VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
RICHARD THOMAS ROBOL **VSB DOCKET NO.: 19-021-114994**

MEMORANDUM ORDER OF SUSPENSION

A panel of the Virginia State Bar Disciplinary Board (the "Board") heard this matter on September 24 and 25, 2020, by video conference.[1] The panel members consisted of Carolyn V. Grady, Chair; Yvonne S. Gibney; Kamala H. Lannetti; Bretta M. Z. Lewis; and Nancy L. Bloom, lay member. At the outset of the hearing, the Chair inquired of each member of the Board whether any of them had any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel. All members of the Board, including the Chair, responded in the negative.

Renu M. Brennan, Bar Counsel, represented the Virginia State Bar ("Bar"). Paul D. Georgiadis, Esquire, represented Respondent Richard Thomas Robol ("Respondent"), who was present.

Court Reporter Beverly S. Lukowsky, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, after being duly sworn by the Chair, reported this matter and transcribed the proceedings.

The Clerk of the Disciplinary System ("the Clerk") timely sent all legal notices of the date and place in the manner prescribed by the *Rules of the Supreme Court of Virginia* (the "*Rule(s)"*), Part Six, §IV, ¶13-22.

[1] On October 5, 2020, Respondent, *pro se* and pursuant to Part Six, §IV, ¶13-18. R of the *Rules*, filed a Motion for Reconsideration of the Board's Summary Order issued on September 25, 2020. The Board reconvened by telephone conference call on October 9, 2020, to deliberate on the Motion. Following deliberation, the Board announced that it found that the Motion had been timely filed but denied the Motion.

This matter came before the Board on the Subcommittee Determination (Certification) of the Second District Subcommittee, Section I, dated February 6, 2020 (the "Certification"), in accordance with Part Six, §IV, ¶13-18 of the *Rules* involving misconduct charges against the Respondent.

On August 11, 2020, after the hearing in this matter had been scheduled for a one-day hearing on September 25, 2020, the Respondent requested that the matter be scheduled for a three-day hearing and requested that the Board hold the hearing in person, rather than by videoconference, to which requests the Bar objected. In an Order entered by the Chair on August 24, 2020, the hearing was scheduled for an additional day – September 24, 2020 – and the Order further provided that the Board would utilize the Microsoft Teams (videoconferencing) platform to conduct the hearing, consistent with the Board's August 24, 2020 order regarding electronic hearings.

Prior to the hearing, at the Pre-Hearing Conference, the Chair admitted VSB Exhibits 1-6, 9-28, 38, 42-44, and 46-49 into evidence without objection from the Respondent. The Chair overruled Respondent's objections to VSB Exhibits 1A and B, 7-8, 29-37, 39-41, and 45 and admitted them into evidence. The Chair also admitted Robol Exhibits 1-5 (Bates nos. 00001-00024), 9-11 (Bates nos. 00043-00051), 16-21 (Bates nos. 00112-00130), 23-30 (Bates nos. 00132-00177), 35 (Bates nos. 00252-00253), 50-52 (Bates nos. 00268-00303), 54 (Bates nos. 00305-00307), and 58-59 (Bates nos. 00361-00370) into evidence without objection from the Bar. The Chair overruled the Bar's objection to Robol Exhibit 33 (Bates nos. 00200-00203) and admitted it into evidence. The Chair also overruled Respondent's objection to the Bar's witness, the Honorable Patrick E. Sheeran.

During the hearing, the Board admitted the following additional exhibits offered by the Bar: VSB Exhibits 50 (without the attachment), 51 (as a demonstrative exhibit), 52-55, 56 (as a demonstrative exhibit), and 57-58. During the hearing the Board admitted Robol Exhibit 14 (Bates no.00057-00065). The Board also admitted the following additional exhibits offered by the Respondent: 60-61 and 63-67.

