

VIRGINIA:

BEFORE THE FIFTH DISTRICT SUBCOMMITTEE SECTION I  
OF THE VIRGINIA STATE BAR

IN THE MATTERS OF NEVILLE PAUL CRENSHAW, ESQUIRE  
VSB Docket Numbers 07-051-070059, 08-051-072466, 07-051-2304, 07-051-070607 and 07-  
051-070987

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)

On the 23<sup>rd</sup> day of June, 2008, a meeting in these matters was held before a duly convened subcommittee of the Fifth District Committee Section I, consisting of William Q. Robinson, Esquire, James R. Carroll, Lay Member, and Carol T. Stone, Esquire, presiding.

Pursuant to Part 6, Section IV, Paragraph 13.G.1(d)(3) of the Rules of the Virginia Supreme Court, this subcommittee of the Fifth District Committee Section I of the Virginia State Bar hereby serves upon the Respondent the following Agreed Disposition of a Public Reprimand with Terms:

**As to VSB Docket No. 07-051-070059**

I. FINDINGS OF FACT

1. At all times relevant hereto, the Respondent, Neville Paul Crenshaw, Esquire (hereinafter "the Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.

2. On or around May 26, 2006, the Complainant retained the Respondent through Pre-Paid Legal Services to represent him in a divorce and custody case.

3. On September 11, 2006, the Complainant received a Summary Order at his residence, a copy of which he provided to the Respondent on September 12, 2006. When the

Complainant forwarded this document to the Respondent, he requested that the Respondent take the steps necessary to ensure that all future pleadings and other documents were received at the Respondent's office. The Respondent apparently did not do so since on October 11, 2006, the Complainant again was served with copies of Requests for Production and Interrogatories. On October 25, 2006, the Complainant received a *Pendente Lite* Order at his residence, and again, the Complainant thereafter attempted to contact the Respondent by telephone and electronic mail to ascertain the meaning and import of the *Pendente Lite* Order but received no response.

4. Finally, on November 2, 2006, at approximately 6:00 p.m., the Respondent called the Complainant and asked him if he planned to attend the court hearing in his case the following day. The Complainant informed the Respondent that he would not be unable to attend due to a scheduling conflict. During this same conversation, the Respondent discussed with the Complainant the terms he would accept with respect to custody and visitation rights with his children. The Complainant informed the Respondent that he wanted shared custody and liberal visitation.

5. The Complainant did not hear from the Respondent following the November 3, 2006 hearing. However, on November 4, 2006, the Complainant learned from his daughter that the Respondent had signed an agreed order limiting the Complainant's visitation with his children to two (2) hours on Sundays.

6. On November 14, 2006, the Complainant received via electronic mail from the Respondent the court order from the November 3, 2006 hearing. The Complainant replied to the Respondent, stating that "the court order was nothing we discussed and I got nothing we attempted to negotiate." The Complainant received no explanation from the Respondent.

7. The Respondent thereafter moved for, and was granted, leave to withdraw from representation of the Complainant due to non-cooperation.

## II. NATURE OF MISCONDUCT

Such conduct by Neville Paul Crenshaw, Esquire 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.

**As to VSB Docket No. 08-051-072466**

## III. FINDINGS OF FACT

1. At all times relevant hereto, the Respondent, Neville Paul Crenshaw, Esquire (hereinafter "the Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. In August 2005 the Complainant retained the Respondent through Pre-Paid Legal Services to represent her in a custody case.
3. Throughout the Respondent's representation of her, the Complainant attempted to contact the Respondent on numerous occasions by telephone and electronic mail without success.

Specifically, on May 16, 2006, and again on May 23, 2006, the Complainant sent the Respondent an electronic mail message inquiring as to whether or not a court hearing scheduled for May 26, 2006 would be taking place. The Complainant received no response to these inquiries.

