
VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
T. LEE BROWN, JR.**

VSB Docket No. 07-033-2721

MEMORANDUM ORDER

THIS MATTER came on to be heard on July 14, 2008 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 William E. Glover, Jr., chair presiding, Paul M. Black, Martha J.P. McQuade, Sandra L. Havrilak, and Werner H. Quasebarth, lay person.

Paulo E. Franco, Jr., Assistant Bar Counsel, appeared as counsel for the Virginia State Bar, and Respondent appeared in person *pro se*.

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.B.5.c., the Bar and Respondent entered into a written proposed Agreed Disposition and presented same to the Panel.

The Chair swore the Court Reporter, Donna T. Chandler of Chandler & Halasz, P.O. Box 9349, Richmond, VA 23227, (804) 730-1222, 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 from both Assistant Bar Counsel and the Respondent and reviewed Respondent's prior disciplinary record with the Bar and thereafter retired to deliberate on the Agreed Disposition. Having considered all the evidence before it, the Panel unanimously accepted the Agreed Disposition.

I. FINDINGS OF FACT

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

1. Respondent was at all times relevant a member in good standing of the bar of the Commonwealth of Virginia.
2. Respondent was admitted to the practice of law in the Commonwealth of Virginia on September 27, 1974.
3. During all times relevant, the Respondent was a member of the law firm of Parker, Pollard and Brown ("PPB").
4. Complainant, Ms. Sharon Kirstein ("Kirstein"), retained Respondent in August of 2005 to represent her interests in divorce proceedings.
5. Kirstein met with Respondent at Wintergreen resort on August 6, 2005 to discuss the case.
6. During that meeting, Respondent advised Kirstein that he was helping his law partner, who had significant health issues.
7. Kirstein specifically asked Respondent whether that would be an issue, and Respondent assured her it would not be.
8. Kirstein advised Respondent that she had worked as a legal assistant for her husband and that he fired her. He stopped paying her and she advised Respondent that she was in need of temporary support payments.
9. On August 15, 2005, Kirstein mailed Respondent a retainer check in the amount of \$2,500.00.
10. On August 12, 2005, Kirstein's husband filed a Bill of Complaint for divorce, which she faxed to Respondent of August 17, 2005.

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11. Respondent advised Kirstein's husband that he would be representing her.
 12. Afterward, Kirstein made repeated attempts to contact Respondent. On September 13, 2005, Kirstein wrote Respondent advising that no money had been sent to her since July.
 13. On November 14, 2005, Respondent wrote to Kirstein and blamed the lack of communication on the relocation of PPB's offices.
 14. Respondent also forwarded her husband's first set of interrogatories to be answered by her in ten days, a letter he sent to Kirstein's husband and a copy of the discovery materials Respondent propounded to Kirstein's husband.
 15. Kirstein prepared a response within two days of the November 14, 2005 letter and forwarded her draft answers to Respondent. She also enclosed a check for \$870.00 to cover Respondent's recent bill.
 16. By letter dated November 18, 2005, Kirstein's husband sent Kirstein and Respondent an offer to settle. Kirstein sent Respondent an email two days later saying she did not agree with the settlement offer and asked that Respondent contact her.
 17. On December 2, 2005, Respondent wrote to Kirstein stating he was in receipt of her November 18, 2005 correspondence.
 18. On January 9, 2006, Kirstein emailed Respondent and asked whether he was working on her case. Kirstein subsequently called Respondent's secretary and left a message for him to call her.
 19. Respondent did not return the email or phone call. Kirstein called Respondent again on January 16, 17, 18, and 23, 2006 leaving messages for him to call back with a status.
 20. Respondent did not return those phone calls.
 21. On January 25, 2006, Kirstein called Respondent and left a detailed list of questions with Respondent's secretary. Respondent's secretary prepared a memo listing the questions.
 22. Respondent did not return the call, nor did he answer the questions that Kirstein had concerning the case.
 23. Kirstein called Respondent again on January 27 and 30, 2006 and left messages to call her back.

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24. Respondent did not return the phone calls.
 25. On February 2, 2006, Kirstein sent Respondent an email stating her frustration that six months nothing prior was being done on the case.
 26. Respondent did not answer the email.
 27. Kirstein called Respondent on February 6, 13, and 16, 2006. Respondent did not return any of those phone calls.
 28. On February 16, 2006, Kirstein requested an appointment with Respondent.
 29. Kirstein received no answer to her request for an appointment.
 30. On February 22, 2006, Kirstein wrote Respondent once again expressing her frustration.
 31. Respondent did not answer that correspondence.
 32. In March of 2006, Kirstein hired Lawrence Diehl, Esquire to represent her.
 33. On April 10, 2006, Kirstein wrote to Respondent discharging him and notifying him that he was being replaced. She demanded a refund of her money since she felt that he had done nothing on the case and had not communicated with her.
 34. On May 9, 2006, Respondent wrote to Mr. Diehl enclosing client materials and stating that he would not provide a refund but would instead forego an attorney lien and forego billing for services he performed but for which he did not bill.

II. NATURE OF MISCONDUCT

The Disciplinary Board finds that such conduct by T. Lee Brown, Jr. constitutes misconduct in 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.

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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.

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III. IMPOSITION OF SANCTION

Having considered all the evidence before it and determined to accept the Agreed Disposition, the Disciplinary Board **ORDERS** the imposition of a **PUBLIC ADMONITION WITHOUT TERMS** and the Respondent is so admonished as of July 14, 2008.

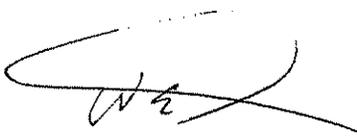
It is further **ORDERED** that costs shall be assessed by the Clerk of the Disciplinary System pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13.B.8.c.

It is further **ORDERED** that the Clerk of the Disciplinary System shall send a certified copy of this order to T. Lee Brown, Jr. at his last address of record with the Virginia State Bar, Parker, Pollard & Brown, P.C., Suite 300, 6802 Paragon Place, Richmond, Virginia 23230-1655, and to Paulo E. Franco, Jr., Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

ENTERED this 18th day of July, 2008

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: _____



William E. Glover, Second Vice Chair