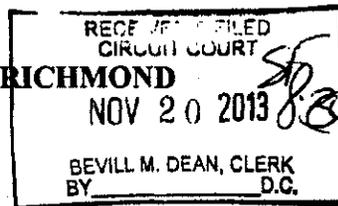


DEC 10 2013

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**



**VIRGINIA STATE BAR EX REL  
 THIRD DISTRICT COMMITTEE  
 VSB Docket Nos. 13-032-092356,  
 13-032-093349, 13-032-093729, 13-032-094006  
 Complainant**

**Case No. CL13-3375-4**

v.

**JAMES ANTHONY BULLARD, JR.  
 Respondent**

**MEMORANDUM ORDER OF SUSPENSION**

This matter came to be heard on November 12, 2013, by teleconference upon an Agreed Disposition between the Virginia State Bar and Respondent James Anthony Bullard ("Respondent"). A copy of the endorsed Agreed Disposition is attached hereto and is incorporated herein by this reference. The Bar, by Assistant Bar Counsel Renu M. Brennan, and Respondent, who appeared in person *pro se*, presented the Agreed Disposition to a Three-Judge Court duly impaneled pursuant to Section 54.1-3935 of the Code of Virginia, 1950, as amended, consisting of The Honorable Gordon F. Willis of The Fifteenth Judicial Circuit, Chief Judge ("Chief Judge"), The Honorable Joanne F. Alper, Retired Judge of the Seventeenth Judicial Circuit, and The Honorable William D. Hamblen, Retired Judge of the Thirty-First Judicial Circuit (collectively the "Three-Judge Court").

The Chief Judge swore the Court Reporter and polled the members of the Three-Judge Court 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 that they had no such interests.

The Three-Judge Court heard argument from counsel 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 Three-Judge Court unanimously accepted the Agreed Disposition.

The Three-Judge Court finds by clear and convincing evidence that the following facts are true:

**I. FINDINGS OF FACT**

1. At all times referenced herein Respondent James Anthony Bullard (Respondent) was an attorney licensed to practice law in the Commonwealth of Virginia.

**VSB Docket No. 13-032-093349 (VSB)**

2. By Order entered March 15, 2012, the Circuit Court of Richmond appointed Respondent to represent Sean Lamar Hardy in the appeal of criminal convictions for statutory burglary, assault and battery, and the use of threatening or indecent language over the telephone.
3. Respondent timely noted Mr. Hardy's appeal with the Court of Appeals of Virginia (Court of Appeals).
4. In the Notice of Appeal, Respondent incorrectly identified the appeal as being from entry of final judgment convicting Mr. Hardy of two counts of distribution of cocaine. Mr. Hardy had not been convicted for the distribution of cocaine. Respondent filed an Amended Notice of Appeal.
5. On June 15, 2012, the record of the case was filed in the Court of Appeals.
6. By e-mail dated June 15, 2012, the Court of Appeals notified Respondent that it had received the record on June 15, 2012.
7. Respondent's deadline to file the Petition for Appeal was July 25, 2012.
8. Respondent did not file the Petition for Appeal.
9. By Order entered August 31, 2012, the Court of Appeals dismissed Mr. Hardy's appeal because Respondent did not file the Petition for Appeal.
10. By letter dated October 2, 2012, the Virginia State Bar advised Respondent that it had learned that Mr. Hardy's appeal had been dismissed due to Respondent's failure to timely file the Petition for Appeal on Mr. Hardy's behalf.

11. After receiving the bar's letter, on October 10, 2012, Respondent filed a Motion for Delayed Appeal in the Court of Appeals.
12. The Motion for Delayed Appeal contained two errors: Respondent listed only one of three charges upon which Mr. Hardy was convicted, and he incorrectly identified the trial judge.
13. By letter dated October 10, 2012, Respondent advised Mr. Hardy that there was "an issue with your appeal" and that he filed a Motion for Delayed Appeal.
14. By letter dated October 17, 2012, Respondent responded to the bar's October 2, 2012 letter stating that he did not timely file the Petition for Appeal because he did not "remember receiving any notification regarding the record date from the Court of Appeals."
15. In his Affidavit in support of the Motion for Delayed Appeal Respondent stated "(a) petition for appeal was not filed due to a failure to receive and properly note when the record was received by the Court of Appeals." As stated, the Court of Appeals notified Respondent by e-mail June 15 that it had received the record.
16. By Order entered by the Court of Appeals on November 1, 2012, Mr. Hardy was granted a delayed appeal.

(Rules of Professional Conduct Violated: 1.1, 1.3(a)).

**VSB Docket No. 13-032-094006 (VSB)**

17. In May 2012 Dennis Loney retained Respondent to appeal the judgment entered against him by the Chesterfield County Circuit Court upon the revocation of a suspended sentence.
18. By Order entered May 31, 2012, Respondent was substituted in as counsel in Mr. Loney's appeal.
19. Respondent timely noted Mr. Loney's appeal with the Court of Appeals.
20. In the Notice of Appeal, Respondent incorrectly identified that he was appointed, instead of retained, and he represented that the conviction date was May 16, instead of May 17. Respondent filed an Amended Notice of Appeal.
21. By e-mail dated May 23, 2012, the Court of Appeals advised Respondent that where practicable all notices, letters, orders, and opinions, if any, would be issued to Respondent electronically by e-mail.
22. On July 26, 2012, the record of the case was filed in the Court of Appeals.

