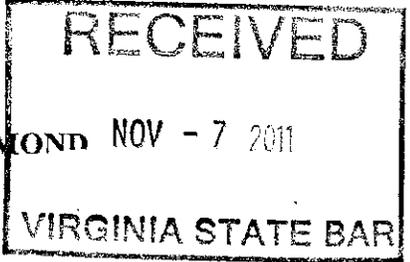


VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

NOV - 7 2011



VIRGINIA STATE BAR, EX REL
THIRD DISTRICT

Complainant

NOV 7 2011

v.

Case No. CL11-3033

THOMAS HUNT ROBERTS

Respondent

MEMORANDUM ORDER

On August 1, 2011, the appeal of this matter was heard by this duly convened three-judge Circuit Court panel ("Court"): the Honorable Aundria Deloris Foster, Retired Judge of the Seventh Judicial Circuit; the Honorable Von L. Piersall, Jr., Retired Judge of the Third Judicial Circuit; and the Honorable William Allan Sharrett, Sixth Judicial Circuit, Chief Judge of the Court. The Virginia State Bar was represented by Renu M. Brennan, Assistant Bar Counsel. The Respondent, Thomas Hunt Roberts, appeared in person on his own behalf and was represented by Robert Gallagher, Esq.

The Chief Judge polled the members of the Court to ascertain whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the Court, to which inquiry each member responded in the negative. Jennifer Hairfield, court reporter, Chandler & Halasz, P.O. Box 9349, Richmond, VA 23227, 804-730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

The matter came on the Respondent's appeal of a determination by the Third District

Committee issued on March 25, 2011, finding that the Virginia State Bar had proven by clear and convincing evidence that Respondent violated Rules 1.5(a)(1)-(8) and Rule 1.5(c) and imposing a Public Admonition with Terms. As permitted by the Rules of the Supreme Court of Virginia, Part 6, §IV, ¶13-17(A), the Respondent noted his appeal and filed a written demand that further proceedings be conducted pursuant to Va. Code § 54.1-3935.

The record having been filed, and the matter having been briefed in accordance with the Rules of the Supreme Court, the Court convened to hear argument and consider the appeal on the record using the same procedure prescribed for an appeal of a district committee determination before the Virginia State Bar Disciplinary Board. See Va. Sup. Ct. R., Pt. 6, § IV, ¶13-17(D).

The standard of review in an appeal from a district committee determination is whether there is substantial evidence in the record upon which the district committee could reasonably have found as it did. See Va. Sup. Ct. R., Pt. 6, § IV, ¶13-19(E). Upon its review of the record in its entirety, if the Court finds that the district committee's determination "is not supported by substantial evidence" or "is contrary to the law," the charge of misconduct is to be dismissed. See Va. Sup. Ct. R. Pt. 6, § IV, ¶ 13-19(G)(1).

The critical questions before the Court are whether there is substantial evidence in the record to support the District Committee's conclusions that Respondent's conduct as set forth in the record violated Rules 1.5(a)(1)-(8) and 1.5(c) or whether the District Committee's decision is contrary to the law.

The Court unanimously finds that there is substantial evidence in the record upon which the District Committee could reasonably have found a violation of Rule 1.5(c) and thus affirms the finding of the District Committee that Respondent violated Rule 1.5(c). The Court finds that Respondent's fee agreement does not contain a sufficient method of calculation to inform the

client of the method by which Respondent's contingent fee is to be determined on equitable relief recovered. The Court notes its concern that the fee agreement presents the possibility of a fee which is adverse to the client.

The Court unanimously finds that there is no substantial evidence in the record upon which the District Committee could reasonably have found violations of Rule 1.5(a)(1)-(8). The record contains no evidence as to Rule 1.5(a)(3), the fee customarily charged in the locality for similar legal services. The Court's ruling is not to be interpreted as a finding that the fee agreement is reasonable.

Under the Rules of the Supreme Court, once the Court affirms the district committee determination, it may "impose the same or any lesser sanction as that imposed by the District Committee." See Va. Sup. Ct. R., Pt. 6, §IV, ¶13-19(G)(2). The District Committee imposed a Public Admonition with Terms. The Court finds that a public admonition is an appropriate sanction, however, the Court does not find that terms are appropriate. The Court concludes a Public Admonition without Terms is the appropriate sanction.

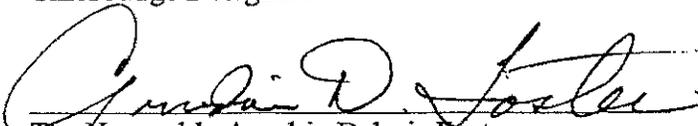
At the conclusion of the proceedings on August 1, 2011, the Court entered a Summary Order affirming the District Committee's Determination of a violation of Rule 1.5(c) and dismissing the District Committee's Determination of a violation of Rule 1.5(a)(1)-(8). The Court stated on the record that it imposed a Public Admonition without Terms. By this Memorandum Order, we confirm the Summary Order and the sanction of a Public Admonition without Terms. This Memorandum Order satisfies the requirement of a written opinion as referenced at Paragraph 4 of the Summary Order, which states "(t)he Court shall issue a written opinion in this matter which, when issued, shall be attached hereto and incorporated herein by reference." This Memorandum Order constitutes this Court's final opinion.

It is further ORDERED that pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-9(E)(1), the Clerk of the Disciplinary System shall assess costs against the Respondent and further that the Clerk of the Disciplinary System shall comply with the public notice requirements of the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-9(G).

It is further ORDERED that the Clerk of the Circuit Court shall mail a copy teste of this Order by certified mail to the Respondent at 105 South First Street, Richmond, Virginia 23219, his last address of record with the Virginia State Bar, and by regular mail to the counsel of record.

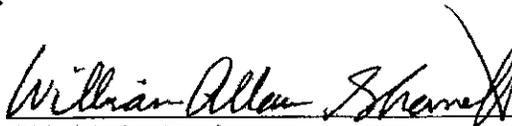
ENTERED: 11-3-, 2011

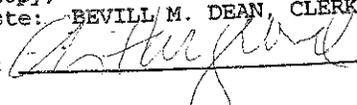

The Honorable William Allan Sharrett,
Chief Judge Designate


The Honorable Aundria Deloris Foster,
Retired Judge


The Honorable Von L. Piersall, Jr.,
Retired Judge

Endorsement by counsel waived. Rule 1:13.


Chief Judge Designate

A Copy,
Teste: BEVILL/M. DEAN, CLERK
BY:  D.C.