

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF JANE KAREN ESHAGPOOR

**VSB DOCKET NOS. 13-032-094660, 14-032-096051, 14-032-096820, 14-032-097550 and
14-032-097766**

AGREED DISPOSITION MEMORANDUM ORDER

On May 2, 2014, these matters were 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 Pleasant S. Brodnax, III, Chair, Jeffrey L. Marks, Tony H. Pham, Esther J. Windmueller and Robert W. Carter, Lay Member. The Virginia State Bar was represented by Renu M. Brennan, Assistant Bar Counsel. Jane Karen Eshagpoor was present and was represented by Craig S. Cooley, Esquire. 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 matters to which each member responded in the negative. Court Reporter Terry S. Griffith, 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, Answer and Respondent's Disciplinary Record,

It is **ORDERED** that the Board accepts the Agreed Disposition and the Respondent shall receive a Ninety-Day Suspension, as set forth in the Agreed Disposition, which is attached to this Memorandum Order.

It is further **ORDERED** that the sanction is effective May 16, 2014.

It is further **ORDERED** that 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, return receipt requested, of the Suspension of her license to practice law in the Commonwealth of Virginia, to all clients for whom 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 her care in conformity with the wishes of her client. Respondent shall give such notice within 14 days of the effective date of the Ninety-Day Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Ninety-Day Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Ninety-Day 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 Ninety-Day Suspension, she shall submit an affidavit to that effect 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, unless the Respondent makes a timely request for a hearing before a three-judge court.

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 by certified mail to Jane Karen Eshagpoor at her last address of record with the Virginia State Bar at J. K. Eshagpoor, Attorney at Law, PC, Suite 410, 6802 Paragon Place, Richmond, Virginia 23230 and a copy by regular mail to Craig S. Cooley, Esquire, her counsel, at 3000 Idlewood Avenue, P.O. Box 7268, Richmond, Virginia 23221-0268, and a copy hand-delivered to Renu M. Brennan, Assistant Bar Counsel, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-3565.

ENTERED THIS 2ND DAY OF MAY, 2014

VIRGINIA STATE BAR DISCIPLINARY BOARD

Pleasant S. Brodnax III

Pleasant S. Brodnax, III, Chair

VIRGINIA:

BEFORE THE THIRD DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

RECEIVED

IN THE MATTERS OF
JANE KAREN ESHAGPOOR

APR 29 2014

VSB Docket Nos. 14-032-096051 (Frey)
14-032-097550 (The Hon. Margaret Deglau)
14-032-097766 (The Hon. James Yoffy and Robert Issacs, Esq.)
14-032-096820 (DeVecchio)
13-032-094660 (Ratliffe)

VSB CLERK'S OFFICE

NINETY-DAY

AGREED DISPOSITION FOR A SIXTY-DAY SUSPENSION

PSB

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 Renu Mago Brennan, Assistant Bar Counsel; Respondent Jane Karen Eshagpoor; and Craig Stover Cooley, Respondent's counsel, hereby enter into the following Agreed Disposition for a ^{Ninety-Day}~~Sixty-Day~~ Suspension arising out of the referenced matters. PSB

I. STIPULATIONS OF FACT

1. At all times referenced herein Respondent Jane Karen Eshagpoor (Respondent) was an attorney licensed to practice law in the Commonwealth of Virginia.

VSB Docket No. 14-032-096051 Complainant: Carolyn Parsons Frey

1. On March 15, 2013, Carolyn Parsons Frey retained Respondent to represent her in a child custody, support, and visitation matter.
2. On March 18, 2013, Ms. Frey went to the Chesterfield County Juvenile & Domestic Relations Court to prepare the initial filings. While there, Ms. Frey learned that a custody order already existed. Upon review of the order, Ms. Frey determined that custody was not an issue, and that day, by e-mail to Respondent, Ms. Frey provided Respondent with a copy of the order, and she stated that all that was required going forward was support and the "tweaking" of visitation.
3. On March 25, 2013, Ms. Frey paid Respondent a \$1,500.00 advance fee.

