

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
MIKE MEIER**

VS. DOCKET NO. 10-042-082944

AGREED DISPOSITION MEMORANDUM ORDER

On October 10, 2013, this matter was heard by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by the Rules of the Supreme Court of Virginia. The panel consisted of Tyler E. Williams, III, 1st Vice Chair, William H. Atwill, Jr., Samuel R. Walker, and Robert W. Carter, Lay Member.

Before the hearing, it appearing that R. Lucas Hobbs who was designated to sit as part of the panel could not attend, the Chair polled the remaining members of the panel as to whether each of them would consent to hearing this matter with a panel of four or if any of the remaining members had an objection to proceeding in that fashion. Each of the remaining members stated that they were in agreement to hearing this matter with a panel of four and none voiced any objection thereto.

The Chair then polled the Assistant Bar Counsel, Counsel for the Respondent and the Respondent as to whether each of them would consent to having this matter heard by a panel of four members or whether any of them had an objection to proceeding in that fashion. The Assistant Bar Counsel, Counsel for the Respondent and the Respondent each stated that they were in agreement to hearing this matter with a panel of four and none voiced any objection thereto.

The Virginia State Bar was represented by Paulo E. Franco, Jr., Assistant Bar Counsel. Mike Meier was present and was represented by counsel, Leslie A.T. Haley. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter, Angela N. Sidener, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Certification, Respondent's Disciplinary Record and any responsive pleadings of counsel,

It is **ORDERED** that the Virginia State Bar Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive a Public Reprimand as set forth in the Agreed Disposition, which is attached to this Memorandum Order.

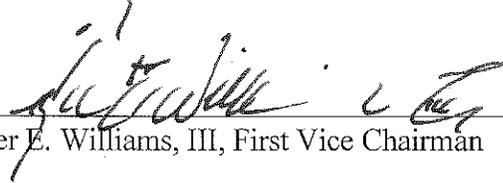
It is further **ORDERED** that the sanction is effective October 10, 2013.

The Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9 E. of the Rules.

A copy teste of this Order shall be mailed by Certified Mail to Mike Meier, at his last address of record with the Virginia State Bar, Suite 1100, 4000 Legato Road, Fairfax, VA 22033, a copy delivered by regular mail to Respondent's Counsel, Leslie A.T. Haley, P.O. Box 943; Midlothian, VA 23113, and hand-delivered to Paulo E. Franco, Jr., Assistant Bar Counsel, 707 East Main Street, Suite 1500; Richmond, Virginia 23219.

ENTERED THIS 15th DAY OF October, 2013

VIRGINIA STATE BAR DISCIPLINARY BOARD



Tyler E. Williams, III, First Vice Chairman

OCT 9 2013

VIRGINIA :

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
MIKE MEIER

VSB Docket No. 10-042-082944

AGREED DISPOSITION
(PUBLIC REPRIMAND)

Pursuant to the Rules of the Virginia Supreme Court Rules of Court Part 6, Section IV, Paragraph 13-6.H., the Virginia State Bar, by Paulo E. Franco, Jr., Assistant Bar Counsel and Mike Meier, Respondent, and Leslie Ann Takacs Haley, Respondent's counsel, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. At all times relevant, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent was admitted to the practice of law on October 31, 2005.
3. Respondent was retained by Hyundai Emigration Corporation ("Hyundai") to represent its interests in certain criminal and civil matters involving fraudulent services provided to Hyundai by John P. Yoon ("Yoon") and his company Empower-Visa, Inc. ("Empower").
4. Yoon and Empower were represented in the civil litigation by Robert J. Cunningham, Maureen E. Carr and Elizabeth D. Cranston of the law firm of Rees Broome, P.C.
5. Hyundai alleged that the method Yoon and Empower used to process employment based immigration documents to obtain work visas in the United States for Hyundai's Korean clients harmed Hyundai.
6. Specifically, Hyundai was alleging that Yoon and Empower were employing fraudulent means to obtain US visas for Hyundai's workers.
7. Respondent filed a lawsuit against Yoon, Empower and other defendants in the United States District Court for the Eastern District of Virginia styled Hyundai Emigration Corp. v. Empower-Visa, Inc. et al., Civil Action 1:09-CV-124- LMB-TCB.
8. At the same time that this litigation was ongoing, The United States Department of Justice was conducting a criminal investigation into Yoon and Empower's activities related to the allegations in the Hyundai lawsuit.