23. By e-mail dated July 27, 2012, the Court of Appeals notified Respondent that it had received the record on July 26, 2012.
24. Respondent's deadline to file the Petition for Appeal was September 4, 2012.
25. Respondent did not file the Petition for Appeal.
26. By Order entered October 12, 2012, the Court of Appeals dismissed Mr. Loney's appeal because Respondent did not file the Petition for Appeal.
27. On October 16, 2012, Respondent filed a Motion for Delayed Appeal in the Court of Appeals.
28. In his Affidavit in support of the Motion for Delayed Appeal Respondent stated "(a) petition for appeal was not filed due to a failure to receive and properly note when the record was received by the Court of Appeals." As stated, the Court of Appeals notified Respondent by e-mail July 27 that it had received the record.
29. By Order entered November 20, 2012, the Court of Appeals granted Mr. Loney leave to file a replacement notice of appeal. Per the November 20, 2012 Order all computations of time began November 20, 2012, or if Mr. Loney was entitled to appointed counsel, from the date the Chesterfield County Circuit Court entered an order appointing counsel.
30. Mr. Loney states that Respondent did not advise him that the Court of Appeals granted his delayed appeal. Respondent believes he sent Mr. Loney a letter stating that the Court of Appeals granted his delayed appeal, but Respondent's file did not contain a copy of the letter.
31. By letter dated November 28, 2012, Respondent advised Mr. Loney that his license to practice law had been suspended for sixty days, and Respondent asked Mr. Loney to contact him to make arrangements for the handling of his case.
32. Upon receipt of Respondent's November 28 letter, Mr. Loney immediately phoned Respondent and left him a message. Respondent's paralegal returned Mr. Loney's call and advised Mr. Loney that Respondent would call him back. Respondent did not return Mr. Loney's call.
33. Finally in March 2013, two weeks prior to his interview with the bar's investigator regarding his handling of this matter, Respondent met with Mr. Loney and told him to hire another attorney to handle his appeal.

(Rules of Professional Conduct Violated: 1.1, 1.3(a), 1.4(a), 1.16(d)).

**VSB Docket No. 13-032-092356 (Barry Rush)**

34. Respondent was appointed to represent Barry Rush in his appeal of his criminal convictions.
35. Respondent appealed to the Court of Appeals on Mr. Rush's behalf.
36. By Order entered July 28, 2011, the Court of Appeals denied Mr. Rush's appeal.
37. Respondent timely noted Mr. Rush's appeal to the Supreme Court of Virginia.
38. Respondent filed a Petition for Appeal with the Supreme Court of Virginia.
39. The Petition for Appeal to the Supreme Court of Virginia contained two Assignments of Error.
40. By Order entered February 1, 2012, the Supreme Court of Virginia dismissed the Petition for Appeal as to Assignment of Error No. 1 because Respondent did not address the ruling from the court from which the appeal was taken and thus did not comply with the requirements of Rule 5:17(c)(1)(iii).
41. By letter dated February 7, 2012, Respondent notified Mr. Rush that the Supreme Court of Virginia dismissed the Petition for Appeal. Respondent did not explain to Mr. Rush that the first Assignment of Error was dismissed due to his failure to address the ruling from the court from which the appeal was taken.
42. According to Mr. Rush, he requested Respondent file a Motion for Delayed Appeal pursuant to Va. Code § 19.2-321.2(A)(ii) based on Respondent's failure to properly assign error as to Assignment No. 1 of Mr. Rush's appeal. Va. Code § 19.2-321.2(A)(ii) provides that when due to the error, neglect, or fault of counsel an appeal from the Court of Appeals to the Supreme Court of Virginia in a criminal case has been dismissed for failure to adhere to proper form, procedures, or time limits in the perfection of the appeal, then a motion for leave to pursue a delayed appeal may be filed in the Supreme Court within six months after the appeal has been dismissed or denied, the conviction has been affirmed, or the Court of Appeals judgment sought to be appealed has become final, whichever is later.
43. Respondent states he only became aware of Mr. Rush's request to file a delayed appeal when he received the bar complaint in August 2012.
44. Respondent did not file a Motion for Delayed Appeal pursuant to Va. Code § 19.2-321.2(A)(ii) which provides that when due to the error, neglect, or fault of counsel an appeal from the Court of Appeals to the Supreme Court of Virginia in a criminal case has been dismissed for failure to adhere to proper form, procedures, or time limits in the perfection of the appeal, then a motion for leave

to pursue a delayed appeal may be filed in the Supreme Court within six months after the appeal has been dismissed or denied, the conviction has been affirmed, or the Court of Appeals judgment sought to be appealed has become final, whichever is later.

(Rules of Professional Conduct Violated: 1.1, 1.3(a)).

**VSB Docket No. 13-032-093729 (VSB)**

45. Respondent was appointed to represent Ramon K. Taylor in his appeal of criminal convictions.
46. Respondent timely noted Mr. Taylor's appeal with the Court of Appeals.
47. The transcript was not timely filed, and Respondent did not timely file the Notice of Filing of Transcript.
48. On July 6, 2012, the trial record was filed in the Court of Appeals of Virginia.
49. The deadline to file the Petition for Appeal in the Court of Appeals of Virginia was August 15, 2012.
50. By letter dated August 8, 2012, Respondent notified Mr. Taylor that the court reporter failed to timely file the transcript and that Respondent would have to file a Motion for Delayed Appeal.
51. Respondent was thus aware before the deadline to file the Petition for Appeal that he could not timely file the Petition for Appeal and could and should have requested an extension to file the Petition for Appeal. Respondent contends that he did not request an extension to file the Petition for Appeal because he did not know whether he would receive a response prior to the deadline to file the Petition for Appeal and thus believed a Motion for Delayed Appeal was his client's best option.
52. Respondent failed to request an extension to file the Petition for Appeal.
53. Respondent did not timely file the Petition for Appeal.
54. By Order entered September 20, 2012, the Court of Appeals dismissed Mr. Taylor's appeal because Respondent failed to timely file the Petition for Appeal.
55. By letter dated November 2, 2012, the Virginia State Bar advised Respondent that it had learned that Mr. Taylor's appeal had been dismissed due to Respondent's failure to timely file the Petition for Appeal on Mr. Hardy's behalf.

