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VIRGINIA:

IN THE CIRCUIT COURT OF FAUQUIER COUNTY JUN 8 2009

VIRGINIA STATE BAR *EX REL*
SEVENTH DISTRICT COMMITTEE,

VSB CLERK'S OFFICE

Complainant,

v.

VSB Docket No. 07-070-1277
Case No. CL09-179

LORENZO LEE BEAN, III, ESQUIRE

Respondent.

**ORDER OF PUBLIC REPRIMAND
WITH TERMS**

This matter came before the Three-Judge Court telephonically empanelled on May 27, 2009, by designation of the Chief Justice of the Supreme Court of Virginia, pursuant to § 54.1-3935 of the 1950 Code of Virginia, as amended. A fully endorsed Agreed Disposition, dated the 21st day of May, 2009, was tendered by Alfred L. Carr, Assistant Bar Counsel, Respondent Lorenzo Lee Bean, III, Esq., by and through his counsel, Michael L. Rigsby, Esq., and was considered by the Three-Judge Court, consisting of the Honorable William C. Andrews, Retired Judge of the Eighth Judicial Circuit, the Honorable William C. Wellons, Retired Judge of the Tenth Judicial Circuit and by the Honorable R. Terrance Ney, Judge of the Nineteenth Judicial Circuit and Chief Judge of the Three-Judge Court. The hearing was transcribed by Chandler and Halasz, P.O. Box 9349, Richmond, VA 23227, 804-730-1222.

Having considered the Agreed Disposition, it is the decision of the Three-Judge Court that the Agreed Disposition be accepted, and said Court finds by clear and convincing evidence as

follows:

1. On October 3, 1997, the Complainant, Robin Jenkins, paid the Respondent, Lorenzo Lee Bean, III, Esq., \$40,000 by personal check dated October 3, 1997, for legal representation concerning an Internal Revenue Service ("IRS") matter.
2. On October 3, 1997, the Respondent deposited the \$40,000 personal check into his operating account.
3. On October 8, 1997, the Complainant, Robin Jenkins, paid the Respondent, Lorenzo Lee Bean, III, Esq., \$20,000 in cash for the same IRS matter.
4. On October 8, 1997, the Respondent deposited the \$20,000 cash into his operating account for a total advanced legal fee of \$60,000 for legal representation in the IRS matter.
5. At the time of payment of each of the sums stated above, the Complainant and the Respondent had an attorney-client relationship. The sums tendered to the Respondent were required to have been deposited in an attorney escrow account because the above amounts, or a portion thereof, remained the Complainant's property at time of tender.

THE THREE-JUDGE COURT finds by clear and convincing evidence that such conduct on the part of the Respondent, Lorenzo Lee Bean, III, Esq., constitutes a violation of the following provisions of the Rules of Professional Conduct:

RULE 1.15 Safekeeping Property

(a) All funds received or held by a lawyer or law firm on behalf of a client, other than reimbursement of advances for costs and expenses, shall be deposited in one or more identifiable escrow accounts maintained at a financial institution in the state in which the law office is situated and no funds belonging to the lawyer or law firm shall be deposited therein except as follows:

(1) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution may be deposited therein; or

(2) funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited therein, and the portion belonging to the lawyer or law firm must be withdrawn promptly after it is due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved

UPON CONSIDERATION WHEREOF, the Three-Judge Court hereby **ORDERS** as follows:

Subject to the provisions set forth below, the Respondent shall receive a **Public Reprimand with Terms** effective the date of this order.

TERMS

1. Not later than June 30, 2009, the Respondent shall engage the services of a law office management consultant, approved by the Virginia State Bar to review and make written recommendations concerning the Respondent's law practice policies, methods, systems, trust account, operating accounts and procedures. The Respondent shall institute and thereafter follow with consistency any and all recommendations made to him by the law office management consultant following the law office management consultant's evaluation of the practice. The Respondent shall grant the law office management consultant access to his law practice from time to time, at the consultant's request, for purposes of ensuring that the Respondent has instituted and is complying with the law office management consultant's recommendations. Bar Counsel shall have access, by telephone conferences, written reports, or both, to the law office management consultant's findings and recommendations, as well as the consultant's assessment of the Respondent's level of compliance with said recommendations. The Respondent shall be obligated to pay when due the consultant's fees and costs, including, but not limited to, the provision to Bar Counsel of information concerning this matter. The Respondent shall hire Sensei Enterprises of Fairfax, Virginia as the law office management consultant.

- A. Not later than August 31, 2009, Sensei Enterprises shall provide a written report of the law office management evaluation to Assistant Bar Counsel Alfred L. Carr at 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800.
- B. Not later than October 31, 2009, the Respondent shall certify in writing that he has fully complied with the law office management consultant's findings and recommendations.
- C. Not later than December 31, 2009, the Respondent shall be responsible for:
 - a. Ensuring that the law office management consultant has previously reported to Bar Counsel his or her findings and recommendations regarding the Respondent's law practice.
 - b. Certifying to Bar Counsel that the Respondent has fully complied with the law office management consultant's findings and recommendations and provide written confirmation of same from the law office management consultant.

2. If the Respondent does not meet the Terms contained herein by the January 31, 2010 deadline, the Virginia State Bar, pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-18.O, shall serve notice requiring the Respondent to show cause why the alternative disposition should not be imposed. The burden of proof shall be on the Respondent to show compliance by clear and convincing evidence. Any show cause proceeding involving the question of compliance shall be deemed a new matter and not a continuation of the matter that resulted in the imposition of Terms.

ALTERNATIVE DISPOSITION

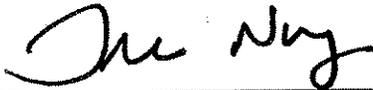
If the Respondent does not meet his burden of proof to show compliance with the Terms set forth in the paragraphs of Section IV by clear and convincing evidence, by agreement of the undersigned parties, the Virginia State Bar Disciplinary Board shall impose a **sixty (60) day suspension** of the Respondent's license to practice law in the Commonwealth of Virginia. The suspension effective date shall be the date the Board finds that the Respondent did not meet his burden of proof of to show compliance.

COSTS

Pursuant to Part Six, Section IV, Paragraph ,13-9.E.1. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent; and it is further

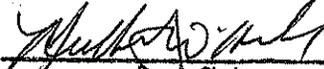
ORDERED that four (4) copies of this Order be certified by the Clerk of the Circuit Court of County of Fauquier, Virginia, and be thereafter mailed by said Clerk to the Clerk of the Disciplinary System of the Virginia State Bar at 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800, for further service upon the to the Respondent, Lorenzo Lee Bean, III, at his last address of record with the Virginia State Bar, Suite 101, 45573 Shepard Drive, Sterling, VA 20164 , and by regular mail to Michael L. Rigsby, Respondent's Counsel, Carrell Rice & Rigsby, Forest Plaza II, Suite 310, 7275 Glen Forest Drive, Richmond, VA 23226, and hand-delivered to Alfred L. Carr, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219 consistent with the rules and procedures governing the Virginia State Bar Disciplinary System.

ENTERED this 28 day of May, 2009.



Judge R. Terrence Ney
Chief Judge of Three-Judge Court

A COPY TESTE: GAIL H. BARR, CLERK

BY 
Deputy Clerk

FAUQUIER COUNTY CIRCUIT COURT, VA

Received and admitted to record this 3rd day of June 2009.