

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF PATRICK LYNN EDWARDS
VSB DOCKET NO.: 23-000-128305**

MEMORANDUM ORDER OF SUSPENSION

This matter came on to be heard on July 14, 2023, before a panel of the Virginia State Bar Disciplinary Board (the “Board”) consisting of Kamala H. Lannetti, Chair (“Chair”); Elisabeth Martingayle, Lay Member; Carolyn V. Grady; Donita M. King; and Joseph D. Platania. The Virginia State Bar (the “VSB”) was represented by Tenley Carroll Seli, Assistant Bar Counsel (“Bar Counsel”). Patrick Lynn Edwards (the “Respondent”), and Timothy J. Battle, Esq., Counsel for Respondent (“Respondent’s Counsel”). Lisa A. Wright, of Chandler and Halasz, Inc, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, after being duly sworn reported the hearing and transcribed the proceedings of July 14, 2023.

The Chair inquired as to each member of the Board on July 14, 2023, as to whether any of them had any personal or financial interest or bias which would preclude him or her from fairly hearing this matter and serving on the Board, to which inquiry each member, including the Chair, responded in the negative.

All legal notices of the date and place of the July 14, 2023, hearings were timely sent by the Clerk of the Disciplinary System (“Clerk”) in the manner prescribed by the *Rules of the Supreme Court of Virginia* (hereinafter referred to as the “*Rule(s)*”), Part Six, Section IV, Paragraphs 13-18.

This matter came before the Board based on the February 28, 2023, Notice of Show Cause Hearing for Failure to Comply with Part Six, §IV, ¶ 13-29, and the Petition for Rule to Show Cause entered February 28, 2023.

I. PROCEDURAL MATTERS

A. Procedural matters

This matter was originally set for April 28, 2023, for both a misconduct and this Show Cause hearing. On April 28, 2023, the Board determined that both matters could not reasonably be heard in one day, therefore the Board determined that the Show Cause related to Paragraph 13-29 would be separated and heard on June 23, 2023. On June 20, 2023, the Chair ordered that the June 23, 2023, hearing would be rescheduled to July 14, 2023, due to Respondent’s legal counsel having a medical condition that prevented attendance on June 23, 2023.

§IV, ¶ 13-29:

13-29. DUTIES OF DISBARRED OR SUSPENDED RESPONDENT

After a Suspension against a Respondent is imposed by either a Summary Order or Memorandum Order and no stay of the Suspension has been granted by this Court, or after a Revocation against a Respondent is imposed by either a Summary Order or Memorandum Order, Respondent shall forthwith give notice, by certified mail, of his or her Revocation or Suspension to all clients for whom he or she is currently handling matters and to all opposing Attorneys and the presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his or her care in conformity with the wishes of his or her clients. The Respondent shall give such notice immediately and in no event later than 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Revocation or Suspension. The Respondent shall also furnish proof to the Clerk within 60 days of the effective date of the Revocation or Suspension that such notices have been timely given and such arrangements have been made for the disposition of matters. The Board shall 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 this subparagraph 13-29.

A lawyer whose license is suspended is still an active member of the bar and, although not in good standing, is subject to discipline for violating the Rules of Professional Conduct. *Barrett v. Virginia State Bar*, 277 Va. 412, 675 S.E.2d 827 (2009). At a show cause hearing, the burden is on the Respondent to show by clear and convincing evidence that he complied with the terms imposed under his Suspension Order. *Williams v. Virginia State Bar*, 261 Va. 258, 542 S.E.2d 385 (2001).

On November 16, 2022, in VSB Docket No. 23-041-125950, the Board suspended Respondent's license to practice law on an interim basis pending his compliance with a subpoena duces tecum served on Respondent on September 14, 2022. The Interim Suspension Order required Respondent to comply with the requirements of Paragraph 13-29, which requires, among other things, that Respondent provide notice of his suspension by certified mail to his clients, opposing counsel, and presiding judges immediately and no later than fourteen (14) days of the effective date of his suspension. Paragraph 13-29 further requires Respondent to furnish proof to the VSB within sixty (60) days of the effective date of his suspension that he has given such timely notice.

B. Exhibits admitted into evidence

At the prehearing conference on June 19, 2023, the following exhibits were admitted by the Chair: VSB Ex: 1-20 and Respondent's Exhibits 1-11. The Chair, sua sponte, ordered

those sections of Exhibit 4 related to personal and medical information regarding a client be redacted.