56. On November 15, 2012, Respondent filed a Motion for Delayed Appeal with the Court of Appeals. The Court of Appeals granted Mr. Taylor a delayed appeal.
57. By order dated January 16, 2013, the Circuit Court of Richmond appointed James McLemore to represent Mr. Taylor in his appeal.

(Rules of Professional Conduct Violated: 1.1, 1.3(a)).

## **II. NATURE OF MISCONDUCT**

The Three-Judge Court finds that such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### **RULE 1.1 Competence**

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

### **RULE 1.3 Diligence**

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

### **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.

### **RULE 1.16 Declining Or Terminating Representation**

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

## **III. IMPOSITION OF SANCTIONS**

Having considered all the evidence and argument before it and determined to accept the Agreed Disposition, the Three-Judge Court **ORDERS that Respondent's license to practice law in the Commonwealth of Virginia is suspended for a period of SIXTY DAYS effective**

**December 19, 2013.**

It is further **ORDERED** that Respondent's license to practice law in the Commonwealth of Virginia is suspended for a period of **NINETY DAYS**, which shall run consecutively from the sixty-day suspension. Respondent's violations of Rules 1.3(a) set forth herein violate the Public Reprimand with Terms issued by the Third District Committee, Section II on September 15, 2011 in the Matters of James Anthony Bullard, Jr., VSB Docket Nos. 10-032-083196, 10-032-084358, 10-032-082580, and 10-032-083635 ("Public Reprimand with Terms"). The Public Reprimand with Terms prohibited Respondent from violating Rule 1.3(a) of the Rules of Professional Conduct from September 15, 2011 to September 15, 2013. As Respondent violated the Term, the alternative disposition of a ninety-day suspension set forth in the Public Reprimand with Terms shall be and hereby is imposed against Respondent.

It is further **ORDERED** that Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. Respondent shall give such notice within 14 days of the effective date of the suspension, and make such arrangements as are required herein within 45 days of the effective date of the suspension. The Respondent shall also furnish proof to the bar within 60 days of the effective day of the suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of the suspension, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

It is further **ORDERED** that pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-9(E)(1), the Clerk of the Disciplinary System shall assess costs against the Respondent and further that the Clerk of the Disciplinary System shall comply with the public notice requirements of the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-9(G).

In accordance with the Agreed Disposition in this matter, **this ORDER is FINAL and NON-APPEALABLE.**

It is further **ORDERED** that the Clerk of the Court shall send an attested copy of this Order to the Honorable Cynthia D. Kinser, Chief Justice, Supreme Court of Virginia, 100 North Ninth Street, Richmond, Virginia 23219; Edward M. Macon, Assistant Executive Secretary and Legal Counsel, Supreme Court of Virginia, 100 North Ninth Street, Richmond, Virginia 23219; James Anthony Bullard at James A. Bullard, Jr., P.C., 2916 Chamberlayne Avenue, Richmond, Virginia 23222, his last address of record with the Virginia State Bar; Renu M. Brennan, Assistant Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219; and Barbara S. Lanier, the Clerk of the Disciplinary System, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219.

Terry S. Griffith, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227,

telephone (804) 730-1222, was the court reporter for the hearing and transcribed the proceedings.

ENTERED: November 18 /2013

CIRCUIT COURT, CITY OF RICHMOND

By:

  
The Honorable Gordon F. Willis,  
Chief Judge  
Three-Judge Court

A Copy

Teste: BEVILL M. DEAN, CLERK

BY: Reggie Houston D.C

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

VIRGINIA STATE BAR EX REL  
THIRD DISTRICT COMMITTEE  
VSB Docket Nos. 13-032-092356,  
13-032-093349, 13-032-093729, 13-032-094006  
Complainant

v.

Case No. CL13-3375-4

JAMES ANTHONY BULLARD, JR.  
Respondent

AGREED DISPOSITION FOR A SIXTY-DAY SUSPENSION  
(disposition)

Come now the Virginia State Bar, by Renu M. Brenman, Assistant Bar Counsel, and the Respondent, James Anthony Bullard, Jr., and hereby tender to this Honorable Court for its consideration the following Agreed Disposition for a Sixty-Day Suspension:

I. STIPULATIONS OF FACT

1. At all times referenced herein Respondent James Anthony Bullard (Respondent) was an attorney licensed to practice law in the Commonwealth of Virginia.

VSB Docket No. 13-032-093349 (VSB)

2. By Order entered March 15, 2012, the Circuit Court of Richmond appointed Respondent to represent Sean Lamar Hardy in the appeal of criminal convictions for statutory burglary, assault and battery, and the use of threatening or indecent language over the telephone.
3. Respondent timely noted Mr. Hardy's appeal with the Court of Appeals of Virginia (Court of Appeals).
4. In the Notice of Appeal, Respondent incorrectly identified the appeal as being from entry of final judgment convicting Mr. Hardy of two counts of distribution of cocaine. Mr. Hardy had not been convicted for the distribution of cocaine. Respondent filed an Amended Notice of Appeal.
5. On June 15, 2012, the record of the case was filed in the Court of Appeals.
6. By e-mail dated June 15, 2012, the Court of Appeals notified Respondent that it had received the record on June 15, 2012.

