

VIRGINIA:

BEFORE THE CIRCUIT COURT FOR THE CITY OF HAMPTON

IN THE MATTER OF
MICHAEL CRAIG OLSON

CASE NO. CL20-1621
VSB DOCKET NO. 17-010-106954

AGREED DISPOSITION MEMORANDUM ORDER
FOR A PUBLIC ADMONITION WITH TERMS

This matter came to be heard on Tuesday, May 04, 2021, before a Circuit Court Three-Judge panel, upon the joint request of the parties for the Court to accept the Agreed Disposition endorsed by the parties and offered to the Court as provided by the Rules of the Supreme Court of Virginia. The panel consisted of the Honorable W. Revel Lewis, III, Judge of the Second Judicial Circuit, Designated Chief Judge, the Honorable Catherine C. Hammond, Retired Judge of the Fourteenth Judicial Circuit, and the Honorable W. Allan Sharrett, Judge of the Sixth Judicial Circuit. Michael Craig Olson was present and was represented by counsels, James Arthur Cales, III and Paul D. Georgiadis. The Virginia State Bar appeared through its Assistant Bar Counsel, Christine Corey. The Chief Judge polled the members of the panel 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 judge responded in the negative. Court Reporter, Teresa L. McLean, 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 Answer, Respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Circuit Court accepts the Agreed Disposition and the Respondent shall receive a Public Admonition with Terms. The Agreed Disposition is attached to and incorporated in this Memorandum Order, with the following correction to the last sentence of paragraph 16:

Respondent's evidence would have been that the Dawes were aware of the December 29, 2015 hearing date as they attended the December 14, 2015 hearing and because Respondent advised them of the date by a telephone call.

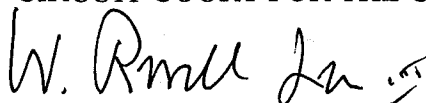
It is further **ORDERED** that the sanction is effective May 4, 2021.

The Clerk of the Disciplinary System shall assess costs pursuant to Paragraph 13-9.E of the Rules.

A copy teste of this Order shall be mailed, to the Respondent, Michael Craig Olson, at his last address of record with the Virginia State Bar at Michael C. Olson, P.L.C., 34 West Queens Way, Hampton, VA 23669, with attested copies electronically mailed to: James Arthur Cales, III, and Paul D. Georgiadis, Respondent's co-counsels and Christine Corey, Assistant Bar Counsel.

ENTERED THIS ^{6th} DAY OF MAY, 2021

CIRCUIT COURT FOR THE CITY OF HAMPTON



W. Revel Lewis, III, Designated Chief Judge
Three-Judge Circuit Court

VIRGINIA:

BEFORE THE CIRCUIT COURT FOR THE CITY OF HAMPTON

VIRGINIA STATE BAR EX. REL
FIRST DISTRICT COMMITTEE
VSB DOCKET NO. 17-010-105954

v.

CASE NO. CL20-1621

MICHAEL CRAIG OLSON, ESQUIRE

**AGREED DISPOSITION
PUBLIC ADMONITION WITH TERMS**

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph ~~106XX~~ ^{13-6.H.} *MCO*
the Virginia State Bar, by Christine Corey, Assistant Bar Counsel and Michael Craig Olson, *CMC*
Respondent, James Arthur Cales, III and Paul D. Georgiadis, Respondent's counsel, hereby enter *TD*
into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. At all times relevant hereto, Respondent was licensed to practice law in the Commonwealth of Virginia.
2. Willie and Marguerite Dawes filed a bar complaint against Respondent in August 2016. In the bar complaint, the Dawes alleged in relevant part that Respondent did not contact them following a December 14, 2015 hearing to advise them about a December 29, 2015 hearing or inform them of a reduced sanction entered against them that resulted from the hearing.
3. The Dawes initially hired an attorney, Jennifer Sherwood ("Sherwood"), to sue a construction company for breach of express and implied warranties regarding the construction of their home, as well as the City of Hampton for not properly inspecting and permitting their new home.
4. Sherwood told the Dawes she would file a lawsuit on their behalf against the construction company, but that she was not willing to file a lawsuit against the City of Hampton. When Sherwood declined to file against the City of Hampton, the Dawes told her that they were going to hire a new attorney. Sherwood filed a motion for a nonsuit of the case that she had filed, and the order was entered on August 30, 2010.

5. The Dawes hired Kevin Shea ("Shea") in July 2011 to sue the construction company and the City of Hampton.
6. In January or February 2012, Shea told the Dawes that they could not re-file the lawsuit against the construction company because more than six months had passed since the August 30, 2010 entry of the nonsuit order.
7. Based on Shea's advice, the Dawes agreed to sue Sherwood for malpractice. Shea filed the malpractice suit against Sherwood in the Circuit Court for the City of Hampton and asked for \$3,000,000 in compensatory damages and \$350,000 in punitive damages.
8. In response to the malpractice lawsuit, Sherwood filed a motion for sanctions against the Dawes and Shea. The motion for sanctions alleged that the Dawes filed a lawsuit for an outrageous amount of money, "entirely unsubstantiated by any actual damages, so as to support the belief that it was filed solely for the purpose of harassment," and that the lawsuit had no legal merit and was filed for the "sole purpose to harass and create undue hardship." ~~Part of the evidence for sanctions against the Dawes for filing their legal malpractice case was that Mrs. Dawes admitted in her deposition of October 27, 2014 that within 30 days of receiving the order of nonsuit against the construction company, she knew that she had to refile the case within 6 months of the nonsuit order.~~

