

VIRGINIA:

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

IN THE MATTER OF
Sam Goldstein

VSF Docket No. 20-052-118130

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On November 16, 2020 a meeting was held in this matter before a duly convened Fifth District, Section II Subcommittee consisting of Robert M. Worster, Chair Presiding; Lauren A. D'Agostino, Member; and Courtney K. Reheiser, 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 Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, and Sam Goldstein, Respondent, *pro se*.

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

I. FINDINGS OF FACT

1. At all relevant times, Respondent was a member in good standing of the Maryland and District of Columbia bars.
2. In July 2019, the Sheet Metal Workers' National Pension Fund ("Pension Fund"), which is located in Virginia, hired Respondent as in-house counsel. At the time he was hired, Respondent was not a member of the Virginia State Bar.
3. On July 22, 2019, Respondent applied for a Virginia Corporate Counsel certificate pursuant to Part I of Rule 1A:5 of the Rules of Supreme Court of Virginia. A Virginia Corporate Counsel certificate authorizes an attorney who is not barred in Virginia to work in-house for a Virginia employer and to do some *pro bono* work, but it does not grant the privileges of full admission to the bar.

4. On August 9, 2019, the bar notified Respondent that his application had been approved. Respondent was qualified as Virginia Corporate Counsel before the Supreme Court of Virginia on December 3, 2019.
5. Respondent understood that his Virginia Corporate Counsel certificate allowed him to represent the Pension Fund but not to represent individual, paying clients in Virginia.
6. While Respondent was employed by the Fund, he earned additional income by answering legal questions on the website justanswer.com. The website paid Respondent for each answer he provided. In response to some of the questions Respondent solicited additional work for an additional fee.
7. For example, on December 9, 2019, Respondent responded to the following question on justanswer.com:

Hi, How do I request the Fairfax County Circuit Court (VA) to dissolve a Protective Order? The PO was granted on June 4, 2019. I have abided by the conditions of supervised visitations to see my son. The 16 week FFC supervised visitation program has ended. My ex-wife has repeatedly refused to implement the therapeutic portion of the order. This PO is an appeal of a JDR PO granted on August 24, 2018. My ex-wife refused all supervised visitation and therapy even though it was ordered. My son has been diagnosed with a stress induced seizures. She concealed his condition from me and has not followed up with medical recommended treatment which includes family therapy. He keeps having seizures and I am concerned for his life. Please advise.

8. Respondent replied, "If you would like a call or document review, I am happy to do so, just let me know and I can initiate that." Respondent then asked a follow-up question and offered advice. He told the questioner what form he needed to file, and offered, "If you are interested, I can help you properly draft and format the CC-1458. . . . If you are able to share a copy of the original filing that was rejected, I should be able to quote you a fee. I don't expect it to be very large at all."
9. Respondent agreed to draft the court document for \$47.68, although he later stated that he undercharged for the work he had performed. Respondent prepared and revised the draft as agreed. Respondent also corresponded with the client regarding the court in which the document needed to be filed and the scheduling of the motion.
10. Respondent also responded to a different question on justanswer.com regarding a client whose vehicle had been stolen in Virginia and recovered in Maryland. The client sought assistance in having his claim paid by his insurance company.
11. The client asked Respondent if he could represent him, and Respondent said he would need to review the documents and decide. Respondent charged \$50 for the document review, to be paid by PayPal or Venmo.

12. On February 4, 2020, Respondent wrote a letter to a GEICO representative in Virginia Beach. The letterhead stated that it was “From the Desk of Sam Goldstein, Esq. Attorney at Law, Licensed in MD, DC, VA.”
13. The letter explained that Respondent was writing regarding the theft of the client’s vehicle, and sought more information regarding GEICO’s denial of the claim. Respondent went on to argue that GEICO’s denial of the claim was baseless and that GEICO had handled the claim in bad faith. Respondent requested that any future correspondence be directed to him. Respondent’s signature block also stated that he was “Admitted to Practice in MD, DC, VA.”
14. On February 6, 2020, Respondent wrote a second letter to the GEICO representative confirming that he represented the vehicle owners and that he had authority to negotiate on their behalf. The letterhead stated that Respondent was “Licensed in Maryland, Virginia, and the District of Columbia.”
15. Respondent is no longer employed by the Pension Fund and therefore his Virginia Corporate Counsel certificate has been revoked.

II. NATURE OF MISCONDUCT

Pursuant to Virginia Rule of Professional Conduct 8.5(a), “A lawyer not admitted in Virginia is also subject to the disciplinary authority of Virginia if the lawyer provides, holds himself out as providing, or offers to provide legal services in Virginia.” Pursuant to Rule 8.5(b)(3), “for conduct in the course of providing, holding out as providing, or offering to provide legal services in Virginia, the Virginia Rules of Professional Conduct shall apply.”

Respondent’s conduct violates the following provisions of the Virginia Rules of Professional Conduct:

RULE 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice of Law

...

(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(d) Foreign Lawyers:

(2) A Foreign Lawyer shall not, except as authorized by these Rules or other law:

...

(ii) hold out to the public or otherwise represent that the Foreign Lawyer is admitted to practice law in Virginia.

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand without Terms and Sam Goldstein is hereby 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.

FIFTH DISTRICT, SECTION II SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By:



Robert Marshall Worster, III
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on 12/7/2020, a true and complete copy of the Subcommittee Determination (Public Reprimand without Terms) was sent by certified mail to Sam Goldstein, Respondent, at 450 Massachusetts Avenue, NW, Apt. 1234, Washington, DC 20001, Respondent's last known address provided to the Virginia State Bar. A copy of the foregoing is also being sent by first-class mail, postage pre-paid to Sam Goldstein, Respondent, c/o Douglas B. Robelen, Clerk, Supreme Court of Virginia, 100 N. 9th Street, 5th Floor, Richmond, VA 23219.


