

VIRGINIA:

IN THE CIRCUIT COURT FOR PRINCE WILLIAM COUNTY

**VIRGINIA STATE BAR, *ex rel.*
FIFTH DISTRICT- SECTION III COMMITTEE,**

Complainant/Petitioner,

v.

CLAUDE T. COMPTON, ESQ,

Respondent.

Case No. 69168

received

FEB 15 2007

VSB CLERK'S OFFICE

ORDER

This matter came before the Three-Judge Court empaneled on October 6, 2006, 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 written Agreed Disposition was thereafter tendered by the parties and presented via teleconference on January 29, 2007, to the Three-Judge Court, consisting of the Honorable Marc Jacobson and Donald H. Kent, retired Judges of the Fourth and Eighteenth Judicial Circuits, respectively, and by the Honorable Margaret Poles Spencer, Judge of the Thirteenth Judicial Circuit and Chief Judge of the Three-Judge Court.

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. At all times relevant to the matters set forth herein, Claude T. Compton, Esquire (hereafter "Respondent"), was an attorney licensed to practice law in the Commonwealth of Virginia.

2. In 1998, the Respondent was engaged by a client to prepare a legal instrument needed to establish a sewer line easement for the client's benefit across the client's neighbors' land. The contemplated easement was to facilitate the client's plan to subdivide and build upon land that he owned and/or controlled in Prince William County, Virginia.

3. The client retrieved from the Respondent the document designed to create the easement, entitled "Deed of Dedication and Easement," prepared by the Respondent, so that the client could obtain the required signatures from his neighbors and their respective mortgage lenders.

4. The said Deed was ultimately returned to the Respondent and held by him pending resolution of a subdivision issue. On October 8, 2004, the Respondent presented the aforesaid Deed to the Clerk of the Circuit Court of Prince William County, Virginia, for recordation among the land records. The said Deed, consisting of eleven pages, was recorded as Instrument Number 200410080172 116.

5. While conducting research on his own property, one of Respondent's client's neighbors, Danny G. Jamison (hereafter "Complainant"), discovered that the said Deed had been recorded. He obtained a copy of the Deed from his lender, and observed that it was notarized by the Respondent and contained Respondent's certification that Danny G. Jamison "has acknowledged [his signature] before me in my State and City/County aforesaid [Prince William County, Virginia]."

6. Respondent cannot dispute the Complainant's contention that he never met the Respondent and had neither signed nor acknowledged the Deed in the Respondent's presence because Respondent has no recollection of same.

7. In response to the Complaint filed by Mr. Jamison with the Virginia State Bar concerning this issue, the Respondent wrote to the Bar, stating, *inter alia*:

Mr. Jamison came into my office, signed the document, changed his name in the Notary acknowledgement, and initialed the change, [*sic*] I then notarized his signature. As you can readily determine by looking at this document, Mr. Jamison's signature is the same as on the Complaint, even his initials are the same. I have no idea what Mr. Jamison's problem is regarding this document, but he is definitely wrong about his signature being forged and not signing the documents in my presence.

The Respondent agrees that although he believed it to be accurate at the time he made it, the aforesaid statement was inaccurate.

8. The Respondent also notarized the signature of one Bernadine Eberle, represented in the aforesaid Deed to be an Assistant Vice President of Marine Midland Mortgage Corporation. As notary, the Respondent falsely certified "that Bernadine Eberle, Authorized Signature of MARINE MIDLAND MORTGAGE CORPORATION, whose name is signed to the foregoing Deed of Dedication and Easement, dated May 15, 1998, has acknowledged the same before me in my State and City/County aforesaid [Prince William County, Virginia]." Although Respondent's evidence would be that in a telephone conversation with Ms. Eberle, he personally verified the authenticity of Ms. Eberle's signature on the Deed, Ms. Eberle was employed in an office of the Marine Midland Mortgage Corporation in Buffalo, New York and never appeared "before" Respondent to acknowledge her signature.

9. When interviewed in his office on July 15, 2005, by a Virginia State Bar investigator, the Respondent stated with respect to the signatures that he had notarized that if the persons signing were not available to come to his office he would talk to them by telephone and that if the Complainant said that he hadn't come to the Respondent's office, then he, Respondent, must have talked to the Complainant by telephone.

10. At no time relevant to the events referred to herein did the laws of the Commonwealth of Virginia permit a notary public to certify that a person acknowledged the execution of an instrument before the notary if such acknowledgement was by telephone, in lieu of personal appearance before the notary.

