

VIRGINIA:

**BEFORE THE SECOND DISTRICT COMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
RICHARD JOHAN CONROD, SR.**

VSB Docket No. 11-022-088289

DISTRICT COMMITTEE DETERMINATION
(PUBLIC ADMONITION WITHOUT TERMS)

On the 16th day of August, 2012 and the 20th day of September, 2012, a hearing in this matter was held before a duly convened Second District Committee panel consisting of Leslie F. Spasser, Esquire, Wanda Jones Cooper, Esquire, Kamala Hallgren Lannetti, Esquire, Ellen Charlotte Carlson, Esquire, Mr. Clarke H. Crenshaw, Sr., lay member, Ms. Elizabeth Martingayle, lay member, Ms. Debra G. McLaughlin, lay member, and Michael A. Beverly, Esquire, Chair presiding.

Following the conclusion of the misconduct stage of this hearing on August 16, 2012, this matter was continued for further hearing on the issue of sanctions to September 20, 2012. Pursuant to a written stipulation of the parties, the September 20, 2012 hearing of this matter was conducted via telephone conference call.

Pursuant to Part 6, Section IV, Paragraph 13-16.X of the Rules of the Virginia Supreme Court, the Second District Committee of the Virginia State Bar hereby serves upon the Respondent the following Public Admonition Without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Richard Johan Conrod, Sr. has been an attorney licensed to practice law in the Commonwealth of Virginia.

2. On or about February 28, 2011, Respondent filed a multi-count malpractice and conversion suit in the Chesapeake Circuit Court against CPA Kenneth Zelubowski on behalf of client Steven W. Patterson (“Patterson”), and requested that service of the complaint be with-held. This was styled Steven W. Patterson and Steve’s Auto Glass, Inc. v. Kenneth Alois Zelubowski and Kenneth Alois Zelubowski CPA (the “lawsuit”), in the Circuit Court of the City of Chesapeake, CL110000492-00.
3. By his letter to Patterson dated June 30, 2011, Respondent terminated his representation of Patterson “in all matters.”
4. Patterson has not suffered any harm or loss as a result of Respondent not withdrawing as Counsel of Record.
5. Respondent’s hearing on this matter was held in August, 2012.
6. Notwithstanding his termination of Patterson “in all matters”, Respondent failed to move for leave of court to withdraw as counsel of record in said suit. As of August 20, 2012, Respondent remained as counsel of record in the lawsuit.

II. NATURE OF MISCONDUCT

Such conduct by Richard Johan Conrod, Sr. constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.16 Declining Or Terminating Representation

- (c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable rules of court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to so do by tribunal.

III. PUBLIC ADMONITION WITHOUT TERMS

Accordingly, it is the decision of the Second District Committee to impose a Public Admonition Without Terms and Richard Johan Conrod, Sr. is hereby so admonished.

Pursuant to Paragraph 13-9.E of the Rules of Court, the Clerk of the Disciplinary System shall assess court costs.

SECOND DISTRICT COMMITTEE
OF THE VIRGINIA STATE BAR

By:



Michael A. Beverly
Chair Presiding

ADDENDUM

As agreed by the Virginia State Bar, the Respondent's comments that follow are Appended to this Determination.

1. There was a serious concern whether the Defendant in the lawsuit had any assets to satisfy any judgment which could be obtained.
2. Patterson chose to have the lawsuit filed in order to protect the statute of limitations.
3. Respondent filed the lawsuit to protect the statute of limitations.
4. On July 25, 2011, Respondent had all of Patterson's files delivered to his new counsel, including the lawsuit referenced in paragraph 2, and obtained a signed receipt signed by an employee signing on behalf of Patterson's new counsel. The receipt listed the items the files delivered, including the lawsuit.

5. In February, 2012, Respondent contacted new counsel to ensure that the lawsuit would be served within the one year time frame as set forth in the Virginia Code and applicable rules of court.
6. Patterson's new counsel directed the court to have the lawsuit served on the Defendant in the lawsuit within the one year requirement, and the lawsuit was in fact served within the one year as provided by the Virginia Code and applicable rules of court.
7. Respondent did extensive work for Patterson totaling in excess of \$12,000. As of this order, Patterson has not paid Respondent any attorney's fees for the work done on behalf of Patterson.
8. No action has been pursued against the Defendant in the aforesaid lawsuit since new counsel had Defendant served with process in February, 2012.
9. Defendant Kenneth Zelubowski died without assets in July, 2012.
10. Respondent and new counsel endorsed a substitution order and the order was submitted on or about August 17, 2012 and entered by the court on August 29, 2012 whereby new counsel was substituted for Respondent as counsel of record.

CERTIFICATE OF MAILING

I certify that on the 23rd day of October, 2012, a true and complete copy of the "District Committee Determination (Public Admonition Without Terms) and Addendum" was sent by certified mail to Richard Johan Conrod, Sr., Respondent, at Conrod & Company Law Firm, Suite 104, 101 N. Lynnhaven Road, Virginia Beach, VA 23452, Respondent's last address of record with the Virginia State Bar.



Paul D. Georgiadis
Assistant Bar Counsel