At the outset of the hearing, the Chair stated the following:

> On March 12, 2020, the Governor of Virginia declared a state of emergency regarding the novel coronavirus (COVID-19), pursuant to Executive Order 51. The state of emergency has been in place since March 12, 2020 and continues indefinitely, until revised or lifted by the Governor. Therefore, because COVID-19 has rendered it unsafe for public bodies to assemble in person, the Virginia State Bar Disciplinary Board is meeting via teleconference, with access provided to the public to observe. In addition, the meeting will be recorded, will be available for viewing on the Virginia State Bar's website, and it will otherwise comply with Virginia's Freedom of Information Act regarding electronic meetings, found in the Virginia Code, Section 2.2-3708.2, as supplemented by Section 4-0.01.g of Virginia House Bill 29, Chapter 1283 (2020).

During the misconduct phase of the hearing, the Bar did not call any witnesses but relied upon the evidence admitted at the Pre-hearing conference. The Board then heard testimony from the following witnesses on behalf of Respondent: Lori Shaw, Milt Butterworth, Gilman Kirk, and the Respondent. Both parties provided additional testimony through designated deposition and trial transcript excerpts and sworn affidavits.

At the conclusion of the misconduct phase, the Board considered all witnesses' testimony and the exhibits; heard argument of counsel for the Bar and for Respondent; and met in private to consider its decision.

Upon deliberation, the Board then announced that it found violations and entered the sanctions phase of the hearing. During this phase, the Board heard testimony from the following witnesses on behalf of the Bar: Steven W. Tigges and the Honorable Patrick E. Sheeran. The

Board also heard testimony from the following witnesses on behalf of Respondent: Phil Davey and the Respondent.

The Board then considered all witnesses' testimony and additional exhibits; heard argument of counsel for the Bar and for Respondent; and met in private to consider its decision.

MISCONDUCT

The Board made the following findings of fact based on clear and convincing evidence:

1. Respondent has been licensed to practice law in the Commonwealth of Virginia since 1979. He was an Active member of the Virginia State Bar between May 2, 1979 and September 9, 2002 and between August 28, 2003 and July 19, 2016. Between September 9, 2002 and August 28, 2003 and since July 19, 2016, Respondent has been an Associate member of the Virginia State Bar, a status that precludes him from practicing law in Virginia.

2. Respondent held a license to practice law in Ohio between 1996 and February 27, 2019, when the Ohio Supreme Court accepted Respondent's application for retirement or resignation with disciplinary action pending. VSB Ex. 2, ¶141.

3. At various times between the mid-1980s and 2014, the Respondent represented Thomas G. Thompson ("Thompson") and/or entities created or controlled by Thompson related to the search and salvage of the ship *S.S. Central America* that wrecked off the South Carolina coast in 1857 while carrying gold from the California Gold Rush. VSB Ex. 12 at 0443-0444. Those entities include: Columbus-America Discovery Group ("CADG"), Recovery Limited Partnership ("RLP"), Columbus Exploration LLC ("CX"), EZRA, Inc. ("EZRA"), Economic Zone Resources Associates ("ECON"); and Columbus Exploration Limited Partnership.

4. For twenty-seven years, beginning in 1987, the Respondent represented CADG, which served as RLP's agent in the *S.S. Central America* salvage operation, in admiralty litigation

before the United States District Court for the Eastern District of Virginia ("Virginia District Court"). VSB Ex. 2, ¶20. In 1989 that Court awarded CADG salvor-in-possession status, which entitled CADG to salvage the *S.S. Central America*. VSB Ex. 2, ¶14. Between 1988 and 1991 CADG recovered treasure from the ship with an estimated value of $20 million to $100 million. VSB Ex. 2, ¶15.

5. CADG and RLP maintained inventories that were contemporaneous records made of the treasure recovered from the ship. In October 1991, the Respondent signed and sent a letter on behalf of CADG to Bank One of Columbus, N.A. as part of a loan application. The letter referred to and reflected that it enclosed an inventory prepared by CADG "pursuant to a Court order requiring identification of gold recovered from the S.S. CENTRAL AMERICA." ("Original Inventory"). VSB Ex. 50.

