

VIRGINIA:

*Before the Virginia State Bar Disciplinary Board*

*In the Matters of*

*MICHAEL JACKSON BEATTIE*

*VSB Docket Nos. 06-051-3317*

*07-051-1351*

*Attorney at Law*

*07-051-1867 and*

*07-051-2331*

*On December 29, 2008, came Michael Jackson Beattie and presented to the Board an Affidavit Declaring Consent to Revocation of his license to practice law in the courts of this Commonwealth. By tendering his Consent to Revocation at a time when disciplinary charges are pending, he admits that the charges in the attached Exhibit "A" document are true.*

*The Board having considered the said Affidavit Declaring Consent to Revocation, and Bar Counsel having no objection, the Board accepts his Consent to Revocation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Michael Jackson Beattie be and the same hereby is revoked, and that the name of the said Michael Jackson Beattie be stricken from the Roll of Attorneys of this Commonwealth.*

*Enter this Order this 6<sup>th</sup> day of January, 2009*

*For the Virginia State Bar Disciplinary Board*

*By Barbara S. Lanier*  
*Barbara Sayers Lanier, Clerk of the Disciplinary System*

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTERS OF MICHAEL JACKSON BEATTIE

VSB DOCKET NOS.           06-051-3317  
                                  07-051-1351  
                                  07-051-1867  
                                  07-051-2331

AFFIDAVIT DECLARING CONSENT TO REVOCATION

MICHAEL JACKSON BEATTIE, after being duly sworn, states as follows:

1.     That he was licensed to practice law in the Commonwealth of Virginia on April 27, 1995;

2.     That pursuant to Part 6, Section IV, Par. 13.L of the *Rules of Virginia Supreme Court*:

- a.     his consent to revocation is freely and voluntarily rendered, that he is not being subjected to coercion or duress, and that he is fully aware of the implications of consenting to a Revocation of his license to practice law in the Commonwealth of Virginia;
- b.     he is aware that there are currently pending complaints against him involving allegations of misconduct, the nature of which are set forth in Exhibit A attached hereto, the contents of which are hereby incorporated by reference as if fully set forth in this Affidavit;
- c.     he acknowledges that the material facts upon which the allegations of Misconduct are predicated, as set forth in the attached Exhibit A, are true; and
- d.     he submits this Affidavit and consents to the Revocation of his license to practice law in the Commonwealth of Virginia because he knows that if disciplinary Proceedings based on the alleged Misconduct were brought or prosecuted to a conclusion, he could not successfully defend them.

3.     That he understands that, pursuant to Part 6, Section IV, Par. 13.L of the *Rules of*

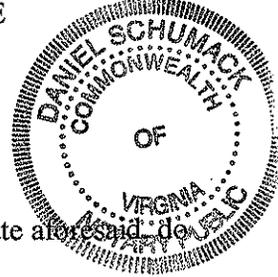
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Virginia Supreme Court, the admissions offered in this Affidavit shall not be deemed an admission in any proceeding except one relating to his status as a member of the Bar.

Executed this 29 day of December, 2008.

Michael J. Beattie  
MICHAEL JACKSON BEATTIE

STATE OF VIRGINIA  
CITY/COUNTY OF FAIRFAX, to wit:



I, DANIEL SCHUMACK, a Notary Public in the state aforesaid, do hereby certify that MICHAEL JACKSON BEATTIE appeared in person before me in the City/County of FAIRFAX, Virginia, on this 29 day of DECEMBER, 2008, and was by me duly sworn and thereupon executed in my presence and acknowledged to me the truth and voluntariness of the foregoing Affidavit Declaring Consent to Revocation and Statement

GIVEN under my hand this 29 day of DECEMBER, 2008.

Daniel Schumack  
Notary Public

My Commission expires: \_\_\_\_\_

**Daniel Schumack**  
**NOTARY PUBLIC**  
Commonwealth of Virginia  
Notary No. 248274  
My Commission Exp. 31 July 2009

SEEN WITH NO OBJECTION TO ENTRY OF AN ORDER BY  
THE VIRGINIA STATE BAR DISCIPLINARY BOARD REVOKING  
RESPONDENT'S LICENSE TO PRACTICE LAW IN VIRGINIA:

Kathleen M. Uston

KATHLEEN M. USTON, ESQUIRE  
Assistant Bar Counsel

**EXHIBIT "A"**

**VS B Docket Number 07-051-2331**

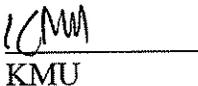
In January of 2006, the Complainant, Amy Perkins, retained the Respondent to represent her against both the United States Patent and Trade Office ("the PTO") in her claim of discrimination and before the Equal Employment Opportunity Commission ("the EEOC") in her appeal of the dismissal of her formal complaint of discrimination against the PTO.

The Complainant paid the Respondent over \$10,000.00 in fees. During the course of his representation of his client, the Respondent failed to keep the Complainant regularly informed about her case, and failed to respond directly to requests for explanations of the charges on his billing statements. Respondent made numerous errors including *inter alia* noticing depositions for a Sunday, failing to reschedule those depositions upon discovering the error, failing to respond timely to discovery, failing to timely pursue a motion to compel the PTO's discovery responses, and failing to file a timely response to the PTO's Motion for a Decision without a Hearing (also referred to in the file as the PTO's "Motion for Summary Judgment.") Some of this work was performed by or in tandem with subordinates who reported directly to Respondent, and whom Respondent was responsible to supervise.

