

**VIRGINIA:**

**BEFORE THE NINTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

**IN THE MATTERS OF  
ANTONIO PIERRE JACKSON**

**VSB Docket Nos.: 05-090-3659  
05-090-4266  
05-090-4412**

**SUBCOMMITTEE DETERMINATION**

**(Approval of Agreed Disposition for Public Admonition with Terms)**

On March 14, 2006, a duly convened Ninth District Subcommittee consisting of Joy Lee Price, Esquire (Chair presiding), Charles Glasgow Butts, Jr., Esquire, and John E. Crowder, lay member, met and considered these matters.

Pursuant to Part Six, Section IV, Paragraph 13.G.1.d(1) of the Rules of the Supreme Court of Virginia, the Ninth District Subcommittee of the Virginia State Bar hereby approves the Agreed Disposition entered into between Respondent Antonio Pierre Jackson (“Respondent”) and Assistants Bar Counsel Scott Kulp and Kathryn R. Montgomery, and hereby serves upon Respondent the following Public Admonition with Terms:

**FINDINGS OF FACT**

**I. *In the Matter of Antonio Pierre Jackson*  
VSB No.: 05-090-3659**

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent was appointed to represent Jayson Franklin Maxwell on an appeal of his conviction for felony cocaine possession.
3. The Court of Appeals dismissed the appeal in February 2005 because Respondent failed to timely file the opening brief.

4. Respondent did not advise Mr. Maxwell of the dismissal until after Respondent received notice of the bar complaint.

5. Respondent then prepared a habeas corpus petition that was subsequently granted.

[Rules 1.1, 1.3(a), and 1.4(a)]

**II. *In the Matter of Antonio Pierre Jackson***  
**VSB No.: 05-090-4266**

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.

2. Respondent served as court-appointed counsel to Aaron Green for his appeal to the Court of Appeals.

3. Respondent not only inadvertently moved to withdraw the appeal but also inadvertently moved for extension of time to file the opening brief even though no appeal had yet been granted.

4. Upon notification that the Court of Appeals denied the petition for appeal by Order dated April 15, 2005, Mr. Green desired to have that denial reconsidered by a 3-Judge panel.

5. Despite knowing the provisions of Rule 5A:3(c), Respondent mailed his motion for reconsideration by a 3-Judge panel by regular mail after 5:00 p.m. on the day before the motion was due.

6. Respondent's motion for reconsideration by a 3-Judge panel was not marked received by the Court of Appeals until May 2, 2005, three days after it was due.

7. On May 3, 2005, the Deputy Clerk of the Court of Appeals notified Respondent that because his request for argument before a 3-Judge panel was not timely

filed, the Court of Appeals would not conduct the review. The Deputy Clerk further advised Respondent that his time to appeal to the Virginia Supreme Court was running from April 15, 2005, the date on which the Court of Appeals denied the petition for appeal.

8. Respondent failed to communicate with Mr. Green about his right to pursue an appeal to the Virginia Supreme Court.

9. Respondent has since attempted to assist Mr. Green in preparing a habeas corpus petition.

[Rules 1.1, 1.3(a), and 1.4(a)]

**III. *In the Matter of Antonio Pierre Jackson***  
**VSB No.: 05-090-4412**

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.

2. Respondent was court-appointed to represent Jeffrey Allen Haga in an adoption matter.

3. After an adverse ruling in the circuit court, Respondent informed the court of Mr. Haga's intention to appeal.

4. Respondent's motion for an extension of time to file the opening brief was denied as untimely filed, and the Court of Appeals thereafter dismissed the appeal because no opening brief was filed.

5. Respondent did not advise Mr. Haga of the dismissal of his appeal until approximately two months had passed and after he had received notice of the bar complaint.

[Rules 1.1, 1.3(a), and 1.4(a)]

## NATURE OF MISCONDUCT

The foregoing findings of fact in matters I, II, and III give rise to the following violations of the Rule of Professional Conduct:

### **RULE 1.1 Competence**

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

### **RULE 1.3 Diligence**

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

### **RULE 1.4 Communication**

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

## SUBCOMMITTEE DETERMINATION

It is the decision of the Ninth District Subcommittee to accept the Agreed Disposition of the parties. Accordingly, a hearing is not necessary to resolve this matter and Respondent shall receive a Public Admonition with Terms pursuant to Part Six, Section IV, Paragraph 13.G.1.d(1) of the Rules of the Supreme Court of Virginia.

WHEREFORE, the Respondent is hereby issued a single Public Admonition for the foregoing matters (VSB Docket Nos. VSB Docket Nos. 05-090-3659, 05-090-4266, and 05-090-4412) with the following Terms:

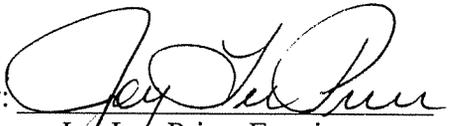
Attend in person six (6) hours of MCLE-approved Continuing Legal Education in the area of ethics and/or appellate practice in Virginia and certify completion to Assistant Bar Counsel Scott Kulp by **September 15, 2006**. These six (6) hours of CLE shall not count toward Respondent's annual MCLE requirement and Respondent shall not submit these hours to the MCLE Department of the Virginia State Bar or any other bar organization.

If, however, Respondent fails to meet these terms within the time specified, Respondent agrees that the Ninth District Committee shall impose upon him a single Public Reprimand with the same Terms as an alternative sanction. If there is disagreement as to whether the terms were fully and timely completed, the Ninth District Committee will conduct a hearing on the issue. At the hearing, the sole issue shall be whether Respondent fully completed the terms within the time specified above. The Respondent shall have the burden of proof by clear and convincing evidence at the hearing.

Failure to comply with the alternate sanction of a Public Reprimand with Terms if imposed will result in a Certification for Sanction Determination pursuant to Part 6, Section IV, ¶ 13.H.2.p(2).

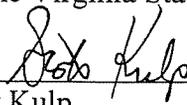
Upon approval of this Agreed Disposition by the Subcommittee, the Clerk of the Disciplinary System shall assess the appropriate administrative fees.

**NINTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR**

By:   
Joy Lee Price, Esquire  
Subcommittee Chair Presiding

**CERTIFICATE OF SERVICE**

I certify I have, this the 25<sup>th</sup> day of APRIL, 2006, mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and complete copy of the Subcommittee Determination (Public Admonition with Terms) to Respondent Antonio Pierre Jackson, at his last address of record with the Virginia State Bar, 113 North Virginia Street, Farmville, VA 23901

  
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Scott Kulp  
Assistant Bar Counsel