

TO VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTERS OF
MICHAEL ALAN YODER**

**VSB DOCKET NOS. 24-041-131994
25-041-133374**

CONSENT TO REVOCATION ORDER

On May 15, 2025, came Michael Alan Yoder and presented to the Board an Affidavit Declaring Consent to Revocation (hereinafter "Affidavit") of his license to practice law in the courts of this Commonwealth. By tendering his Consent to Revocation at a time when a disciplinary complaint, Investigation or Proceeding is pending, the nature of which is specifically set forth in the attached Affidavit. Respondent acknowledges that the material facts contained in the pending disciplinary complaint Investigation or Proceeding are true.

The Board having considered the Affidavit, and Bar Counsel having no objection, the Board accepts his Consent to Revocation.

Upon consideration whereof, it is therefore ordered that Michael Alan Yoder's license to practice law in the courts of this Commonwealth be and the same hereby is revoked, and that the name of Michael Alan Yoder be stricken from the Roll of Attorneys of this Commonwealth.

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 Revocation 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 in conformity with the wishes of his clients. The Respondent


shall give such notice immediately and in no event later than 14 days of the effective date of the Revocation and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Revocation. The Respondent shall also furnish proof to the Clerk of the Disciplinary System of the Virginia State Bar within 60 days of the effective date of the Revocation that such notices have been timely given, and such arrangements have been 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 Revocation, he shall submit an affidavit to that effect within 60 days of the effective date of the Revocation to the Clerk of the Disciplinary System at the Virginia State Bar. The Board shall decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof shall be on the Respondent to show compliance.

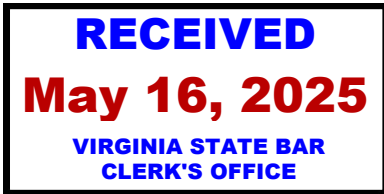
It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order by electronic, regular and certified mail, return receipt requested, to the Respondent, Michael Alan Yoder at his address of record with the Virginia State Bar, being, 2300 Wilson Blvd Ste 700, Arlington, VA 22201 and a copy sent by electronic mail to Julie S. Palmer, Counsel for Respondent, and to Richard W. Johnson Jr., Assistant Bar Counsel.

Entered this 19th day of May, 2025

Virginia State Bar Disciplinary Board



David J. Gogal
Chair



VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
Michael Alan Yoder

VSB Docket No. 24-041-131994
VSB Docket No. 25-041-133374

AFFIDAVIT DECLARING CONSENT TO REVOCATION

I, Michael Alan Yoder, after being duly sworn, state as follows:

1. I was licensed to practice law in the Commonwealth of Virginia on October 19, 2018.
2. I submit this Affidavit Declaring Consent to Revocation pursuant to Rule of Court, Part 6, Section IV, Paragraph 13-28.
3. My consent to revocation is freely and voluntarily rendered. I am not being subjected to coercion or duress. I am fully aware of the implications of consenting to the revocation of my license to practice law in the Commonwealth of Virginia.
4. I am aware that there is currently pending a complaint, an investigation into, or a proceeding involving, allegations of misconduct, the docket number(s) for which is set forth above, and the specific nature of which is here set forth:

VSB Docket No. 24-041-131994

5. On January 26, 2023, the Virginia State Bar (“VSB”) sent me a letter notifying me of a bar complaint filed against me. The VSB’s investigation and proceedings of the bar complaint concluded on September 9, 2024.
6. On January 31, 2023, I sought admission *pro hac vice* in the United States District

Court for the Eastern District of New York. I stated in my application that “[t]here are no pending disciplinary proceedings against me in in any state or federal court.” I did not disclose the pending investigation in Virginia.

7. On July 12, 2023, I sought admission *pro hac vice* in the United States District Court for the Western District of Washington. I stated to the Court that there were “no disciplinary proceedings against” me. I did not disclose the pending investigation in Virginia.

8. On August 7, 2023, I sought admission *pro hac vice* in the United States District Court for Massachusetts. In my certification, I stated to the Court that I was “not the subject of any pending disciplinary proceedings in any jurisdiction.” I did not disclose the pending investigation in Virginia.

9. On August 14, 2023, after the Lahaina fire in Hawaii, I posted to my Instagram account: “I will help anyone in Maui fight to protect their land.” Hawaii prohibits foreign attorneys from advertising, consulting, advising, or otherwise engaging in the practice of law unless they have previously been admitted by the Hawaii Supreme Court.

