

VIRGINIA:

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR

IN THE MATTER OF JEFFREY FREDERICK BRADLEY
VSB Docket No. 06-070-3260

ORDER OF PUBLIC REPRIMAND WITH TERMS

This matter came on December 5, 2007, to be heard on the Agreed Disposition of the Virginia State Bar and the Respondent, based upon the Certification of the Seventh District Committee. The Agreed Disposition was considered by a duly convened panel of the Virginia State Bar Disciplinary Board consisting of Timothy A. Coyle, Dave R. Schultz, Paul M. Black, Werner H. Quasebarth, Lay member, and William E. Glover, Acting Chair presiding. Donna Chandler, Registered Professional Reporter, of Chandler & Halasz, P. O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, having been duly sworn by the Chair, reported the hearing and transcribed the proceedings.

Alfred L. Carr, representing the Virginia State Bar, and the Respondent's legal counsel, Roland M.L. Santos, appeared on behalf and with the consent of Respondent Jeffery F. Bradley, presented an endorsed Agreed Disposition, dated December 5, 2007, reflecting the terms of the Agreed Disposition. Respondent did not appear due to his laborious physical and mental health issues.

Having considered the Certification and the Agreed Disposition, it is the decision of the Board that the Agreed Disposition be accepted, and the Virginia State Bar Disciplinary Board finds by clear and convincing evidence as follows:

A. STIPULATION OF FACTS

VSB Docket No. 06-070-3260

1. At all times relevant hereto, Jeffrey Frederick Bradley, Esq. (hereinafter the Respondent), has been an attorney licensed to practice law in the Commonwealth of Virginia.

2. The Rockingham County Circuit Court appointed Respondent to represent the Complainant, Claudio Monreal, at trial, as well as upon appeal.

3. The Complainant instructed Respondent to file a Notice of Appeal, but Respondent did not do so. The Complainant wrote a letter to the Rockingham County Circuit Court complaining that Respondent did not file a Notice of Appeal on his behalf. The court scheduled a hearing for April 17, 2006 in response to Complainant's letter. On April 17, 2006, in open court, Respondent Bradley represented to the presiding judge that he had indeed filed a Notice of Appeal on behalf of Mr. Monreal. The judge asked for a copy of this Notice and an explanation as to why a copy of it was not in the court file. Respondent did not have a copy of the Notice and could not offer the Court any reason why a copy was not in the court file. The Court ordered Respondent to re-file the notice, but Respondent did not re-file it, as ordered by the Court.

4. By letter dated April 17, 2006, the Bar's Intake Counsel requested that Respondent communicate with Mr. Monreal and inform him of the status of his appeal. Respondent did not contact Mr. Monreal. He also did not respond to Bar Counsel's letter dated May 9, 2006, informing Respondent of Mr. Monreal's complaint and providing twenty-one days for Respondent to answer the complaint. Respondent also did not respond to Bar Investigator A.E. Rhodenizer, Jr.'s numerous attempts to contact him about this matter.

5. On June 6, 2006, the presiding judge, upon Mr. Monreal's request, appointed another attorney to replace Respondent as Mr. Monreal's attorney and to represent Mr. Monreal on his petition for a Writ of Habeas Corpus.

B. STIPULATION OF MISCONDUCT

The aforementioned conduct on the part of the Respondent in VSB docket number 06-070-3260 constitutes clear and convincing evidence of a violation of the following Rules of Professional Conduct:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

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.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

RULE 3.3 Candor Toward The Tribunal

- (a) A lawyer shall not knowingly:
 - (1) make a false statement of fact or law to a tribunal;

RULE 8.1 Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6[.]

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;

C. MITIGATING FACTORS:

The Board, in accepting the Agreed Disposition for a Public Reprimand with Terms, recognized mitigating factors that profoundly swayed the Board to accept this agreed disposition. In absence of such mitigating factors concerning Respondent's myriad of immense health issues, a suspension of Respondent's license to practice law would be justified.

