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VIRGINIA STATE BAR

VIRGINIA:

BEFORE THE DISCIPLINARY BOARD  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
TANISHA LASHAWN ROBERTSON

VSB Docket No. 14-022-096940

**AGREED DISPOSITION  
(SUSPENSION OF TWO YEARS)**

Come now the Virginia State Bar, by its Assistant Bar Counsel Paul D. Georgiadis, and the Respondent Tanisha LaShawn Robertson by counsel Leslie Ann Takacs Haley, and pursuant to the Rules of the Virginia Supreme Court Rules of Court Part 6, Section IV, Paragraph 13-6.H., hereby enter into the following Agreed Disposition arising out of the referenced matter.

**I. STIPULATIONS OF FACT**

1. At all times relevant hereto, Respondent Tanisha LaShawn Robertson has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent represented Yolanda Chandler in domestic relations matters, including custody and visitation of an infant daughter in the York County Juvenile and Domestic Relations Court and a divorce action in Newport News Circuit Court.  
  
Advice to Client to Disregard the York County J&DR Custody Order
3. On August 2, 2012, the York County J&DR Court, prior to Respondent being retained, awarded shared physical custody to Yolanda Chandler and Thomas Harris of alternating two week stays with each parent. For this, the order required an exchange of the child every other Saturday at a Chik-fil-A Restaurant in Bowie, Md.
4. On February 22, 2013, Respondent filed a Complaint for divorce on behalf of Chandler against Harris. Therein, Respondent moved to vacate the August 2, 2012

shared custody order and moved the Court to award sole custody to Chandler. Since the filing of initial pleadings of Complaint, Answer, and a motion to appoint a G.A.L., the parties have not advanced this matter.

5. On March 13, 2013 or March 14, 2013, Respondent met with client Chandler in her law office. The Bar's evidence will show that during the course of the meeting, Respondent advised Chandler to disobey the standing order of joint custody with its bi-weekly exchanges of the infant by the parents. Respondent's testimony will be that she never advised Chandler to disobey the Court's order. At that time, Chandler was finishing her two weeks of custody with the child. Under the Court's order, Chandler was required to exchange the child on the upcoming Saturday, March 16, 2013.
6. On or before March 15, 2013, Chandler advised her estranged spouse, Harris, that she was not going to bring their daughter to the court-ordered exchange on March 16, 2013, based upon "advice of counsel."
7. Upon receipt of Chandler's notice that she was going to disobey the Court's custody order, Harris's counsel, Breckenridge Ingles, wrote to Respondent on the morning of March 15, 2013. Therein Ingles restated the court-ordered requirements of the exchange, alerted Respondent to Chandler's plans to disobey the court order, and requested that Respondent confirm that Chandler would comply with the court order. Ingles sent the letter to Respondent via facsimile transmission which was received.
8. Respondent failed to respond to the letter in any form or fashion.
9. The Bar's evidence reflects that on the advice of Respondent, Chandler failed to exchange the child on March 16, 2013 in violation of the Court's custody order.

10. On March 18, 2013, Harris's counsel, Ingles, filed a Motion for Show Cause and Change of Custody with the York County J&DR Court and set the matter for hearing on March 29, 2013.
11. Respondent moved to continue the hearing, which the Court granted to April 4, 2013.
12. On March 20, 2013, Harris's counsel Ingles again wrote to Respondent requesting that she advise whether Chandler was going to exchange the child at the next scheduled exchange ordered for March 30, 2013.
13. Respondent again failed to reply.
14. On March 30, 2013, Chandler again failed to exchange the child in violation of the standing custody order.
15. At the April 4, 2013 hearing, Chandler testified that her failure to exchange the child on two consecutive ordered exchange dates was based upon the advice of Respondent.
16. The Court found the evidence sufficient to find guilt but withheld finding guilt for a period of six (6) months. At the conclusion of the hearing, the Court set the custody case for further hearing on July 8, 2013. This was a date to which all counsel, including Respondent, agreed.

Disobeying a Ruling of a Tribunal

17. On February 19, 2014, Chandler and Harris appeared before the York County Circuit Court in their on-going custody issues. No longer counsel but a witness, Respondent appeared on a witness subpoena. Having been sworn in and having been admonished by the Court to remain until she testified, Respondent nevertheless left the courthouse without the Court's permission.

18. For leaving without the Court's permission, the Court found her in summary contempt of court under Va. Code §18.2-456.

