VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
JOHN GEORGE CRANDLEY **VSB DOCKET NO. 15-021-103051**

AGREED DISPOSITION MEMORANDUM ORDER

On August 9, 2016 this matter was heard by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by the Rules of the Supreme Court of Virginia. The panel consisted of John A.C. Keith, Chair, Stephen Wannall, Lay Member, T. Tony H. Pham, Lisa A. Wilson, and Jeffrey L. Marks. The Virginia State Bar was represented by M. Brent Saunders. John George Crandley was present and was represented by counsel, Louis Napoleon Joynes. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Jennifer Hairfield, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Certification, Respondent's Answer, Respondent's Disciplinary Record, the Arguments of the Parties, and after due deliberation,

It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive a thirty day suspension, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective August 30, 2016.

The Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Revocation or Suspension of his or her license to practice law in the Commonwealth of Virginia, to all clients for whom he or she 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 or her care in conformity with the wishes of his or her clients. The Respondent shall give such notice within 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Revocation or Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Revocation or 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 Revocation or Suspension, he or she shall submit an affidavit to that effect within 60 days of the effective date of the Revocation or Suspension 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, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

The Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9 E. of the Rules.

A copy teste of this Order shall be mailed, certified mail, return receipt requested, to the Respondent, John George Crandley, at his last address of record with the Virginia State Bar, Preston, Wilson & Crandley, PLC, 2404 Potters Rd Ste 500, Virginia Beach, VA 23454, with a copy to: Louis Napoleon Joynes, II, counsel for Respondent, Joynes, Gaidies, Holadia & Hay, 564 Lynnhaven Parkway, Virginia Beach, VA 23452, and a copy to M. Brent Saunders, Senior Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED THIS 9th DAY OF AUGUST, 2016

VIRGINIA STATE BAR DISCIPLINARY BOARD

John A. C. Keith

Digitally signed by John A. C. Keith
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Date: 2016.08.09 17:34:48 -04'00'

John A.C. Keith, 2nd Vice Chair

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Aug 05, 2016

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VIRGINIA:

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
JOHN GEORGE CRANDLEY

VSB Docket No. 15-021-103051

AGREED DISPOSITION
(30-DAY SUSPENSION)

Pursuant to the Rules of the Virginia Supreme Court Rules of Court Part 6, Section IV, Paragraph 13-6.H., the Virginia State Bar, by M. Brent Saunders, Assistant Bar Counsel, and John George Crandley, ("Respondent") and his counsel Louis Napoleon Joynes, II, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. At all relevant times, Respondent was licensed to practice law in the Commonwealth of Virginia.

2. The complainant, Ted G. Yoakam ("Yoakam"), has been licensed to practice law in the Commonwealth of Virginia since 1999.

3. Yoakam represented the plaintiff in a motor vehicle personal injury case in the Norfolk Circuit Court in which Respondent represented the defendant (*Crystal Bagwell v. Jennifer Wolfrey*, Case No. CL14-7141).

4. Throughout the course of the matter, Respondent was personally insulting, verbally abusive and rude toward Yoakam, his client, and others, by, *inter alia*:

- Referring to Yoakam's client as a "scam artist" and her case as "garbage";

- Sarcastically asking, "[w]hy don't we adjourn to Mr. Rogers' neighborhood on this?" when Yoakam objected to Respondent using a raised voice while questioning the plaintiff during her deposition on March 29, 2013;

- Stating at the end of his questioning of the plaintiff during her deposition on March 29, 2013 that he was through because "I am not going to try any more logic with you";

- During the *de bene esse* deposition of the plaintiff's treating physician on April 23, 2015:

  - Interrupting Yoakam without cause and telling him "[y]ou'd go a long way with me if you would explain what you are doing because this is about the queerest

thing I have ever seen in taking a doctor's deposition";

- Suggesting Yoakam had engaged in "slight of hand" by not telling Respondent ahead of time that he intended to have the plaintiff's treating physician adopt his prior deposition testimony; and

- Unnecessarily and unduly dwelling on a yeast infection for which the plaintiff had been treated;

5. In his answer to this complaint, Respondent dismissively and condescendingly stated he would "first put Mr. Yoakam's whine in its proper context and then offer my cure for what ails Mr. Yoakam," and then proceeded to belittle and berate Yoakam's skills as a lawyer by stating that: i) the trial of the case had been delayed "due to a series of blunders by Mr. Yoakam;" ii) Yoakam "suffered a horrible whacking" by obtaining a verdict of only $1,500.00 and had probably suffered many other "whackings by jury over his 27 years of 'practicing law' as Mr. Yoakam terms what he does;" iii) the "whacking" was self-inflicted which he described as "a man pirouetting across the courtroom floor and then planting a vicious roundhouse punch on his own nose;" and iv) Yoakam is inadequate and inept.

6. During his interview, Respondent indignantly and angrily insisted he had done nothing wrong and expressed great frustration with having to even answer the questions of the investigator which he characterized as "horseshit" generated by people who do not understand what is required to be a good defense lawyer. He said he should not have to answer the investigator's questions because he wins most of his cases. When confronted with the fact that he was yelling at the investigator, he said he tends to do so when confronted with "absurdity." He also called Yoakam a "goddamned liar." When asked about referring to Yoakam as an inept whiner in his answer to this complaint, Respondent was unapologetic and said his response was restrained. He also expressed his belief that any lawyer who files a complaint against another lawyer is "craven, cowardly, and unmanly." He also said the "boobs" at the bar just do not understand why his tactics are not only acceptable but effective.

II. NATURE OF MISCONDUCT

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

RULE 3.4 Fairness To Opposing Party And Counsel
A lawyer shall not:
(j) File a suit, initiate criminal charges, assert a position, conduct a defense, delay a trial, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

RULE 4.4 Respect For Rights Of Third Persons
In representing a client, a lawyer shall not use means that have no purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to the Disciplinary Board for its approval the agreed disposition of the suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of 30 days, effective August 30, 2016.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

THE VIRGINIA STATE BAR

By: _____
M. Brent Saunders
Senior Assistant Bar Counsel

_____
John George Crandley
Respondent

_____
Louis Napoleon Joynes, II
Respondent's Counsel