

VIRGINIA :

IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

VIRGINIA STATE BAR EX REL.
THIRD DISTRICT, SECTION II COMMITTEE
VSB DOCKET NOS. 24-032-128562
23-032-128978
24-032-130786
24-032-130355

Complainant,

v.

Case No. CL24004466-00

BRIAN MICHAEL O'LAUGHLIN

Respondent.

FINAL JUDGMENT MEMORANDUM ORDER
(TWO-YEAR SUSPENSION)

THIS MATTER was heard on February 10, 2025, and February 13, 2025, before a Three-Judge Circuit Court duly impaneled pursuant to Section 54.1-3935 of the Code of Virginia (1950) as amended, consisting of the Honorable Jeffrey W. Shaw, Judge of the Ninth Judicial Circuit and Chief Judge Designate ("Chief Judge"), the Honorable Wallace W. Brittle, Jr., Judge of the Sixth Judicial Circuit, and the Honorable Robert H. Morrison, Judge of the Tenth Judicial Circuit (collectively, "the Court").

Assistant Bar Counsel Joseph M. Caturano, Jr., represented the Virginia State Bar ("VSB"). Brian Michael O'Laughlin ("Respondent" or "Mr. O'Laughlin"), having received proper notice, appeared in person throughout the proceedings and was represented by Gary R. Hershner, Esquire and James T. Maloney, Esquire. Beverly S. Horne served as court reporter for the hearing.

The Chief Judge swore the court reporter, and each member of the Court verified that he had no personal or financial interest that might affect or reasonably be perceived to affect their ability to be impartial in this matter.

WHEREUPON a hearing was conducted upon the Rule to Show Cause ("Rule") issued on November 20, 2024, against Mr. O'Laughlin by the Circuit Court for the County of Chesterfield. The Rule directed Mr. O'Laughlin to appear on February 10-11, 2025, and to show cause why his license to practice law in the Commonwealth of Virginia should not be suspended, revoked or otherwise sanctioned by reason of the allegations of ethical misconduct set forth in the Certification issued by a VSB Subcommittee of the Third District, Section II, Committee on August 26, 2024, in accordance with Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia.

MISCONDUCT PHASE

The Court admitted into evidence VSB Exhibits 1-67, pursuant to the Pre-Hearing Order entered on December 17, 2024, and pursuant to the Pre-Hearing Conference Call Order entered on February 3, 2025.

The Court then received and accepted the parties' Stipulations of Fact and Misconduct, dated February 7, 2025 ("Stipulations").

Pursuant to the Stipulations, the Court makes the following Stipulated Findings of Fact and Stipulated Misconduct:

STIPULATED FINDINGS OF FACT TO ALL MATTERS

1. Respondent was admitted to the Virginia State Bar ("VSB") on April 20, 2011, and at all relevant times has been licensed to practice law in the Commonwealth of Virginia.
2. At all relevant times, Respondent's practice included family law, civil litigation,

and defense of criminal cases. Respondent also handles social security and disability cases in federal court, debtor relief and deed preparation.

3. From July 2022 to April 2023, Respondent was employed as an associate attorney at the law firm of Melone Hatley, P.C. ("Melone Hatley") practicing law at its office in Richmond, Virginia.

4. From July 2023 to October 2023, Respondent was employed as an associate attorney at the law firm of Voors & Kenefick, P.C. ("Voors & Kenefick") practicing law in Richmond, Virginia.

5. On November 7, 2023, Respondent was admitted to Farley Center¹ in Williamsburg, Virginia, for inpatient medical treatment for 32 days for substance abuse and addiction.

6. On December 7, 2023, upon completion of the inpatient program at Farley Center, Respondent sought continuing medical treatment for substance abuse and addiction.

7. Respondent stated to the investigator for the VSB that he has a long-standing struggle with alcohol and addiction.

8. In June 2024, Respondent signed a contract with the Virginia Judges and Lawyers Assistance Program ("VJLAP") for continuing treatment and monitoring for substance abuse and addiction.

**Complainant: Courtney A. Gibbons
VSB 24-032-128562**

STIPULATED FINDINGS OF FACT

9. On October 28, 2022, Courtney A. Gibbons ("Ms. Gibbons") hired Melone

¹ Farley Center is a drug rehabilitation center offering evaluation, detoxification, partial hospitalization and intensive outpatient treatment for addictions.