4. On May 26, 2006, the Complainant, as well as opposing counsel and his client, waited in the courthouse for the Respondent to appear for the hearing. The Respondent did not appear, and then did not respond to the Complainant's telephone calls and electronic mails later the same day. The Respondent believed that he had informed the Complainant that the hearing would not be going forward but his communication with her on this subject was unclear.

#### IV. NATURE OF MISCONDUCT

Such conduct by Neville Paul Crenshaw, Esquire constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

##### **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.

**As to Docket # 07-051-070607**

#### V. FINDINGS OF FACT

1. At all times relevant hereto, the Respondent, Neville Paul Crenshaw, Esquire (hereinafter "the Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On August 9, 2006 the Complainant retained the Respondent through Pre-Paid Legal Services to represent her in a divorce and custody case.
3. On November 22, 2006, the Respondent failed to appear at a court hearing in the Complainant's divorce case despite receiving notice of the hearing from opposing counsel.

4. Thereafter, from late November of 2006 through mid-February of 2007, the Respondent failed to respond to the Complainant's telephone calls. Finally, on February 16, 2007, the Complainant spoke to another attorney in the Respondent's office who informed her that her file with the firm had been closed. This attorney contacted the court and obtained a copy of the Final Decree of Divorce which indicated that the Complainant's divorce had been finalized on November 22, 2006. The Respondent had not informed the Complainant of the entry of the Final Decree.

5. When the Complainant finally spoke with the Respondent in February, he told her he did not know why the case was closed.

#### VI. NATURE OF MISCONDUCT

Such conduct by Neville Paul Crenshaw, Esquire 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.

VII. FINDINGS OF FACT

1. At all times relevant hereto, the Respondent, Neville Paul Crenshaw, Esquire (hereinafter "the Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.

2. On May 5, 2006 the Complainant retained the Respondent through Pre-Paid Legal Services to represent him in a divorce case.

3. On July 28, 2006, the Respondent wrote to the Complainant stating that "the court date for your traffic matter" scheduled for October 31, 2006 "will be heard in the General District Court of Prince William County." The Respondent admits errors in these quoted statements but he never provided corrected information in writing to his client. The Complainant denies ever having received this letter.

4. Discovery was served upon the Complainant and responses were due on July 14, 2006. The Respondent did not seek an extension of time for providing these responses. On August 30, 2006, one (1) day before a hearing scheduled on a Motion to Compel these responses, the Respondent hand-delivered the Complainant's discovery responses to the office of opposing counsel. However, the discovery responses did not contain income information, were unsigned, and the documents produced were disorganized. The Motion to Compel was granted.

5. On October 31, 2006, the trial in the Complainant's case took place. The Respondent and opposing counsel appeared, but the Complainant did not. The Respondent states that he informed the Complainant both in person and by telephone of the date of the trial. However, the Complainant denies that the Respondent ever informed him of the trial date. In

fact, there is no written communication to the Complainant in the Respondent's file confirming the trial date and location other than the inaccurate letter of July 28, 2006.

### VIII. NATURE OF MISCONDUCT

Such conduct by Neville Paul Crenshaw, Esquire 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.

**As to VSB Docket # 07-051-070987**

### IX. FINDINGS OF FACT

1. At all times relevant hereto, the Respondent, Neville Paul Crenshaw, Esquire (hereinafter "the Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. In approximately November of 2006, the Complainant retained the Respondent to represent her in a divorce case already pending in Fairfax County.
3. On April 10, 2007, the Complainant received an electronic mail from the Respondent, explaining that her responses to the opposing party's discovery demands were due

in twenty-one (21) days. On April 19, 2007, the Complainant attempted to contact the Respondent by telephone, leaving him a message and also sending him an electronic mail message, asking him to request additional time to answer the “insurmountable” interrogatories.

4. On April 28, 2007, after hearing nothing despite numerous attempts to contact the Respondent via both telephone and electronic mail, the Complainant again sent the Respondent an electronic mail message, specifically asking him to respond to her message of April 19, 2007. The Complainant received no response from the Respondent or his staff, no answer to her direct questions and no general explanation of what was taking place in her case.