C. Witnesses

Respondent testified on his own behalf and presented Mr. George Lutfi (by video conference) as his witness at the hearing. The VSB presented the Bar Investigator, Mr. Bosak, Douglas Coleman, Esq., Jessica Best (Deputy Commonwealth's Attorney, City of Alexandria). Witnesses were properly sworn in before testifying and appropriately excluded until testimony under the Witness exclusionary rules. The Board found that all of these witnesses were credible.

D. Motions made at hearing

The Respondent argued that lesser discipline than revocation or suspension of his license was warranted as he had "substantially complied" with the terms of Paragraph 13-29. The Board denied Respondent's request for lesser discipline as it determined that Paragraph 13-29 does not include provisions for substantial compliance, nor does it allow for discipline other than revocation or suspension when failure to comply has been found.

During the sanctions section of the hearing, the Respondent made a Motion for Mistrial based on testimony from Jessica Best regarding other pending court matters related to the Respondent. The Board determined that the references made were not significant and that the testimony would not be considered by the Board. Therefore the request for a mistrial was denied

II. Findings of Fact

After reviewing the evidence submitted and the testimony provided during the hearing, the Board makes the following Findings of Fact:

1. By Interim Suspension Order entered November 16, 2022, in VSB Docket No. 23-041-125950, the Board suspended Respondent's license to practice law on an interim basis pending his compliance with a subpoena *duces tecum* served on Respondent on September 14, 2022. *See* VSB Exhibit. 7.

2. The Interim Suspension Order required Respondent to comply with the requirements of Paragraph 13-29, which requires, among other things, that Respondent provide notice of his suspension by certified mail to his clients, opposing counsel, and presiding judges immediately and no later than 14 days of the effective date of his suspension. *See* VSB Exhibit 7. Paragraph VSB Exhibits - Edwards000002 13-29 further requires Respondent to furnish proof to the VSB within sixty (60) days of the effective date of his suspension that he has given such timely notices.

3. The Interim Suspension Order was effective November 16, 2022. *See* VSB Exhibit 7. Accordingly, Respondent was required to notify his clients, opposing counsel, and presiding counsel, of his suspension by certified mail on or before November 30, 2022. Respondent was also required to provide proof to the VSB of his compliance with Paragraph 13-29 on or before December 31, 2022.

4. The Clerk of the Disciplinary System ("Clerk") sent the Interim Suspension Order to Respondent by certified mail on November 16, 2022, to Respondent's address of record. *See* VSB Exhibit 7. In pertinent part, the Clerk's November 16, 2022, letter to Respondent further reminded Respondent of his duties under Paragraph 13-29, stating: Please note that you must notify clients and all opposing Attorneys and the presiding Judges in pending

litigation of your suspension and furnish proof thereof, even if you are reinstated within 14 days of the Suspension. Full compliance with paragraph 13-29 is required and failure to comply could result in further discipline. *Id.* The Clerk also sent the November 16, 2022, letter, with enclosures, to Respondent by email at his email address of record. *Id.*

5. On December 6, 2022, the Board entered a Termination of Interim Suspension upon written certification that Respondent produced records in accordance with the subpoena *duces tecum* issued upon him in VSB Docket No. 23•041-125950. *See* VSB Exhibit 9.

6. The VSB received information reflecting Respondent failed to notify clients of his suspension and failed to make appropriate arrangements for the disposition of the matters he was handling. Respondent's failure to make appropriate arrangements extended to missed court dates VSB Exhibits 1, 10, 11, 12, 13, 14, and 17; and Respondent's attempts to continue practicing law by holding himself out as an attorney and corresponding with opposing counsel while suspended.

Allegations regarding Respondent's representation of Melvin Farmer

7. On May 5, 2022, Respondent was court-appointed to represent Melvin Farmer in criminal charges pending in Alexandria Circuit Court. *See* VSB Exhibit D. Mr. Farmer was incarcerated at the Alexandria Adult Detention Center. *Id.* Although Respondent was still representing Mr. Farmer when he was suspended, Mr. Farmer advised VSB Investigator Edward Bosak that Respondent did not advise him of the interim suspension or make alternative arrangements for representation during the suspension. *Id.*

8. Jessica Best Smith, Deputy Commonwealth's Attorney for Alexandria, was prosecuting Mr. Farmer. *See* VSB Exhibit D. Respondent did not notify Ms. Smith of the