6. In 1993, during the proceedings in the Virginia District Court, an inventory of the recovered treasure from the *S.S. Central America* was submitted to the Court in camera. VSB Ex. 12 at 0429.

7. Four years later, in 1997, the Virginia District Court appointed an independent expert named Fred Holabird to examine and prepare an inventory of the recovered treasure from the ship (the "Holabird Inventory"). VSB Ex. 12 at 0355-0356. In 1998, the Holabird Inventory was filed with the Court. VSB Ex. 12 at 0485-0486.

8. In 1999 or 2000, while under CX's management, RLP sold the recovered treasure from the ship to California Gold Marketing Group ("CGMG"). In connection with that sale, an inventory of all the gold sold to CGMG between February 15 and September 1, 2000 was created ("CGMG Inventory"). VSB Ex. 12 at 0459.

9. Between 2005 and 2013, the Respondent represented RLP and CX in litigation before the Franklin County [Ohio] Court of Common Pleas ("Ohio State Court Cases") and before the United States District Court for the Southern District of Ohio ("Ohio District Court"). In two of the Ohio State Court Cases, the plaintiff, Dispatch Printing Company ("Dispatch"), as an investor in RLP's salvage operation, asserted claims for breach of fiduciary duty, breach of contract, and for an accounting. The plaintiffs in a third Ohio State Court Case were a group of seamen who asserted claims because of not being paid by RLP, CX, and others. The three Ohio State Court Cases were consolidated and removed to the Ohio District Court (collectively, "Ohio Admiralty Cases"). VSB Ex. 2, ¶¶2, 33, and 34.

10. Through a consent order entered on July 20, 2006, the Ohio District Court approved a resolution of Dispatch's claims for injunctive relief by directing as follows:

> Within sixty (60) days after entry of this Order, Defendants shall provide Plaintiffs' accountant (hereafter, the "Accountant") with full access to review the documents and materials *regarding the period from January 1, 2000 through the date of entry of this Order, identified in the July 11, 2006 list by Accountant, for the purpose of preparing a report (hereafter, "Report") of the financial affairs and condition of CX and RLP*."

VSB Ex. 14 at 0679-0680 (emphasis in the original). The purpose of this provision in the July 2006 consent order was to enable the plaintiff's accountant, KPMG, to reconcile and perform a complete accounting of CX and RLP's recovered treasure, their principal asset, to determine whether any gold was missing, as was alleged. VSB Ex. 11 at 0281-0283. Inventories of the recovered treasure were necessary for that determination. *Id.*

11. In particular, KPMG needed inventories pertaining to four different points in time: (a) an inventory of "what was brought up in real time and recovered . . ." (i.e., the "Original Inventory"); (b) an inventory of "what was turned over to the [Virginia District Court] to make sure everything that was recovered went to the court and, if there were any discrepancies, how

those were resolved" (i.e., the "Holabird Inventory"); (c) an inventory of the "post-division split that showed the 92 [or] 93 percent that [CX and RLP] received" in the award from the Virginia District Court; and (d) the inventory of the gold sold to CGMG to verify that CGMG received everything awarded to CX and RLP post-division by the Virginia District Court (i.e., the "CGMG Inventory"). VSB Ex. 11 at 0285-0286.

12. In an Opinion and Order issued on December 5, 2006, the Ohio District Court found that "Columbus Exploration LLC ("CX") and Recovery Limited Partnership ("RLP") did not make the documents described in the July 11, 2006 ["list by Accountant"] available to the Plaintiffs' accountant within sixty days of the date of the Court's [July 20, 2006] Order." As a result of their noncompliance, the Court found that CX and RLP had "violated the express terms of the July 20, 2006 Order and again directed CX and RLP to supply the documents to Defendants' accountants by December 12, 2006. It further directed CX and RLP to "tender to Plaintiffs' attorney an inventory of the gold . . .." VSB Ex. 15.[2]