Hatley and Respondent for representation in a divorce matter in the Henrico County Circuit Court (the "Court").

10. On November 1, 2022, Ms. Gibbons explained to Respondent that her divorce case involved, among other things, the equitable distribution of marital property, spousal support and health insurance coverage for Ms. Gibbons and the parties' children.

11. On November 18, 2022, Respondent filed a one-page Answer on behalf of Ms. Gibbons to the Complaint for Divorce filed by her then-spouse; however, Respondent failed to seek spousal support, health insurance or the equitable distribution of marital property in the Answer nor did Respondent file any additional pleadings with the Court seeking spousal support, health insurance or the equitable distribution of marital property on behalf of Ms. Gibbons.

12. Throughout his representation of Ms. Gibbons, Ms. Gibbons told Respondent several times about her concerns with her then-husband's liquidation of his 401(k)-retirement account, but Respondent ignored Ms. Gibbons' concerns.

13. Throughout his representation of Ms. Gibbons, Respondent did not respond to numerous emails from Ms. Gibbons about her case, nor did he keep Ms. Gibbons informed about the status of her divorce case. Among other things, Respondent did not answer Ms. Gibbons' questions about loans taken against marital assets, and who would be responsible for payment on the loans.

14. Despite numerous assurances from Respondent that he would address Ms. Gibbons' claims for spousal support, health insurance and the equitable distribution of marital property in her divorce case, Respondent failed to do so. Specifically,

- Respondent failed to protect Ms. Gibbons' interests in Court when Ms. Gibbons' then-

spouse liquidated certain marital accounts and thus reduced marital assets that should have been divided in the equitable distribution of marital property;

- Respondent failed to inform Ms. Gibbons about the nature of a scheduled hearing set with the Court without her consent; and

- Respondent allowed to the entry of the Final Order of Divorce by the Court without having addressed the equitable distribution of marital property, spousal support and health insurance issues. Respondent did not inform Ms. Gibbons that he failed to address the foregoing issues, and Respondent did not obtain Ms. Gibbons' consent.

15. By omission, in permitting the Final Order of Divorce to be set for entry, Respondent falsely indicated that there were no marital property issues, no spousal support issues and no health insurance issues to be addressed by the Court.

16. Immediately prior to the entry of the Final Order of Divorce, to address Respondent's failures in Ms. Gibbons' divorce case, Philip Lecky ("Mr. Lecky"), an associate attorney at Melone Hatley, was assigned by Melone Hatley to replace Respondent in Ms. Gibbons' divorce case.

17. On April 3, 2023, Mr. Lecky filed a Motion for Leave to File Late Responsive Pleadings and a Motion for Leave to File an Amended Answer to the Complaint for Divorce, wherein Mr. Lecky sought spousal support and the equitable distribution of marital assets and debts on behalf of Ms. Gibbons; however, the court denied the motions filed by Mr. Lecky and entered a Final Order of Divorce on April 3, 2023, that did not include any provision for the equitable distribution of marital property, spousal support or health insurance coverage.

18. Additionally, Respondent failed to withdraw as counsel of record for Ms. Gibbons in Ms. Gibbons' divorce case.

19. Rebecca Melone (“Ms. Melone”), Respondent’s supervisor at Melone Hatley, confirmed that Ms. Gibbons did not receive spousal support or any provision for health insurance from her then-spouse, nor the equitable distribution of marital assets in the Final Order of Divorce because of the failures by Respondent in the divorce case.

20. Ms. Melone further confirmed that Ms. Gibbons told Respondent several times about her concerns with her then-husband’s liquidation of his 401(k)-retirement account, but Respondent failed to address the issue and caused Ms. Gibbons’ legitimate claims in the divorce case to be permanently lost.

21. When Mr. Lecky’s motions were denied by the Court, Mr. Lecky called Ms. Gibbons to inform her of certain appeal options but Ms. Gibbons responded that she did not wish to appeal, rather she wanted to cut her losses and move on with her life.

22. Respondent did not submit a response to the bar complaint from Ms. Gibbons, but provided information to the investigator for the VSB at an interview.

