

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
ROBERT JOHN HARRIS**

VSB DOCKET NO. 25-070-134111

MEMORANDUM ORDER OF MISCONDUCT

THIS MATTER came on to be heard on February 27, 2026, before a panel of the Disciplinary Board (“the Board”) consisting of Alison G. M. Martin, 1st Vice Chair, (the “Chair”), Mary Beth Nash, Alexander Simon, Melanie A. Friend, Dr. Theodore Smith, Lay Member. The Virginia State Bar (the “Bar” or “VSB”) was represented by Tenley C. Seli, Assistant Bar Counsel, Respondent Robert John Harris (the “Respondent”), pro se, appeared in person and represented himself. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter to which each member responded in the negative. Beverly S. Horne, court reporter, Chandler and Halasz, P.O. Box 1975, Richmond, Virginia 23116, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (the “Clerk”) in the manner prescribed by the Part Six, § IV, ¶ 13-18 of the Rules of the Supreme Court of Virginia (“Rules”).

This matter came before the Board on the District Committee Determination for Certification by the Seventh District Subcommittee, pursuant to Part Six, § IV, ¶ 13-18 of the Rules, involving misconduct charges against the Respondent. Prior to the proceedings and at the final pre-hearing conference VSB Exhibits 1 through 17 were admitted into evidence by the Chair.

Exhibit 18, a log of all Clerk's Office communications with the Respondent and Exhibit 19, the Respondent's prior disciplinary history, were also admitted into evidence as exhibits at the hearing.

Bar Counsel and the Respondent entered into stipulations as to all facts and Rule violations as set forth in the Subcommittee Certification to the Disciplinary Board. Those are set forth in detail in the Findings of Fact and Rule Violations below. Bar Counsel and Respondent further informed the Board that they had agreed upon imposition of a ninety (90) day suspension as the appropriate sanction for Respondent's violations of the Rules of Professional Conduct, subject to the Board's approval. The Board heard argument from Bar Counsel and from Respondent as to aggravating and mitigating circumstances for the effective date of the agreed-upon sanction.

I. FINDINGS OF FACT

1. At all times relevant hereto, the Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia and his address of record with the Virginia State Bar has been Robert J. Harris, PLC, 13000 Harbor Center Drive, Suite 131, Woodbridge, Virginia 22192. The Respondent received proper notice of this proceeding as required by Part Six, § IV, ¶ 13-12 and 13-18 A. of the Rules of Virginia Supreme Court.

2. Respondent was admitted to the Virginia State Bar ("VSB") in 1983. At all relevant times, Respondent was a member of the VSB.

3. On July 21, 2021, Respondent opened an Interest on Lawyer Trust Account at Truist Bank titled "Robert J. Harris DBA Robert J. Harris Attorney at Law" ("Truist IOLTA"). The Truist IOLTA is the only trust account maintained by Respondent.

4. Respondent maintains a part-time general practice, which includes family law and bankruptcy cases. Respondent receives advanced legal fees from clients that he does not deposit and preserve in the Truist IOLTA.

5. Respondent advised the VSB that he has not used the Truist IOLTA in several years. Truist produced bank statements reflecting that from December 30, 2022 through June 30, 2025, Respondent maintained a balance of \$5.00 in the Truist IOLTA with no other activity on the account.

6. Respondent told the VSB that he does not maintain any ledgers for the Truist IOLTA.

7. On July 16, 2024, Complainant Deysi Hernandez (“Hernandez”) hired Respondent to represent her in a landlord-tenant matter. Hernandez’s landlord sought to evict her and demanded payment in the amount of \$6,000. Respondent and Hernandez agreed to an advanced legal fee of \$2,500 and signed a written fee agreement that stated:

I hereby retain the Law Office of Robert J. Harris, P.L.C., for legal services in the following matter(s):

Daisy wants a lawsuit adjudicated against her landlord for eviction and threat.

In consideration for said legal representation, I agree to pay Law Office of Robert J. Harris, P.L.C., as follows:

\$2,500 plus \$300 an hour.

8. Respondent asserted to the VSB that the \$2,500 was a flat fee. Respondent did not identify any benchmarks allowing him to deduct any portion of the advanced legal fee as earned before completion of the representation.

