

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
JASON HOWARD ARTHUR

VSB Docket No. 09-000-078042

MEMORANDUM ORDER

This matter came on to be heard on April 2, 2009, by the Disciplinary Board of the Virginia State Bar (the Board) by teleconference upon an Agreed Disposition between the parties, which was presented to a panel of the Board consisting of Robert Eicher (Chair), Paul Black, Glenn Hodge, Michael Mulkey, and Jody Katz, lay member (collectively the Panel). Tracy J. Johnson of Chandler & Halasz was the court reporter for the hearing and transcribed the proceedings (804) 730-1222.

Renu Mago, Assistant Bar Counsel, appeared as counsel for the Virginia State Bar, and Respondent Jason Howard Arthur (Respondent) and his counsel, K. Jeff Luethke, Esq., appeared.

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13. I.7., the Bar and Respondent entered into a written proposed Agreed Disposition and presented same to the Panel.

The Chair swore the Court Reporter and polled the members of the Panel to determine whether any member had a personal or financial interest that might affect or reasonably be perceived to affect his or her ability to be impartial in these matters. Each member, including the Chair verified they had no such interests.

The Panel heard argument from counsel and reviewed Respondent's prior disciplinary

the Agreed Disposition. Having considered all the evidence before it, the Panel accepted the Agreed Disposition.

### I. FINDINGS OF FACT

The Disciplinary Board finds the following facts by clear and convincing evidence:

1. On November 3, 2008, the Supreme Court of Tennessee at Nashville entered an Order of Enforcement against Respondent Jason Howard Arthur upon a Petition for Discipline filed by the Tennessee Board of Professional Responsibility against Respondent and upon Respondent's Guilty Plea to the Petition. A certified copy of the Order is attached hereto as Exhibit "A".
2. The Court ordered, adjudged, and decreed that Respondent was suspended for thirty (30) days with all time suspended; was on probation for one year consisting of reporting to a law practice monitor; and was to pay restitution to the Complainant Larry Roberts, Esq., totaling \$1,333.80. See Exhibit "A".
3. Complainant Larry Roberts had previously forwarded a copy of his Tennessee complaint and related documents to the Virginia State Bar.
4. Respondent has paid restitution to the Complainant Larry Roberts, Esq., totaling \$1,333.80.
5. Respondent is also being monitored as ordered by the Supreme Court of Tennessee.

### II. IMPOSITION OF SANCTION

Having considered all the evidence before it and determined to accept the Agreed Disposition, the Disciplinary Board **ORDERS** that, pursuant to Rules of Court, Part Six, Section IV, Paragraph 13.I.7, the same suspension that was imposed in Tennessee against Respondent be imposed in the Commonwealth of Virginia. Accordingly, it is ORDERED that Respondent's

license to practice law within the Commonwealth of Virginia be and hereby is suspended for thirty days, with all time hereby suspended. The Board further ORDERS that the Order of Enforcement filed in the Supreme Court of Tennessee and Release of Information, attached as Exhibit "A" hereto, be and hereby is made a part of the record.

It is further **ORDERED** that costs shall be assessed by the Clerk of the Disciplinary System pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13.B.8.c.

It is further **ORDERED** that the Clerk of the Disciplinary System shall send a certified copy of this order to Jason Howard Arthur at his last address of record with the Virginia State Bar, Ross & Arthur, 255 Broad Street, Kingsport, TN 37660 and by regular mail to K. Jeff Luethke, Esq., Respondent's Counsel, 155 Shelby Street, Suite 2, Kingsport, TN 37660 and by hand delivery to Assistant Bar Counsel Renu Mago.

ENTERED: April 2<sup>nd</sup>, 2009

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: Robert E. Eicher  
Robert Eicher, Chair

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

In Re: JASON H. ARTHUR, BPR #22659  
An Attorney Licensed to Practice Law in Tennessee  
(Sullivan County)

FILED  
NOV 03 2008  
Clerk of the Court

BPR DOCKET NO. 2007-1678-1-TH

No. M2008-02474-SC-BPO-BP

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed by the Board of Professional Responsibility against the Respondent, Jason H. Arthur, upon the Respondent's Conditional Guilty Plea and the entire record in this cause.

From all of which the Court accepts the Respondent's Conditional Guilty Plea and concludes that the Respondent's Conditional Guilty Plea for a thirty (30) day suspension with all time suspended, one (1) year probation and restitution to the Complainant totaling \$1,333.80 is appropriate.

It is therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court that the Respondent, Jason H. Arthur:

1. is suspended for thirty (30) days with all time suspended; and
2. is on probation for a period of one (1) year consisting of reporting to a law practice monitor; and
3. shall pay restitution to the Complainant totaling \$1,333.80; and
4. pursuant to Rule 9, § 24.3 of the Rules of the Supreme Court, the Respondent shall pay to the Board of Professional Responsibility the expenses and costs of this matter, in the amount of \$1,898.94, and in addition, shall pay the clerk of this Court the costs incurred herein, for all of which execution may issue if necessary; and
5. The Board of Professional Responsibility of the Supreme Court of Tennessee shall cause notice of this suspension to be published as required by Rule 9, § 18.10 of the Rules of the Supreme Court of Tennessee.

FOR THE COURT:

I, Michael W. Catalans, Clerk, hereby certify that  
this is a true and correct copy of the original

filed in the cause.

This 3 day of NOV, 2008

CLERK OF COURT

By: Julius Villanueva

Cornelia A. Clark  
CORNELIA A. CLARK, JUSTICE

VSB  
EXHIBIT

A



BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE

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RELEASE OF INFORMATION  
JASON H. ARTHUR, BPR # 022659  
CONTACT: SANDY GARRETT  
BOARD OF PROFESSIONAL RESPONSIBILITY  
(615) 361-7500

November 6, 2008

KINGSPORT LAWYER SUSPENDED

On November 3, 2008, the Tennessee Supreme Court entered an Order suspending the law license of Jason H. Arthur, a Kingsport attorney, for thirty (30) days with all time suspended with probation for one (1) year and restitution to the complainant.

The Board of Professional Responsibility filed a Petition for Discipline against Mr. Arthur alleging that Mr. Arthur had requested and received fees and compensation on cases without remitting those fees and compensation to his former employer. The Board further alleged the Respondent had written false letters to physicians regarding liens.

Mr. Arthur agreed to a thirty (30) day suspension with all time suspended, probation for a period of one (1) year and restitution to the complainant which was approved by the Tennessee Supreme Court. Mr. Arthur's actions violated the Rules of Professional Conduct. Mr. Arthur may continue to practice without further order by the Tennessee Supreme Court. Mr. Arthur shall comply with the requirements and obligations of suspended attorneys as set forth in Section 18 of Rule 9, Rules of the Supreme Court.

Arthur 1678-1 rel.doc

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