STIPULATED MISCONDUCT

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 1.2 Scope of Representation

- (a) A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (b), (c), and (d), and shall consult with the client as to the means by which they are to be pursued.

Rule 1.3 Diligence

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

Rule 1.3 Diligence

* * *

(b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

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.

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:

* * *

2. the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]

Rule 1.16 Declining or Terminating Representation

* * *

(c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable Rules of Court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

* * *

(b). commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's

honesty, trustworthiness or fitness to practice law;

(c). engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law[.]

Complainant: Cassandra D. Newton
VSB 23-032-128978

STIPULATED FINDINGS OF FACT

23. On November 15, 2022, Cassandra D. Newton ("Ms. Newton") hired Melone Hatley and Respondent for representation in a divorce matter in the Essex County Circuit Court.

24. During the course of the representation, Respondent failed to

(a). assist Ms. Newton in the completion of her discovery responses,

(b). appear at a hearing on the opposing counsel's Motion to Compel

Discovery/Motion for Sanctions, resulting in the Court ordering Ms. Newton to pay eight hundred dollars (\$800) toward her husband's attorney's fees, and

(c). keep Ms. Newton advised as to the status of her divorce case, despite repeated requests from Ms. Newton for information.

25. Moreover, Ms. Newton stated to the investigator for the VSB that early in representation she told Respondent that her spouse was draining money from a bank account, approximately \$30,000 from a Wells Fargo account titled in both of the parties' names, but Respondent did nothing to protect her rights to the funds which left Ms. Newton without financial resources to proceed in the divorce case.

26. As a result of the failures described above, Melone Hatley replaced Respondent with Cynthia King ("Ms. King"), another associate attorney at Melone Hatley, for representation of Ms. Newton in the divorce case.

27. Respondent acknowledged to the investigator for the VSB that a Motion to Compel/Motion for Sanctions were served upon him by the opposing counsel in Ms. Newton's divorce case, as Respondent failed to prepare and serve Ms. Newton's discovery responses upon opposing counsel. While Respondent told the VSB investigator that he failed to appear at the hearing on the Motion to Compel/Motion for Sanctions because an administrator at Melone Hatley failed to set the hearing date upon his calendar, Respondent explained that he was "drinking a lot" during his representation of Ms. Newton and now takes full responsibility for not appearing at the hearing.

28. As a result of the delays stated above, Ms. Newton's divorce case remained pending with the Court.

29. According to Ms. Newton, Melone Hatley paid the eight hundred dollar (\$800) sanction imposed against her for Respondent's failure to appear at the hearing on the Motion to Compel/Motion for Sanctions.

STIPULATED MISCONDUCT

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 1.2 Scope of Representation

- (a) A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (b), (c), and (d), and shall consult with the client as to the means by which they are to be pursued.

Rule 1.3 Diligence

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

Rule 1.3 Diligence

* * *

(b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

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.

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:

* * *

2. the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]

Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

* * *

(b). commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;

(c). engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law[.]

Complainant: Cody Iden
VSB 24-032-130786

STIPULATED FINDINGS OF FACT

30. In July of 2022, Melone Hatley assigned Respondent to litigate custody and visitation issues on behalf of Cody Iden (“Mr. Iden”) in the Juvenile and Domestic Relations District Court of Hanover County (the “Court”).

31. At a custody and visitation hearing, Respondent was unprepared and asked the Court for a continuance of the hearing (that had been pending for months). The Court denied the Motion for a Continuance, and subsequently Respondent failed to introduce any of Mr. Iden’s documents into evidence nor call any of Mr. Iden’s witnesses to testify at that hearing.

32. Many of Mr. Iden’s witnesses did not receive their subpoenas until the day before the hearing, and Respondent never spoke with any of Mr. Iden’s witnesses before the hearing to determine the relevance of their anticipated testimony. Lastly, Respondent did not call Mr. Iden’s private investigator to testify at the hearing despite Mr. Iden having paid the investigator to obtain relevant facts on Mr. Iden’s then-spouse.

33. Additionally, even though Mr. Iden specifically requested many times that Respondent include a provision for use of the “Parent Wizard App” in the custody order, Respondent failed to include that provision in the custody order.