MCO
 CMC
 JDC
9. Shea filed a nonsuit in the malpractice case against Sherwood in July 2015. The court entered the nonsuit order, but Sherwood's motion for sanctions remained pending before the court.
10. The court heard the sanctions motion on September 8, 2015. The court found in favor of Sherwood and ordered the Dawes to pay Sherwood \$7,500.
11. Respondent had not been involved in any facet of the Dawes' litigation to this point. Respondent sent a letter to the court on November 9, 2015, stating that he had been retained by the Dawes due to Shea's conflict of interest resulting from the effort by Sherwood personally to hold Shea liable for the sanctions. Respondent alleges that as of November 12, 2015, the Dawes learned of Respondent's role as their attorney.
12. Respondent rented office space from Shea. Respondent told the bar investigator that Shea gave him a credit on his rent for appearing in court with the Dawes, and Shea also told the bar investigator that he gave Respondent a rent credit for appearing in court with the Dawes. Respondent never received money from the Dawes and in no manner misappropriated any funds of the Dawes.
13. Respondent prepared a motion to set aside the judgment that was filed on December 11, 2015. Shea prepared the cover letter for filing the motion. A hearing was scheduled for December 14, 2015, and the Dawes showed up at Shea's office to walk to the courthouse for the hearing with Shea and Respondent.

14. At the hearing on December 14, 2015, the case was continued, and the Dawes claim that they did not hear anything from Shea or Respondent about another hearing date.
15. There was another hearing on December 29, 2015. The order entered after the hearing indicates that the hearing was for Sherwood's motions to correct order and for reconsideration, and for the Dawes' motion to set aside judgment. The court considered the motions, denied all three, but "elected to independently modify the Order entered" and reduced the sanctions awarded against the Dawes from \$7,500 to \$5,000.
16. The Dawes were not informed in writing of the hearing and never received a written notification from Respondent or Shea about the reduction in the sanctions. Respondent's evidence would have been that the Dawes were aware of the December 29, 2015 hearing date as they attended the December 15, 2015 hearing and because Respondent advised them of the date by a telephone call.
17. Respondent told the bar investigator that his office attempted multiple times to contact the Dawes by phone to tell them about the sanctions, but the Dawes did not answer. Respondent told the bar that he left a voicemail for the Dawes.
18. The Dawes deny ever receiving calls from Respondent about the sanctions imposed on them and deny receiving any voicemails.
19. In May 2016, Sherwood filed a motion for show cause against the Dawes, having received no payment from them for the sanctions.
20. The next time the Dawes heard from Respondent was a letter from Respondent dated May 31, 2016, which the Dawes received June 2, 2016. The letter stated that Respondent was enclosing a copy of Sherwood's correspondence dated May 26, 2016 (motion to show cause) and that he was sorry they did not have a favorable outcome, but "there is nothing further I can do for you in this matter and I am closing your file at this time."
21. Respondent moved to withdraw from the case on June 22, 2016, after the show cause was filed.
22. The court signed an order allowing Respondent to withdraw from the case.

II. NATURE OF MISCONDUCT

Such conduct by the Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

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 1.5 Fees

(b) The lawyer's fee shall be adequately explained to the client. When the lawyer has not regularly represented the client, the amount, basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.

RULE 1.8 Conflict of Interest: Prohibited Transactions

(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:

- (1) the client consents after consultation;
- (2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and
- (3) information relating to representation of a client is protected as required by Rule 1.6.

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of PUBLIC ADMONITION WITH TERMS as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing. Assistant Bar Counsel and the Respondent agree that the effective date for the sanction shall be the date of entry of the Order approving this Agreed Disposition. The terms with which the Respondent must comply are as follows:

1. On or before August 1, 2021, the Respondent shall complete FOUR (4) hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject of legal ethics. The Respondent's Continuing Legal Education attendance obligation set forth in this paragraph shall not be applied toward his Mandatory Continuing Legal Education requirement in Virginia or any other jurisdictions in which the Respondent may be licensed to practice law. The Respondent shall certify his compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance form to Bar Counsel, promptly following his attendance at each such CLE program.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed.

If, however, all the terms and conditions are not met by the deadlines imposed above, the Respondent agrees that the Disciplinary Board shall impose a THIRTY-DAY SUSPENSION pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-18.O.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.B of the Rules. If the Agreed Disposition is approved, it is not appealable. If the Agreed Disposition is not approved, all counsel and parties agree that the matter will be heard by the currently scheduled Three-Judge Panel on the scheduled trial dates.

THE VIRGINIA STATE BAR

By: Christine Corey
Christine Corey, Assistant Bar Counsel

Michael Craig Olson
Michael Craig Olson, Respondent

Paul D. Georgiadis
Paul D. Georgiadis, Respondent's Counsel

James Arthur Cales, III
James Arthur Cales, III, Respondent's Counsel