

VIRGINIA:

BEFORE THE FIRST DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
JOHN FRANCIS HAUGH

VSB Docket No. 18-010-111721

SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITH TERMS)

On May 23, 2019, a meeting was held in this matter before a duly convened First District Subcommittee consisting of Nicole Ann Belote, Andrew Ryan Owen, and Brian Dean Lytle. During the meeting, the Subcommittee voted to approve an agreed disposition for a PUBLIC ADMONITION with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Christine Corey, Assistant Bar Counsel, and John Francis Haugh, (“Respondent”), and Lisa Ann Mallory, Esquire, counsel for Respondent.

WHEREFORE, the First District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following PUBLIC ADMONITION with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent was licensed to practice law in the Commonwealth of Virginia.
2. In February 2018, Respondent was charged in Chesapeake, Virginia, with misdemeanor assault and battery in violation of Va. Code §18.2-57, and he was charged in Newport News, Virginia, with misdemeanor brandishing a firearm in violation of Va. Code §18.2-282. At the time he was charged with the offenses, Respondent was a prosecutor in the Norfolk Commonwealth Attorney’s office.
3. The charges against Respondent arose from an incident in which Respondent was driving with his girlfriend (“Masterson”) from Charlottesville to Chesapeake. Respondent and Masterson were having an ongoing altercation in the car while Respondent drove his vehicle.

4. While driving, Respondent admitted to drinking two beers and a cup of wine. Masterson stated that it was two beers and two to three cups of wine in a Starbucks cup.
5. During the argument, as Respondent was driving through Newport News, he pulled a firearm out of his center console and laid the firearm in his lap. Respondent then put the firearm back in the center console and reached into the back of the car looking for the ammunition for the firearm. He grabbed some bullets that were in a plastic case in his duffle bag and Masterson tried to grab the bullets from him.
6. Respondent and Masterson struggled with each other while Masterson tried to keep Respondent from obtaining the bullets. During the struggle, Masterson grabbed the firearm and put it in the compartment of the passenger side door so that Respondent could no longer access it.
7. As the parties arrived close to Masterson's residence in Chesapeake, Respondent hit Masterson in the chest with his right hand. Once inside her residence, Masterson called the police. Masterson was not injured as a result of Respondent's actions.
8. A special prosecutor was appointed to handle both cases in Newport News and Chesapeake. Respondent was found guilty of the brandishing charge on June 25, 2018 in Newport News General District Court. Respondent appealed the conviction. Thereafter, Respondent entered into a plea agreement with the special prosecutor.
9. The plea agreement states that in exchange for Respondent's plea of guilty to the assault and battery charge, the Commonwealth would agree to nolle prosequi the brandishing charge. The agreed sentence was six (6) months in jail with six (6) months suspended on the terms that Respondent shall be of good behavior for five (5) years, shall not possess a firearm during the term of good behavior, shall not have any contact with Masterson for five years, and shall be required to complete an anger management program.
10. The Chesapeake General District Court accepted the plea agreement on September 20, 2018, and Respondent was found guilty on the assault and battery charge. The Newport News Circuit Court entered a nolle prosequi on the brandishing a firearm charge on November 26, 2018.

II. NATURE OF MISCONDUCT

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

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;

III. PUBLIC ADMONITION WITH TERMS

Accordingly, it is the decision of the Subcommittee to impose a PUBLIC ADMONITION with Terms. The terms are:

1. For a period of TWO YEARS following entry of the final Determination in this matter, Respondent shall not engage in any conduct that violates the Virginia Rules of Professional Conduct, including any amendments thereto, and/or which violates any analogous provisions, and any amendments thereto, of the disciplinary rules of another jurisdiction in which Respondent may be admitted to practice law. The terms contained in this paragraph shall be deemed to have been violated when any ruling, determination, judgment, order, or decree has been issued against Respondent by a disciplinary tribunal in Virginia or elsewhere, containing a finding that Respondent has violated one or more provisions of the Rules of Professional Conduct, provided, however, that the conduct upon which such finding was based occurred within the period referred to above, and provided that such ruling has become final.
2. Respondent shall comply with the terms set forth in his plea agreement. Respondent shall be of good behavior for FIVE (5) years, shall not possess a firearm during the term of good behavior, shall not have any contact with Masterson for five years, and shall be required to complete an anger management program. If Respondent is found to have violated any of the terms of his probation, Respondent shall be in violation of this Agreed Disposition.

If either of these terms is violated during the corresponding compliance period, pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia, the District Committee shall hold a hearing and Respondent shall be required to show cause why a Certification for Sanction Determination should not be imposed. Any proceeding initiated due to failure to comply with terms will be considered a new matter and an administrative fee and costs will be assessed.

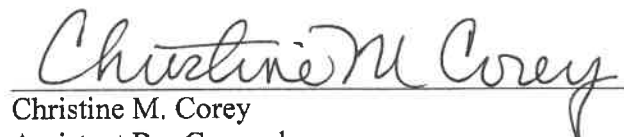
Pursuant to Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs. This determination shall not be appealable.

FIRST DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR


Nicole Ann Belote
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on June 26, 2019 a true and complete copy of the Subcommittee Determination (PUBLIC ADMONITION With Terms) was sent by certified mail to John Francis Haugh, Respondent, at Weisberg & Weisberg, PLLC, 744 Thimble Shoals Blvd Ste B, Newport News, VA 23606, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Lisa Ann Mallory, counsel for Respondent, at Clancy & Walter, P.L.L.C., 544 Settlers Landing Road, Hampton, VA 23669.


Christine M. Corey
Assistant Bar Counsel