, Respondent, by certified mail at BoobergLaw, P.C. 406 West Franklin Street, Richmond, Virginia 23220, Respondent's last address of record with the Virginia State Bar, and by email to chris@booberglaw.com.

A handwritten signature in cursive script, appearing to read "Shelley L. Spalding", written over a horizontal line.

Shelley L. Spalding
Assistant Bar Counsel