

VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
JOHN GEORGE CRANDLEY

VSB Docket No. 14-021-099622

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On October 07, 2015 a meeting was held in this matter before a duly convened Second District Subcommittee consisting of Dennis T. Lewandowski, chair, Kenneth N. Whitehurst, III, and Dennis M. Wance. During the meeting, the Subcommittee voted to approve an agreed disposition entered into by the Virginia State Bar, by M. Brent Saunders, Assistant Bar Counsel, and John George Crandley, Respondent, and Louis Napoleon Joynes, II, Esquire, counsel for Respondent, for a Public Reprimand Without Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia.

WHEREFORE, the Second District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand Without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent was licensed to practice law in the Commonwealth of Virginia.
2. The complainant, John E. Basilone ("Basilone"), has been licensed to practice law in the Commonwealth of Virginia since 1988.
3. Basilone represented Danny L. Reed ("Reed"), the plaintiff in a personal injury case filed in the Chesapeake Circuit Court in 2012 (*Danny L. Reed v. Alisha N. Williams and Amanda D. Volk*, Case No. CL12-1678). The case arose from a 2010 motor vehicle accident in which Reed was a passenger in a vehicle being driven by defendant Amanda D. Volk ("Volk") whom Respondent represented in the case.
4. Depositions of Reed and Volk were conducted in the case on May 28, 2014, at Basilone's office. Present for the deposition session were Basilone, his law partner J. Russell Fentress, IV,

Reed, Volk, attorney Suzanne B. Teumer (counsel for the Uninsured Motorist carrier served in the case), and a court reporter.

During the deposition session, Respondent engaged in the following conduct:

- Before the start of the depositions, Respondent called Reed's case "crap;"
- Following Basilone's deposition of Volk, Respondent told Basilone he had only asked three pertinent questions during the 45-minute deposition and again referred to the case as "crap;"
- Prior to the start of Respondent's deposition of Reed, Respondent told Basilone he needed to remove his file out of the view of Reed during his deposition. When Basilone declined and explained he was not required to do so, Respondent angrily stated Basilone's position was "nonsense" and "baloney." After further colloquy on the subject, Respondent angrily and sarcastically stated to Basilone "[o]h, I'm sorry if I hurt your feelings" and sarcastically asked if some water would make him feel better; and
- During Respondent's deposition of Reed while impeaching Reed on the accuracy of information he had provided to a health care provider, Respondent stated he was "enjoying this." When Basilone objected, Respondent condescendingly stated to Basilone that he always has to tell him everything twice.

II. NATURE OF MISCONDUCT

Such conduct by 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

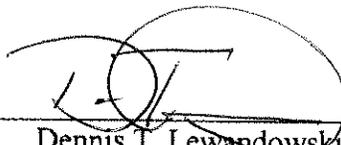
In representing a client, a lawyer shall not use means that have no purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand Without Terms and John George Crandley is hereby so reprimanded.

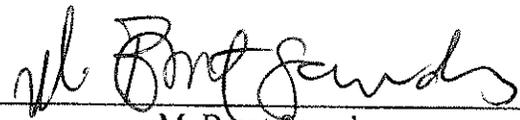
Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By: 
Dennis T. Lewandowski
Chair

CERTIFICATE OF MAILING

I certify that on the 13th day of OCTOBER, 2015, a true and complete copy of the Subcommittee Determination (Public Reprimand Without Terms) was sent by certified mail to John George Crandley, Respondent, at Preston, Wilson & Crandley, PLC, 2404 Potters Rd., Ste. 500, Virginia Beach, VA 23454, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Louis Napoleon Joynes, II, counsel for Respondent, at Joynes, Gaidies, Holadia & Hay, 564 Lynnhaven Parkway, Virginia Beach, VA 23452.


M. Brent Saunders
Assistant Bar Counsel