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VIRGINIA STATE BAR
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VIRGINIA:

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

IN THE MATTER OF
ROCCO PHILIP THOMAS COLUMBUS VSB Docket No. 26-032-137874

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On September 24, 2026, a meeting in this matter was held before a duly convened Third District, Section II Subcommittee consisting of Erika Encinas MacCormac, Esq., Chair; Jackson Demorest Littlejohn, Esq., Member; and Karen McCarthy, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-15.B.4. The agreed disposition was entered into by the Virginia State Bar, by Jessica C. Beatty, Assistant Bar Counsel, and Rocco Philip Thomas Columbus ("Respondent"), *pro se*.

WHEREFORE, the Third District, Section II Subcommittee 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 2006. At all times relevant hereto, Respondent has been licensed to practice law in the Commonwealth of Virginia.

2. On October 21, 2025, Respondent was court appointed by the Brunswick Circuit Court to represent Complainant Waverly Antonio Kelly ("Mr. Kelly"), in connection with a probation violation matter.

3. Pursuant to the appointment order, Respondent was appointed "to represent [Mr. Kelly] at such hearings and all other stages of the proceeding in this court and in any other court to which this case may be appealed or certified until relieved or replaced by another lawyer."

4. Respondent represented Mr. Kelly at a probation revocation hearing on November 20, 2025, and Mr. Kelly was sentenced to six months active incarceration. Respondent had

twenty-one days from the date of sentencing, i.e. until December 11, 2025, to note an appeal on Mr. Kelly's behalf.

5. On November 21, 2025, Respondent sent a letter to Mr. Kelly that gave descriptions of the outcomes of the charges and stated, "If you had other cases for which I was not appointed to represent you, please ensure you follow up on any requirements issued by the judge for those. This concludes my representation of you in this/these appointed matter(s). If you have any questions, please do not hesitate to contact me." Respondent's letter did not contain any language advising Mr. Kelly of his appellate rights or deadlines or asking Mr. Kelly whether he wanted to appeal.

6. The letter was returned to Respondent as undeliverable, and on January 14, 2026, Respondent sent the same letter to a different address for Mr. Kelly, but that was also returned as undeliverable. Respondent did not make any further attempt to communicate with Mr. Kelly.

7. On December 18, 2025, Mr. Kelly submitted a bar complaint which was received by the VSB on December 29, 2025.

8. On January 5, 2026, the VSB sent a copy of the complaint to Respondent with a request that Respondent communicate with Mr. Kelly and update the VSB on or before January 15, 2026. On January 14, 2026, Respondent submitted to the VSB a copy of the closing letter he had sent to Mr. Kelly on November 21, 2025, and stated, "I've attached our closing letter we sent to Mr. Kelly on November 21, 2024 [sic] and resent to him. His matter is concluded at this time. He had never indicated a desire to appeal to me but based on his letter we will note it for him."

9. On January 20, 2026, the VSB sent Respondent a letter alerting him that the matter was being opened for investigation.

10. On January 29, 2026, Respondent filed a Motion for Delayed Appeal that stated as the basis for the request that Respondent had not been aware that Mr. Kelly wanted to appeal. Respondent's Motion for Delayed Appeal did not state that the appeal had not been initiated due to error, neglect, or fault on his part, and did not attach an affidavit certifying that Mr. Kelly was not personally responsible for causing the loss of the opportunity to appeal. Pursuant to Va. Code § 19.2-321.1, if the error, neglect, or fault is alleged to be that of an attorney representing appellant, the motion is to be accompanied by an affidavit signed by the attorney verifying the specific facts alleged in the motion and certifying that appellant is not personally responsible for causing the loss of the opportunity to appeal.

11. Respondent did not actively pursue further action on the delayed appeal because he said he was unable to locate Mr. Kelly to contact him and determine whether he wanted to pursue the appeal, and Mr. Kelly's appeal was dismissed. The VSB investigator was able to locate Mr. Kelly without issue.

II. NATURE OF MISCONDUCT

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

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.

By sending a letter to his client indicating that the representation had ended without giving the client any further direction, and by demonstrating a lack of legal knowledge reasonably necessary for the representation through a lack of knowledge of the requirements of Va. Code § 19.2-321.1, Respondent violated Rule 1.1.

Rule 1.3 Diligence

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

By failing to ascertain Complainant's wishes as to post-trial or appellate relief; by failing to timely pursue post-trial or appellate relief on Complainant's behalf; and by failing to timely preserve Complainant's right to appeal, Respondent violated Rule 1.3(a).

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 his client of the right to appeal to the Court of Appeals of Virginia following conviction; by failing to advise his client that he may have a right to file a motion for delayed appeal or petition for writ of habeas corpus; by failing to discuss appellate options with his client and by failing to inform his client about appellate deadlines so that his client could make informed decisions regarding his right to appeal, Respondent violated Rule 1.4(b)

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The terms are:

1. **MCLE**

   On or before March 12, 2027, Respondent will complete two hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matter of criminal appellate practice. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph will not be applied toward his Mandatory Continuing Legal Education requirement in Virginia or any other jurisdictions in which Respondent may be licensed to practice law. Respondent will certify his compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance form (Form 2) to Bar Counsel, promptly following his attendance of each such CLE program(s).