10. On August 16, 2023, the Hawaii Office of Disciplinary Counsel (“Hawaii Disciplinary Counsel”) opened an investigation into me.

11. On September 18, 2023, Hawaii Disciplinary Counsel advised me:

I am also aware that you, apparently working with Hawaii lawyer Shawn Luiz, have filed a lawsuit in federal court, and will be seeking *pro hac vice* admission. Per (Hawaii US District Court) Local Rule 83.1c)(2)(B)(iv)(a) you are required to disclose whether you are “currently involved in any disciplinary proceedings before any state bar.” You need to disclose this matter in that investigation. For that reason, I have copied this e-mail to your local counsel- Shawn Luiz – so that he may ensure that you fulfill your duties to the federal court in any application so filed.

12. On November 3, 2023, I moved the United States District Court of Hawaii (“Hawaii Court”) to admit me *pro hac vice* and disclosed to the Hawaii Court the pending Hawaii Disciplinary investigation. I did not disclose any other investigations, including the investigation in Virginia.

13. On September 20, 2023, I sought admission *pro hac vice* in the United States District Court for the Southern District of Indiana. I stated in my application that I had never “been subject to other disciplinary action from any such court, department, bureau or commission pertaining to conduct or fitness to practice law.”

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14. In September 2022, Alexandria Pastor (“Pastor”) retained me to represent her in an employment matter arising from her termination from Mercy Medical Center (“Mercy Medical”) in New York.

15. In October 2022, Pastor paid me a \$5,000.00 advanced legal fee.

16. I deposited Pastor’s advanced legal fee directly into my operating account.

17. At the time I was retained, I operated a solo law firm. From September 2023 to April 2024, I operated the firm, Yoder LaVeglia, with Chad LaVeglia (“LaVeglia”), who was admitted to practice law in New York. LaVeglia served as local counsel in Pastor’s case.

18. On or about May 2, 2024, following the dissolution of Yoder LaVeglia, I formed a new law firm, Yoder Dreher Pearson, with Rachel Dreher (“Dreher”) and Nicole Pearson.

19. On December 23, 2022, LaVeglia and I filed a lawsuit on behalf of Pastor in the United States District Court for the Eastern District of New York (“EDNY”).

20. The Complaint’s signature line indicated that I intended to seek admission *pro*

hac vice. I did not, at that time or ever, seek admission *pro hac vice*.

21. On March 31, 2023, I sent an email to Pastor, stating, in part:

Also, just a heads up-as mentioned at the outset, it's very common to not hear from me during the case for periods of time as there's literally nothing to update. A lot of litigation is waiting for the judge to make a ruling, so in the meantime there's nothing we can do/for us to do. Just letting you know so you know I haven't forgotten about you.

22. Pastor's reply to my email stated:

Thank you so much. I had put an auto reminder on my calendar to reach out after 3 months, which is why I emailed. From now on, I'll just wait to hear from you and know that you've got it under control. Thanks for the response and keeping me informed!!

23. On September 15, 2023, Mercy Medical Filed a Motion to Dismiss Pastor's matter for Failure to State a Claim.

24. On May 6, 2024, after I partnered with Dreher, I sent an email to Pastor advising that Dreher, who was licensed in New York, would be noting her appearance¹ as local counsel in Pastor's matter. On May 10, 2024, Dreher entered her appearance on behalf of Pastor. On May 23, 2024, EDNY granted LaVeglia's motion to withdraw.

25. On June 17, 2024, EDNY granted Mercy Medical's Motion to Dismiss and dismissed Pastor's matter. Pastor had until July 17, 2024 to note an appeal. Neither I nor Dreher advised Pastor of her right to note an appeal or the associated deadline. As a result, Pastor was time-barred from appealing the dismissal of her case.

¹ It advised Pastor that I would "let [Pastor] know once Rachel's appearance gets entered though." I did not advise Pastor when EDNY entered Dreher's appearance.

26. On September 26, 2024, Pastor sent an email to Dreher asking for an update on her matter and advising that I did not tell Pastor whether Dreher's appearance had been entered. Dreher did not answer Pastor's email.

27. On October 2, 2024, Pastor filed a bar complaint. In October 2024, prior to being notified that Pastor had filed a bar complaint, I refunded Pastor the entirety of the fee she paid me. A cover letter accompanied the refund check.