9. On July 16, 2024, Hernandez paid Respondent \$1,000 of the \$2,500 advanced legal fee. Respondent did not deposit the \$1,000 into the Truist IOLTA or any bank account, treating the funds as earned prior to completing the representation.

10. From July 17, 2025 to August 22, 2024, Hernandez paid Respondent the remaining \$1,500 of the \$2,500 advanced legal fee. Respondent did not deposit the \$1,500 into the Trust IOLTA or any bank account, treating the funds as earned prior to completing the representation.

11. Through negotiations with the landlord, Respondent determined that Hernandez's ex-boyfriend, Luis Majin Menjivar-Molina ("Menjivar-Molina"), signed the lease, however, he was no longer living in the rental property where Hernandez resided. The landlord advised Respondent that Hernandez was "a squatter" and she needed to vacate the property.

12. On July 30, 2024, the landlord filed a Summons for Unlawful Detainer against Menjivar-Molina, who hired Respondent to represent him in the unlawful detainer action. Although Hernandez was not named as a party, Respondent also represented Hernandez's interests in the unlawful detainer action because she remained in the rental property and the landlord alleged she was "a squatter."

13. On August 22, 2024, Respondent represented both Manjivar-Molina and Hernandez at the unlawful detainer trial in Loudoun County General District Court. Respondent obtained a defense judgment and the court dismissed the unlawful detainer action.

14. Also on August 22, 2024, Respondent advised Hernandez that filing a lawsuit against the landlord was "unwise" and might result in the landlord filing a counterclaim against her.

15. By text message dated October 29, 2024, Hernandez sought a refund of the \$2,500 advanced legal fee paid to Respondent.

16. Respondent admitted to the VSB that Hernandez asked him for an accounting of the legal fees charged on her case. Respondent did not provide Hernandez with an accounting pursuant to her request.

17. On December 16, 2024, Hernandez filed a bar complaint against Respondent that alleged Respondent did not complete the legal work on her case and he refused to provide her with a refund.

18. On February 13, 2024, the VSB served a subpoena *duces tecum* on Respondent that sought, in part, the following documents related to his representation of Hernandez:

- 4) all billing records; and
- 5) all trust account and operating account records, including all paper and electronically stored records, including cancelled checks, cash receipts journals, cash disbursements journals, individual client subsidiary ledgers, bank statements, deposit tickets (with copies of supporting deposit items), deposit slips, cash in tickets, withdrawal slips, cash out tickets, wire transfer and transmittal notices, copies of all wire transfer instructions, cashier's checks and money orders, and any instruments used to purchase them, credit and debit memoranda, and evidence of reconciliations; that are in your possession, custody, or control, relating to your representation of Deysi J. Hernandez.

19. By email dated June 25, 2025, Respondent advised the VSB that "I do not have any trust account records, formal receipt/disbursement journals, or other documents subject to your subpoena in this case."

II. NATURE OF MISCONDUCT

The Board finds by clear and convincing evidence that the following conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

For failing to utilize the Truist IOLTA for over three years, to include failing to deposit advanced legal fees from clients into a trust account and failing to deposit Hernandez's \$2,500 advanced legal fee into a trust account, Respondent violated Rule 1.15(a)(1).

Rule 1.15 Safekeeping Property

- (a) Depositing Funds. –

(1) All funds received or held by a lawyer or law firm on behalf of a client or third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

For failing to preserve Hernandez's \$2,500 advanced legal fee in a trust account until Respondent completed the legal work on her case on August 22, 2024. Respondent violated Rule 1.15(b)(5).

(b) *Specific Duties.* – A lawyer shall:

(5) not disburse funds or use property of a client or third party with a valid lien or assignment without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

For failing to maintain any billing records regarding his representation of Hernandez, to include the records of the work performed on Hernandez's case, and failing to provide an accounting to Hernandez when she requested an accounting Respondent violated Rule 1.15(b)(3)

Rule 1.15 Safekeeping Property

(b) *Specific Duties.* – A lawyer shall:

(3) maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accountings to the client regarding them;

By failing to maintain receipts and disbursements journals or a checkbook register for the Truist IOLTA,

By failing to maintain a client ledger for any clients who paid advanced legal fees, including Hernandez, and

By failing to maintain any records related to the Truist IOLTA for at least three years, even though he accepted advanced legal fees from clients, including Hernandez, Respondent violated Rule 1.15(c)(1)-(2) and Rule 1.15(c)(4)

Rule 1.15 Safekeeping Property

(c) *Record-Keeping Requirements.* – A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

(1) Receipts and disbursements journals for each trust account. These journals shall include, at a minimum: identification of the client or matter; date and amount of transaction; name of the payor or payee; manner in which the funds were received, disbursed, or transferred; and current

balance. A checkbook or transaction register may be used in lieu of separate receipts and disbursements journals as long as the above information is included.