34. Moreover, Mr. Iden specifically requested Respondent to prepare and file a Complaint for Divorce with the Circuit Court (before Mr. Iden’s then-wife filed for divorce), and with Respondent’s assurances that Respondent would prepare and file the Complaint for Divorce, Respondent failed to file for divorce on behalf of Mr. Iden.

35. Respondent also failed to timely propound discovery to opposing counsel, failed to respond to outstanding discovery propounded upon Mr. Iden, and as a result, Mr. Iden was ordered to pay three thousand dollars (\$3,000) toward his wife's attorney's fees because of Respondent's failures to propound and answer discovery requests.

36. Respondent conceded to the investigator for the VSB that the failure to meet discovery deadlines caused the imposition of a three thousand dollar (\$3,000) award against Mr. Iden.

37. On the day after the custody hearing, the guardian *ad litem* asked Mr. Iden if he thought Respondent was "on something," because Respondent seemed unfocused and disorganized at the hearing.

38. Mr. Iden called Melone Hatley shortly after the custody hearing on March 28, 2023, expressed his extreme disappointment with Respondent, and terminated the representation by Respondent and Melone Hatley.

39. Respondent said to the investigator for the VSB that he was "drinking a lot" at the time [mid-April 2023].

40. Respondent did not submit a Response to the bar complaint from Mr. Iden, but provided information to the investigator for the VSB at an interview.

STIPULATED MISCONDUCT

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 1.2 Scope of Representation

- (a) A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (b), (c), and (d), and shall consult with the client as to the means by which they are to be pursued.

Rule 1.3 Diligence

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

Rule 1.3 Diligence

* * *

- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

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.

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:

* * *

- 2. the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]

Complainant: Nevin M. Voors
VSB 24-032-130355

STIPULATED FINDINGS OF FACT

41. Respondent was an associate attorney at Voors & Kenefick P.C. (“Voors & Kenefick”) from July 17, 2023, through October 17, 2023.

42. Nevin M. Voors (“Mr. Voors”) reported Respondent to the VSB pursuant to Rule 8.3² of the Virginia Rules of Professional Conduct. Mr. Voors reported that when issues arose with Respondent’s representation of clients at Voors & Kenefick, Mr. Voors notified Respondent on October 17, 2023, that Respondent would no longer be employed by Voors & Kenefick on a full-time basis.

43. After October 17, 2023, Respondent failed to appear for work at Voors & Kenefick, thereby abandoning his clients. Additionally, after October 17, 2023, Respondent failed to appear at court appearances for his clients, failed to withdraw as counsel of record in his cases, and failed to return client documents to Voors & Kenefick.

44. Moreover, after October 17, 2023, Mr. Voors called, texted and emailed Respondent for approximately two weeks, but had no meaningful response from Respondent.

45. Mr. Voors, and other attorneys at Voors & Kenefick, had to assume representation of Respondent’s clients with no meaningful assistance from Respondent.

46. After weeks of no substantive response from Respondent, Respondent’s mother left a box of documents for Voors & Kenefick at Respondent’s previous employer, Melone Hatley, that contained client files belonging to the former clients of Respondent.

² RPC 8.3 (a): A lawyer having reliable information that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness to practice law shall inform the appropriate professional authority.

47. After Respondent left Voors & Kenefick, Mr. Voors resolved approximately thirteen (13) client matters of Respondent, either by undertaking representation or referring the matters to other counsel.

48. The cases that Respondent abandoned comprised civil litigation, criminal misdemeanor charges, and family law matters. In one of the cases, Respondent was defending a client, Willie Hairston, on criminal driving under the influence in Chesterfield Circuit Court, but Respondent failed to appear at the hearing on October 23, 2023. Mr. Voors assigned the case to Jeremy Sharp, an associate at Voors & Kenefick, who completed the representation of Mr. Hairston.

49. In another case, the *Budget Electrical and Mechanical, LLC* matter, Henry Hibbert ("Mr. Hibbert"), an associate attorney at Voors & Kenefick, was asked by the investigator for the VSB if he had any communication with Respondent after October 17, 2023. Mr. Hibbert reported that after October 17, 2023, he was asked to prepare discovery responses due in the *Budget Electrical and Mechanical, LLC* matter (that Respondent had been representing) but Mr. Hibbert could not locate the materials that he needed to prepare the discovery responses. Mr. Hibbert sent email correspondence to Respondent asking him to please make contact regarding the matter, but Mr. Hibbert received no response from Respondent, so he sent a second follow-up email to Respondent. Mr. Hibbert said the response received from Respondent to his follow-up email was a very limited one or two sentence response that did not answer the questions, nor did it provide the assistance that Mr. Hibbert needed to prepare the client's discovery responses. Mr. Hibbert said he sent additional follow-up emails to Respondent, asking for additional information but received no response from Respondent.

