

VIRGINIA:

BEFORE THE THIRD DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
BRIAN JOHN HOOPER

VSB Docket No. 23-032-126620

SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION)

On March 16, 2023, a meeting in this matter was held before a duly convened Third District Subcommittee, Section II consisting of Meredith Haynes, Esq., Subcommittee Chair; Eric Feiler, Esq., Member; and Randi Nagel, Lay Member. During the meeting, the Subcommittee unanimously voted to approve an agreed disposition for a Public Admonition 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 (VSB), by Renu M. Brennan, Bar Counsel, and Respondent Brian John Hooper (Respondent) *pro se*.

WHEREFORE, the Third District Subcommittee, Section II of the VSB hereby serves upon the Respondent the following Public Admonition:

I. FINDINGS OF FACT

1. In 2005, Respondent was licensed to practice law in the Commonwealth of Virginia.
2. Respondent is also licensed to practice law in the District of Columbia (DC).
3. Effective August 8, 2022, and attached hereto as Exhibit A, DC Disciplinary Counsel issued an Informal Admonition to Respondent for Respondent's violation of the DC Rules of Professional Conduct (RPC) 1.1(a), 1.1(b), 1.3(a), 1.3(c), 1.4(a), and 1.4(b). The violations stem from Respondent's representation of a client/plaintiff in a legal malpractice suit. As set forth in the Informal Admonition by DC, in 2019, Respondent filed suit on his client and his client's family members' behalf in a DC federal court. In 2020, defendant moved to dismiss for lack of personal jurisdiction. Respondent's responsive pleadings were either non-responsive or incomplete drafts. Respondent repeatedly failed to timely file pleadings. On June 23, 2020, the court dismissed the

lawsuit for lack of personal jurisdiction. The Informal Admonition, Exhibit A, notes the court's dismissal did not preclude Respondent's client and family members from pursuing the suit in a court with proper jurisdiction. Respondent failed to inform his client of the dismissal. In July 2020, client learned of the dismissal from the court. During the representation, which was largely during COVID-19, Respondent and Respondent's family members suffered illnesses. The Informal Admonition discusses both the failures to communicate and mitigating factors. Notably, Respondent had no disciplinary record in DC, reimbursed his client client's attorney's fees and costs, cooperated with the DC bar investigation, expressed remorse, and accepted responsibility for his conduct. See Exhibit A.

4. Respondent subsequently failed to report the discipline to the Clerk of the Disciplinary System in Virginia within sixty (60) days as required by Virginia RPC 8.3(e).
5. In his response to the VSB regarding his failure to report the DC Informal Admonition, Respondent emphasized that his failure to report was an oversight and not intentional. Respondent "sincerely apologize[d] and accept[ed] responsibility for [his] error." Respondent further noted that he values the privilege of being able to practice in general and in Virginia in particular.
6. Respondent has no disciplinary history in Virginia.
7. Respondent states that he does a significant amount of pro bono work each year.

II. NATURE OF MISCONDUCT

Respondent's conduct constitutes misconduct in violation of the following provisions of the DC Rules of Professional Conduct.¹

¹ Pursuant to Virginia Rule of Professional Conduct, Rule 8.5(b), the DC Rules of Professional Conduct apply to Respondent's misconduct.

RULE 8.5 Disciplinary Authority; Choice Of Law

(b) Choice of Law. In any exercise of the disciplinary authority of Virginia, the rules of professional conduct to be applied shall be as follows:

- (1) for conduct in connection with a proceeding in a court, agency, or other tribunal before which a lawyer appears, the rules to be applied shall be the rules of the jurisdiction in which the court, agency, or other tribunal sits, unless the rules of the court, agency, or other tribunal provide otherwise;

DISTRICT OF COLUMBIA RULE 1.1 COMPETENCE

- (a) A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

- (b) A lawyer shall serve a client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters.

DISTRICT OF COLUMBIA RULE 1.3 DILIGENCE AND ZEAL

- (a) A lawyer shall represent a client zealously and diligently within the bounds of the law.

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

DISTRICT OF COLUMBIA 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.

Respondent also violated Virginia Rule of Professional Conduct 8.3(e) by failing to report the Informal Admonition to the VSB:

RULE 8.3 Reporting Misconduct

- (e) A lawyer shall inform the Virginia State Bar if:

- (1) the lawyer has been disciplined by a state or federal disciplinary authority, agency or court in any state, U.S. territory, or the District of Columbia, for a violation of rules of professional conduct in that jurisdiction;

The reporting required by paragraph (e) of this Rule shall be made in writing to the Clerk of the Disciplinary System of the Virginia State Bar not later than 60 days following entry of any final order or judgment of conviction or discipline.

III. PUBLIC ADMONITION WITHOUT TERMS


Accordingly, having approved the agreed disposition, it is the decision of the subcommittee to impose a Public Admonition, and Brian John Hooper is hereby so admonished. 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.

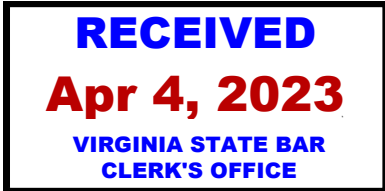
THIRD DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By: 
Meredith Haynes
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on April 4, 2023, a true and complete copy of the Subcommittee Determination (PUBLIC Admonition Without Terms) was sent by email to Brian John Hooper at brian@hooperfirm.com and by certified mail to The Hooper Firm, LLC, No. 585, 1266 West Paces Ferry Road NW, Atlanta, GA 30327, Respondent's last address of record with the Virginia State Bar.

 #65635
for
Renu M. Brennan
Bar Counsel



VIRGINIA:

**BEFORE THE THIRD DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
BRIAN JOHN HOOPER**

VS Docket No. 23-032-126620

**AGREED DISPOSITION
PUBLIC ADMONITION**

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar (“VSB”), by Renu M. Brennan, Bar Counsel, and Brian John Hooper, Respondent, *pro se*, hereby enter into the following agreed disposition for a Public Admonition arising out of the referenced matter.

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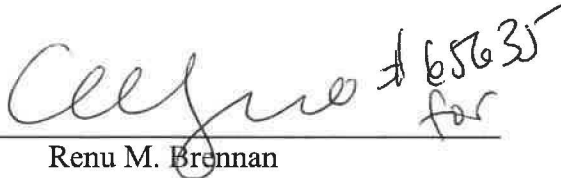
III. PROPOSED DISPOSITION

Accordingly, Bar Counsel and Respondent tender to a subcommittee of the Third District Committee for its approval the agreed disposition of a Public Admonition as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Third District Committee.

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

 # 65635
for

Renu M. Brennan
Bar Counsel

/s/ Brian Hooper

Brian John Hooper, Esquire
Respondent