

Sep 20, 2016

VIRGINIA:

VSB CLERK'S OFFICE

BEFORE THE THIRD DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BARIN THE MATTER OF  
CAMERON HEAPS IPPOLITO

VSB Docket No. 15-031-102634

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITHOUT TERMS)

On August 10, 2016, a meeting was held in this matter before a duly convened subcommittee of the Third District Committee—Section I consisting of Jessica B. Mauger, Esquire, Reverend Daniel Greenwood, lay member, and Reiss F. Wilks, Esquire, chair presiding. 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. In the alternative, if the agreed disposition could not be negotiated, the subcommittee voted to set this case for hearing before the full district committee. Following the subcommittee meeting, an agreed disposition was entered into by the Virginia State Bar, by Kathryn R. Montgomery, Deputy Bar Counsel, and Cameron Heaps Ippolito, Respondent, and Thomas L. Royce, Jr., Esquire, counsel for Respondent, for a Public Reprimand without Terms.

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

FINDINGS OF FACT

1. Respondent was licensed to practice law in Virginia on October 15, 1993. At all times relevant to this matter, Respondent's law license was in good standing. Respondent is not licensed to practice law in any other state jurisdiction. Respondent has never been the subject of any bar disciplinary action in any jurisdiction.
2. At all times relevant to this matter, Respondent was employed as an Assistant United States Attorney for the Southern District of Georgia.

3. From 1999 to March 2014, Respondent worked with a Special Agent employed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives on various criminal investigations and prosecutions that resulted in numerous convictions. In many of these cases, Respondent was the lead prosecutor and the Special Agent was a witness for the government.
4. During part of that time starting in 2009, Respondent and the Special Agent engaged in an intermittent romantic relationship.
5. Respondent did not disclose said relationship with the Special Agent to her employer or to any criminal defendants or their counsel. During this time period, Respondent was not aware of any Department of Justice regulation or U.S. Attorney's Manual guidance that required disclosure of this relationship, and further, Respondent believes no such regulation or guidance existed.
6. In 2014, Respondent admitted to the United States Attorney for the Southern District of Georgia that she had engaged in said relationship with Special Agent and later cooperated with the Virginia State Bar in admitting to the relationship.
7. On January 22, 2015, the United States Attorney for the Southern District of Georgia wrote an ex parte letter to the Judges of the Southern District of Georgia that disclosed said relationship and made other allegations of wrongdoing against Respondent and the Special Agent. As a result of these allegations, Respondent has been ordered by the Judges of the U.S. District Court for the Southern District of Georgia not to appear before the Court in an official professional capacity until further order of the Court.
8. On or about January 22, 2015, the United States Attorney for the Southern District of Georgia made disclosures of said relationship to various criminal defendants who had been prosecuted by Respondent with the assistance of the Special Agent.
9. As a result of these disclosures, two defendants filed motions for new trials and one defendant filed a motion for resentencing on the basis that Respondent failed to disclose exculpatory evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). The motions argued that said relationship could have been used to impeach the credibility of the Special Agent and was material to the outcome of their trials. All three motions were granted by agreement although the Orders and minutes were silent as to the reasons the three motions were granted. Two defendants subsequently pleaded guilty, and the third defendant was resentenced.
10. All conduct in this matter occurred in the State of Georgia. Rule 8.5 of Virginia's Rules of Professional Conduct provides:

**RULE 8.5     *Disciplinary Authority; Choice Of Law***

*(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of Virginia, regardless of where the lawyer's conduct occurs. A lawyer not admitted in Virginia is also subject to the disciplinary authority of Virginia if the lawyer provides, holds himself out as providing, or offers to provide legal services in Virginia. By doing so, such lawyer consents to the appointment of the Clerk of the Supreme Court of Virginia as his or her agent for purposes of notices of any disciplinary action by the Virginia State Bar. A lawyer may be subject for the same conduct to the disciplinary authority of Virginia and any other jurisdiction where the lawyer is admitted.*