50. Moreover, in the *Budget Electrical and Mechanical, LLC* matter, not only did Respondent fail to respond to outstanding discovery, but Respondent also failed to attend a court hearing on October 25, 2023. It was further noted by the investigator for the VSB that Respondent failed to withdraw as counsel of record in *Rexel USA, Inc. v. Budget Electrical & Mechanical, LLC*, Circuit Court for the City of Richmond, CL 23-863-4.

51. In the *LeSuer* matter, Respondent abandoned the client and failed to return the original Affidavit required for the adoption to proceed. The client retained other counsel for representation.

52. In the *Amanda Picard* matter, Respondent abandoned his criminal defense client, whose case had to be transferred to Jeremy Sharp, an associate attorney at Voors & Kenefick. Respondent did not withdraw as counsel of record with the Court in the *Picard* matter.

53. On the return of client files to Voors & Kenefick, Ms. Kenefick had great difficulty obtaining the return of client files from Respondent as Respondent stated on several occasions that he had to go out-of-town and was unavailable.

54. During that time, Voors & Kenefick received telephone calls from upset clients reporting that Respondent told them that he was no longer representing them in their legal matters.

55. Lastly, Respondent's law license in Virginia was administratively suspended from October 10, 2023, through October 30, 2023. Respondent confirmed to the investigator for the VSB that during the timeframe of the administrative suspension, he was practicing law but that he was unaware of the suspension. Respondent said to the VSB investigator that once he became aware of the administrative suspension, he took action to have the administrative suspension removed.

56. Respondent did not submit a Response to the bar complaint from Mr. Voors but provided information to the investigator for the VSB at an interview.

STIPULATED MISCONDUCT

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:

* * *

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]

* * *

(c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable Rules of Court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

(e) All original, client-furnished documents and any originals of legal instruments or official documents which are in the lawyer's possession (wills, corporate minutes, etc.) are the property of the client and, therefore, upon termination of the representation, those items shall be returned within a reasonable time to the client or the client's new counsel upon request, whether or not the client has paid the fees and costs owed the lawyer. If the lawyer wants to keep a copy of such original documents, the lawyer must incur the cost of duplication. Also upon termination, the client, upon request, must also be provided within a reasonable time copies of the following documents from the lawyer's file, whether or not the client has paid the fees and costs owed the lawyer: lawyer/client and lawyer/third-party communications; the lawyer's copies of client-furnished documents (unless the originals have been returned to the client pursuant to this paragraph); transcripts, pleadings and discovery responses; working and final drafts of legal instruments, official documents, investigative reports, legal memoranda, and other attorney work product documents prepared or collected for the client in the course of the representation; research materials; and bills previously submitted to the client.

Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

* * *

(b). commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;

(c). engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law[.]

SANCTIONS PHASE

The Court then proceeded to the sanctions phase of the hearing.

The Court admitted into evidence VSB Exhibits 1-10 during the Sanctions Phase of the hearing. VSB Exhibit 10 contained the certification of Mr. O'Laughlin's disciplinary record, reflecting no disciplinary history. The Court admitted into evidence Mr. O'Laughlin's Exhibits 1-31 during the Sanctions Phase of the hearing.

Thereafter, both parties made opening statements on the appropriate sanction to be imposed by the Court.

The Court then received the testimony of the following witnesses for the VSB:

Courtney Gibbons

Cody Iden

Rebecca Melone

Cynthia King

Nevin Voors

Lisa Marshall.

Thereafter, the VSB rested.

The Court then received the testimony of Mr. O'Laughlin in his case, and the following witnesses for Mr. O'Laughlin:

Sean O'Laughlin
Keith Deering
Kevin O'Laughlin
Diane O'Laughlin
Barbara Mardigian
Erin Tierney-Butler
Steven Summerell.

Thereafter, Mr. O'Laughlin, by counsel, rested.

