

VIRGINIA:

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

**IN THE MATTERS OF
JAMES BELL THOMAS**

**VS B Docket Nos. 05-010-1103,
05-010-1521 and 05-010-1522**

**SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITH TERMS)**

On May 6, 2005 a meeting in this matter was held before a duly convened First District Subcommittee consisting of Tyrone J. Melvin, Sr., Whitney G. Saunders, Esq., and Robert W. Jones, Jr., Esq., Chair Presiding. At that time, the Subcommittee voted to set these matters for a hearing before the District Committee but also authorized Assistant Bar Counsel to agree to a Public Admonition with Terms should the Respondent be so inclined. The Respondent, with the advice of counsel, did enter into a written agreement for a Public Admonition with Terms of the type authorized by the Subcommittee. As such, pursuant to Part 6, Section IV, Paragraph 13(G)(1)(c)(1) of the Rules of the Virginia Supreme Court, the First District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Admonition With Terms:

I. FINDINGS OF FACT

1. At all times material to these matters, the Respondent, James Bell Thomas (Thomas), was an attorney licensed to practice law in the Commonwealth of Virginia.

The Graves Appeal 05-010-1103

2. Thomas represented one Graves in an appeal of criminal convictions to the Court of Appeals of Virginia (the Court of Appeals).

3. Although Thomas states he mailed the Petition for Appeal to the Court of Appeals

several days before the due date, the Petition for Appeal was not received by that Court until after the due date and was not mailed by certified mail. As a result, on June 9, 2004, the Court of Appeals entered an order dismissing Graves' appeal.

4. Thomas did not advise Graves of the dismissal until a letter dated August 30, 2004, after Graves filed his complaint with the Bar. He said at that time he did not know the reason for the dismissal but would check. Thomas later wrote Graves on October 6, 2004, indicating the reason for the dismissal and suggesting a habeas corpus proceeding to secure a delayed appeal. [Rules applicable: 1.3(a) and 1.4(a)]

The Richardson Appeal 05-010-1521

5. Thomas represented one Richardson in an appeal of criminal convictions to the Court of Appeals.

6. Although Thomas states he mailed the Notice of Appeal to the Hampton Circuit Court several days before the due date, the Notice of Appeal was not received by that Court until after the due date and was not mailed by certified mail. As a result, on April 29, 2004, the Court of Appeals entered an order dismissing Richardson's appeal.

7. Thomas did not advise Richardson of the dismissal until a letter dated November 11, 2004, after the Bar received a copy of the dismissal order and opened a complaint file against Thomas. Thomas recommended a habeas corpus proceeding to secure a delayed appeal. [Rules applicable: 1.3(a) and 1.4(a)]

The Crews Appeal 05-010-1522

8. Thomas represented one Crews in an appeal of criminal convictions to the Court of

Appeals.

9. Although Thomas states he mailed the Notice of Appeal to the Hampton Circuit Court several days before the due date, the Notice of Appeal was not received by that Court until after the due date and was not mailed by certified mail. As a result, on August 11, 2003, the Court of Appeals entered an order dismissing Crews' appeal.

10. By the time the appeal was dismissed, Crews had served his jail time and been released. Thomas was unable to locate him to advise him of the dismissal.

[Rule applicable: 1.3(a)]

II. NATURE OF MISCONDUCT

The following Disciplinary Rules are deemed to have been violated:

RULE 1.3 Diligence

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

RULE 1.4 Communication

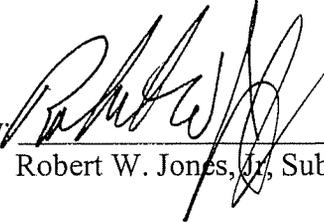
(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

III. PUBLIC ADMONITION WITH TERMS

Accordingly, it is the decision of the Subcommittee that Respondent receive a Public Admonition With Terms pursuant to Part Six, Section IV, Paragraph 13(G)(1)(c)(1) of the Rules of the Supreme Court of Virginia, and the Respondent is herewith Admonished. The Term shall be that, within six months of the date of this Determination, Respondent must take four (4) hours of Continuing Legal Education courses addressing appellate procedure, which hours shall not be counted towards his yearly mandatory CLE requirement, and shall so certify in writing to Assistant

Bar Counsel. If, however, the Respondent fails to meet this Term within the time specified, the Respondent shall be given a Public Reprimand by the First District Committee as an alternative sanction.

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

By: 
Robert W. Jones, Jr., Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on the 12th day of July, 2005, I mailed by Certified Mail, Return Receipt Requested, a true and complete copy of the Subcommittee Determination (Public Admonition With Terms) to James Bell Thomas, Esq., Respondent, at 241 South Armistead Avenue, Hampton, Virginia 23669, his last address of record with the Virginia State Bar, with a copy by regular mail to his counsel, Russell V. Palmore, Jr., Esq., P.O. Box 1122, Richmond, Virginia 23218-1122.