13. CX and RLP produced the CGMG Inventory soon after entry of the December 5, 2006 Order. VSB Ex. 2, ¶49.

14. Four months later in a hearing on April 24, 2007, Respondent and his clients represented to the Ohio District Court that the CGMG Inventory was the only one they possessed. Respondent stated, "**We have produced the inventories**, even if they are pre-2000 inventories. I don't want there to be any ambiguity in [opposing counsel's] mind about that. **We have produced all the inventories.**"[3] VSB Ex. 12 at 0465-0466. In response, the Court explained in its remarks

[2] The Certification describes the Ohio District Court's December 5, 2006 Order (VSB Ex. 15) as a "Contempt Order." VSB Ex. 1, ¶48. That Order did not, in fact, hold RLP and CX in contempt, but did find they had violated the July 20, 2006 Consent Order and reserved the possible imposition of sanctions to a future date.

[3] Each instance of Respondent's representations to the Court about the inventories that the Consent Order required his clients to produce appear in bold face in this Memorandum Order.

during the same hearing that CX and RLP were to turn over "anything that could be construed as an inventory of any kind regarding assets recovered from the shipwreck that would have been sold during the relevant time of this audit or review." VSB Ex. 7 at 0112-0113.

15. On June 4, 2007, CX and RLP disclosed to the Ohio District Court the existence of the Holabird Inventory, which had been filed under seal in the Virginia District Court in 1998.

16. On September 7, 2007, the Ohio District Court compelled the production of the Holabird Inventory. With respect to his clients' inventories, Respondent made the following representation to the Court during the September 7 hearing: "Let me address the specifics of the inventory. What you have been told is false, false, false. **The company has no inventories of the gold sold other than what has been provided**." VSB Ex. 12 at 0469-0470.

17. Two weeks later, on September 20, 2007, the Virginia District Court then authorized the release of the Holabird Inventory. Robol Ex. 20. Nevertheless, Respondent, on behalf of CX and RLP, pursued an unsuccessful interlocutory appeal of the September 7, 2007 Order that required them to produce the Holabird Inventory. Finally, after the United States Supreme Court denied certiorari, Respondent and his clients produced the Holabird Inventory on August 8, 2008, nearly a year after the Ohio District Court had ordered them to do so. VSB Ex. 17 at 0741-0742.

18. In a brief Respondent filed with the Ohio District Court on December 3, 2008, he represented that CX and RLP had "**produced the only inventory in their possession in late 2006, which was the [CGMG Inventory]**." VSB Ex. 12 at 0473-0474. Respondent further stated in the brief: "In sum, although KPMG's list of documents incorporated into the [July 20, 2006] consent order does not mention an inventory, **[CX and RLP] produced in 2006 the only inventory they ever possessed.**" *Id.* at 0488.

20. In an Opinion and Order issued on September 29, 2009, the Ohio District Court found that CX and RLP had again violated the July 20, 2006 Consent Order by failing to timely deliver the KPMG documents described in the Consent Order and that the delay was contemptuous. As a result, the Court ordered CX and RLP to pay nearly $235,000 in sanctions. VSB Ex. 17.

21. Respondent and his clients unsuccessfully appealed the September 29, 2009 Order to the Sixth Circuit Court of Appeals and to the United States Supreme Court, which denied certiorari on October 15, 2012. In his brief to the Sixth Circuit on behalf of CX and RLP, Respondent stated: "**The first inventory – the only inventory that Columbus Exploration had in its possession, custody or control – was provided to KPMG shortly after the December 5, 2006 Order**." VSB Ex. 18 at 0782. Respondent reiterated this statement in his Reply Brief to the Sixth Circuit. VSB Ex. 2, ¶74.

22. In February 2013, Respondent withdrew as counsel for RLP and CX in the Ohio Admiralty Cases. VSB Ex. 2, ¶80.

23. On May 23, 2013, the Ohio State Court, to which the Ohio Admiralty Cases had been remanded for the appointment of a receiver, appointed a receiver to take control of and wind down CX and RLP. VSB Ex. 2, ¶82. Pursuant to an order entered on June 14, 2013, the receiver ordered Respondent and other defense counsel to turn over all company files and other property in their possession. *Id.*, ¶83.

