

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF HAMPTON**

**VIRGINIA STATE BAR EX REL  
FIRST DISTRICT COMMITTEE,**

**Complainant,**

**v.**

**VSJ Docket No. 07-010-070591  
Case No. CL08-1509**

**MICHAEL CHRISTOPHER BRUNO,**

**Respondent.**

**ORDER**

This matter came on to be heard on August 7, 2008, by teleconference upon an Agreed Disposition between the parties, which was presented to the Three-Judge panel designated by our Supreme Court to sit in this matter consisting of Judge John W. Brown, Judge Designate, Judge Cleo E. Powell, Judge Designate and Judge Jane Marum Roush, Chief Judge Designate (collectively, the Panel).

Richard E. Slaney, Assistant Bar Counsel, appeared as counsel for the Virginia State Bar, and the Respondent, Michael Christopher Bruno, Esq. (Mr. Bruno or Respondent), appeared *pro se*.

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.B.5.c., the Bar and Mr. Bruno entered into a written proposed Agreed Disposition and presented same to the Panel.

The Chief Judge swore the Court Reporter and polled the members of the Panel to determine whether any member had a personal or financial interest that might affect or

reasonably be perceived to affect his or her ability to be impartial in these matters. Each member, including the Chief Judge, verified they had no such interests.

The Panel heard argument from counsel thereafter retired to deliberate on the Agreed Disposition. Having considered all the evidence before it, the Panel unanimously accepted the Agreed Disposition.

### **I. FINDINGS OF FACT**

1. At all times relevant to this matter, the Respondent, Michael Christopher Bruno (Bruno), was an attorney licensed to practice law in the Commonwealth of Virginia.

2. In early 2006, the family of Thomas Solon Edge, IV (Edge) hired Bruno to file a habeas corpus petition challenging the legality of Edge's confinement in the Virginia prison system.

3. On July 4, 2006, Edge called Bruno collect from prison (the July 4 Call). In accord with a recorded warning preceding the conversation, the call was recorded. Edge expressed his concern that the deadline to file the petition was the next day. Bruno assured Edge that was not the case; however, sometime after the call concluded, Bruno apparently decided Edge was correct about the deadline being July 5, 2006.

4. Bruno signed Edge's name to a habeas corpus petition in two places, then himself notarized Edge's alleged signatures using the random date of June 6, 2006 as the date of attestation. Bruno then filed the petition July 5, 2006 with the Circuit Court of the City of Hampton (the Court). At no time did he make either the Court or opposing counsel (the Virginia Attorney General) aware of the fact he signed Edge's name to the petition.

5. On January 30, 2007, the Court entered an order dismissing the petition. On February 1, 2007, Edge called Bruno collect from prison and learned the petition would be dismissed (the Feb. 1 Call). In accord with a recorded warning preceding the conversation, the call was recorded. Bruno agreed to file a request for reconsideration but declined to file any appeal. In fact, Bruno never filed any request for reconsideration.

6. In May of 2007, Edge filed a complaint against Bruno with the Bar alleging in part Bruno forged his signature on the petition and agreed to file a reconsideration request but failed to do so.

7. By letter dated June 21, 2007, Bruno responded to the Bar complaint. He claimed that, during the July 4 Call, he confirmed to Edge the one year time limit to file a habeas corpus petition and realized the next day was the filing deadline. He also claimed that during the July 4 Call he discussed the deadline with Edge and sought and received Edge's permission to sign

Edge's name to the petition. The recording of the July 4 Call demonstrates these claims by Bruno are false.

8. In that same letter, Bruno denies offering or agreeing to file any reconsideration request. The recording of the Feb. 1 Call demonstrates this denial by Bruno is false.

9. In mitigation, Bruno would testify he simply panicked when he discovered the deadline for filing the habeas corpus petition. The Bar stipulates the Petition filed by Bruno was well-researched and well-drafted. Bruno would testify he panicked again when he received Edge's Bar complaint. He would also testify at the time he was going through a difficult and acrimonious separation from his wife. Bruno was licensed in 2003 and has never been previously disciplined by the Bar.

## II. NATURE OF MISCONDUCT

The Panel finds by clear and convincing evidence that such conduct by Mr. Bruno constitutes misconduct in violation of the following Rules of Professional Conduct:

### RULE 1.3     Diligence

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

### RULE 3.3     Candor Toward The Tribunal

- (a)     A lawyer shall not knowingly:
  - (1)     make a false statement of fact or law to a tribunal;
  - (4)     offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.

### RULE 3.4     Fairness To Opposing Party And Counsel

A lawyer shall not:

- (c)     Falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law. \*\*\*

### RULE 8.1     Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer in connection with a bar admission application, in connection with any certification required to be filed as a condition of

maintaining or renewing a license to practice law, in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact;....

**RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;....

**III. IMPOSITION OF SANCTION**

Having considered all the evidence before it and having determined to accept the Agreed Disposition, the Panel **ORDERS** that the license of Michael Christopher Bruno to practice law in the Commonwealth of Virginia is hereby **SUSPENDED** for a period of Five Years commencing August 31, 2008. From August 7, 2008 until the effective date of this suspension Mr. Bruno shall decline to represent any new client or undertake any new matters.

The Panel also **ORDERS** that Mr. Bruno shall comply with the following Terms:

1. Mr. Bruno shall repay to Mr. Edge or his designee the sum of \$3,000, to be paid as follows: \$250 per month each month beginning September 30, 2008.
2. Mr. Bruno shall forthwith resign his commission as a notary public for the Commonwealth of Virginia.
3. Once the five year suspension has passed, if Mr. Bruno takes the steps necessary to regain his active law license, he shall not thereafter be found to have violated the Bar's Rules of Professional Conduct for a period of One Year.

If the terms and conditions are not appropriately and timely met, the Panel **ORDERS** and Mr. Bruno has agreed that the Chief Judge of the Three-Judge Panel shall impose disbarment as an alternative sanction. Any future hearing or proceeding shall be limited to the issue of whether Mr. Bruno has complied with the terms set forth above.

It is further **ORDERED** that Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13.M of the Rules of the Supreme Court of Virginia. The Respondent shall 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 in conformity with the wishes of his client. Respondent shall give such notice within 14 days of the effective date of the suspension, and make such arrangements as are required herein within 45 days of the effective date of the suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the suspension that such notices have been timely given and such arrangements 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 suspension, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13.M shall be determined by the Virginia State Bar Disciplinary Board.

It is further **ORDERED** that costs shall be assessed by the Clerk of the Disciplinary System pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13.B.8.c.

It is further **ORDERED** that the Clerk of the Disciplinary System shall send a certified copy of this order to Michael Christopher Bruno at his last address of record with the Virginia State Bar at Suite 316, 2019 Cunningham Drive, Hampton, VA 23666, and by regular mail to Richard E. Slaney, to Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219.

Valarie L. S. May of Chandler & Halaz, Inc., P.O. Box 9349, Richmond, VA 23227, (804) 730-1222, was the reporter for the hearing and transcribed the proceedings.

ENTERED: August 11, 2008

Jane Marum Roush  
Jane Marum Roush, Chief Judge Designate

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Respondent.

SUMMARY ORDER

On August 7, 2008, this matter was heard by this Court upon the joint request of the parties for the Court to accept the Agreed Disposition signed by the parties and offered to this Court as provided by the Rules of the Supreme Court of Virginia.

WHEREFORE, upon consideration of the arguments of the parties, and after due deliberation, it is ORDERED that:

X

The Court **accepts** the Agreed Disposition, and the Respondent's license to practice law in the Commonwealth of Virginia shall be suspended for five years with terms as set forth in the Agreed Disposition, said suspension to begin August 31, 2008, as shall be more fully detailed in a Memorandum Order to be issued by this Court.

The Respondent shall comply with the requirements of Part Six, Section IV, Paragraph 13(M) of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the Suspension or Revocation of license to practice law in the Commonwealth of Virginia, to all clients for whom the Respondent 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 the Respondent's care in conformity with the wishes of his or her clients. Respondent shall give such notice within 14 days of the effective date of the Suspension or Revocation, and make such arrangements as are required herein within 45 days of the effective date of the Suspension or Revocation. The

Respondent shall also furnish proof to the Bar within 60 days of the effective date of the Suspension or Revocation that such notices have been timely given and such arrangements made for the disposition of matters. If the Respondent is not handling any client matters on the effective date of the Suspension or Revocation, he or she shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13(M) shall be determined by the Virginia State Bar Disciplinary Board.

The Court notes for the record in this matter that the Respondent was present by telephone and was advised of the imposition of the sanction.

The Clerk of the Disciplinary System shall comply with all requirements of Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court, as amended, including but not limited to assessing costs pursuant to Paragraph 13(B)(8)(c) of the Rules and complying with the public notice requirements of Paragraph 13(B)(8)(d) of the Rules.

\_\_\_\_\_ The Court **rejects** the Agreed Disposition, and the parties shall consult with the Clerk of this Court to set a new date and time for a hearing on the Rule to Show Cause previously issued.

The Clerk of the Circuit Court shall mail a copy *teste* of this Order by certified mail, return receipt requested, to the Respondent, Michael Christopher Bruno, at his last address of record with the Virginia State Bar, Suite 316, 2019 Cunningham Drive, Hampton, VA 23666, and by regular mail to Richard E. Slaney, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219.

ENTERED: August 7, 2008

Jane Marum Roush  
The Honorable Jane Marum Roush  
Chief Judge