Elizabeth K. Shoenfeld
Senior Assistant Bar Counsel

VIRGINIA:

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

IN THE MATTER OF
SAM GOLDSTEIN

VS B Docket No. 20-052-118130

AGREED DISPOSITION
PUBLIC REPRIMAND WITHOUT TERMS

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar, by Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, and Sam Goldstein, Respondent, *pro se*, hereby enter into the following agreed disposition arising out of this matter.

I. STIPULATIONS OF FACT

1. At all relevant times, Respondent was a member in good standing of the Maryland and District of Columbia bars.
2. In July 2019, the Sheet Metal Workers' National Pension Fund ("Pension Fund"), which is located in Virginia, hired Respondent as in-house counsel. At the time he was hired, Respondent was not a member of the Virginia State Bar.
3. On July 22, 2019, Respondent applied for a Virginia Corporate Counsel certificate pursuant to Part I of Rule 1A:5 of the Rules of Supreme Court of Virginia. A Virginia Corporate Counsel certificate authorizes an attorney who is not barred in Virginia to work in-house for a Virginia employer and to do some *pro bono* work, but it does not grant the privileges of full admission to the bar.
4. On August 9, 2019, the bar notified Respondent that his application had been approved. Respondent was qualified as Virginia Corporate Counsel before the Supreme Court of Virginia on December 3, 2019.
5. Respondent understood that his Virginia Corporate Counsel certificate allowed him to represent the Pension Fund but not to represent individual, paying clients in Virginia.
6. While Respondent was employed by the Fund, he earned additional income by answering legal questions on the website justanswer.com. The website paid Respondent for each answer he provided. In response to some of the questions Respondent solicited additional work for an additional fee.

7. For example, on December 9, 2019, Respondent responded to the following question on justanswer.com:

Hi, How do I request the Fairfax County Circuit Court (VA) to dissolve a Protective Order? The PO was granted on June 4, 2019. I have abided by the conditions of supervised visitations to see my son. The 16 week FFC supervised visitation program has ended. My ex-wife has repeatedly refused to implement the therapeutic portion of the order. This PO is an appeal of a JDR PO granted o August 24, 2018. My ex-wife refused all supervised visitation and therapy even though it was ordered. My son has been diagnosed with a stress induced seizures. She concealed his condition from me and has not followed up with medical recommended treatment which includes family therapy. He keeps having seizures and I am concerned for his life. Please advise.

8. Respondent replied, "If you would like a call or document review, I am happy to do so, just let me know and I can initiate that." Respondent then asked a follow-up question and offered advice. He told the questioner what form he needed to file, and offered, "If you are interested, I can help you properly draft and format the CC-1458. . . . If you are able to share a copy of the original filing that was rejected, I should be able to quote you a fee. I don't expect it to be very large at all."
9. Respondent agreed to draft the court document for \$47.68, although he later stated that he undercharged for the work he had performed. Respondent prepared and revised the draft as agreed. Respondent also corresponded with the client regarding the court in which the document needed to be filed and the scheduling of the motion.
10. Respondent also responded to a different question on justanswer.com regarding a client whose vehicle had been stolen in Virginia and recovered in Maryland. The client sought assistance in having his claim paid by his insurance company.
11. The client asked Respondent if he could represent him, and Respondent said he would need to review the documents and decide. Respondent charged \$50 for the document review, to be paid by PayPal or Venmo.
12. On February 4, 2020, Respondent wrote a letter to a GEICO representative in Virginia Beach. The letterhead stated that it was "From the Desk of Sam Goldstein, Esq. Attorney at Law, Licensed in MD, DC, VA."
13. The letter explained that Respondent was writing regarding the theft of the client's vehicle, and sought more information regarding GEICO's denial of the claim. Respondent went on to argue that GEICO's denial of the claim was baseless and that GEICO had handled the claim in bad faith. Respondent requested that any future correspondence be directed to him. Respondent's signature block also stated that he was "Admitted to Practice in MD, DC, VA."

14. On February 6, 2020, Respondent wrote a second letter to the GEICO representative confirming that he represented the vehicle owners and that he had authority to negotiate on their behalf. The letterhead stated that Respondent was “Licensed in Maryland, Virginia, and the District of Columbia.”
15. Respondent is no longer employed by the Pension Fund and therefore his Virginia Corporate Counsel certificate has been revoked.

II. NATURE OF MISCONDUCT

Pursuant to Virginia Rule of Professional Conduct 8.5(a), “A lawyer not admitted in Virginia is also subject to the disciplinary authority of Virginia if the lawyer provides, holds himself out as providing, or offers to provide legal services in Virginia.” Pursuant to Rule 8.5(b)(3), “for conduct in the course of providing, holding out as providing, or offering to provide legal services in Virginia, the Virginia Rules of Professional Conduct shall apply.”

Respondent’s conduct violates the following provisions of the Virginia Rules of Professional Conduct:

RULE 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice of Law

...

(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(d) Foreign Lawyers:

(2) A Foreign Lawyer shall not, except as authorized by these Rules or other law:

...

(ii) hold out to the public or otherwise represent that the Foreign Lawyer is admitted to practice law in Virginia.

III. PROPOSED DISPOSITION

Accordingly, Senior Assistant Bar Counsel and Respondent tender to a subcommittee of the Fifth District Committee for its approval the agreed disposition of a Public Reprimand without Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Fifth District Committee, Section II.

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

Pursuant to Part 6, § IV, ¶ 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.

THE VIRGINIA STATE BAR



Elizabeth K. Shoenfeld
Senior Assistant Bar Counsel



Sam Goldstein, Esquire
Respondent