28. On October 7, 2024, as part of the investigation of Pastor's bar complaint, the VSB issued a subpoena *duces tecum* to me, demanding that I provide, in part:

Copies of all files, records, reports, documents and electronically stored information related to your representation of Alexandria Pastor, including but not limited to:

- 1) your entire client file;
- 2) all contracts for legal representation;
- 3) all communications with the client and others about the representation, including but not limited to letters, emails, text messages, and messages sent via other media platforms;

29. I responded to the VSB's subpoena. My response to the VSB subpoena *duces tecum* was incomplete in that it did not contain my May 6, 2024 email to Pastor or Pastor's reply; email exchanges with Pastor on September 30, 2024 and October 2, 2024; copies of the October 2, 2024 text message exchanges with Pastor; or the cover letter I sent with the refund check issued to Pastor.

30. The evidence is sufficient to prove that I violated the following Rules of Professional Conduct:

- a. Indiana Rule of Professional Conduct 8.4(c)(Misconduct).²

² **Indiana Rule of Professional Conduct 8.4(c) Misconduct**

It is professional misconduct for a lawyer to:

- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation[.]

- b. New York Rule of Professional Conduct 1.15(b)(1)(Safekeeping Property).³
- c. New York Rule of Professional Conduct 1.4(a)(3) and 1.4(b)(Communication)⁴
- d. Virginia Rule of Professional Conduct 8.1(c)(Bar Admission and Disciplinary Matters).⁵

³ **New York Rule of Professional Conduct 1.15(b)(1) Safekeeping Property**

(b) **Separate Accounts.**

- (1) A lawyer who is in possession of funds belonging to another person incident to the lawyer's practice of law shall maintain such funds in a banking institution within New York State that agrees to provide dishonored check reports in accordance with the provisions of 22 N.Y.C.R.R. Part 1300. "Banking institution" means a state or national bank, trust company, savings bank, savings and loan association or credit union. Such funds shall be maintained in the lawyer's own name, or in the name of a firm of lawyers of which the lawyer is a member, or in the name of the lawyer or firm of lawyers by whom the lawyer is employed, in a special account or accounts, separate from any business or personal accounts of the lawyer or lawyer's firm, and separate from any accounts that the lawyer may maintain as executor, guardian, trustee or receiver, or in any other fiduciary capacity; into such special account or accounts all funds held in escrow or otherwise entrusted to the lawyer or firm shall be deposited; provided, however, that such funds may be maintained in a banking institution located outside New York State if such banking institution complies with 22 N.Y.C.R.R. Part 1300 and the lawyer has obtained the prior written approval of the person to whom such funds belong specifying the name and address of the office or branch of the banking institution where such funds are to be maintained.

⁴ **New York Rule of Professional Conduct 1.4 (Communication)**

- (a) A lawyer shall:
 - (1) promptly inform the client of:
 - (i) any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(j), is required by these Rules;
 - (ii) any information required by court rule or other law to be communicated to a client; and
 - (iii) material developments in the matter including settlement or plea offers.
 - (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
 - (3) keep the client reasonably informed about the status of the matter;
 - (4) promptly comply with a client's reasonable requests for information; and
 - (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by these Rules or other law.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

⁵ **RULE 8.1 Bar Admission And Disciplinary Matters**

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

36. I acknowledge that the material facts upon which the allegations of misconduct are predicated are true.

37. I submit this Affidavit and consent to the revocation of my license to practice law in the Commonwealth of Virginia because I know that if the disciplinary proceedings based on the alleged misconduct were brought or prosecuted to a conclusion, I could not successfully defend them.

Executed and dated on 05/15/2025.

Michael Alan Yoder

Michael Alan Yoder
Respondent

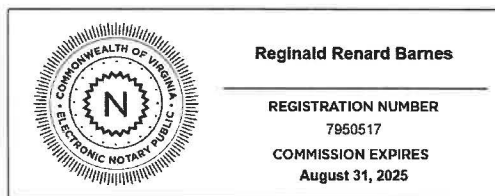
Virginia 
STATE OF ~~TEXAS~~
CITY/COUNTY OF Virginia Beach, to wit:

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to before me by Michael Alan Yoder on 05/15/2025.

Reginald Renard Barnes

Notary Public

My Commission expires: 08/31/2025.



(c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6[.]