7. Respondent's deadline to file the Petition for Appeal was July 25, 2012.
8. Respondent did not file the Petition for Appeal.
9. By Order entered August 31, 2012, the Court of Appeals dismissed Mr. Hardy's appeal because Respondent did not file the Petition for Appeal.
10. By letter dated October 2, 2012, the Virginia State Bar advised Respondent that it had learned that Mr. Hardy's appeal had been dismissed due to Respondent's failure to timely file the Petition for Appeal on Mr. Hardy's behalf.
11. After receiving the bar's letter, on October 10, 2012, Respondent filed a Motion for Delayed Appeal in the Court of Appeals.
12. The Motion for Delayed Appeal contained two errors: Respondent listed only one of three charges upon which Mr. Hardy was convicted, and he incorrectly identified the trial judge.
13. By letter dated October 10, 2012, Respondent advised Mr. Hardy that there was "an issue with your appeal" and that he filed a Motion for Delayed Appeal.
14. By letter dated October 17, 2012, Respondent responded to the bar's October 2, 2012 letter stating that he did not timely file the Petition for Appeal because he did not "remember receiving any notification regarding the record date from the Court of Appeals."
15. In his Affidavit in support of the Motion for Delayed Appeal Respondent stated "(a) petition for appeal was not filed due to a failure to receive and properly note when the record was received by the Court of Appeals." As stated, the Court of Appeals notified Respondent by e-mail June 15 that it had received the record.
16. By Order entered by the Court of Appeals on November 1, 2012, Mr. Hardy was granted a delayed appeal.

(Rules of Professional Conduct Violated: 1.1, 1.3(a)).

VSB Docket No. 13-032-094006 (VSB)

17. In May 2012 Dennis Loney retained Respondent to appeal the judgment entered against him by the Chesterfield County Circuit Court upon the revocation of a suspended sentence.
18. By Order entered May 31, 2012, Respondent was substituted in as counsel in Mr. Loney's appeal.
19. Respondent timely noted Mr. Loney's appeal with the Court of Appeals.
20. In the Notice of Appeal, Respondent incorrectly identified that he was appointed, instead of retained, and he represented that the conviction date was May 16, instead of May 17. Respondent filed an Amended Notice of Appeal.
21. By e-mail dated May 23, 2012, the Court of Appeals advised Respondent that where practicable all notices, letters, orders, and opinions, if any, would be issued to Respondent electronically by e-mail.
22. On July 26, 2012, the record of the case was filed in the Court of Appeals.
23. By e-mail dated July 27, 2012, the Court of Appeals notified Respondent that it had received the record on July 26, 2012.
24. Respondent's deadline to file the Petition for Appeal was September 4, 2012.
25. Respondent did not file the Petition for Appeal.
26. By Order entered October 12, 2012, the Court of Appeals dismissed Mr. Loney's appeal because Respondent did not file the Petition for Appeal.
27. On October 16, 2012, Respondent filed a Motion for Delayed Appeal in the Court of Appeals.
28. In his Affidavit in support of the Motion for Delayed Appeal Respondent stated "(a) petition for appeal was not filed due to a failure to receive and properly note when the record was received by the Court of Appeals." As stated, the Court of Appeals notified Respondent by e-mail July 27 that it had received the record.
29. By Order entered November 20, 2012, the Court of Appeals granted Mr. Loney leave to file a replacement notice of appeal. Per the November 20, 2012 Order all computations of time began November 20, 2012, or if Mr. Loney was entitled to appointed counsel, from the date the Chesterfield County Circuit Court entered an order appointing counsel.

30. Mr. Loney states that Respondent did not advise him that the Court of Appeals granted his delayed appeal. Respondent believes he sent Mr. Loney a letter stating that the Court of Appeals granted his delayed appeal, but Respondent's file did not contain a copy of the letter.
31. By letter dated November 28, 2012, Respondent advised Mr. Loney that his license to practice law had been suspended for sixty days, and Respondent asked Mr. Loney to contact him to make arrangements for the handling of his case.
32. Upon receipt of Respondent's November 28 letter, Mr. Loney immediately phoned Respondent and left him a message. Respondent's paralegal returned Mr. Loney's call and advised Mr. Loney that Respondent would call him back. Respondent did not return Mr. Loney's call.
33. Finally in March 2013, two weeks prior to his interview with the bar's investigator regarding his handling of this matter, Respondent met with Mr. Loney and told him to hire another attorney to handle his appeal.

(Rules of Professional Conduct Violated: 1.1, 1.3(a), 1.4(a), 1.16(d)).

YSB Docket No. 13-032-092356 (Barry Rush)

34. Respondent was appointed to represent Barry Rush in his appeal of his criminal convictions.
35. Respondent appealed to the Court of Appeals on Mr. Rush's behalf.
36. By Order entered July 28, 2011, the Court of Appeals denied Mr. Rush's appeal.
37. Respondent timely noted Mr. Rush's appeal to the Supreme Court of Virginia.
38. Respondent filed a Petition for Appeal with the Supreme Court of Virginia.
39. The Petition for Appeal to the Supreme Court of Virginia contained two Assignments of Error.
40. By Order entered February 1, 2012, the Supreme Court of Virginia dismissed the Petition for Appeal as to Assignment of Error No. 1 because Respondent did not address the ruling from the court from which the appeal was taken and thus did not comply with the requirements of Rule 5:17(c)(1)(iii).
41. By letter dated February 7, 2012, Respondent notified Mr. Rush that the Supreme Court of Virginia dismissed the Petition for Appeal. Respondent did not explain to Mr. Rush that the first Assignment of Error was dismissed due to his failure to address the ruling from the court from which the appeal was taken.
42. According to Mr. Rush, he requested Respondent file a Motion for Delayed Appeal pursuant to Va. Code § 19.2-321.2(A)(ii) based on Respondent's failure to properly

assign error as to Assignment No. 1 of Mr. Rush's appeal. Va. Code § 19.2-321.2(A)(ii) provides that when due to the error, neglect, or fault of counsel an appeal from the Court of Appeals to the Supreme Court of Virginia in a criminal case has been dismissed for failure to adhere to proper form, procedures, or time limits in the perfection of the appeal, then a motion for leave to pursue a delayed appeal may be filed in the Supreme Court within six months after the appeal has been dismissed or denied, the conviction has been affirmed, or the Court of Appeals judgment sought to be appealed has become final, whichever is later.

