

VIRGINIA:

BEFORE THE TENTH DISTRICT—SECTION I COMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
EDGAR HAMPTON DEHART, JR.

VSB Docket No.03-101-0706

DISTRICT COMMITTEE DETERMINATION
(PUBLIC REPRIMAND)

On February 17, 2004, a hearing in this matter was held before a duly convened Tenth District—Section I Committee panel consisting of Richard Waters Davis, Jr., Esq., Harriet Dickenson Dorsey, Esq., Frederick Marlin Kellerman, Jr., Charles Crockett Lacy, Esq., Barbara Lou Rich Long, Esq., Charles H. Richards, Jr., and Charles Roscoe Beller, III, Esq., Chair presiding.

Pursuant to Virginia Supreme Court Rules of Court Part Six, Section IV, Paragraph 13.H.1.(2)(d) the Tenth District—Section I Committee of the Virginia State Bar hereby serves upon the Respondent Edgar Hampton DeHart, Jr., the following Public Reprimand.

I. FINDINGS OF FACT

By clear and convincing evidence, the Committee finds the following facts:

1. At all times relevant to this matter, Respondent Edgar Hampton DeHart, Jr. was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Respondent represented Complainant at an equitable distribution hearing held in the Circuit Court of Grayson County, sitting in Independence, on August 31, 2001. Complainant's ex-husband was not present nor represented at the hearing. Complainant was awarded a 1983 pickup truck, a Harley Davidson motorcycle, and a 4-wheeler all terrain vehicle.

3. Following the hearing, Respondent told Complainant that he would promptly prepare and present an order reflecting the award. However, Respondent did not present or file the order at any time.

4. Over the period of a year, Complainant called Respondent approximately 15-20 times regarding the order. Respondent returned her calls only after she left a message stating that she intended to file a bar complaint. Respondent returned approximately five calls from Complainant.

5. During one call, Respondent advised Complainant that he had lost her file. During another call, he told Complainant that he did not have time to prepare the order because he had taken a job as Assistant Commonwealth's Attorney.

6. Later, Respondent advised Complainant that he had prepared the order and sent it to counsel for Complainant's ex-husband for review. However, counsel did not receive any such order from Respondent.

7. Respondent then told Complainant that the order had been signed by opposing counsel and that Respondent had sent it to the judge for entry. However, at no time did Respondent file the order or send it to the judge for entry.

II. NATURE OF MISCONDUCT

Such conduct on the part of Respondent constitutes misconduct in violation of the following Rules of Professional Conduct:

RULE 1.3 Diligence

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

- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

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.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (c) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation.

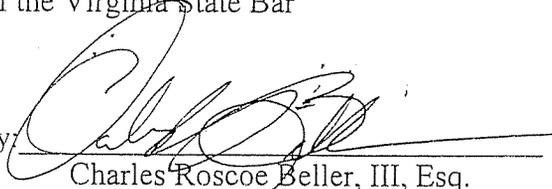
III. IMPOSITION OF PUBLIC REPRIMAND

Accordingly, it is the decision of the Committee to impose a Public Reprimand on Respondent Edgar Hampton DeHart, Jr. and he is so reprimanded.

Pursuant to Virginia Supreme Court Rules of Court Part Six, Section IV, Paragraph 13.B.8.c, the Clerk of the Disciplinary System shall assess costs.

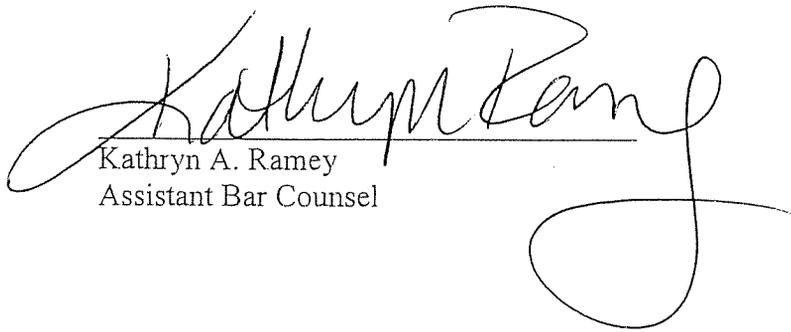
Tenth District—Section I Committee
Of the Virginia State Bar

By


Charles Roscoe Beller, III, Esq.
Chair Presiding

CERTIFICATE OF SERVICE

I certify I have this the 27th day of February 2004, mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and complete copy of the District Committee Determination (Public Reprimand) to Edgar Hampton DeHart, Jr., Esquire at last address of record with the Virginia State Bar, 3 Foxfire Lane, Independence, Virginia 24348 and mailed by U.S. Mail, a true and complete copy of the District Committee Determination (Public Reprimand) to Edgar Hampton DeHart, Jr., Esquire at the address where he was last found by the Bar, 5923 Boyton Plank Rd., Petersburg, VA 23803.


Kathryn A. Ramey
Assistant Bar Counsel