The Board found that Respondent's current array of mental health and physical health issues did not justify or explain away the stipulated misconduct in this bar complaint. The Board, however, upon consideration of said mitigating factors understands and acknowledges that Respondent's numerous health issues may limit his ability to return to the active practice of law, if at all.

Therefore, the Board accepts the Agreed Disposition for a Public Reprimand with Terms as a resolution to VSB Docket No. 06-070-3260. VSB Docket Nos. 07-070-2299 and 07-070-0021 now pending before the Board shall be dismissed without prejudiced.

UPON CONSIDERATION WHEREOF, the Virginia State Bar Disciplinary Board hereby ORDERS that the Respondent shall receive a **PUBLIC REPRIMAND WITH TERMS**, which is hereby imposed.

D. TERMS

1. Within five days of the entry of an order by the Virginia State Bar Disciplinary Board (hereinafter the Board) adopting the agreed disposition, the Respondent shall file a letter with the Membership Department to change his class of membership in the Virginia State Bar to

that of ASSOCIATE MEMBER pursuant to Part 6, § IV, ¶ 3(b) of the Rules of the Supreme Court of Virginia. An Associate class of membership *prohibits* the Respondent from practicing of law in the Commonwealth of Virginia.

2. Within five days of the entry of an order by the Board adopting the agreed disposition, the Respondent shall submit to the Executive Director of the Virginia State Bar a written request that he be transferred to the “Disabled and Retired Member” class of membership in the Virginia State Bar pursuant to the provisions of the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 3 (d). Contemporaneous with Respondent’s submission to the Executive Director, Respondent shall furnish a true and correct copy of his submission to the Assistant Bar Counsel (hereafter Bar Counsel), assigned the Seventh District, 100 North Pitt Street, Suite 310, Alexandria, Virginia 22314-3133. He shall promptly furnish to Bar Counsel a true copy of any correspondence received from the Virginia State Bar regarding his request for transfer to the “Disabled and Retired Member” class of membership.

a. If the Respondent’s class of membership in the Virginia State Bar is changed to that of a “Disabled and Retired Member” class of membership, he shall *not* seek to return to an ACTIVE MEMBER at any time before March 31, 2008.

b. After March 31, 2008, Respondent may make written request of the Executive Director for reinstatement to the “Active Member” class of membership under the procedures applicable to a bar member’s restoration to active status upon removal of a disability or impairment.

3. In the event that the Respondent’s class of membership is *not* changed to the “Disabled and Retired Member” class of membership by the Executive Director of the Virginia State Bar, and irrespective of any contrary entitlement Respondent might have under the law,

Respondent shall *not* request the Virginia State Bar for a return from an “Associate Member” to an “Active Member” class of membership prior to June 30, 2008.

a. In the event the Respondent is deemed ineligible for the “Disabled and Retired Member” class of membership by the Executive Director and/or the Executive Committee of the Virginia State Bar, as the case may be, then, and in that event, the Respondent shall continuously maintain Associate Member status until June 30, 2008, after which date he shall be free to resume status as an Active Member, provided he is otherwise eligible for such status.

4. Respondent shall promptly furnish to Bar Counsel a true and correct copy of all correspondence generated by him to the Virginia State Bar and/or received by him from the Virginia State Bar regarding his request for ASSOCIATE MEMBER status. He shall not be obligated to furnish copies of any correspondence generated or received by him relative to a request for restoration to ACTIVE MEMBER status following June 30, 2008.

5. If the Respondent’s class of membership in the Virginia State Bar is changed to that of a “Disabled and Retired Member,” at no time between the entry of the Board’s order adopting the agreed disposition and March 31, 2008, inclusive, shall Respondent engage in the practice of law in the Commonwealth of Virginia and/or any other state or federal jurisdiction. The Terms hereof, are specifically intended, to have the Respondent refrain fully and completely from the practice of law, thus enabling him to seek and receive any treatment that might be deemed medically necessary to alleviate the physical and mental health issues, which he has stated to the Virginia State Bar as having contributed to his inability to practice law as referred to herein.

