

**VIRGINIA:**

**BEFORE THE THIRD DISTRICT SUBCOMMITTEE, SECTION II  
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF  
Sara Elizabeth Chase**

**VS** **Docket No. 12-032-090821**

**SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)**

On February 20, 2013 a meeting was held in this matter before a duly convened Third District Subcommittee, Section II consisting of Devika E. Davis, presiding Chair, Barry Green, lay member and Cliona M.B. Robb, member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Renu Mago Brennan, Assistant Bar Counsel, and Sara Elizabeth Chase, Respondent, and Michael L. Rigsby, Esquire, counsel for Respondent.

WHEREFORE, the Third District Subcommittee, Section II of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

**I. STIPULATIONS OF FACT**

1. At all times referenced herein, Respondent Sara Elizabeth Chase (Respondent) was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On January 12, 2011, Complainant Richard C. Beasley and Respondent entered into a Representation Agreement pursuant to which Respondent agreed to represent Mr. Beasley "in the matters of any personal injury suit regarding the motor vehicle accident occurring on November 29, 2005."
3. Prior to retaining Respondent, Mr. Beasley had been represented by another attorney from 2006 to 2011. As of the date Respondent was retained, Defendant had admitted liability. The only remaining issue was damages. Additionally, Mr. Beasley and defendant had reached a high/low agreement pursuant to which the maximum Mr. Beasley would receive from defendant was \$90,000, and the minimum was \$25,000.

The \$25,000 was tendered to Mr. Beasley's former counsel, who provided Mr. Beasley his share, after deducting his fee and costs. The matter was set for trial in February 2011.

4. Shortly after being retained, Respondent noted her appearance, and she moved to continue the trial in order to allow her to prepare for trial. The trial was continued to September 30, 2011.
5. In February 2011, Respondent reviewed opposing counsel's file.
6. The file included an interrogatory from opposing counsel to Mr. Beasley requiring Mr. Beasley to state his damages and to identify any and all medical providers, dates of service, and amounts of any bills. No medical bills were included in the file.
7. Mr. Beasley's prior counsel had designated two potential experts to testify on Mr. Beasley's behalf: Barry Wein, M.D., who treated Mr. Beasley for his injuries, and Suzanne Lagosky, M.D.
8. Dr. Wein's designation stated that Dr. Wein would opine that the treatment that he provided Mr. Beasley was necessary. Dr. Wein's designation did not state that he would testify that he examined the medical bills and that the bills were reasonable and necessary and causally related.
9. At Respondent's recommendation, from February to June 2011, Mr. Beasley sought treatment from Michael D. Johnson, D.C. for foot pain which was believed to be related to the car accident.
10. Respondent failed to designate Michael D. Johnson, D.C. as an expert witness to testify regarding Mr. Beasley's damages.
11. On July 26, 2011, Defendant re-identified his defense expert and disclosed expert opinions.
12. Respondent did not supplement or amend in any way the designation of experts that previous counsel filed.
13. Respondent did not supplement discovery or otherwise provide any medical bills, records, or claims.
14. Discovery cut-off in the case was August 29, 2011.
15. On September 21, 2011, nine days before trial and 23 days after the discovery cut-off, Respondent issued three subpoenas *duces tecum*.
16. Two of the three subpoenas were directed to out of state recipients and were thus improper as filed.

17. All three subpoenas were returnable September 27, 2011, six days after issuance.
18. One of the three subpoenas was to the defense expert and was outside the scope of allowable discovery under Rule of Supreme Court of Virginia 4:1(b)(4)(A).
19. Opposing counsel moved to quash the subpoenas for the foregoing reasons.
20. Respondent withdrew all subpoenas.
21. On September 23, 2011, one week before trial, Respondent served on opposing counsel a Chiropractor Report from Michael D. Johnson, D.C., regarding the chiropractic treatment Mr. Beasley received beginning February 23, 2011. The Report stated that Mr. Beasley's foot pain was related to injuries sustained in the accident.
22. Opposing counsel objected and moved *in limine* for entry of an order excluding the Chiropractor Report and any testimony by Michael D. Johnson, D.C., as untimely, and on the grounds that the information was not disclosed during discovery.
23. Respondent withdrew the Chiropractor Report, and she did not attempt to introduce any testimony from Michael D. Johnson, D.C.
24. Respondent did not serve exhibits, including Mr. Beasley's medical bills, or exhibit and witness lists on opposing counsel until the evening of September 29, 2011, the evening before trial.
25. Opposing counsel moved to exclude all medical bills (approximately \$13,153) and evidence thereof, including the reference to and amount of bills on Mr. Beasley's damage sheet, as well as any testimony regarding the bills, on the grounds that the bills were not timely submitted.
26. The Court excluded from evidence all medical bills incurred by Mr. Beasley and any testimony thereon because Respondent did not timely provide the exhibits and evidence.
27. As a result of Respondent's failure to designate experts to testify on the medical bills and to timely designate exhibits and witnesses, the only evidence Mr. Beasley was able to introduce was his testimony and the testimony of Dr. Wein. However, as stated, neither Mr. Beasley nor Dr. Wein could testify as to Mr. Beasley's medical bills.
28. The jury awarded Mr. Beasley \$5,000.00, which was below the low of \$25,000, which he had previously received from defendant.

## 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.

## III. PUBLIC REPRIMAND WITH TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The terms are:

1. No later than April 1, 2013, Respondent shall consult with a named lawyer, approved by Assistant Bar Counsel, to serve as a mentor to Respondent and for the purpose of reviewing and making recommendations concerning Respondent's law practice policies, systems, and procedures. Respondent shall submit the name or names of lawyers she has identified to review her procedures and policies to Assistant Bar Counsel for approval no later than March 1, 2013. Respondent shall grant the attorney access to her law practice both to review her policies and procedures and to ensure that Respondent has instituted and is complying with his/her recommendations. Assistant Bar Counsel shall have access, by telephone conferences and/or written reports, to the findings and recommendations, as well as the attorney's assessment of Respondent's level of compliance with the recommendations.

If the terms are not met by the time specified, pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia, the District Committee shall hold a hearing at which Respondent shall be required to show cause as to whether Respondent complied with the terms. If the District Committee determines that Respondent failed to comply with the terms, a hearing shall be held before the Virginia State Bar Disciplinary Board to determine whether the alternative disposition to which Respondent agreed, a suspension of thirty days, shall be

imposed. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed.

Pursuant to Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

THIRD DISTRICT SUBCOMMITTEE, SECTION II  
OF THE VIRGINIA STATE BAR



---

Devika E. Davis  
Subcommittee Chair

**CERTIFICATE OF MAILING**

I certify that on February 25<sup>th</sup> 2013, a true and complete copy of the Subcommittee Determination(Public Reprimand With Terms) was sent by certified mail, return receipt requested to Sara Elizabeth Chase, Respondent, at Law Office of Sara E. Chase, Attorney at Law, PC, Suite A, 4100 East Parham Road, Henrico, VA 23228, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Michael L. Rigsby, counsel for Respondent, at Michael L. Rigsby, PC, P.O. Box 29328, Henrico, VA 23242.



---

Renu Mago Brennan  
Assistant Bar Counsel