24. Beginning in 2007, Respondent and his clients CX, RLP, CADG, and EZRA occupied the same duplex on West Sixth Avenue in Columbus, Ohio. Respondent owned the building and leased one side – 431 West Sixth Avenue – to his clients while maintaining his law

offices in the other side – 433 West Sixth Avenue. VSB Ex. 12 at 0439. Respondent had access to both sides of the duplex. VSB Ex. 12 at 0484.

25. Respondent thought he might have searched for the inventories among the records stored in the duplex in 2006 (VSB Ex. 12 at 0470-0471, 0484), but he admitted that he had not searched for them at any time thereafter, despite the ongoing litigation and a Consent Order requiring their production.

26. Between July 25 and August 1, 2013, the receiver took possession of 36 CX and RLP file cabinets stored at the duplex. VSB Ex. 2, ¶87. Upon searching the file cabinets, the receiver and his agents found multiple copies of the Original Inventory, a file-stamped copy of the Holabird Inventory, and several other inventories and versions of other inventories. VSB Ex. 11 at 0233-0255. "Anyone who opened [Respondent's] file cabinets and performed even a cursory review of their contents would have discovered the . . . inventories . . ." VSB Ex. 28. One of the receiver's agents found Respondent's October 28, 1991 letter to Bank One of Columbus with the 43-page Original Inventory attached. VSB Ex. 11 at 0238. In all, they found approximately 31 inventories, lists, and other documents related to the recovered treasure that should have been produced in response to the Consent Order of July 20, 2006. *Id*.

27. Following a three-day evidentiary hearing on a motion for sanctions brought against Respondent by Dispatch, the Ohio District Court found by clear and convincing evidence that Respondent had engaged in sanctionable bad-faith conduct when he concealed the existence of the Original Inventories. VSB Ex. 1 at 0026-0050; VSB Ex. 2, ¶¶106, 107. In an Order entered on October 21, 2014, the Court sanctioned Respondent in the amount of $224,580, "the amount equal to the cost of pursuing this Motion for Sanctions, as well as the amount expended by [Dispatch] to uncover this fraud and locate the inventories uncovered by the Receiver." VSB Ex. 1 at 0049.

28. Respondent unsuccessfully appealed the Ohio District Court's order to the Sixth Circuit Court of Appeals. Upholding the Ohio District Court's decision, the Sixth Circuit found:

> By refusing to notify the court of the existence of inventories created prior to the California-Gold-sale inventory and falsely claiming the California-Gold-sale inventory was the only inventory in the defendants' possession, Robol hampered the enforcement of the 2006 consent order. If Robol had disclosed the existence and location of the pre-California-Gold sale inventories, Dispatch would not have been forced to wait until 2013, after years of costly litigation, to obtain the inventories. As the district court stated in its order sanctioning Robol, by 'representing to this Court and the Court of Appeals on multiple occasions, that his clients had no other inventories, or indeed that such inventories ever existed,' Robol 'hamper[ed] the enforcement of a court order.'

VSB Ex. 8 at 0142. Accordingly, the Sixth Circuit affirmed the sanctions award against Respondent. *Id*. at 0147.

RULES VIOLATED

Pursuant to *Rule 8.5* of the *Rules*[4], the Board concludes that it has the authority to discipline the Respondent for violations of the *Ohio Rules of Professional Conduct*, and finds the conduct of Respondent set forth above constitutes misconduct in violation of the following provisions of the *Ohio Rules of Professional Conduct*:

[4] *Rule 8.5* provides as follows:

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of Virginia, regardless of where the lawyer's conduct occurs. A lawyer not admitted in Virginia is also subject to the disciplinary authority of Virginia if the lawyer provides, holds himself out as providing, or offers to provide legal services in Virginia. By doing so, such lawyer consents to the appointment of the Clerk of the Supreme Court of Virginia as his or her agent for purposes of notices of any disciplinary action by the Virginia State Bar. A lawyer may be subject for the same conduct to the disciplinary authority of Virginia and any other jurisdiction where the lawyer is admitted.