With regard to PTO's Motion for Decision Without a Hearing, PTO served this Motion upon the Respondent by express mail, next day delivery on December 19, 2006. Rather than respond substantively to this motion, the Respondent filed a "Motion for Extension of Time to File Opposition," representing therein that he had, as of the date of filing (January 4, 2007,) never received the Motion by mail. In response, the PTO produced the United States Postal Service tracking sheet which confirmed hand delivery of the Motion on December 20, 2006 at 11:19 a.m. to the Respondent's office and which further showed that the Respondent himself had signed for this delivery. The presiding Administrative Law Judge denied the Motion for Extension. The Respondent did not timely discuss the pendency of the PTO's Motion for Summary Judgment, or his failure to timely respond to same, with the Complainant.

In February of 2007, Ms. Perkins notified the Respondent in writing that she was terminating his services and retaining new counsel. Successor counsel, Michelle Perry, Esquire, contacted the Respondent, confirmed that she had taken over Ms. Perkins' case, and requested that the Respondent provide her with the Complainant's file including his draft substantive response to the PTO's Motion for Summary Judgment. The Respondent instead filed an Opposition to Summary Judgment on the client's behalf. The presiding Administrative Law Judge struck this filing, indicating that she was doing so because the

  
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Respondent was no longer Ms. Perkins' counsel of record, instead allowing a response to be filed by Ms. Perry.

The Respondent provided Ms. Perkins and/or Ms. Perry with incomplete files. The Respondent charged the Complainant \$68.08 to copy her file and then sent her additional documents from her file Cash on Delivery, requiring that the Complainant pay an additional \$9.75 to accept this mailing. Copies when provided included some duplicates (at Complainant's expense), and the files were not arranged in a meaningful order.

On March 29, 2007, Ms. Perkins filed suit against the Respondent for malpractice, inclusive of return of fees paid to Respondent and what she characterized as remedial fees paid to Ms. Perry. Ms. Perkins obtained judgment on the merits against Respondent in the Fairfax Circuit Court on October 18, 2007, for \$11,680.88, which judgment was promptly satisfied in full.

Respondent admits violations of Rules 1.1, 1.3(a), 1.4(a)-(b), 1.16(d), 5.1(c).

**VSJ Docket Number 06-051-3317**

In November of 2004, the Complainant, Florence R. Givens, hired the Respondent to represent her with respect to an appeal of the denial of worker's compensation benefits. The Respondent timely filed an appeal, but the brief as filed contained arguments germane to an unrelated client with completely different facts – the apparent result of recycling a word processing document prepared for another case. The Respondent did not notice the error until receipt of the denial of his client's appeal some months later. The Respondent advised his client in writing that her appeal had been denied, but failed to inform her that he had filed the wrong brief. Respondent filed a motion to reconsider, which was reviewed de novo, and ultimately also denied. Subsequently, the Respondent agreed to file a new claim on his client's behalf free of charge which she authorized him to do. The Respondent, however, failed to file a new claim on her behalf.

Respondent admits violations of Rules 1.1, 1.3(a), 1.4(a)-(b), and 5.1(c).

**VSJ Docket Number 07-051-1351**

In 2006, the Complainant, Dava-Kay F. Kaitala, Esquire, was opposing counsel in a case in which the Respondent represented an employee of the United States Army in an appeal of his removal from his job before the Federal Merit Systems Protection Board ("MSPB"). By Order dated August 14, 2006, the MSPB administrative law judge in the case scheduled a telephonic status conference for August 28, 2006. The Respondent failed to participate in the call, did not contact the MSPB to explain why he had been

  
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absent from the conference, and failed to respond to numerous telephone messages left for him both by the tribunal and by the Complainant.

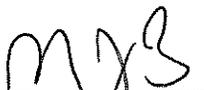
Complainant and Respondent's relationship was hostile at times, with Complainant ultimately informing the Respondent that she was considering whether or not she had an obligation to report his behavior to the Virginia State Bar. In response, the Respondent informed the Complainant that he would not allow his client to settle the case unless she assured him she would not do so. The Respondent then accused the Complainant of "blackmail." The Complainant called this to the attention of the tribunal and a conference call was convened to discuss the matter on October 20, 2006. The MSPB administrative law judge who presided over this conference call prepared a written Summary of Conference Call noting therein that during the call the Respondent became hostile, was disrespectful to the tribunal, and was unprofessional. The ALJ noted further that the Respondent stated affirmatively that he "[C]ould not provide proper legal advice to his client as long as the possible bar complaint against him remain unresolved."

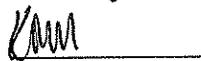
On November 2, 2006, the Respondent filed a complaint with the Virginia State Bar against himself, for the stated purpose of removing Complainant's threat as an impediment to Respondent's continued representation of his client. By Order entered later the same day, the presiding judge denied Complainant's motion to disqualify Respondent; no sanctions imposed on Respondent or Complainant. There is no indication that Respondent's client was prejudiced.

Respondent admits violation of Rules 1.3(a), 3.4(d), and 3.5(f).

**VSB Docket Number 07-051-1867**

In 2004, the Complainant, Curtis Clinton, retained the Respondent to represent his daughter in a civil matter. Respondent failed to attend two court appearances, without explanation to the court or opposing counsel, including his own motion to withdraw as counsel. The transition to new counsel was initially impeded by a billing dispute between Complainant and Respondent, in which Respondent demanded and received \$350.00 for copies of Complainant's file. Respondent admits violation of Rules 1.1, 1.3(a), 1.4(b), 1.16(e), and 3.4(d).

  
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