Interim Suspension of his license. Ms. Smith reported Respondent failed to appear for Mr. Farmer's competency review hearing on November 17, 2022, which was the day after Respondent was suspended. Respondent also failed to otherwise notify the Court or his client that he would not attend. *Id.* It was necessary to reschedule the matter until December 1, 2022. Additionally, Ms. Smith testified that on December 1, 2022, the Respondent appeared in Court on the Farmer case in the afternoon several hours after the matter was scheduled. *Id.*

9. The Honorable James C. Clark presided over Mr. Farmer's case in Alexandria Circuit Court. Judge Clark advised VSB Investigator Bosak that Respondent did not inform the Court of his Interim Suspension until December 1, 2022, when he appeared in the Farmer case. See VSB Exhibits 10 & 14. Respondent asked Judge Clark for a sidebar and asked to withdraw as counsel. *Id.* Judge Clark did not remember if Respondent advised him that his license was suspended. However, Judge Clark was already aware of the suspension through reporting in Virginia Lawyers Weekly. *Id.*

Allegations Regarding Respondent's Representation of Assaf Huguette

10. At the time of Respondent's suspension, he represented Assaf Huguette in a Writ of Mandamus matter styled *Fred Vasquez v. Assaf Huguette*, which was pending in Arlington County Circuit Court. See VSB Exhibit 14.

11. Karen Leiser represented the plaintiff in *Fred Vasquez v. Assaf Huguette* during the period of Respondent's interim suspension. Ms. Leiser advised VSB Investigator Bosak that Respondent did not inform her of the suspension of his license to practice law. *Id.*

Allegations Regarding Respondent's Representation in Strickler v. Casa Group.

12. At the time of Respondent's suspension, he was co-counsel with Douglas Coleman in an insurance case styled *Strickler v. Casa Group* pending in Fairfax Circuit Court. See VSB Exhibit D. Mr. Coleman told VSB Investigator Bosak that Respondent did not notify Mr. Coleman that his license was suspended, and Mr. Coleman communicated with Respondent about the case during the interim suspension. Id.

Allegations Regarding Respondent's Representation of Laurie Peters

13. At the time of Respondent's suspension, Douglas Coleman was co-counsel with Respondent on an insurance case pending in Williamsburg/James City County Circuit Court styled *Peters v. Historic Powhatan Owner's Resort*. See VSB Exhibit D. Mr. Coleman told VSB Investigator Bosak that Respondent did not advise Mr. Coleman that he was under an interim suspension and Mr. Coleman communicated with Respondent about the case during the interim suspension. Id.

14. Dannell Duddy, Esquire, was opposing counsel in the *Peters v. Historic Powhatan Owner's Resort* case. See VSB Exhibit D. Mr. Duddy told VSB Investigator Bosak that Respondent did not advise him of the interim suspension of his license. Id.

15. VSB Investigator Bosak reviewed text messages between Respondent and Laurie Peters regarding settlement negotiations in her case; these text messages occurred on December 1, 2022, December 2, 2022, and December 5, 2022, which was during the suspension. See VSB Exhibit D.

Allegations Regarding Respondent's Representation of Isaiah Anderson

16. The Honorable Daniel T. Lopez, Chief Judge of Arlington General District Court, told VSB Investigator Bosak that on November 22, 2022, Isaiah Anderson, a court-appointed client of Respondent, appeared before Judge Lopez for a hearing. See VSB Exhibit

20. Respondent did not appear for the hearing, nor did he notify Judge Lopez of the suspension of his license or make alternative arrangements for representation of his client. Id. Accordingly, Mr. Anderson appeared at the November 22, 2022, hearing without counsel. Id.

17. Mr. Anderson advised VSB Investigator Bosak that Respondent did not notify him of the suspension of his license, and he had no representation during the period of suspension. See VSB Exhibit 20.

18. Investigator Bosak's review of the Court's file for Mr. Anderson's case showed that on November 22, 2022, the Court entered an Order for Continued Custody. Id.

Additional violations of Paragraph 13-29

19. On January 24, 2023, The Honorable Jason S. Rucker, Judge in the 17th Judicial District of Virginia, advised VSB Investigator Bosak that Respondent appeared before the Court during the interim suspension of his license. See VSB Exhibits 11 & 20. Respondent did not advise Judge Rucker of the suspension of his license. Id. As Judge Rucker was aware of the suspension from another source, the Judge asked Respondent for a sidebar when Respondent appeared in Court. Id. Judge Rucker advised Respondent that he could not appear in Court because his license was suspended. Id.