*(b) Choice of Law. In any exercise of the disciplinary authority of Virginia, the rules of professional conduct to be applied shall be as follows:*

*(1) for conduct in connection with a proceeding in a court, agency, or other tribunal before which a lawyer appears, the rules to be applied shall be the rules of the jurisdiction in which the court, agency, or other tribunal sits, unless the rules of the court, agency, or other tribunal provide otherwise;*

*(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred; and*

*(3) notwithstanding subparagraphs (b)(1) and (b)(2), for conduct in the course of providing, holding out as providing, or offering to provide legal services in Virginia, the Virginia Rules of Professional Conduct shall apply.*

11. Rule 3.8 of the Georgia Rules of Professional Conduct provides in pertinent part:

***RULE 3.8 SPECIAL RESPONSIBILITIES OF A PROSECUTOR***

*The prosecutor in a criminal case shall:*

- d. make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or that mitigates the offense;*

*The maximum penalty for a violation of this Rule is a public reprimand.*

**NATURE OF MISCONDUCT**

Pursuant to the choice of law provisions of Rule 8.5 of the Virginia Rules of Professional Conduct, because all conduct occurred in the state of Georgia before federal courts sitting in the state of Georgia, the Georgia Rules of Professional Conduct apply. Such conduct by Respondent constitutes misconduct in violation of the following provision of the Georgia Rules of Professional Conduct:

***RULE 3.8 SPECIAL RESPONSIBILITIES OF A PROSECUTOR***

*The prosecutor in a criminal case shall:*

- d. make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or that mitigates the offense;*

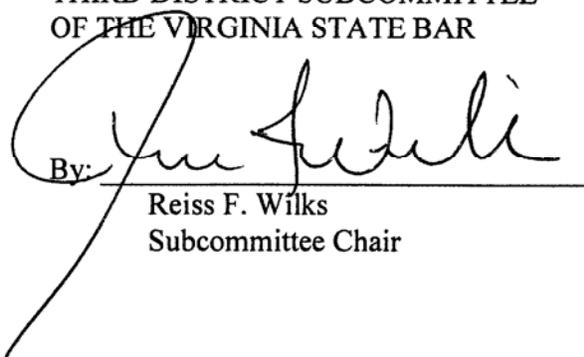
*The maximum penalty for a violation of this Rule is a public reprimand.*

The misconduct found here relates only to potential impeachment evidence regarding said relationship between Respondent and the Special Agent. The Virginia State Bar's investigation did not reveal clear and convincing evidence that the other allegations made by the United States Attorney constituted misconduct meriting discipline.

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 Cameron Heaps Ippolito 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.

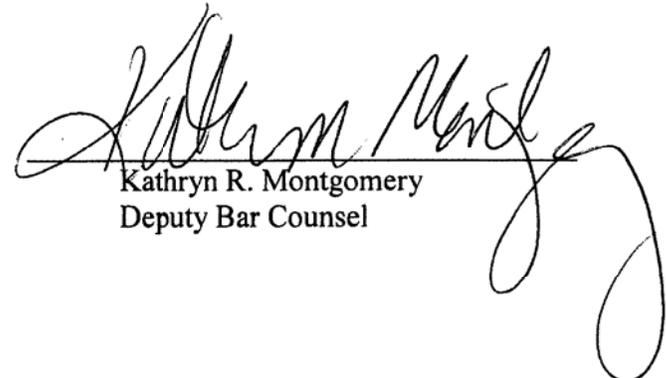
THIRD DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By: 

Reiss F. Wilks  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on Sept 20, 2016 a true and complete copy of the Subcommittee Determination (Public Reprimand Without Terms) was sent by certified mail to Cameron Heaps Ippolito at 600 Cameron Street #412, Alexandria, Virginia, 22314, her last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Thomas L. Royce, Jr., counsel for Respondent, at 912 River Oaks Banks Building, 2001 Kirby Drive, Houston, TX 77019.

  
Kathryn R. Montgomery  
Deputy Bar Counsel