

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
ANDREA CELESTINE LONG**

VSB DOCKET NO. 20-032-117741

**AGREED DISPOSITION MEMORANDUM ORDER
SIX-MONTH SUSPENSION**

On July 15, 2021, this matter was heard, telephonically, by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part 6, Section IV, Paragraph 13-6.H of the Rules of the Supreme Court of Virginia. The panel consisted of Carolyn V. Grady, Chair, Yvonne S. Gibney, David J. Gogal, Kamala H. Lannetti, and Nancy L. Bloom, Lay Member. The Virginia State Bar was represented by Laura A. Booberg, Assistant Bar Counsel. Andrea Celestine Long was not present and was represented by counsel Craig S. Cooley. 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 the matter to which each member responded in the negative. Court Reporter Beverly Lukowsky, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Certification, Respondent's Disciplinary Record, Respondent's letter received July 15, 2021, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive a Six-month Suspension, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective July 15, 2021.

It is further **ORDERED** that:

The Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Suspension of her license to practice law in the Commonwealth of Virginia, to all clients for whom she is currently handling matters and to all opposing attorneys and presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in her care in conformity with the wishes of her clients. The Respondent shall give such notice within 14 days of the effective date of the Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Suspension that such notices have been timely given and such arrangements 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, she shall submit an affidavit to that effect within 60 days of the effective date of the Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

The Clerk of the Disciplinary System shall assess costs pursuant to Part 6, Section IV, Paragraph 13-9.E. of the Rules.

It is further **ORDERED** that an attested copy of this Order be mailed to the Respondent

by electronic, regular first-class and certified mail, return receipt requested, at Andrea C. Long, P.C., the James B. Long Law Center, 1417 Brook Road, Richmond, 23220-2305, her last address of record with the Virginia State Bar, and a copy by electronic mail to Craig S. Cooley, Respondent's counsel, and a copy by electronic mail to Laura A. Booberg, Assistant Bar Counsel.

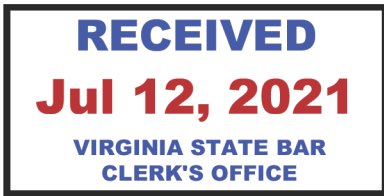
Enter this Order this 15th day of July, 2021

VIRGINIA STATE BAR DISCIPLINARY BOARD

Carolyn V. Grady

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Grady
Date: 2021.07.15 16:05:25 -04'00'

Carolyn V. Grady
Chair



VIRGINIA:

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
ANDREA CELESTINE LONG

VSB Docket No. 20-032-117741

AGREED DISPOSITION
(SIX-MONTH SUSPENSION)

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Virginia State Bar, by Laura Ann Booberg, Assistant Bar Counsel and Andrea Celestine Long, Respondent, and Craig Stover Cooley, Respondent's counsel, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. Respondent was admitted to the Virginia State Bar ("VSB") in 1985. At all relevant times Respondent was a member of the VSB.
2. Respondent represented Complainant, Kirk Loney ("Loney") in three personal injury actions filed in the Circuit Court for the City of Richmond the ("Court").

Circuit Court Complaint Filed March 29, 2016

3. On March 30, 2014, a Greater Richmond Transit Company ("GRTC") bus was sideswiped while Loney was a passenger. Respondent agreed to represent Loney for personal injuries sustained as a result of this accident.
4. On August 25, 2015, Respondent's paralegal, Everette Phelps ("Phelps") reviewed the GRTC's video of the incident. The video showed that the passengers on the bus, including Loney, were unaware that the bus had been hit until the bus driver told them. Phelps wrote in an August 20, 2015 memo to Loney's file that, "Plaintiff can clearly been [sic] seen and he didn't move at the time of impact, not even a jolt."

5. Respondent also acquired a list of Loney's medical expenses. On March 11, 2016, prior to filing suit, Respondent wrote to the GRTC, enclosing the list of medical expenses. She stated:

Mr. Phelps related to me that based upon the video you question whether Mr. Loney actually sustained any injury. We have met with Mr. Loney on several occasions communicated to him your concern and what Mr. Phelps observed. Mr. Loney is adamant that the accident exacerbated a pre-existing condition. I am not a medical doctor and therefore cannot say with any degree of certainty whether the jolt from the accident exacerbated a pre-existing condition or not. What I do know is that he was transported from the scene of the accident to the hospital by ambulance and incurred the following medical expenses. (Respondent then listed medical expenses totaling over \$6,600.00).

Finally, Respondent asked, "please advise what, if any, nuisance value settlement offer you are willing to make to resolve this claim."

