VIRGINIA:

BEFORE THE FIFTH DISTRICT—SECTION III SUBCOMMITTEE OF THE VIRGINIA STATE BAR

IN THE MATTER OF ROBERT MONROE COOPER, JR.
VSB Docket No. 12-053-090380

FEB 1 3 2014

SUBCOMMITTEE DETERMINATION
PUBLIC REPRIMAND WITHOUT TERMS)

On February 06, 2014 a meeting was held in this matter before a duly convened Fifth District Subcommittee, Section III consisting of Christie A. Leary, Chair, Teresa A. Polinske, Member, and Daniel H. Aminoff, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand without Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Prescott L. Prince, Assistant Bar Counsel, and Robert Monroe Cooper, Jr., Respondent, *pro se*.

WHEREFORE, the Fifth District Subcommittee, Section III of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Robert Monroe Cooper, Jr. ("Respondent" or "Mr. Cooper"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Mr. Cooper met with Robert J. Faurot and his wife on or about 26 August, 2011 to discuss the possibility of obtaining a loan modification with M&T Bank, the then holder of the Faurots' mortgage.

3. Mr. Faurot paid Mr. Cooper a consultation fee of $250 at the time of the 26 August 2011 meeting. Mr. Faurot paid no additional fees to Mr. Cooper and no additional fees were requested by Mr. Cooper. No Engagement Agreement was signed at the time of the consultation and none was requested.
4. On or about 28 September 2011, Mr. Cooper sent a letter to M&T Bank in which he identified himself as the legal representative for the Faurots in their effort to obtain a loan modification.
5. In response to the letter, M&T Bank sent Mr. Cooper a release which would permit M&T Bank to discuss the Faurots' loan with Mr. Cooper. On or about 7 October 2011, Mr. Cooper forwarded the release to Mr. Faurot, asking him (Faurot) to endorse it in the event that he (Faurot) wanted to retain Mr. Cooper to assist in negotiating a mortgage modification.
6. On the same day that he received the release, that being 7 October 2011, Mr. Faurot sent an e-mail to Mr. Cooper, which stated, inter alia, that he had signed the release and forwarded on to M&T Bank and that he (Faurot) wanted to retain Mr. Cooper and that the e-mail letter authorized Mr. Cooper to expend up to $1,000 in legal fees to represent Mr. Faurot and his wife in the dealings with M&T Bank.
7. Mr. Cooper did not respond to the e-mail from Mr. Faurot.
8. Mr. Faurot made further attempts to contact Mr. Cooper by telephone and by e-mail, but Mr. Cooper did not return any call or e-mail until 14 November 2011, at which time, Mr. Cooper sent an e-mail to Mr. Faurot in which he promised to call Faurot and asserted that he had been playing "telephone tag" with M&T. In fact, Mr. Cooper had made no attempt to contact M&T Bank since on or about 5 October 2011 even

though a representative from the M&T Bank had made at least two attempts to contact Mr. Cooper.

9. On or about 6 December, Mr. Cooper and Mr. Faurot spoke by telephone, at which time Mr. Cooper again advised Mr. Faurot that he had been playing "phone tag" with M&T Bank when, in fact, Mr. Cooper had still made no attempt to contact M&T Bank since on or about 5 October 2011.

II. NATURE OF MISCONDUCT

Such conduct by Robert Monroe Cooper, Jr. constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct.

Rule 1.3 Diligence

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

Rule 1.4 Communication

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a **Public Reprimand Without Terms** and Robert Monroe Cooper, Jr. is hereby so reprimanded. Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

FIFTH DISTRICT SUBCOMMITTEE, SECTION III
OF THE VIRGINIA STATE BAR

By: _____
Christie A. Leary
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on 19 February, 2014 a true and complete copy of the Subcommittee Determination (Public Reprimand Without Terms) was sent by certified mail, return receipt requested to Robert Monroe Cooper, Jr., Respondent, at Stephens, Boatwright, et al., 9255 Lee Avenue, Manassas, VA 20110 that being, Respondent's last address of record with the Virginia State Bar.

Prescott L. Prince
Assistant Bar Counsel