

**VIRGINIA:**

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

**IN THE MATTER OF  
JOHN E. HAMILTON, JR.**

**VS** **SB Docket No. 04-060-3379**

**Subcommittee Determination  
(Public Reprimand)**

On March 7, 2005, a duly convened subcommittee of the Sixth District Committee, consisting of lay member Andrew C. Gallagher and attorneys William E. Glover and Christopher A. Abel, chair and presiding officer, met to consider an agreed disposition of the above-referenced matter.

Pursuant to Part Six, Section IV, Paragraph 13.G.4. of the Rules of the Virginia Supreme Court, the Sixth District Committee accepts the proposed agreed disposition and hereby serves upon the respondent John E. Hamilton, Jr. this Public Reprimand.

**I. Findings of Fact**

1. Mr. Hamilton was admitted to the practice of law in the Commonwealth of Virginia on September 21, 1973.
2. During all times relevant to this proceeding, Mr. Hamilton was an attorney in good standing to practice law in the Commonwealth of Virginia.
3. The Circuit Court of Lancaster County appointed Mr. Hamilton to represent Ronald B. Hickman on assault and battery charges.
4. A trial court, sitting without a jury, convicted Mr. Hickman on September 20, 2002.
5. Mr. Hamilton failed to advise Mr. Hickman that he could appeal his criminal conviction to the Virginia Court of Appeals.
6. After Mr. Hickman attempted to appeal the conviction *pro se*, Mr. Hamilton represented Mr. Hickman on appeal.

7. After he was transferred to Nottoway Correctional Center, where he is currently incarcerated, Mr. Hickman wrote Mr. Hamilton three times, inquiring about the status of his appeal.

8. The Court of Appeals denied Mr. Hickman's appeal on August 8, 2003.

9. Mr. Hamilton failed to advise Mr. Hickman that his appeal had been denied, allegedly because he did not know where Mr. Hickman was incarcerated.

10. Mr. Hickman did not learn that his appeal had been denied until February 9, 2004, when in response to a letter from him inquiring about the status of his appeal, he received a letter from the Court of Appeals advising him the appeal had been denied.

## **II. Findings of Misconduct**

The foregoing findings of fact, which are supported by clear and convincing evidence, give rise to findings that Mr. Hamilton violated the following Rules of Professional Conduct:

### **RULE 1.3 Diligence**

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

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### **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.

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(c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

### **RULE 1.16 Declining Or Terminating Representation**

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(c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable rules of court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

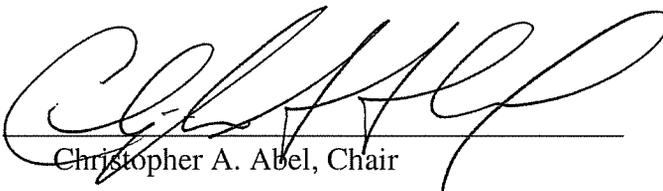
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**III. Imposition of Sanction**

Accordingly, it is the decision of the Sixth District Committee to accept the Agreed Disposition and impose a Public Reprimand, and Mr. Hamilton is hereby so reprimanded.

This Public Reprimand shall be made part of Mr. Hamilton's disciplinary record. Pursuant to Part Six, Section IV, Paragraph 13.B.8.c. of the Rules of the Virginia Supreme Court, the Clerk of the Disciplinary System shall assess the appropriate administrative fees and costs.

**SIXTH DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR**

By   
Christopher A. Abel, Chair

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 15<sup>th</sup> day of March 2005, mailed by certified mail, return receipt requested, a true and correct copy of the Subcommittee Determination (Public Reprimand) to the respondent, John E. Hamilton, Jr., Esquire, at his last address of record with the Virginia State Bar, 198 Crowder Point Drive, Reedville, Virginia 22539, and his counsel, Michael L. Rigsby, Esquire, Carrell, Rice & Rigsby, Forest Plaza II, Suite 309, Richmond, Virginia 23226.

