

Attorney Mary W. Martelino
Virginia State Bar
1111 East Main, Suite 700
Richmond, VA 23219-0026
Sent Via Email: webintake@vsb.org

July 4, 2021

Subject: Letter for Record Regarding Virginia State Bar Refusal to Investigate Attorney Steven Giballa for Potential Violations of Virginia State Bar Rules 3.3, 3.4, 3.5.

Dear Attorney Martelino,

Please place this correspondence in the Virginia State Bar Record for the Complaint submitted against Attorney Steven Patrick Giballa (VSB Docket # [REDACTED]) so that it may be discoverable in lawsuits and FOIA request against the Virginia State Bar.

The Virginia State Bar makes the duplicitous claim there is no basis on which they can proceed with an investigation of the record. This is patently untrue. The Virginia State Bar makes this claim on the basis of its self-determination that *"fraud or perjury does not exist because two sides present differing evidence"* with no examination of evidence presented to them.

The Virginia State Bar further goes on to state *"The fact that an attorney presented evidence and argument that is in conflict with your own is not, in and of itself, an indication of fraud or perjury."* While that statement is true, that statement is not the basis of the complaint filed against Attorney Steven Giballa. The complaint requested the Virginia State Bar investigate and render a judgement if Attorney Giballa made numerous statements to the EEOC in his professional capacity as an attorney for the United States Secret Service both verbally and in writing which he either knew to be false, or any reasonable person would have believed to have been false, in violation of Rule(s) 3.3 Candor Toward the Tribunal; and if Attorney Giballa violated Rule(s) 3.4 Fairness, by obstructing access to evidence and concealing information having potential evidentiary value.

If Attorney Steven Giballa entered into the written record of the EEOC that he provided an audible polygraph recording in discovery when in fact his agency (the United States Secret Service) provided a recording with 3 hours of static, a reasonable person might call that fraud and perjury. If Attorney Steven Giballa made numerous statements in his written filings to the EEOC that could be proven to be untrue by the documents the Secret Service was forced to provide in discovery to the complainant, and if the number of those false statements were so high a reasonable person could not believe such a high number of false statements was simply a series of "honest mistakes", that is also something a reasonable person might call fraud and perjury. The Virginia State Bar was provided written evidence illustrating what I believe to be clear and convincing evidence of both those occurrences, but chose not to investigate.

This decision has the appearance of impropriety to protect a member of the Virginia State Bar from potential disbarment in an instance where the written material record may have shown beyond the doubt of any reasonable person that Attorney Steven Giballa committed violations of Virginia State Bar Rules 3.3, 3.4, 3.5. Further, the responsibility to enforce Virginia State Bar rules and ethical conduct for attorneys lies solely with the Virginia State Bar, and not the EEOC or any other entity for that matter.

One could infer a number of possibilities as to the arrogance and position of the Virginia State Bar in this matter, and none of them are good. The two that immediately come to mind is in Virginia an attorney for a law enforcement agency is free to violate the laws they are paid to enforce with impunity, or the Virginia State Bar will not initiate an investigation where a written record exists that may remove the discretion for leniency in a matter of serious misconduct.

Under separate cover I will request the Attorney General and the Governor of the State of Virginia to investigate the conduct of both Attorney Giballa and the Virginia State Bar.

Sincerely,

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cc: Mark Rankin Herring, Attorney General of Virginia
The Honorable Ralph Northam, Governor of Virginia