False Statement to a Tribunal

19. Respondent failed to appear at the July 8, 2013 hearing which required the Court to continue the hearing. For her non-appearance, the Court issued a show-cause summons to Respondent.

20. On January 7, 2014, Respondent appeared before the Court on the show cause. Respondent testified that her failure to appear was due to a severe asthma attack for which she was hospitalized for "over two weeks". She testified that she was admitted to Sentara Hospital in Virginia Beach on June 24, 2013: "I was in the hospital up until the Sunday before Ms. Chandler's case."

21. Receiving Respondent's testimony of her hospitalization, the Court ruled that it "cannot find you willfully failed to appear in court on that date."

22. Notwithstanding her sworn testimony, Respondent was not admitted and hospitalized during the aforesaid two week period or any part thereof.

False Statement to the Virginia State Bar of a Material Fact in Connection with a Disciplinary Matter

23. In the course of the bar's investigation of this matter as to her failure to appear in the York County J&DR Court on July 8, 2013, Respondent repeatedly contended that her failure to appear as agreed was due to a hospitalization. She provided fabricated evidence of an alleged two week hospitalization commencing on June 24, 2013 with a claimed discharge date of -July 7, 2013 in several accounts and in other accounts a discharge date of July 8, 2013.

24. On or about May 31, 2014, Respondent, in the course of responding to an outstanding inquiry from a VSB investigator in this matter, forwarded to the investigator documents which she alleged were the “discharge papers as picked up from the medical records department.” The records purported to be a Discharge Summary for her alleged hospitalization at Sentara Hospital for 6/24/13-7/8/13.
25. Notwithstanding her representation to the bar, the documents produced were altered by Respondent to portray a hospital stay that never occurred on any—much less all of the claimed dates.<sup>1</sup>
26. In the course of Respondent’s interview with the VSB investigator on June 2, 2014 and June 4, 2014, Respondent again claimed to have been hospitalized from June 24, 2013-July 8, 2014. Notwithstanding said representations, Respondent was not hospitalized during this time period or any part thereof.

## II. NATURE OF MISCONDUCT

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

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<sup>1</sup> Respondent was hospitalized at Sentara Hospital, Virginia Beach some two years prior for a period of one day on October 2, 2011 for “severe asthma”. A comparison of the October 2-3 2011 Discharge Summary and the June 24-July 8, 2013 Discharge Summary provided by Respondent finds that each document contains an identical complaint and symptoms, identical medications by type and dose, identical vital statistics, and identical blood chemistry values.

With regard to advising Yolanda Chandler to disregard the custody order and with regard to leaving the York County Circuit Court while under order to remain to appear and testify :

**RULE 3.4 Fairness To Opposing Party And Counsel**

A lawyer shall not:

(d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

With regard to Respondent's January 7, 2014 testimony to the York County J&DR Court that she was unable to appear as counsel on July 8, 2013 due to her being hospitalized from June 24, 2013-July 7, 2013:

**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;

**RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;

With regard to her statements to the Virginia State Bar investigator and to her production of a purported discharge summary regarding a hospitalization from June 24, 2013-July 8, 2013:

**RULE 8.1 Bar Admission And Disciplinary Matters**

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

(a) knowingly make a false statement of material fact;

III. PROPOSED DISPOSITION OF SUSPENSION OF TWO YEARS

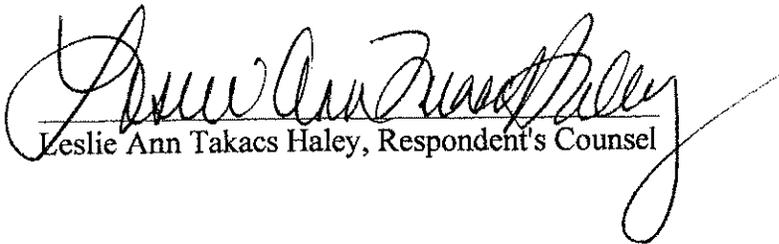
Accordingly, Assistant Bar Counsel and the Respondent, by counsel, tender to the Disciplinary Board for its approval the agreed disposition of a suspension of her license to practice law for a period of two years as representing an appropriate sanction if this matter were to be heard through an evidentiary 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: \_\_\_\_\_  
Paul D. Georgiadis, Assistant Bar Counsel

  
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Tanisha LaShawn Robertson, Respondent

  
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Leslie Ann Takacs Haley, Respondent's Counsel