

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF VIRGINIA BEACH**

**VIRGINIA STATE BAR EX REL  
SECOND DISTRICT COMMITTEE**

**Complainant**

**v.**

**Case No. CL06-6854**

**CLARENCE JORDAN BALL, III**

**Respondent**

**ORDER**

**THIS CAUSE** came to be heard on the 30<sup>th</sup> and 31<sup>st</sup> day of October, 2007, by a Three-Judge Court impaneled by the Supreme Court of Virginia on April 17, 2007, by designation of the Chief Justice of the Supreme Court of Virginia, pursuant to Section 54.1-3935 of the Code of Virginia (1950) as Amended, consisting of the Honorable Marc Jacobson, Retired Judge of the Fourth Judicial Circuit, the Honorable J. Warren ~~Stephens~~<sup>Stephens</sup> Retired Judge of the Seventh Judicial Circuit, and the Honorable Margaret Poles Spencer, Judge of the Thirteenth Judicial Circuit, designated Chief Judge.

The Virginia State Bar appeared through its Assistant Bar Counsel, Edward L. Davis. The Respondent attorney, Clarence Jordan Ball, III, was duly noticed and appeared in person and by his counsel, Michael L. Rigsby, Esquire.

**WHEREUPON**, a hearing was conducted upon the Rule to Show Cause issued against the Respondent, Clarence Jordan Ball, III, which Rule directed him to appear and to show cause why his license to practice law in the Commonwealth of Virginia should not be suspended, revoked, or otherwise sanctioned by reason of allegations of ethical

misconduct set forth in the Certification issued by a subcommittee of the Second District Committee of the Virginia State Bar.

The Complainant and the Respondent presented evidence in open court in each of two related complaints. At the close of the bar's evidence, the Respondent made a motion to strike, which the Court took under advisement. Thereafter the Respondent presented his evidence, and counsel argued the matter.

Following closing arguments, the Three-Judge Court retired to deliberate, and thereafter returned and announced its findings.

In Virginia State Bar Docket Number 05-021-2766, (Complainant, Virginia State Bar/Anonymous), the Court found no misconduct, and dismissed the matter accordingly.

In Virginia State Bar Docket Number 05-021-1669, (Complainant, Jennifer C. Yates, Esquire), the Court found, by clear and convincing evidence, that the Respondent committed misconduct in violation of Rule 1.15 (c) (4) of the Rules of Professional Conduct, by (1) removing disputed Ball & Yates partnership funds to the client trust fund account of the Respondent's new law firm, thereby denying a Ball & Yates partner access to the funds and granting the new firm's partners access, without prior or proper authorization from or notice to the Ball & Yates partner, (2) disbursing funds and property without the prior authorization of or notice to the partner, and/or in breach of the partnership agreement, and/or with knowledge of disputes related to the funds and property, (3) ordering a stop-pay on the checks issued to the partner, without prior notice to the partner, and then using the funds without prior notice to or authorization from the partner, and (4) conveying essentially all disputed assets to Respondent and Respondent's new law firm.

The Court did not find that the Respondent violated Rules 1.1, 1.3, 4.2, 8.4 (b) or 8.4 (c) of the Rules of Professional Conduct, and dismissed those counts accordingly.

**THEREAFTER**, the Virginia State Bar and the Respondent presented argument regarding the sanction to be imposed upon the Respondent for the misconduct, and the Three-Judge Court recessed to deliberate.

**AFTER DUE CONSIDERATION** of the evidence and the nature of the ethical misconduct committed by the Respondent, the Three-Judge Court determined the appropriate sanction to impose to be an **ADMONITION WITHOUT TERMS**, and the Respondent is hereby **ADMONISHED** for his misconduct.

Pursuant to Part Six, Section IV, Paragraph 13.B.8.c of the Rule of the Supreme Court of Virginia, the Clerk of the Disciplinary System of the Virginia State Bar shall assess costs.

It is further **ORDERED** that a copy teste of this order shall be served by the Clerk of this Court upon the Respondent, Clarence Jordan Ball, III, by certified mail, return receipt requested, at the Rack Law Firm, P.C., Suite 220, 249 Central Park Avenue, Virginia Beach, Virginia 23462, his address of record with the Virginia State Bar; and by regular mail to his counsel, Michael L. Rigsby, Esquire, at Carrell, Rice & Rigsby, Forest Plaza II, Suite 310, 7275 Glen Forest Drive, Richmond, Virginia 23226 his address of record with the Virginia State Bar, and to Edward L. Davis, Assistant Bar Counsel, at the Virginia State Bar, Eighth and Main Building, Suite 1500, 707 East Main Street, Richmond, Virginia 23219.

The court reporters who transcribed these proceedings are Stephania Smith (October 30, 2007) and Ronetta Worrell (October 31, 2007), both of Ronald Graham and

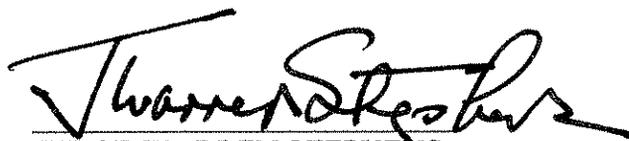
Associates, Inc., 5344 Hickory Ridge, Virginia Beach, Virginia 23455-6680 (757) 490-1100.

ENTERED this 13 day of December, 2007

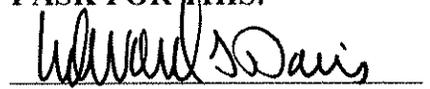
CERTIFIED TO BE A TRUE COPY  
OF RECORD IN MY CUSTODY  
TINA E. SINNEN, CLERK  
CIRCUIT COURT VIRGINIA BEACH, VA  
BY Carli Caputo  
DEPUTY CLERK

  
MARGARET POLES SPENCER  
Chief Judge, Three-Judge Court

  
MARC JACOBSON  
Retired Judge, Three-Judge Court

  
JUDGE WARREN STEPHENS  
Retired Judge, Three-Judge Court

I ASK FOR THIS:

  
Edward L. Davis  
Assistant Bar Counsel  
Virginia State Bar  
Eight and Main Building  
707 East Main Street, Suite 1500  
Richmond, Virginia 23219-2800

SEEN (AND OBJECTED TO): *In the following reasons -*

Michael L. Rigsby

Michael L. Rigsby, Esquire  
Counsel for the Respondent  
Carrell, Rice & Rigsby  
Forest Plaza II, Suite 310  
7275 Glen Forest Drive  
Richmond, Virginia 23226  
(804) 285-7994

1. *The form of the Order does not sufficiently set forth the factual findings upon which the Court based its ultimate conclusions;*
2. *The factual findings of the Court are not supported by the evidence;*
3. *The factual findings of the Court do not constitute a violation of RPC 1.15(c)(4).*