(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;

(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred; and

(3) notwithstanding subparagraphs (b)(l) and (b)(2), for conduct in the course of providing, holding out as providing, or offering to provide legal services in Virginia, the Virginia Rules of Professional Conduct shall apply.

Rule 3.3 Candor toward the Tribunal

(a) A lawyer shall not *knowingly* do any of the following:

(1) make a false statement of fact or law to a *tribunal* or fail to correct a false statement of material fact or law previously made to the *tribunal* by the lawyer; . . .

. . .

(b) A lawyer who represents a client in an adjudicative proceeding and who *knows* that a person, including the client, intends to engage, is engaging, or has engaged in criminal or *fraudulent* conduct related to the proceeding shall take *reasonable* measures to remedy the situation, including, if necessary, disclosure to the *tribunal*.

Respondent violated this Rule by repeatedly representing to the Ohio District Court and to the Sixth Circuit Court of Appeals that his clients had produced the only inventory in their possession or the only inventory ever in their possession. By virtue of his representation of his clients in the Virginia District Court and in connection with a loan they were seeking from Bank One of Columbus, Respondent knew that these statements were untrue. Despite knowing that the inventories existed, Respondent did not take reasonable measures to remedy the situation, such as disclosing to the Court that such an inventory had existed in 1991 in connection with the bank loan application.

Rule 3.4 Fairness to Opposing Party and Counsel

A lawyer shall not do any of the following:

(a) unlawfully obstruct another party's access to evidence; unlawfully alter, destroy, or conceal a document or other material having potential evidentiary value; or counsel or assist another person to do any such act;

. . .

(c) *knowingly* disobey an obligation under the rules of a tribunal, except for an open refusal based on a good faith assertion that no valid obligation exists[.]

Respondent violated this Rule by failing to produce the Holabird Inventory once the Virginia District Court authorized its release and by pursuing a baseless interlocutory appeal of the Ohio District Court's order requiring the production of the inventory.

Rule 4.1 Truthfulness in Statements to Others

> **In the course of representing a client a lawyer shall not *knowingly* do either of the following:**
>
> **. . .**
>
> **(b) fail to disclose a material fact when disclosure is necessary to avoid assisting an *illegal* or *fraudulent* act by a client.**

Respondent violated this Rule by repeatedly representing to the Ohio District Court and to the Sixth Circuit Court of Appeals that his clients had produced the only inventory in their possession or the only inventory ever in their possession. The existence of the Original Inventory, of which the Respondent had knowledge, was a material fact in the Ohio Admiralty Cases. It was to be the basis for performing an accounting of the recovered treasure. Because of Respondent's statements that no other inventories existed or ever existed, Respondent's clients were able to hide and avoid producing for years the Original Inventories and other inventories of the recovered treasure that were ultimately discovered by the receiver in the file cabinets from the duplex Respondent owned and leased to his clients. Their concealment of the documents, all of which the Ohio District Court had ordered CX and RLP to produce, was a fraudulent act.[5]

Rule 8.4 Misconduct

[5] The Ohio Rules of Professional Conduct define the term "fraudulent" as "conduct that has an intent to deceive and is either of the following: (1) an actual or implied misrepresentation of a material fact that is made either with knowledge of its falsity or with such utter disregard and recklessness about its falsity that knowledge may be inferred; (2) a knowing concealment of a material fact where there is a duty to disclose the material fact." *Ohio Rules of Professional Conduct*, Rule 1.0(d).

It is professional misconduct for a lawyer to do any of the following:

. . .

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice.

Respondent violated this Rule by ignoring the orders of the Ohio District Court to produce the Original Inventory, the Holabird Inventory and any other inventory of which Respondent knew or had reason to know. Respondent's misrepresentations to the Court about the inventories delayed the resolution of the Ohio Admiralty Cases by years, resulting in the expenditure of significant time and expense by the plaintiffs and, ultimately, sanctions awards against Respondent, individually, and his clients.