43. Respondent states he only became aware of Mr. Rush's request to file a delayed appeal when he received the bar complaint in August 2012.
44. Respondent did not file a Motion for Delayed Appeal pursuant to Va. Code § 19.2-321.2(A)(ii) which provides that when due to the error, neglect, or fault of counsel an appeal from the Court of Appeals to the Supreme Court of Virginia in a criminal case has been dismissed for failure to adhere to proper form, procedures, or time limits in the perfection of the appeal, then a motion for leave to pursue a delayed appeal may be filed in the Supreme Court within six months after the appeal has been dismissed or denied, the conviction has been affirmed, or the Court of Appeals judgment sought to be appealed has become final, whichever is later.

(Rules of Professional Conduct Violated: 1.1, 1.3(a)).

YSB Docket No. 13-032-093729 (YSB)

45. Respondent was appointed to represent Ramon K. Taylor in his appeal of criminal convictions.
46. Respondent timely noted Mr. Taylor's appeal with the Court of Appeals.
47. The transcript was not timely filed, and Respondent did not timely file the Notice of Filing of Transcript.
48. On July 6, 2012, the trial record was filed in the Court of Appeals of Virginia.
49. The deadline to file the Petition for Appeal in the Court of Appeals of Virginia was August 15, 2012.
50. By letter dated August 8, 2012, Respondent notified Mr. Taylor that the court reporter failed to timely file the transcript and that Respondent would have to file a Motion for Delayed Appeal.
51. Respondent was thus aware before the deadline to file the Petition for Appeal that he could not timely file the Petition for Appeal and could and should have requested an extension to file the Petition for Appeal. Respondent contends that he did not request an extension to file the Petition for Appeal because he did not know whether he would receive a response prior to the deadline to file the Petition for Appeal and thus believed a Motion for Delayed Appeal was his client's best option.

52. Respondent failed to request an extension to file the Petition for Appeal.
53. Respondent did not timely file the Petition for Appeal.
54. By Order entered September 20, 2012, the Court of Appeals dismissed Mr. Taylor's appeal because Respondent failed to timely file the Petition for Appeal.
55. By letter dated November 2, 2012, the Virginia State Bar advised Respondent that it had learned that Mr. Taylor's appeal had been dismissed due to Respondent's failure to timely file the Petition for Appeal on Mr. Hardy's behalf.
56. On November 15, 2012, Respondent filed a Motion for Delayed Appeal with the Court of Appeals. The Court of Appeals granted Mr. Taylor a delayed appeal.
57. By order dated January 16, 2013, the Circuit Court of Richmond appointed James McLenore to represent Mr. Taylor in his appeal.

(Rules of Professional Conduct Violated: 1.1, 1.3(a)).

## II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

### RULE 1.3 Diligence

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

### 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.

### RULE 1.16 Declining Or Terminating Representation

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any

advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

### III. STIPULATION AS TO DISPOSITION

The Respondent and the Virginia State Bar agree that an appropriate sanction in the matter now pending is the Suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of SIXTY DAYS, effective December 19, 2013.

The Respondent agrees further that if the Three-Judge Court designated to hear this matter approves this Agreed Disposition, that this disposition becomes Final and Non-Appealable. The Respondent agrees that he cannot and will not appeal this disposition under any circumstances if it is accepted by the Three-Judge Court.

Respondent stipulates that upon entry of a Memorandum Order approving this Agreed Disposition, Respondent shall be deemed to have violated the Term of a Public Reprimand with Terms issued by the Third District Committee, Section II on September 15, 2011 in the Matters of James Anthony Bullard, Jr., VSB Docket Nos. 10-032-083196, 10-032-084358, 10-032-082580, and 10-032-083635. (Exh. A). The Term Respondent concedes he violated prohibited Respondent from violating Rule 1.3(a) of the Rules of Professional Conduct from September 15, 2011 to September 15, 2013. Respondent further agrees that the alternative disposition of a ninety-day suspension, as set forth in the Public Reprimand with Terms issued September 15, 2011, should thus be imposed against him. Respondent understands that upon entry of any Memorandum Order approving this Agreed Disposition, Assistant Bar Counsel is required to serve notice requiring Respondent to show cause why the alternative disposition of a ninety-day suspension should not be imposed. As Respondent agrees that he violated the Term, and as he agrees that the ninety-day suspension should be imposed, Respondent waives the show cause proceeding. Respondent further stipulates and understands that the ninety-day suspension is

additional to and separate from the sixty-day suspension imposed by any Memorandum Order approving this Agreed Disposition.

Respondent requests, and the Bar does not oppose Respondent's request, that the ninety-day suspension run consecutively to the sixty-day suspension.