9. Yoon and Empower had independent counsel related to the Department of Justice investigations.

10. Throughout the course of the civil litigation, Respondent made several references that the ongoing criminal investigations would negatively impact Mr. Yoon and Empower.

11. After some depositions had taken place in the litigation, Respondent attended a meeting at which Mr. Cunningham, Ms. Carr and Ms. Cranston also attended.

12. The purpose of the meeting was to discuss a settlement of the civil litigation.

13. Respondent made reference to the fact that many of the documents that he had used in the earlier deposition has not been turned over to the authorities investigating Yoon's alleged criminal activities.

14. He also referenced the fact that many other parties in addition to the agencies investigating the criminal allegations had their eye on the civil litigation and were awaiting its outcome.

15. During that meeting, Respondent made a settlement proposal whereby Yoon and Empower would pay Hyundai the sum of \$1,300,000.00.

16. Respondent proposed that Yoon and Empower file a Motion for Summary Judgment with the trial court.

17. Respondent further offered that in consideration of the payment of Hyundai, he would respond to the motion by withholding from the court his expert witness testimony, and would otherwise not mount a defense to the Summary Judgment Motion.

18. Respondent also stated he would not share the allegedly incriminating documents he used in the deposition with the authorities investigating the criminal matters.

19. Respondent suggested that by not contesting the summary judgment motion the court would enter summary judgment in favor of Yoon and Empower.

20. The effect of the summary judgment would be to discourage other parties from bringing suit and create a chilling effect on the criminal investigations.

21. After Respondent made his proposal, Respondent's client began making statements about the case directly to Mr. Yoon.

22. Mr. Cunningham instructed Mr. Yoon to leave the room, and to not have any conversations with Respondent's client.

23. Mr. Cunningham thereafter terminated the meeting.

24. Yoon and Empower, through their attorneys, rejected the settlement offer.

25. Five days before the scheduled trial of the case, Respondent filed a motion for a voluntary dismissal without prejudice.

26. Yoon and Empower did not object to the dismissal but requested that the Court enter a dismissal with prejudice.

27. On February 16, 2010, the trial court ultimately entered an order dismissing Hyundai's case without prejudice upon conditions set forth in the court's dismissal order.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

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;
 - (2) fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client, subject to Rule 1.6;
 - (3) fail to disclose to the tribunal controlling legal authority in the subject jurisdiction known to the lawyer to be adverse to the position of the client and not disclosed by opposing counsel; or
 - (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.
- (b) A lawyer may refuse to offer evidence that the lawyer reasonably believes is false.
- (c) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer which will enable the tribunal to make an informed decision, whether or not the facts are adverse.
- (d) A lawyer who receives information clearly establishing that a person other than a client has perpetrated a fraud upon a tribunal shall promptly reveal the fraud to the tribunal.

* * * *

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.

* * * *

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of **PUBLIC REPRIMAND without TERMS** as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

THE VIRGINIA STATE BAR

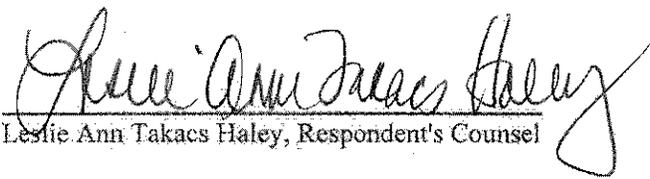
By:



Paulo E. Franco, Jr., Assistant Bar Counsel



Mike Meier, Respondent



Leslie Ann Takacs Haley, Respondent's Counsel