6. The GRTC did not respond to Respondent's March 11, 2016 inquiry.
7. On March 29, 2016, despite Phelps' observations upon viewing the video, Respondent filed a complaint in the Court against "John Doe," an unidentified driver. The complaint alleged that "Plaintiff was caused to sustain serious and permanent injuries, has been prevented from transacting his business, has suffered and will continue to suffer great pain of [sic] and mind, and has incurred hospital, doctors' and related bills in an effort to be cured of said injuries." The complaint was served on the registered agent for the GRTC and sought damages in the amount of \$35,000.00.
8. On April 26, 2016, M. Janet Palmer, Senior Assistant Attorney General, filed an Answer on behalf of the GRTC. The GRTC generally denied Respondent's allegations.
9. On September 13, 2019, after the case remained idle for over three years, the Court discontinued the case and removed it from the docket.

10. Respondent did not know that the matter was discontinued because the notice was sent to her office at 8 West Leigh Street, Richmond, VA 23220. In March 2017, Respondent had transitioned out of this office to a new location at 1417 Brook Road, Richmond, VA 23220.
11. On October 15, 2019, Respondent wrote to Ethan P. Benson, Claims Specialist for the Office of the Attorney General, Division of Debt Collection, in response to his September 20, 2019 inquiry concerning the status of a lien for Loney's medical care. Respondent stated, "Your lien for \$3,848.40 for treatment at VCU Hospital is still pending recovery in this case."
12. In December 2019, Loney examined his Court records and discovered that the case was discontinued.
13. Respondent told Virginia State Bar Investigator Cam Moffatt ("Investigator Moffatt") that she knew in the back of her mind that the case could be taken off the docket for inactivity, but she did not inform Loney.
14. On February 13, 2020, after receiving Loney's January 2, 2020 bar complaint, Respondent filed a Motion to Withdraw which the Court granted on February 18, 2020.

Circuit Court Complaint Filed September 30, 2016

15. In response to a subpoena, Respondent produced a police report that indicates that an accident occurred on October 4, 2014 at 12:45 a.m., in which Raymond Loney was the driver and Kirk Loney was the passenger. Pamela Simmons ("Simmons"), of Mechanicsville, Virginia was alleged to have rear-ended the car.
16. Respondent produced one page of a "New Client Interview Sheet" dated October 15, 2014 in which Loney provided insurance information from Simmons. The file also

contained a letter from State Farm to Loney regarding an accident that occurred on October 3, 2014 regarding insured Pamela Simmons.

17. Respondent produced a March 14, 2015 interoffice memo from Phelps to “Denise” stating that Phelps had met with Loney, and that Denise should schedule a time for Respondent and Loney to call State Farm, who insured Simmons, so that State Farm could obtain a recorded statement regarding the accident.
18. On March 16, 2015, Respondent wrote to State Farm noting her representation of Loney for injuries sustained on October 3, 2014 when he was rear-ended by Simmons. On March 20, 2015 and May 28, 2015 State Farm wrote to Respondent regarding the status of Loney’s personal injury claim. Both letters listed the accident date of October 3, 2014.
19. Respondent produced an inter-office memo dated November 3, 2015 regarding Loney’s complaints about Phelps. Among other statements, Loney claimed that Phelps repeatedly told him that he had “got to find the papers. Loney stated that Phelps “hasn’t received any paperwork and it’s been a long time so he thinks [he] didn’t file on any of the accidents.”
20. On May 8, 2016, Respondent sent a request for medical records to Jerome Smith, M.D., listing a date of accident of October 14, 2014.
21. On September 30, 2016, despite her previous references to an accident that occurred on October 3, 2014, and a police report that indicated that the accident occurred on October 4, 2014 at 00:45, Respondent filed a complaint in the Court for serious injuries sustained by Loney on or about October 4, 2016 [sic] at approximately 2:30 a.m. Long told Investigator Moffatt that she never noticed the error, but it could be cured by a motion to amend the accident date to October 4, 2014.

22. Respondent attempted to serve Simmons on September 27, 2017 and filed an affidavit with the Court stating that Simmons could not be located and thus service would be made on the Commissioner of the Department of Motor Vehicles.
23. On February 13, 2020, after receiving Loney's January 2, 2020 bar complaint, Respondent filed a Motion to Withdraw. The caption of her motion listed the defendant as "John Doe" rather than Pamela Simmons. When asked by Investigator Moffat why she used that caption, Respondent replied that it was a "cut and paste job" and "it was mere carelessness on my part, and I own up to it. Of course, it is the case number which rules so far as the Court case file is concerned." The Motion was granted by the Court on February 18, 2020.

Circuit Court Complaint Filed May 5, 2017

24. On May 5, 2017, Respondent filed suit against the GRTC for serious injuries that Loney sustained on May 6, 2015, when his wheelchair was thrust forward after the driver abruptly applied the bus's brakes.
25. On May 30, 2017, Assistant City Attorney Richard E. Hill filed an answer on behalf of the GRTC, and generally denied Respondent's allegations.
26. On February 13, 2020, after receiving Loney's January 2, 2020 bar complaint, Respondent filed a Motion to Withdraw, which the Court granted on February 18, 2020.

Communication with Loney, Office Relocation and Retirement

27. Loney told Investigator Moffatt that Phelps told him that he would not file suit for the March 30, 2014 injury because Phelps did not think that he could win. Loney stated that he later asked Respondent why the case was filed after Phelps told him that he could not win. Respondent told Loney that she wanted to get a settlement for all three cases at the same time.