The Respondent agrees further that if, for any reason, the Three-Judge Court designated to hear this matter declines to approve this Agreed Disposition, then the same Three-Judge Court designated to hear this matter shall hear, preside over and conclude the trial of this matter in the Circuit Court of the City of Richmond in accordance with the designation by the Supreme Court of Virginia, entered August 28, 2013, with trial commencing on December 19, 2013 as previously scheduled.

Pursuant to Part 6, Sec. IV, Para. 13-9 B of the Rules, the Clerk of the Disciplinary System shall assess costs.

AGREED:

Renu M. Brennan  
Renu M. Brennan, Assistant Bar Counsel

James Anthony Bullard, Jr.  
James Anthony Bullard, Jr., Respondent

APPROVED:

Gordon F. Willis  
The Honorable Gordon F. Willis,  
Judge of the Fifteenth Judicial Circuit  
Chief Judge  
Three-Judge Court

Joanne F. Alper  
The Honorable Joanne F. Alper,  
Retired Judge of the Seventeenth Judicial Circuit

William D. Hamblen  
The Honorable William D. Hamblen,  
Retired Judge of the Thirty-First Judicial Circuit

At Copy:  
Teste: BEVILL M. DEAN, CLERK  
BY: Lucy Stanton DC



5. Respondent timely appealed the conviction and sentence to the Court of Appeals of Virginia.
6. By unpublished opinion dated August 8, 2008, the Court of Appeals of Virginia affirmed Mr. Blount's convictions and denied his appeal.
7. Mr. Blount requested that Respondent appeal to the Supreme Court of Virginia.
8. Respondent did not properly perfect Mr. Blount's appeal to the Supreme Court of Virginia. While he timely filed the Petition for Appeal with the Supreme Court of Virginia, he did not timely file the Notice of Appeal with the Supreme Court of Virginia. Respondent asserts that he sent the Notice of Appeal to the Supreme Court of Virginia via first class mail, instead of certified mail, thus causing the delay.
9. Within days of the September 8, 2008, filing deadline, Respondent asserts he called the Clerk of the Supreme Court of Virginia to determine how to correct the late filing of the Notice of Appeal.
10. By order dated October 28, 2008, the Supreme Court of Virginia dismissed Mr. Blount's Petition for Appeal because Respondent did not properly perfect the appeal.
11. On or about November 7, 2008, Respondent filed a Motion for Delayed Appeal in the Supreme Court of Virginia on Mr. Blount's behalf.
12. By order dated December 3, 2008, the Supreme Court of Virginia granted the Motion for Delayed Appeal.
13. Replacement counsel John W. Parsons, Esq., was appointed to handle Mr. Blount's appeal.
14. On January 20, 2009, Mr. Parsons filed the Notice of Appeal and Petition for Appeal on Ms. Blount's behalf in the Supreme Court of Virginia.
15. By order dated July 8, 2009, the Supreme Court of Virginia denied the Petition for Appeal.

**VSB DOCKET NO. 10-032-083196 (VIRGINIA STATE BAR-BROOKS)**

16. On May 29, 2008, Gary F. Brooks was convicted of two counts of prescription fraud. Respondent represented Mr. Brooks in his criminal trial.
17. On July 24, 2008, Mr. Brooks was sentenced for the crimes.
18. Mr. Brooks requested Respondent appeal his conviction and sentence.
19. Respondent timely appealed the conviction and sentence to the Court of Appeals of Virginia.

20. By unpublished opinion dated March 25, 2009, the Court of Appeals of Virginia affirmed Mr. Brooks' convictions and denied his appeal.
21. Mr. Brooks sought to appeal to the Supreme Court of Virginia.
22. Respondent did not properly perfect Mr. Brooks's appeal to the Supreme Court of Virginia. Respondent filed the Petition with the Supreme Court of Virginia on May 4, 2009, instead of on or before April 24, 2009. Respondent asserts he miscalculated the deadline to file the Petition for Appeal.
23. On or about May 7, 2009, Respondent filed a Motion for Delayed Appeal in the Supreme Court of Virginia on Mr. Brooks's behalf.
24. By unpublished order dated June 11, 2009, the Supreme Court of Virginia granted the Motion for Delayed Appeal.
25. On July 15, 2009, Respondent filed a Notice of Appeal and Petition for Appeal on Ms. Blount's behalf in the Supreme Court of Virginia.
26. By order dated December 4, 2009, the Supreme Court of Virginia denied the Petition for Appeal.

**YSB DOCKET NO. 10-032-084358 (VIRGINIA STATE BAR-MAYER)**

27. On August 25, 2009, Steve Alan Mayer was convicted of one count of aggravated malicious wounding. Respondent was appointed to and did represent Mr. Mayer in his trial.
28. On January 5, 2010, Mr. Mayer was sentenced for the crime, and final judgment was entered.
29. Mr. Mayer requested Respondent appeal his conviction and sentence.
30. Respondent did not timely file the Petition for Appeal with the Court of Appeals of Virginia.
31. By order dated May 14, 2010, the Court of Appeals of Virginia dismissed Mr. Mayer's appeal because the Petition for Appeal was not timely filed.
32. Respondent filed a Motion for Delayed Appeal, which was granted by Order of the Supreme Court of Virginia dated June 22, 2010.
33. By order of the Henrico County Circuit Court dated September 29, 2010, replacement counsel, John W. Parsons, Esq., was appointed to represent Mr. Mayer in his appeal.
34. On October 27, 2010, Mr. Parsons noted Mr. Mayer's appeal with the Court of Appeals of Virginia.

35. By order dated April 27, 2011, the Court of Appeals of Virginia denied the Petition for Appeal.
36. Mr. Parsons noted an appeal on Mr. Mayer's behalf to the Supreme Court of Virginia, and Mr. Parsons filed a Petition for Appeal with the Supreme Court of Virginia. The Petition for Appeal was received by the Supreme Court of Virginia on May 27, 2011.
37. As of August 15, 2011, the appeal is still pending before the Supreme Court of Virginia.