THE THREE-JUDGE COURT finds by clear and convincing evidence that such conduct on the part of the Respondent, Claude T. Compton, Esquire, constitutes a violation of the following provisions of the Virginia Code of Professional Responsibility and the Rules of Professional Conduct:

DR 7-102. Representing a Client Within the Bounds of the Law.

- (A) In his representation of a client, a lawyer shall not:
 - (5) Knowingly make a false statement of law or fact.

RULE 4.1 Truthfulness In Statements To Others

In the course of representing a client a lawyer shall not knowingly:

- (a) Make a false statement of fact or law[.]

RULE 8.1 Bar Admission And Disciplinary Matters

[A] lawyer . . . in connection with a disciplinary matter, shall not:

- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter.

THE THREE-JUDGE COURT considered as applicable the following evidence in mitigation of sanction, as stipulated by the parties:

1. Respondent has a virtually unblemished record of thirty-eight years of practice at the bar.
2. Respondent is in the process of winding down his practice, is taking on no new clients and a more severe sanction would serve no meaningful purpose.
3. The following mitigating factors recognized by the American Bar Association are applicable in this matter:
 - a. Character and reputation;
 - b. Remorse.

UPON CONSIDERATION WHEREOF, the Three-Judge Court hereby ORDERS that the Respondent shall receive a **PUBLIC REPRIMAND, WITH TERMS**, subject to the imposition of the sanction referred to below as an alternative disposition of this matter should Respondent fail to comply with the Terms referred to herein. The Terms which shall be met in accordance with the deadlines set forth below are:

1. Respondent shall read the Virginia Notary Act, Section 47.1 *et seq.*, Code of Virginia as amended, and the Uniform Recognition of Acknowledgements Act, Section 55-118.1 *et seq.*, Code of Virginia, as amended, and the Handbook for notaries referred to in Section 47.1-11, Code of Virginia, as amended, and shall certify in writing his having done so to Senior Assistant Bar Counsel Seth M. Guggenheim within THIRTY (30) days following the date of entry of this Order.

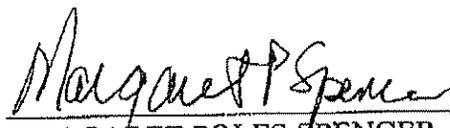
2. Upon satisfactory proof that the terms and conditions of this Order have been met, a Public Reprimand with Terms shall be imposed. Failure to comply with any of the foregoing terms and conditions will result in the imposition of an alternative disposition of a SIXTY (60) day Suspension of the Respondent's license to practice law; and it is further

ORDERED that pursuant to Part Six, § IV, ¶ 13B.8.c. 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 Prince William County, 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 Respondent and Bar Counsel consistent with the rules and procedures governing the Virginia State Bar Disciplinary System.

ENTERED this 9 day of February, 2007.

FOR THE COURT:

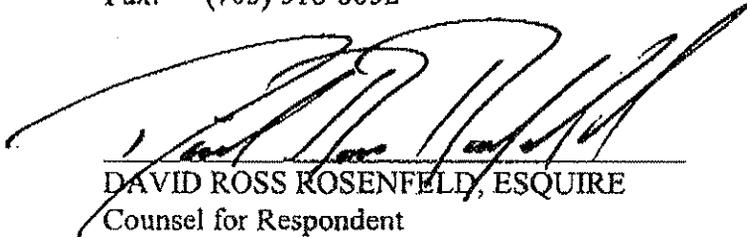


MARGARET POLES SPENCER
Circuit Judge and Chief Judge of Three-Judge Court

WE ASK FOR THIS:



SETH M. GUGGENHEIM, ESQUIRE
VSB No. 16636
Senior Assistant Bar Counsel
Virginia State Bar
100 N. Pitt Street, Suite 310
Alexandria, Virginia 22314
Phone: (703) 518-8045
Fax: (703) 518-8052



DAVID ROSS ROSENFELD, ESQUIRE
Counsel for Respondent
VSB No. 2982
David Ross Rosenfeld, P.C.
118 South Royal Street, Third Floor
Alexandria, Virginia 22314-3392
Phone: (703) 548-2600
Fax: (703) 549-8664



CLAUDE T. COMPTON, ESQUIRE
Respondent
VSB No. 4643
9315 Grant Avenue
Manassas, Virginia 22110-5064