5. On May 21, 2007, the Complainant, who lived at the time in Colorado, finally received an electronic mail message from the Respondent, forwarding to her an electronic mail message from opposing counsel that informed her that she had to appear in opposing counsel’s office in Virginia on June 8, 2007 at 1:00 p.m. to be deposed. The Complainant traveled to Virginia from Colorado for the deposition. When she arrived at opposing counsel’s office, she learned for the first time that her deposition had been canceled because of her incomplete discovery responses.

## X. NATURE OF MISCONDUCT

Such conduct by Neville Paul Crenshaw, Esquire constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct

### **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.

## XI. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the subcommittee 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 this complaint. The terms and conditions are:

1. The Respondent shall, within thirty (30) days following issuance of this Determination, engage the services of **law office management consultant Janean S. Johnston, Esquire, 250 South Reynolds Street, #710, Alexandria, Virginia 22304-4421, Phone: 703-567-0088** to review Respondent's law office management practices and procedures to aid in Respondent's future compliance with all Rules of Professional Conduct.
2. The Respondent shall promptly inform Assistant Bar Counsel Kathleen M. Uston, 100 North Pitt Street, Suite 310, Alexandria, Virginia 22314, in writing, that he has engaged the law office management consultant as required herein. The Respondent shall be obligated to pay when due the consultant's fees and costs for her services (including provision to the Bar and to the Respondent of information concerning this matter).
3. The consultant shall review all of the Respondent's law office management practices and procedures, in general, but shall focus particularly upon those practices and procedures which involve file maintenance and organization, the use of a tickler system, the Respondent's procedure for calendaring court appearances, meetings, and deadlines, and the means of communication with his clients. In the event the consultant determines that the Respondent has practices and procedures in place so as to aid in his future compliance with the Rules of Professional Conduct, the consultant shall so certify in writing to the Respondent and the Virginia State Bar. In the event the consultant determines that the Respondent does not have

such practices and procedures in place so as to aid in his future compliance with the Rules of Professional Conduct, then, and in that event, the consultant shall notify the Respondent and the Virginia State Bar, in writing, of the measures that the Respondent must take to improve his practices and procedures.

4. In the event the consultant determines that the Respondent's law office practices and procedures are deficient such that, in the consultant's opinion, the Respondent will likely commit future violations of one or more of the Rules of Professional Conduct, the Respondent shall have sixty (60) days following the date the consultant issues her written statement of the measures the Respondent must take to institute such measures.

5. The consultant shall be granted access to the Respondent's office following the passage of the sixty (60) day period to determine whether the Respondent has instituted such measures. The consultant shall thereafter certify in writing to the Virginia State Bar and to the Respondent either that the Respondent has instituted the recommended measures within the sixty day (60) period or that he has failed to do so. The Respondent's failure to conform his law office management practices and procedures to the consultant's recommendations as of the conclusion of the aforesaid sixty (60) day period shall be considered a violation of the Terms set forth herein.

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, or are otherwise violated by the Respondent, this matter shall be certified to the Disciplinary Board for sanction determination pursuant to Part Six, Section IV, Paragraph 13.G.5 of the Rules of Court.

Pursuant to Part Six, Section IV, Paragraph 13.B.8(c) of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

FIFTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By Carol T. Stone  
Carol T. Stone  
Subcommittee Chair

CERTIFICATE OF SERVICE

I certify that on this 25<sup>th</sup> day of June, 2008, I mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Reprimand with Terms) to the Respondent, Neville Paul Crenshaw, Esquire, at 4008 Williamsburg Court, Fairfax, VA 22032, his last address of record with the Virginia State Bar.

Kathleen M. Uston  
Kathleen M. Uston  
Assistant Bar Counsel

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