**YSB DOCKET NOS. 10-032-082580 (VIRGINIA STATE BAR-TRUONG)**  
**AND 10-032-083635 (TRUONG)**

38. On July 20, 2009, the Circuit Court for the City of Richmond entered final judgment convicting Tuan Truong of one count of trespassing. Respondent did not represent Mr. Truong in his criminal trial.
39. Respondent was appointed to represent Mr. Truong in his appeal of the conviction.
40. On July 16, 2009, Respondent noted Mr. Truong's appeal with the Court of Appeals of Virginia.
41. Respondent failed to timely request the trial transcripts and thus failed to timely file the transcripts with the Court of Appeals of Virginia.
42. On October 9, 2009, Respondent filed a Motion for Delayed Appeal on Mr. Truong's behalf.
43. By order dated October 16, 2009, the Court of Appeals of Virginia dismissed as untimely the Motion for Delayed Appeal. By letter dated October 14, 2009, from the Clerk of the Court of Appeals of Virginia, Respondent was advised that his Motion for Delayed Appeal was premature because it was filed prior to dismissal of the appeal.
44. By order dated December 7, 2009, the Court of Appeals of Virginia dismissed Mr. Truong's appeal based on Respondent's failure to file the Petition for Appeal. Respondent was unable to prepare the Petition for Appeal because he had not timely requested the trial transcript.
45. After the December 7, 2009, Order dismissing the appeal, Respondent filed a second, timely Motion for Delayed Appeal.
46. By order dated March 29, 2010, the Court of Appeals of Virginia granted the second Motion for Delayed Appeal, and the Court of Appeals of Virginia ordered the Circuit Court of the City of Richmond to appoint counsel to represent Mr. Truong in his appeal.

47. By order dated April 2, 2010, John A. Parsons, Esq., was appointed to represent Mr. Truong in his appeal.
48. On April 8, 2010, Mr. Parsons noted Mr. Truong's appeal to the Supreme Court of Virginia, and he subsequently filed the Petition for Appeal with the Supreme Court of Virginia. By order dated March 25, 2011, the Supreme Court of Virginia refused Mr. Truong's appeal.

**YSB DOCKET NO. 10-032-082530 (VIRGINIA STATE BAR-SULLIVAN)**

49. On June 22, 2009, the Circuit Court for the City of Petersburg entered final judgment convicting Joan Marie Sullivan of a misdemeanor, one count of indecent language. The trial court imposed a \$100.00 fine on Ms. Sullivan. Respondent represented Ms. Sullivan in her criminal trial.
50. Ms. Sullivan requested Respondent appeal the conviction and sentence.
51. On July 2, 2009, Respondent noted Ms. Sullivan's appeal with the Court of Appeals of Virginia.
52. Respondent failed to timely file the Petition for Appeal with the Court of Appeals of Virginia.
53. Upon realizing he would not timely file the Petition for Appeal, Respondent filed a Motion for Delayed Appeal, which was dismissed as premature, as the appeal was still pending at the time Respondent filed the Motion for Delayed Appeal.
54. By order dated December 30, 2009, the Court of Appeals of Virginia dismissed Mr. Sullivan's appeal for failure to file a Petition for Appeal.
55. After the December 20, 2009, Order dismissing the appeal, Respondent filed a second, timely Motion for Delayed Appeal with the Court of Appeals of Virginia.
56. By order dated March 29, 2010, the Court of Appeals of Virginia granted the second Motion for Delayed Appeal.
57. By order entered June 7, 2010, the Circuit Court of the City of Petersburg appointed Respondent to represent Ms. Sullivan in all appellate matters.
58. On July 6, 2010, Respondent noted Ms. Sullivan's appeal with the Court of Appeals of Virginia.
59. On September 21, 2010, Respondent filed the Petition for Appeal with the Court of Appeals of Virginia.
60. By order entered December 21, 2010, the Court of Appeals of Virginia denied Ms. Sullivan's appeal.

61. Respondent subsequently timely noted an appeal on Ms. Sullivan's behalf with the Supreme Court of Virginia.
62. On January 24, 2011, Respondent filed the Petition for Appeal with the Supreme Court of Virginia.
63. By order dated March 17, 2011, the Supreme Court of Virginia refused Ms. Sullivan's appeal.

**YSB DOCKET NO. 10-032-082580 (VIRGINIA STATE BAR-BILAL)**

64. After a trial June 30, 2009, and by Order entered July 15, 2009, the Circuit Court for the City of Richmond entered final judgment convicting and sentencing Salahuddin Nassar Bilal of and for one count of grand larceny and one count of destruction of property. Respondent was Mr. Bilal's court appointed counsel and represented Mr. Bilal at his trial.
65. Mr. Bilal requested Respondent appeal the conviction and sentence.
66. On July 8, 2009, Respondent timely noted Mr. Bilal's appeal with the Court of Appeals of Virginia.
67. Respondent failed to timely request the trial transcript and thus failed to timely file the transcript with the Court of Appeals of Virginia. Because Respondent did not have the transcript, he did not timely file the Petition for Appeal with the Court of Appeals of Virginia.
68. On November 20, 2009, Respondent filed the transcript with the Court of Appeals of Virginia.
69. In November 2009, Respondent attempted to file a Motion for Delayed Appeal on Mr. Bilal's behalf. By letter dated November 24, 2009, the Clerk of the Court of Appeals of Virginia advised Respondent that his Motion was premature unless and until the pending appeal was dismissed by the Court of Appeals of Virginia.
70. By order dated December 7, 2009, the Court of Appeals of Virginia dismissed Mr. Bilal's appeal because of the failure to file the Petition for Appeal.
71. On February 12, 2010, Respondent filed a Motion for Delayed Appeal with the Court of Appeals of Virginia.
72. By letter dated February 12, 2010, to Respondent, the Clerk of the Court of Appeals of Virginia advised Respondent that his Motion for Delayed Appeal and Affidavit in Support did not address the grounds on which the appeal was dismissed.