The Board found insufficient evidence to support violations of the following: Rules 1.9(c)(1) and 3.1 of the *Virginia Rules of Professional Conduct* and Rules 1.2(d)(1), 1.9(c)(1), and Rule 3.3(a)(3) of the *Ohio Rules of Professional Conduct*.

SANCTION PHASE

After the Board announced its findings by clear and convincing evidence, it received further evidence and argument from the Bar and Respondent regarding aggravating and mitigating factors applicable to the appropriate sanction for the misconduct underlying the Rules violations, including Respondent's prior disciplinary record.

In its consideration of an appropriate sanction, the Board found the Respondent's misconduct reflects violations of the duty he owed to the legal system as an officer of the court. He did this by making false statements and improperly withholding information about the inventories from the plaintiffs and the court in the Ohio Admiralty Cases, and that misconduct had

a significant adverse effect on those legal proceedings. Revocation is generally appropriate for such misconduct, absent mitigating circumstances. *See Annotated Standards for Imposing Lawyer Sanctions,* Standard 6.11 (American Bar Association, 2015).

The evidence reflects several aggravating factors that the Board considered in its deliberation. With Respondent's four decades of experience in the practice of law, Respondent should know better than to engage in misconduct and to persist in doing so for years. Respondent's misconduct involved multiple violations of the Rules of Professional Conduct. Despite that misconduct, which was prejudicial to the administration of justice, sabotaged the court proceedings in the Ohio Admiralty Cases over many years, and ultimately resulted in the imposition of sanctions against Respondent and his clients, as well as a contempt finding against his clients, Respondent still has not acknowledged the wrongful nature of his conduct. Instead, he testified only that he is "concerned that it was perceived" that he delayed the court proceedings.

The evidence also reflects significant mitigating factors that the Board considered in its deliberation. Respondent has no discipline record in more than 40 years of practicing law. He has resigned his license to practice law in Ohio and as an Associate member of the Virginia State Bar, he has not been able to practice law in Virginia since 2016. He has fully paid the sanctions award imposed by the Ohio District Court. Respondent cooperated with the Bar's investigation of this matter. Respondent presented evidence of his reputation and good character, particularly in his pro bono work.

DISPOSITION

At the conclusion of the evidence in the sanction phase of the proceeding, the Board recessed to deliberate. Following deliberation of the appropriate sanction, the Board reconvened

and announced its decision. Having considered the evidence presented and argument of counsel, it is

ORDERED that Respondent's license to practice law in the Commonwealth of Virginia is hereby SUSPENDED for Four (4) Years, effective September 25, 2020.

It is further ORDERED that Respondent shall comply with the requirements of Part Six, §IV, ¶13-29 of the *Rules*. The Respondent shall 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 he 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 his care and conformity with the wishes of his clients. The Respondent shall give such notice within fourteen (14) days of the effective date of this order, and he shall make such arrangements as are required herein within forty-five (45) days of the effective date of the suspension. The Respondent shall also furnish proof to the Bar within sixty (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 pursuant to Part Six, §IV, ¶13-9. E of the *Rules*, the Clerk shall assess costs against the Respondent.

An attested copy of this Memorandum Order of Suspension will be mailed to the Respondent by certified mail, return receipt requested, to his Virginia State Bar address of record: Richard Thomas Robol, 433 West Sixth Avenue; Columbus, Ohio 43201; and to Robol Law Office; 555 City Park Avenue; Columbus, Ohio 43215; and to Respondent's counsel, Paul D. Georgiadis; Paul D. Georgiadis, PLC; 2819 N. Parham Rd., Suite 110; Richmond, Virginia 23294-

4425; and via hand delivery to Renu M. Brennan, Bar Counsel, Virginia State Bar, 1111 E. Main Street, Suite 700, Richmond, Virginia 23219.

ENTERED THIS 16th DAY OF OCTOBER 2020.

VIRGINIA STATE BAR DISCIPLINARY BOARD

Carolyn V. Grady

Digitally signed by Carolyn V. Grady
Date: 2020.10.15 19:49:32 -04'00'

Carolyn V. Grady
First Vice Chair