If any of the terms are not met by the time specified, pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-15.F, 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.

THIRD DISTRICT, SECTION II SUBCOMMITTEE OF THE VIRGINIA STATE BAR

Erika Encinas MacCormac
Subcommittee Chair

CERTIFICATE OF SERVICE

I hereby certify that on 11/2/26, a true and complete copy of the foregoing Subcommittee Determination was sent to Rocco Philip Thomas Columbus, Respondent, by certified mail at Randall McClenney Daniels And Dunn P.C., 28319 Southampton Pkwy, Ste B, Courtland, VA 23837-2194, Respondent's last address of record with the Virginia State Bar, and by email to roccocolumbus@valegalservices.com.

Jessica C. Beatty
Assistant Bar Counsel

VIRGINIA:

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

IN THE MATTER OF
ROCCO PHILIP THOMAS COLUMBUS **VSB Docket No. 26-032-137874**

AGREED DISPOSITION
PUBLIC REPRIMAND WITH TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-15.B.4, the Virginia State Bar, by Jessica C. Beatty, Assistant Bar Counsel, and Rocco Philip Thomas Columbus, Respondent ("Respondent"), pro se, enter into the following agreed disposition arising out of this matter.

I. STIPULATIONS OF FACT

1. Respondent was admitted to the Virginia State Bar ("VSB") in 2006. At all times relevant hereto, Respondent has been licensed to practice law in the Commonwealth of Virginia.

2. On October 21, 2025, Respondent was court appointed by the Brunswick Circuit Court to represent Complainant Waverly Antonio Kelly ("Mr. Kelly"), in connection with a probation violation matter.

3. Pursuant to the appointment order, Respondent was appointed "to represent [Mr. Kelly] at such hearings and all other stages of the proceeding in this court and in any other court to which this case may be appealed or certified until relieved or replaced by another lawyer."

4. Respondent represented Mr. Kelly at a probation revocation hearing on November 20, 2025, and Mr. Kelly was sentenced to six months active incarceration. Respondent had twenty-one days from the date of sentencing, i.e. until December 11, 2025, to note an appeal on Mr. Kelly's behalf.

5. On November 21, 2025, Respondent sent a letter to Mr. Kelly that gave descriptions of the outcomes of the charges and stated, "If you had other cases for which I was not appointed to represent you, please ensure you follow up on any requirements issued by the judge for those. This concludes my representation of you in this/these appointed matter(s). If you have any questions, please do not hesitate to contact me." Respondent's

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11. Respondent did not actively pursue further action on the delayed appeal because he said he was unable to locate Mr. Kelly to contact him and determine whether he wanted to pursue the appeal, and Mr. Kelly's appeal was dismissed. The VSB investigator was able to locate Mr. Kelly without issue.

II. NATURE OF MISCONDUCT

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

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.

By sending a letter to his client indicating that the representation had ended without giving the client any further direction, and by demonstrating a lack of legal knowledge reasonably necessary for the representation through a lack of knowledge of the requirements of Va. Code § 19.2-321.1, Respondent violated Rule 1.1.

Rule 1.3 Diligence

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By failing to ascertain Complainant's wishes as to post-trial or appellate relief; by failing to timely pursue post-trial or appellate relief on Complainant's behalf; and by failing to timely preserve Complainant's right to appeal, Respondent violated Rule 1.3(a).

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 his client of the right to appeal to the Court of Appeals of Virginia following conviction; by failing to advise his client that he may have a right to file a motion for delayed appeal or petition for writ of habeas corpus; by failing to discuss appellate options with his client and by failing to inform his client about appellate deadlines so that his client could make informed decisions regarding his right to appeal, Respondent violated Rule 1.4(b)

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to a subcommittee of the Third District, Section II Committee for its approval the agreed disposition of a Public Reprimand with Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Third District, Section II Committee. The terms shall be met by March 12, 2027, and are as follows:

1. **MCLE**

   On or before March 12, 2027, Respondent will complete two hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matter of criminal appellate practice. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph will not be applied toward his Mandatory Continuing Legal Education requirement in Virginia or any other jurisdictions in which Respondent may be licensed to practice law. Respondent will certify his compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance form (Form 2) to Bar Counsel, promptly following his attendance of each such CLE program(s).

If any of the terms are not met by March 12, 2027, Respondent agrees that 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 pursuant to Part 6, Section IV, Paragraph 13-15.F of the Rules of the Supreme Court of Virginia. 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 Part 6, Section IV, Paragraph 13-9.E of the Rules of the Supreme Court of Virginia.

If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

Pursuant to Part 6, Section IV, Paragraph 13-30.B of the Rules of the Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the subcommittee considering this agreed disposition.

VIRGINIA STATE BAR

Jessica C. Beatty
Assistant Bar Counsel

Rocco Philip Thomas Columbus
Respondent