

VIRGINIA:

BEFORE THE THIRD DISTRICT—SECTION I SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
JASON ANTHONY

VSB Docket No. 15-031-100646

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On June 3, 2015 a meeting was held in this matter before a duly convened Third District—Section I Subcommittee consisting of Reiss F. Wilks, Esquire, chair presiding, Victoria N. Pearson, Esquire and Reverend Daniel R. Greenwood, III, lay member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was thereafter entered into by the Virginia State Bar, by Kathryn R. Montgomery, Deputy Bar Counsel, and Jason Anthony, Respondent, and Craig S. Cooley, Esquire, counsel for Respondent.

WHEREFORE, the Third District—Section I Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. Respondent was licensed to practice law in the Commonwealth of Virginia on October 17, 2001. At all times relevant to this matter, he has been licensed and in good standing with the Virginia State Bar.
2. Complainant is Anne J. Davis. Complainant retained Respondent in May 2013 to represent her son on various criminal charges pending in several jurisdictions. In the bar complaint, Complainant alleged that Respondent failed to represent her son with diligence, failed to provide reasonable communication, and failed to provide the client file upon termination. The bar conducted an investigation of these allegations and a subcommittee of the Third District—Section I Committee of the Virginia State

Bar met and considered the evidence. The subcommittee found insufficient evidence to support charges of misconduct based on these allegations.

3. In November 2013, Complainant's son entered into a plea agreement. At that hearing, Complainant gave Respondent a check for \$5,000.00. Complainant alleged that Respondent had agreed to handle her son's cases *pro bono* and that this check was to cover fees for a testifying expert at the sentencing hearing. Respondent denied that he agreed to handle the cases on a *pro bono* basis, and alleged that the payment was to cover his attorney's fees. Respondent thereafter deposited the \$5,000.00 into his trust account.
4. In February 2015, during the course of the bar's investigation of the complaint, Respondent refunded \$5,000.00 to Complainant with a check drawn on his trust account.
5. Subsequent investigation by the bar revealed that Respondent had kept the \$5,000.00 paid by Complainant in his trust account from November 2013 until it was refunded in February 2015. Such conduct constitutes commingling of a lawyer's earned fees with client funds in violation of Rule 1.15 of the Rules of Professional Conduct.
6. The bar investigation also revealed that Respondent had not been reconciling his trust account as required by Rule 1.15.
7. The bar investigation also revealed that, with the exception of reconciliations, Respondent had been maintaining trust account records as required by Rule 1.15.
8. Respondent advised the bar that he is taking steps to ensure that his trust account practices are in compliance with Rule 1.15.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.15 Safekeeping Property

(a) Depositing Funds.

(3) No funds belonging to the lawyer or law firm shall be deposited or maintained therein except as follows:

(i) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution or to maintain a required minimum

balance to avoid the imposition of service fees, provided the funds deposited are no more than necessary to do so; or

(ii) funds in which two or more persons (one of whom may be the lawyer) claim an interest shall be held in the trust account until the dispute is resolved and there is an accounting and severance of their interests. Any portion finally determined to belong to the lawyer or law firm shall be withdrawn promptly from the trust account.

(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

(3) Reconciliations.

(i) At least quarterly a reconciliation shall be made that reflects the trust account balance for each client, person or other entity.

(ii) A monthly reconciliation shall be made of the cash balance that is derived from the cash receipts journal, cash disbursements journal, the trust account checkbook balance and the trust account bank statement balance.

(iii) At least quarterly, a reconciliation shall be made that reconciles the cash balance from (d)(3)(ii) above and the subsidiary ledger balance from (d)(3)(i).

(iv) Reconciliations must be approved by a lawyer in the law firm.

II. PUBLIC REPRIMAND WITH TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The terms are:

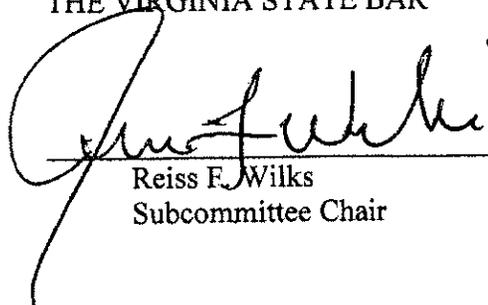
1. Respondent shall immediately be in compliance with all aspects of Rule 1.15 of the Rules of Professional Conduct and by September 4, 2015 shall submit to an audit of his trust account by a bar investigator.

If the terms are not met by September 4, 2015, Respondent agrees that the alternate disposition is certification of the case to the Disciplinary Board for sanction determination pursuant to Part 6, § IV, ¶ 13-15.G of the Rules of the Supreme Court of Virginia. Any

proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed pursuant to ¶ 13-9.E of the Rules of the Supreme Court of Virginia.

Pursuant to Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

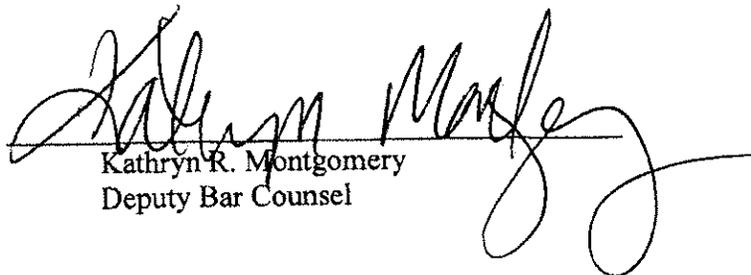
THIRD DISTRICT—SECTION I
SUBCOMMITTEE OF
THE VIRGINIA STATE BAR



Reiss F. Wilks
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on 7-13-15, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Jason Anthony, Respondent, at 23 W Broad St. Ste. 304, Richmond, VA 23220, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Craig Stover Cooley, counsel for Respondent, at 3000 Idlewood Avenue, P.O. Box 7268, Richmond, VA 23221-0268.



Kathryn R. Montgomery
Deputy Bar Counsel