73. On March 15, 2010, Respondent filed an Amended Motion for Delayed Appeal and Affidavit in Support in which Respondent addressed the grounds on which the appeal was dismissed.
74. By Order dated March 29, 2010, the Court of Appeals of Virginia granted Mr. Bilal leave to file a delayed appeal.
75. By Order dated April 2, 2010, Respondent was appointed to represent Mr. Bilal in his appeal.
76. On April 15, 2010, Respondent filed a Replacement Notice of Appeal.
77. On April 15, 2010, Respondent filed a Notice of Filing of Transcript noting that the trial transcript was filed November 20, 2009, in the trial court.
78. On August 11, 2010, Respondent filed the Petition for Appeal on Mr. Bilal's behalf with the Court of Appeals of Virginia.
79. By order dated October 6, 2010, the Court of Appeals of Virginia denied Mr. Bilal's appeal.
80. On November 8, 2010, Respondent timely filed a Petition for Appeal on Mr. Bilal's behalf with the Supreme Court of Virginia.
81. By order dated March 15, 2011, the Supreme Court of Virginia denied the appeal.

#### FACTS RELEVANT TO ALL MATTERS

82. As of August 2010 and thereafter, Respondent has instituted several procedures to ensure that appellate deadlines are met. Respondent meets weekly with his staff to ensure monitoring of the status of all cases he handles on the Court of Appeals of Virginia website. He keeps track of deadlines for appeals on a separate board as well as on his paper calendar, and he uses a computer database to record appellate deadlines. Respondent calculates all deadlines, which he reviews with a staff member.

#### II. NATURE OF MISCONDUCT

Such conduct by James Anthony Bullard, Jr. constitutes misconduct in violation of the following provision of the Rules of Professional Conduct:

##### **RULE 1.3   Diligence**

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

### III. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of this subcommittee of the Third District Committee, Section II to offer the Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of a Public Reprimand with Terms of these complaints. The term and condition is:

1. For a period of two years following this Subcommittee Determination, Respondent shall not engage in any conduct that violates Rule 1.3(a) of the Rules of Professional Conduct, including any amendments thereto, and/or which violates any analogous provisions, and any amendments thereto, of the disciplinary rules of another jurisdiction to which Respondent may be admitted to practice law. This term shall be deemed violated when any ruling, determination, judgment, order, or decree has been issued against Respondent by a disciplinary tribunal in Virginia or elsewhere, containing a finding that Respondent has violated Rules 1.3(a) provided that the conduct upon which such finding was based occurred within the period referred to and that such ruling has become final.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If the terms and conditions are not met by the specified dates, then, pursuant to Rules of Court, Part Six, Section IV, Paragraphs 13-15.F and G, Assistant Bar Counsel shall serve notice requiring Respondent to show cause why the alternative disposition of a ninety day suspension should not be imposed. Pursuant to Part Six, Section IV, Paragraph 13-9.E. of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

THIRD DISTRICT SUBCOMMITTEE,  
SECTION II  
OF THE VIRGINIA STATE BAR

By Alans M. Ritenour  
Alans M. Ritenour, Esq.,  
Chair

**CERTIFICATE OF SERVICE**

I certify that on September 15, 2011, I mailed by certified mail a true and correct copy of the Amended Subcommittee Determination (Public Reprimand with Terms) to James Anthony Bullard, Jr., Esquire, Respondent, at James A. Bullard, Jr., P.C., 2916 Chamberlayne Avenue, Richmond, VA 23222, Respondent's last address of record with the Virginia State Bar.



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Renu M. Breman, Esq.  
Assistant Bar Counsel



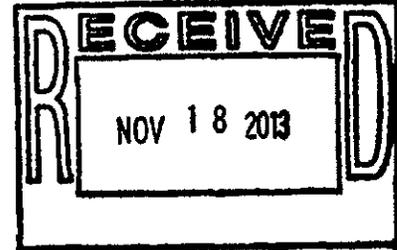
# Virginia State Bar

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November 14, 2013

CONFIDENTIAL



The Honorable Gordon Fitzhugh Willis  
15th Judicial Circuit  
PO Box 7326  
Fredericksburg, VA 22404-7326

Re: In the Matters of James Anthony Bullard, Jr.  
Circuit Court Case No. CL13-3375-4  
VSB Docket Numbers 13-032-092356, 13-032-093349, 13-032-093729,  
& 13-032-094006

Dear Judge Willis:

As directed, and on behalf of the Bar and Respondent, enclosed for entry please find the Memorandum Order in the above-referenced matters. Upon entry, please forward to the Clerk of the Circuit Court of the City of Richmond for filing and distribution. Please do not hesitate to contact me if you have any questions, and, on behalf of the Bar and the parties, thank you.

Very truly yours,

*Renu M. Brennan*

Renu Mago Brennan  
Assistant Bar Counsel

RMB/elg

Enclosure

cc: James Anthony Bullard, Jr., Respondent  
Joanne Fogel Alper, Judge  
William Delano Hamblen, Judge  
Barbara S. Lanier, Clerk of the Disciplinary System