20. Respondent has not filed with the Virginia State Bar proof of compliance with Paragraph 13-29. See VSB Exhibits 1, 12, 14, & 20.

21. Respondent testified that he was aware of the Interim Suspension and terms but that he went on vacation from November 16 until after the Thanksgiving weekend.

22. Respondent testified that preparing the subpoena response was time consuming and he eventually submitted the subpoena request on December 1, 2022.

However, Respondent was unaware that he could not use Dropbox to submit the documents to the VSB and he had difficulty uploading the required documents.

23. Respondent testified that the VSB delayed responding to his subpoena submission. However, the Board found that the VSB had adequately notified the Respondent how to submit the subpoena response documents and the VSB staff worked in a timely manner with Respondent to identify the proper method for uploading his subpoena response.

24. The Board also found that Respondent's submission of the subpoena response on December 1, 2022, was done shortly before the Respondent appeared late in Court for the Farmer case and it appeared to the Board that Respondent determined that his subpoena submission was sufficient to lift the terms of his Interim Suspension without the Board determining that the Interim Suspension Order was to be revoked due compliance with the Board's November 16, 2022 Order.

21. Respondent argued before the Board that the Paragraph 13-29 notification to his clients, opposing counsel or the Courts was not necessary as the Respondent was in the process of complying with the subpoena and eventually responded to the VSB subpoena on December 1, 2022.

22. The Interim Suspension was lifted on December 6, 2022, after the VSB reviewed Respondent's subpoena submission and notified the Board that the subpoena was complied with.

III. DISPOSITION

Upon conclusion of the Respondent's and Bar's case, the Board retired to closed session to deliberate. The Board considered the testimony of all witnesses, all exhibits introduced,

the arguments of Bar Counsel and the Respondent, as well as all legal authority presented. After due deliberation in closed session, the Board reconvened in open session to announce that the Board found that the Respondent failed to prove by clear and convincing evidence that he complied with Paragraph 13-29 and that his license to practice law in the Commonwealth of Virginia should not be suspended or revoked for failing to comply with the Board's Order to comply with Paragraph 13-29.

IV. SANCTIONS

After the Board announced its findings by clear and convincing evidence, it received further evidence and argument from the Bar and the Respondent regarding ABA Aggravating and Mitigating factors applicable to the appropriate sanction for violation of Paragraph 13-29 of Professional Conduct, including the Respondent's disciplinary record.

In deliberating on sanctions, the Board found Mitigation factors as follows:

A. *Absence of dishonest or selfish motive.*

In deliberating on sanctions, the Board found Aggravating factors as follows:

- a. *Prior discipline* – Respondent had recent disciplinary action on 4/28/2023.
- b. *Bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rule or orders of the disciplinary agency*- Respondent deliberately chose not to notify his clients, opposing counsel or the Courts about his Interim Suspension and continued to represent clients and appear before Courts in defiance of the Board's Order. Additionally, Respondent failed to comply with the

VSB subpoena necessitating actions by the VSB and the Board to obtain compliance.

- c. *Vulnerability of victim*- Mr. Farmer and Mr. Anderson were incarcerated clients who did not have adequate representation during the period of Respondent's suspension.

V. SANCTIONS

Following closed deliberations to consider appropriate sanction, the Board reconvened and announced its decision. Having considered the evidence presented and argument of Bar Counsel and the Respondent, it is

ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia should be **SUSPENDED** for a period of sixty (60) days effective July 14, 2023.

FURTHER ORDERED the condition that the Respondent immediately notify all clients, counsel, and Court of this Suspension in strict compliance with the notice provisions of Paragraph 13-29.

It is further **ORDERED** that, pursuant to Part 6, Section IV, Paragraph 13-9.E of the Rules, the Clerk shall assess all costs against the Respondent.

It is further **ORDERED** that the Clerk of the Disciplinary System shall mail an attested copy of this ORDER to the Respondent by certified mail, return receipt requested, and by regular first-class mail to Patrick Lynn Edwards, Esq., 2200 Wilson Blvd. Suite 102, #247, Arlington, VA 22201, Timothy J. Battle, Esq., 4400 Ferry Landing Road, Alexandria VA

22309, and by, by electronic, regular and certified mail, and a copy by electronic mail to
Tenley Carroll Seli, Assistant Bar Counsel.

ENTERED THIS 13th DAY OF SEPTEMBER 2023.

VIRGINIA STATE BAR DISCIPLINARY BOARD


Kamala H. Lannetti, Chair