6. In the event the Respondent is deemed ineligible for the "Disabled and Retired Member" class of membership by the Executive Director and/or the Executive Committee of the Virginia State Bar, as the case may be, then, and in that event, at no time between the entry of the Board's order adopting the agreed disposition and June 30, 2008, inclusive, shall Respondent engage in the practice of law in the Commonwealth of Virginia and/or any other state or federal jurisdiction. The Terms hereof are specifically intended to have the Respondent refrain fully and completely from the practice of law, thus enabling him to seek and receive any treatment that might be deemed medically necessary to alleviate the physical and mental health issues, which he has stated to the Virginia State Bar as having contributed to his inability to practice law as referred to herein.

7. In any event, upon Respondent's attempt to return to the active practice of law after March 31, 2008 or after June 30, 2008, he shall:

- a. submit a letter from a member of the medical profession specifically licensed in Virginia to render a professional opinion whether Respondent's mental health presents any issues with his ability to return to the practice of law, and
- b. submit a letter from a member of the medical profession that is licensed in Virginia to render a professional opinion whether Respondent's physical health presents any issues with his return to the practice of law.

8. Respondent agrees to accept any terms and/or conditions the Executive Director of the Virginia State Bar deems appropriate to regulate Respondent's return to an Active class of membership in the Virginia State Bar.

E. ALTERNATIVE DISPOSITION

1. Should the Virginia State Bar allege that Respondent has failed to comply with the terms of discipline referred to herein and that the alternative disposition should be imposed, a “show cause” proceeding pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.I.2.g. will be conducted, at which proceeding the burden of proof shall be on the Respondent to show the disciplinary tribunal by clear and convincing evidence that he has complied with terms of discipline referred to herein.

2. Upon a finding by the disciplinary tribunal that Respondent violated any of the Terms set forth herein, then, and in such event, the Board shall, as an alternative disposition to a Public Reprimand With Terms, impose a **TWO-YEAR SUSPENSION** of his license to practice law in the Commonwealth of Virginia. Upon the Board’s entry of an order adopting the agreed disposition, the parties shall be deemed to have stipulated to the admissibility into evidence by the Board of the “Stipulation of Facts” appearing above, and the Respondent shall be deemed to have before the Board admitted to the violations of the Rules of Professional Conduct set forth above under the heading “Stipulations of Misconduct.”

The Respondent specifically acknowledges that in addition to the alternative disposition set forth herein for violation of the terms hereof, if Respondent practices law between entry of the Board’s order adopting the agreed disposition and

- i) March 31, 2008, if the Respondent’s class of membership in the Virginia State Bar is changed to that of a “Disabled and Retired Member” class of membership, or
- ii) June 30, 2008, in the event the Respondent is deemed ineligible for the “Disabled and Retired Member” class of membership by the Executive Director and/or the Executive Committee of the Virginia State Bar, or

iii) at any time thereafter in violation of the terms of his Virginia State Bar membership classification,

he shall be subject to the prosecution for ethical misconduct under the applicable provisions of the Rules of Professional Conduct, including, but not limited to Rule 5.5.

F. COSTS

1. Pursuant to Part 6, Section IV, Paragraph 13.B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

2. Pursuant to Rule 1:13 of the Rules of the Supreme Court of Virginia, the Board dispenses with any requirement that this Order be endorsed by counsel of record for the parties.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to the Respondent at his address of record with the Virginia State Bar, P.O. Box 1355, Harrisonburg, Virginia 22803, by certified mail, return receipt requested, and by regular mail to 64 B Court Square, Harrisonburg, Virginia 22801; and to Roland Michael Santos, Counsel for Respondent, 52 East Market Street, Harrisonburg, Virginia 22801; and to Alfred L. Carr, Assistant Bar Counsel, Virginia State Bar, 100 North Pitt Street, Suite 310, Alexandria, Virginia 22314.

ENTERED this 19th day of December, 2007.

FOR THE VIRGINIA STATE BAR DISCIPLINARY BOARD:



William E. Glover, Acting Chair