28. Respondent didn't explain to Loney the weaknesses of his cases against the GRTC because she "felt sorry for him." She admitted that not telling Loney was her "error," and that there would be no recovery from the GRTC cases.

29. In her response to the bar complaint, Respondent stated, "Mr. Loney insists on me trying to tie liability for his alleged personal injuries to his alleged lack of proper medical care while incarcerated, trying to reach the "deep pocket" of the Commonwealth of Virginia."

She further described her representation as follows:

Stripped down, Mr. Loney's cases involve two GRTC bus accidents in which he claims injuries but which the GRTC videos do not support, and a legitimate claim as a passenger of a vehicle that was in an accident. The problems with what I consider to be the legitimate claim is that he was being treated for the alleged bus accident injuries at the same time of the car accident, so separating out what medicals are compensable for the automobile accident has been my challenge and my focus, and we have spent considerable effort to find the driver of the automobile at fault, including engaging a private investigator.

30. In March 2017, Respondent decided to retire from the practice of law. In furtherance of this, she moved her office from 8 West Leigh Street to another Richmond location, 1417 Brook Road, where she rented space from another lawyer. Her former personal assistant remained at 8 West Leigh Street and would occasionally forward mail to Respondent.

She described the transition as follows:

As for my practice, in March 2017 I took semi-retired status. I let go my full-time staff and downsized my office operation, reducing my office hours and moving my office from 8 West Leigh Street to 1417 Brook Road to accommodate the downsize. I changed my telephone system and eliminated my Fax service to reduce my monthly costs. I did not have an answering service (I do now). I have kept my license active and still take on a new case every now and then. I drastically reduced my work hours and do not work at all on Wednesdays unless I have a court appearance as I have committed that day to volunteer at a local food bank. And I am primary caregiver for my husband who suffers with Parkinson's disease and my 91-

year-old mother who has heart disease and now resides in my household. I took extended leave over the 2019 Christmas holidays (about three weeks).

31. On September 26, 2019, Respondent's computer was hacked, and her information was compromised. On October 15, 2019, Respondent sent Loney a letter informing him of the data breach. The letter stated, in part:

I assure you that none of my bank accounts were compromised, as I was able to freeze them as they were being set up for breach. I have closed all accounts and opened new ones. I did not lose one red cent of my nor client funds. However, I am required to advise all of my active clients that their personal information has been compromised. It is out in cyber space somewhere, presumably being sold to the highest bidder. Please be cautious in your internet and telephone dealings and be hyperdilligent [sic] of any scam.

32. According to Respondent, until February 2020 she was working 3-4 partial days per week. She told Investigator Moffatt that her current case load consisted of six personal injury cases, and six cases in which she serves as a guardian ad litem for children. She has one case in which she serves as the executor of an estate.
33. Respondent stated that she "didn't do retirement right" and that she should have quit completely instead of scaling back and semi-retiring.

Respondent's Subsequent Retirement

34. On or before July 15, 2021, Respondent intends to submit to the VSB a request to be transferred to the retired class of membership. Respondent acknowledges that she will not be authorized to practice law.¹
35. Respondent affirms that she has no intention to return to the practice of law.

¹ Part 6, Section IV, Paragraph 3(e) governs the procedure for transferring to the Retired class of membership.

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.

RULE 1.3 Diligence

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

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.

RULE 1.16 Declining Or Terminating Representation

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of the Rules of Professional Conduct or other law;

RULE 3.1 Meritorious Claims And Contentions

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

III. PROPOSED DISPOSITION

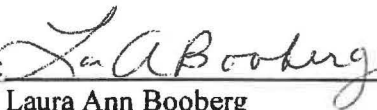
Accordingly, bar counsel and Respondent tender to the Disciplinary Board for its approval the agreed disposition of a SIX-MONTH SUSPENSION of Respondent's license to practice law in the Commonwealth of Virginia as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. Bar

counsel and Respondent agree that the effective date for the sanction shall be the date of entry of the Disciplinary Board Order approving this Agreed Disposition

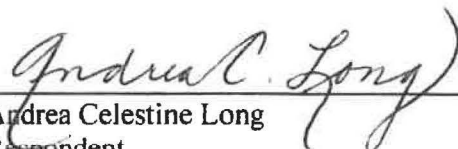
Any petition for reinstatement from Retired status is subject to the procedures and requirements set forth in the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 3.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules.

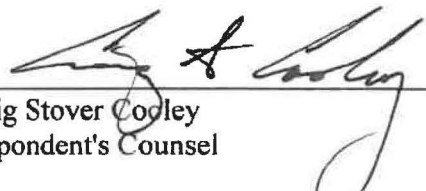
THE VIRGINIA STATE BAR

By: 

Laura Ann Booberg
Assistant Bar Counsel



Andrea Celestine Long
Respondent



Craig Stover Codley
Respondent's Counsel