

VIRGINIA:

BEFORE THE FIFTH DISTRICT, SECTION III DISTRICT COMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
THOMAS JOSEPH ROBL

VSB Docket No. 23-053-126874

DISTRICT COMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On November 13, 2023, a hearing in this matter was held before a duly convened Fifth District, Section III District Committee consisting of Kevin L. Leahy, Chair Presiding; Craig A. Guthery, Member; Daniel L. Swanwick, Member; Staci H. Figueroa, Member; and Poonam H. Magar, Lay Member.

The parties presented an Agreed Disposition for a Public Reprimand Without Terms. After considering the Agreed Disposition, the District Committee convened and unanimously approved the Agreed Disposition.

Pursuant to Part 6, § IV, ¶ 13-7.A.9 of the Rules of Supreme Court of Virginia, the Fifth District, Section III District Committee of the Virginia State Bar hereby serves upon Thomas Joseph Robl (“Respondent”), the following Public Reprimand Without Terms.

I. FINDINGS OF FACT

1. At all relevant times, Respondent was a member of the VSB.
2. On February 22, 2022, Complainant L.P. contacted Rebecca Melone, a partner with Respondent’s then-law firm Melone Hatley, regarding representation in her divorce. L.P. had been a stay-at-home mother for 25 years and alleged that her husband was financially manipulating and abusing her.
3. On February 23, 2022, L.P. entered into a representation agreement with Melone Hatley. L.P. paid a \$2,000 advanced legal fee via credit card. L.P.’s case was assigned to Respondent.

4. L.P. and her husband were leasing a house, but the lease was set to expire at the end of March 2022. L.P. asked Respondent to file for divorce before the lease expired.
5. On March 1, 2022, Respondent filed a Complaint for Divorce on behalf of L.P. in the Fairfax County Circuit Court ("the Court"). Respondent did not provide L.P. a copy of the Complaint to review and approve before it was filed with the Court.
6. The Complaint, filed without L.P.'s review, identified the date of separation to be December 1, 2021, despite L.P.'s assertion that she and her husband had been sleeping in separate bedrooms in the same house for 10 years, and that she and her husband had ceased all marital cohabitation within the previous 10 years. In contrast to the alleged date of separation, L.P.'s husband alleged the couple separated in March 2012.
7. L.P.'s husband filed an Answer and Counterclaim for Divorce. Respondent failed to file an Answer to the Counterclaim for Divorce on behalf of L.P.
8. Also on March 1, 2022, Respondent filed a Notice and Motion for *Pendente Lite* Relief with the Court. Respondent did not provide L.P. with a copy of the Motion. The Motion sought several forms of relief for L.P., including:
 - "Spousal support and maintenance for the Plaintiff payable by the Defendant";
 - "Exclusive use and possession of the marital residence or future residence";
 - "Counsel fees and court costs incurred by the Plaintiff in bringing this action"; and
 - "an Order preserving the estate of the parties, and directing the parties not to dispose or encumber the assets of the parties."
9. Respondent initially set the hearing on the Motion for *Pendente Lite* Relief for April 15, 2022. However, on April 13, 2022, Respondent filed a *Praecipe* removing the Motion for *Pendente Lite* Relief from the Court's docket.
10. When subsequently asked by VSB Investigator William Sterling why he removed the hearing from the docket, Respondent said that the Court no longer sets hearings to address motions for *pendente lite* relief and the only way to obtain this relief is to go to trial. Respondent believed that the *pendente lite* motion could not be heard until November 2022, when the Court had scheduled the custody and visitation trial on the docket.
11. Respondent was mistaken about the motions practice in the Court. In fact, the Court hears *pendente lite* motions for support every Friday. Motions for *pendente lite* regarding custody and visitation are the only motions the Court does not regularly consider on a *pendente lite* basis.
12. Because no *pendente lite* order was entered by the Court during Respondent's representation, L.P.'s husband was not subject to a Court Order regarding payment of

support and legal fees, nor was he subject to an Order preserving the couple's assets. Respondent said he was "working on getting something in writing (a court order)."

13. Although Respondent billed L.P. for drafting discovery requests to her husband, Respondent never propounded discovery on behalf of L.P.
14. L.P.'s husband propounded discovery upon Respondent and L.P. provided responsive information to Respondent, but Respondent never finalized and served L.P.'s discovery responses on opposing counsel. Specifically, L.P.'s husband served discovery requests on April 6, 2022, and responses were due April 30, 2022. L.P. provided responsive information to Respondent in April and early May 2022, but Respondent did not follow up. On June 6, 2022, L.P. emailed Respondent that she had not received a copy of the responses to the interrogatories. Respondent never submitted responses to the overdue discovery requests before leaving Melone Hatley.
15. In late June 2022, Respondent left Melone Hatley and L.P.'s case was transferred to another Melone Hatley attorney.

II. NATURE OF MISCONDUCT

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

By failing to provide competent representation, including by failing to understand the Court's procedures regarding pendente lite motions and failing to comply with deadlines, Respondent violated Rule 1.1.¹

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.

By failing to provide reasonably diligent and prompt representation, including by failing to set a prompt hearing on the pendente lite motion despite the circumstances rendering it clearly necessary, failing to respond to the Counterclaim for divorce, failing to propound discovery, and failing to respond to the discovery served on his client, Respondent violated Rule 1.3(a).

¹ Italicized language is for explanatory purposes only.

RULE 1.3 Diligence


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

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, it is the decision of the District Committee to accept the Agreed Disposition proposed by the parties and to impose a Public Reprimand Without Terms. Thomas Joseph Robl is hereby so admonished. Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

FIFTH DISTRICT, SECTION III
COMMITTEE
OF THE VIRGINIA STATE BAR

By:



Kevin Leigh Leahy
Chair Designate