

VIRGINIA:

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

**IN THE MATTER OF
JAMES NEWTON DICKSON, III**

VSB DOCKET 02-070-0731

**SUBCOMMITTEE DETERMINATION
PUBLIC REPRIMAND**

On August 12, 2004, a meeting in this matter was held before a duly convened Seventh District Subcommittee consisting of Douglas D. Baumgardner, Larry Lambert, lay member, and Grant Richardson, presiding.

Pursuant to the provisions of the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.G.1.1., the Seventh District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand, as set for the below:

I. FINDINGS OF FACT

- 1. A Private Reprimand with Terms was agreed to and signed by Assistant Bar Counsel, Claude Worrell (Mr. Worrell), and Respondent and was presented to and accepted by a duly convened subcommittee of the Seventh District Committee of the Virginia State Bar.**
- 2. The factual findings of the subcommittee of the Seventh District Committee found that the Respondent, an attorney licensed to practice law in Virginia at all times relevant to the matter, represented the Complainant, Philip McAfee, in an appeal of a conviction of a parole violation in Rockingham County. On April, 30, 2001, the Respondent filed a notice of appeal and an a order for trial transcripts, giving him until June 14, 2001, to get the trial record filed with the Court of Appeals. However, the order for the transcripts was not signed and entered by a Circuit Court Judge until June 9, 2001, and the transcripts were not filed with the Court of Appeals until June 22, 2001. The Court of Appeals dismissed Mr. McAfee's appeal on September 21, 2001.**
- 3. On November 21, 2002, the Seventh District Subcommittee served James Newton Dickson, III (Mr. Dickson or Respondent) with their Subcommittee determination**

for a Private Reprimand with Terms.

4. The alternative disposition delineated in the Subcommittee determination, to be applied if the specified terms were not completed by July 31, 2003, is a Public Reprimand.

5. On March 9, 2003, James Newton Dickson, III, wrote Mr. Worrell to direct him as follows: "Please go ahead and give me a Public Reprimand."

6. No certification has been received since March 9, 2003, verifying that the Respondent has complied with the specific terms of the Private Reprimand with Terms.

II. NATURE OF MISCONDUCT

The Subcommittee finds that the following Rule of Professional Conduct has been violated:

RULE 1.3 Diligence

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

III. PUBLIC REPRIMAND

Accordingly, it is the decision of the Subcommittee to offer the Respondent a disposition of this complaint by imposition of a Public Reprimand.

IV. COSTS

Pursuant to Part 6, Section IV, Paragraph 13.B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess an administrative fee.

THE VIRGINIA STATE BAR

By _____
Grant Richardson, Chair Designate