At the conclusion of all evidence in the Sanctions phase, both parties by counsel presented closing arguments to the Court, and the Court thereafter retired to deliberate.

DETERMINATION

Upon due deliberation and in consideration of the exhibits, witness testimony, the observations of the witnesses and determinations as to their credibility, and upon the parties' Stipulations, and after due consideration of the evidence presented in mitigation and aggravation, and having considered the arguments of counsel for Mr. O'Laughlin and Assistant Bar Counsel, the Court reconvened and announced its sanction of a **TWO-YEAR SUSPENSION** of Mr. O'Laughlin's license to practice law in the Commonwealth of Virginia, effective February 13, 2025.

Accordingly, it is hereby ORDERED that Mr. O'Laughlin's license to practice law in the Commonwealth of Virginia be, and the same hereby is, **SUSPENDED**, effective February 13, 2025, for two (2) years.

It is further ORDERED that Mr. O'Laughlin must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. Mr.

O'Laughlin must forthwith give notice by certified mail, return receipt requested, of the Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom Mr. O'Laughlin is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. Mr. O'Laughlin must also make appropriate arrangements for the disposition of matters then in Mr. O'Laughlin's care in conformity with the wishes of his clients. Mr. O'Laughlin must give such notice immediately and in no event later than 14 days from the effective date of the Suspension, and make such arrangements as are required herein as soon as practicable and in no event later than 45 days from the effective date of the Suspension. Mr. O'Laughlin must also furnish proof to the VSB within 60 days of the effective date 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 Mr. O'Laughlin is not handling any client matters on the effective date of the Suspension, Mr. O'Laughlin must submit an affidavit to that effect to the Clerk of the Disciplinary System of the VSB. Issues concerning the adequacy of the notice and arrangement required by Paragraph 13-29 must be determined by the VSB Disciplinary Board, which may impose a sanction of Suspension or Revocation for failure to comply with these requirements.

It is further ORDERED that the Clerk of the Disciplinary System of the VSB must assess all costs pursuant to Paragraph 13-9.E.

It is further ORDERED that the Clerk must send a copy teste of this order to Brian Michael O'Laughlin, Respondent, at 1333 Winfree Creek Lane, Midlothian, Virginia 23113-2409; and to Gary R. Hershner, Esquire, counsel for Respondent, at 9 South Adams Street, Richmond, Virginia 23220; and to James T. Maloney, Esquire, counsel for Respondent, at 7

South Adams Street, Richmond, Virginia 23220, and to Joseph M. Caturano, Jr., Assistant Bar Counsel, Virginia State Bar, 1111 E. Main St., Suite 700, Richmond, VA 23219; and to Joanne Fronfelter, Clerk of the Disciplinary System, Virginia State Bar, 1111 E. Main St., Suite 700, Richmond, VA 23219.

These proceedings were transcribed by Beverly S. Home, at beverly.s.home@gmail.com.

This Order is the final judgment of this Court as provided by Rule 5:21(b)(2)(ii) of the Rules of the Supreme Court of Virginia.

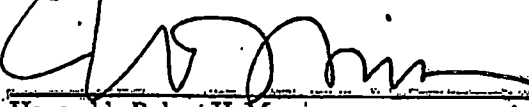
ENTERED this 20th day of MARCH, 2025.



Honorable Jeffrey W. Shaw
Judge of the Ninth Judicial Circuit and Chief Judge Designate

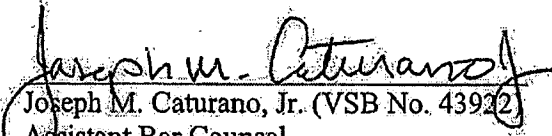


Honorable Wallace W. Brittle, Jr.
Judge of the Sixth Judicial Circuit



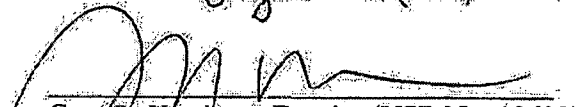
Honorable Robert H. Morrison
Judge of the Tenth Judicial Circuit

SEEN:

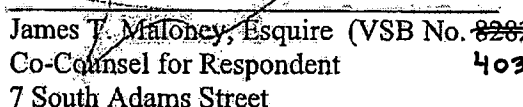


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