(2) A client ledger with a separate record for each client, other person, or entity from whom money has been received in trust. Each entry shall include, at a minimum: identification of the client or matter; date and amount of the transaction; name of the payor or payee; source of funds received or purpose of disbursement; and current balance.

* * * *

(4) All records subject to this Rule shall be preserved for at least five calendar years after termination of the representation or fiduciary responsibility.

By failing to reconcile client ledgers on a monthly basis for at least three years,

By failing to reconcile the trust account balance for the Truist IOLTA on a monthly basis for at least three years,

By failing to reconcile the trust account balance for the Truist IOLTA (1.15(d)(3)(ii)) and the client ledgers (1.15(d)(3)(i)) on a monthly basis for at least three years, and

By failing to maintain records of the receipt and disbursement of funds from the Truist IOLTA so all transactions could be fully explained and supported by adequate records. Respondent violated Rule 1.15(d)(3)(i)-(iii) and 1.15(d)(4).

Rule 1.15 Safekeeping Property

(d) *Required Trust Account Procedures.* In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

(3) The following reconciliations must be made monthly and approved by a lawyer in the law firm:

(i) reconciliation of the client ledger balance for each client, other person, or entity on whose behalf money is held in trust;

(ii) reconciliation of the trust account balance, adjusting the ending bank statement balance by adding any deposits not shown on the statement. This adjusted balance must equal the balance in the checkbook or transaction register; and

(iii) reconciliation of the trust account balance ((d)(3)(ii)) and the client ledger balance ((d)(3)(i)). The trust account balance must equal the client ledger balance.

(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.

III. IMPOSITION OF SANCTION

Thereafter, the Board received further evidence and argument in aggravation and mitigation from Bar Counsel and the Respondent regarding the effective date upon which the proposed suspension should be imposed, including Respondent's prior disciplinary record. The Board recessed to deliberate the agreed-upon term of suspension and the effective date upon its findings of misconduct by Respondent. After due deliberation, the Board reconvened to announce the sanction imposed.

The Chair announced the sanction as: a ninety (90) day suspension, effective May 1, 2026.

Accordingly, it is **ORDERED** that the Respondent, Robert John Harris, is suspended from the practice of law in the Commonwealth for a period of ninety (90) days, effective May 1, 2026.

It is further **ORDERED** that, as directed in the Board's February 27, 2026, Summary Order in this matter, the Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules. The Respondent must forthwith give notice by certified mail of the Suspension 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 must also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. The Respondent must give such notice immediately and in no event later than fourteen (14) days of the effective date of the Suspension and make such arrangements as are required herein as soon as is practicable and in no event later than forty-five (45) days of the effective date of the Suspension. The Respondent must also furnish proof to the Clerk within sixty (60) days of the effective date of the Suspension that such notices have been timely given, and such arrangements have been made for the disposition of matters.


It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of the Suspension, he shall submit an affidavit to that effect within sixty (60) days of the effective date of the Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. The Board must 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 subparagraph 13-29.

It is further **ORDERED** that pursuant to Part Six, § IV, ¶ 13-9 E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

It is further **ORDERED** that an attested copy of this Order be mailed by the Clerk to the Respondent by electronic, first-class and certified mail, return receipt requested to his address of record with the Virginia State Bar, being Robert J. Harris, PLC, 13000 Harbor Center Drive, Suite 131, Woodbridge, Virginia 22192, and a copy by electronic mail to Tenley C. Seli, Assistant Bar Counsel.

ENTERED THIS 17th DAY OF MARCH, 2026
VIRGINIA STATE BAR DISCIPLINARY BOARD



Alison G. M. Martin
1st Vice Chair