

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF MICHAEL JACKSON BEATTIE  
VSB Docket No. 04-022-1064**

**ORDER OF SUSPENSION OF 60 DAYS**

These matters were certified to the Virginia State Bar Disciplinary Board ("Board") by a subcommittee of the Second District Committee, Section II. On August 24, 2005, this matter was presented by teleconference for approval of an agreed disposition to a duly convened panel consisting of Robert L. Freed, Esquire, Chair, Bruce T. Clark, Esquire, Gordon Peyton, Esquire, and Mr. Werner Quasebarth, lay member. Although scheduled to appear as a panelist, Carl Eason, Esquire was unable to appear due to a scheduling conflict. The Virginia State Bar appeared through its Assistant Bar Counsel, Paul D. Georgiadis, and the Respondent, Michael Jackson Beattie, who was present, appeared by counsel Stephen R. Pickard. The parties agreed to waive the requirement of a fifth panelist and agreed to proceed with the aforesaid panel of four.

Pursuant to Virginia Supreme Court Rules of Court Part 6, Section IV, ¶13.B.5.c., the Virginia State Bar, by Paul D. Georgiadis, Assistant Bar Counsel, and the Respondent, by counsel Stephen R. Pickard, entered into a proposed agreed disposition and presented it to the convened panel.

The Chair polled the panel members to determine whether any member had a personal or financial interest in this matter that might affect or reasonably be perceived to affect his or her ability to be impartial in this proceeding. Each member, including the Chair, verified that they had no conflicts.

## **I. FINDINGS OF FACT**

1. At all times material to these allegations, Michael Jackson Beattie, hereinafter "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On or about September 5, 2002, Respondent filed an employment discrimination suit on behalf of Joyce Spangler against Colonial Ophthalmology ("Colonial") in the United States District Court for the Eastern District of Virginia, Newport News Division.
3. On or before September 27, 2002, Colonial hired attorney Ray Hogge and his law firm, Payne, Gates, Farthing and Rad to defend the suit.
4. On September 27, 2002, Hogge left a voice mail message on Respondent's voice mail with his name, his client's name, and his telephone number. On September 30, 2002, Hogge wrote a letter to Respondent confirming his representation of Colonial in this matter and offering to waive service of process. On November 4, 2002, Hogge left another voice mail message on Respondent's voice mail, this time requesting that Beattie agree to an extension of time for defendant's response and asking if there was a settlement demand. Respondent responded to none of these communications.
5. On November 7, 2002, Respondent moved for default judgment against Colonial.
6. On November 18, 2002, Respondent appeared before the Court on his motion for default judgment. Respondent did not notify either Hogge or Colonial, stating in his Certificate that "A copy has not been sent to opposing counsel because no attorney has entered an appearance in this case." At the start of the hearing, the Court questioned Respondent regarding any contact with counsel for defendant or any knowledge of representation. Respondent stated to the court that he had received two voice mail messages from a

lawyer regarding the case, but that he did not know who the person was. He stated that the last call was about four weeks before the hearing.

7. On December 18, 2002, the Court entered an order granting default judgment to Spangler against Colonial, awarding damages of back and front pay, attorney's fees, and costs of \$37,639.82.
8. On December 23, 2002, Hogge faxed Respondent requesting him to sign an agreed order setting aside the default judgment. Respondent replied for the first time to any of Hogge's communications when he replied with in a letter to Hogge dated December 26, 2002, refusing to sign the order, chastising Hogge, offering practice pointers, and warning Hogge to "abstain from filing a frivolous motion to set aside the default judgment."
9. On January 17, 2003, Colonial filed a motion for relief from default judgment.
10. The Court set the matter for hearing for May 21, 2003, after advising and obtaining the agreement of Respondent. However, Respondent failed to appear for the scheduled motion for relief and a motion for sanctions. The court issued a show cause order for Respondent to appear on July 2, 2003. On May 23, 2003, Respondent filed a letter stating that he had been before US District Judge Gerald Bruce Lee in Alexandria on May 21, 2003, at 2:00 p.m.
11. On August 13, 2003, the Court entered an order vacating the default judgment, indefinitely suspending Respondent from practice before the Court, and ordering payment of \$5,000.00 sanctions. Said suspension order remains in effect. The Court found that Respondent made material misrepresentations to the Court.
12. As Respondent failed to pay the sanctions as ordered, the Court issued a show-cause order upon Respondent. In the course of proceedings before the Honorable Robert G. Doumar, on March 10, 2004, the Court held Respondent in contempt of court for his

conduct before the Court and statements to the Court that included stating to Judge Doumar, "And you need to perhaps go to anger management classes."

13. Thereafter, Respondent has agreed to make periodic payments of the sanctions and is current in his sanctions payments.

## **II. NATURE OF MISCONDUCT**

The Board finds that such conduct on the part of the Respondent violates Rules 3.3 (a)(1), 3.3(a)(4), 3.3(c), and 3.5 (f).

## **III. IMPOSITION OF SANCTION OF SUSPENSION OF 60 DAYS**

The Board considered all evidence before it, considered the nature of the Respondent's actions, and considered the mitigating evidence in this matter. In mitigation, it found that during the relevant time period Respondent was suffering from an impairment which affected both his judgment and his ability to understand the significance of the proceedings. The Respondent is now controlling his disability through changes in his lifestyle and through appropriate professional treatment. The parties further note that Respondent has now served a two year suspension from the aforementioned court.

Pursuant to Part 6, Sec. IV, Para. 13.I.2.f.(2)(c) of the Rules of the Virginia Supreme Court, the Board ORDERS that the license of the Respondent, Michael Jackson Beattie, to practice law in the Commonwealth of Virginia be, and the same is, hereby suspended for sixty (60) days, effective August 24, 2005.

It is further ORDERED that Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13.M., of the Rules of the Supreme Court of Virginia. The time for compliance with said requirements runs from August 24, 2005, the effective date

of this Order. All issues concerning the adequacy of the notice and arrangements required by the Order shall be determined by the Board, unless Respondent timely demands the matter be adjudicated by a three judge circuit court panel. Pursuant to Part 6, Sec. IV, Para.13.B.8.c. of the Rules, the Clerk of the Disciplinary System shall assess costs.

It is further ORDERED that a copy teste of this Order shall be mailed by certified mail, return receipt requested, to the Respondent, Michael Jackson Beattie, Esquire, 9502 B Lee Highway Fairfax, VA 22031, his last address of record with the Virginia State Bar; by first class mail, postage prepaid, to his counsel of record, Stephen R. Pickard, Esquire, P.O. Box 1685, Alexandria, VA 22313-1685, and hand delivered to Paul D. Georgiadis, Assistant Bar Counsel, Virginia State Bar, Eighth & Main Building, Suite 1500, 707 East Main Street, Richmond, Virginia 23219- 2800.

Donna Chandler, Chandler and Halasz, Inc., Court Reporters, P.O. Box 9349, Richmond, Virginia 23227, 804.730.1222, was the reporter for the hearing and transcribed the proceedings.

ENTERED this 26<sup>th</sup> day of August, 2005  
VIRGINIA STATE BAR DISCIPLINARY BOARD

By:  \_\_\_\_\_

Robert L. Freed, Chair