4. On March 28, 2013, Respondent deposited the \$1,500.00 from Ms. Frey into her operating account. Respondent did not preserve any portion of the \$1,500.00 in trust.
5. By e-mail dated April 1, 2013 to Respondent Ms. Frey expressed concern that she could lose social security benefits paid by the child's father if she pressed the child support issue and asked, "How do we back out and drop it?"
6. By e-mail also dated April 1, 2013 Respondent advised Ms. Frey that she would look into the matter.
7. One week later, by e-mail dated April 8, 2013, Ms. Frey asked Respondent to stop working on the case and to refund the \$1,500.00 minus the time spent at their first and only meeting. Ms. Frey advised that she discussed the issue with court-ordered mediators and decided she would withdraw her petition for support.
8. By e-mail dated April 8, 2013, Respondent stated, "like we talked about, don't withdraw petitions just yet."
9. By email April 9, 2013, Ms. Frey stated, "I am going to ask that you not work on this any longer. I am not going to take Ken to court for support. I am content with my current situation and have no desire to upset this. I appreciate your effort, but honestly, my finances are absolutely critical, and I am at peace with my decision."
10. Respondent did not respond to Ms. Frey's e-mail, nor did she return the unearned fee to Ms. Frey.
11. Respondent did not provide Ms. Frey with any accounting of the fee or any invoice.
12. Not having heard from Respondent for almost one month, by e-mail dated May 3, 2013, Ms. Frey asked Respondent to return the unearned fee to her.
13. Respondent did not respond to this e-mail.
14. By e-mail dated May 13, 2013 to Respondent, Ms. Frey requested an itemized bill by the end of the week.
15. Respondent did not respond to this e-mail.
16. By e-mail dated May 17, 2013, Ms. Frey again asked Respondent if she was able to send the invoice to her.
17. Respondent again failed to respond to Ms. Frey's request for an invoice nor did Respondent return any funds to Ms. Frey.
18. In this time period, Ms. Frey also attempted to contact Respondent by phone, to no avail.

19. By e-mail dated May 30, 2013, Ms. Frey advised Respondent that she had tried to contact her for weeks without response and again requested an itemized invoice of services rendered and a refund of the unearned fee.
20. By e-mail dated May 30, 2013, Respondent finally responded to Ms. Frey stating that she would contact her the afternoon of May 31.
21. By e-mail dated May 31, 2013, Ms. Frey advised Respondent that she could call anytime, and she stated, "What I need is for you to mail me an itemized invoice for your services and balance remaining from my good faith retainer, reimbursed. If you can mail those out to me at my home address today, I will get them. Thank you."
22. Respondent did not call Ms. Frey as promised nor did she return any portion of the fee to Ms. Frey, nor did she provide her with an invoice.
23. On June 17, 2013, Ms. Frey filed a bar complaint.
24. By letter dated June 17, 2013 to Respondent, Ms. Frey again requested the unearned portion of her retainer, which she estimated to be \$1,250.00. Ms. Frey stated that she "desperately need(ed) the funds returned to (her) in an expeditious manner."
25. By letter dated June 21, 2013 to Respondent at her address of record, the bar requested that Respondent respond to Ms. Frey's request for a refund of unearned legal fees and provide Ms. Frey with an explanation of Respondent's fees. The bar asked Respondent to provide the bar with a copy of any correspondence to Ms. Frey.
26. The Rules of the Sup. Ct., Pt. 6, § IV, Para. 13-12.C. provides that any notice or other writing directed to a respondent which is required or permitted under the Rules of the Sup. Ct., Pt. 6, § IV, Para. 13 shall be deemed effective and served when mailed by certified mail to respondent at respondent's last address of record for membership purposes with the bar.
27. Respondent again did not respond to Ms. Frey or to the bar.
28. By letter dated July 2, 2013 to Respondent's address of record the bar advised Respondent that if it did not hear from Respondent within five days it would likely open an active investigation file.
29. Respondent did not respond to Ms. Frey or to the bar.
30. By letter dated July 10, 2013 to Respondent at her address of record, the bar informed Respondent that Ms. Frey had filed a bar complaint against her and further specifically informed her that the letter constituted a lawful demand for information pursuant to Virginia Rule of Professional Conduct 8.1(c), and that, pursuant to Rule 8.1(c), she had a duty to comply with the bar's lawful demands for information and

that failing to respond in a timely manner could result in the imposition of disciplinary sanctions.

31. Respondent did not respond to the bar complaint.
32. Respondent contends that she maintained the file under the name of Carolyn Frey, not Carolyn Parsons, and thus she delayed in responding to the bar's letters and subpoena, as set forth below, directed to her representation of Carolyn Parsons.
33. On August 7, 2013, the bar issued a subpoena *duces tecum* to Respondent for Respondent's file and trust and operating account records relating to her representation of Ms. Frey. The subpoena was sent certified mail to Respondent's address of record.
34. The subpoena was delivered to Respondent's address of record on August 8, 2013.
35. Respondent's deadline to comply with the subpoena was August 28, 2013.
36. Respondent did not comply with the subpoena by August 28, 2013.
37. By letter dated September 3, 2013 to Respondent's address of record, the bar advised Respondent that if she did not comply with the subpoena within 10 days or by September 13, the bar would file a Notice of Noncompliance with the Virginia State Bar Disciplinary Board and request suspension of Respondent's license on an interim basis due to Respondent's failure to comply with the subpoena.
38. Respondent did not comply with the subpoena by September 13 nor did Respondent otherwise respond to the bar's September 3 letter.
39. On September 20, 2013, by certified mail to Respondent's address of record, the bar issued a Notice of Noncompliance and Request for Interim Suspension requesting that the Virginia State Bar Disciplinary Board (Board) suspend Respondent's license to practice law on an interim basis if Respondent did not petition the Board to withhold entry of an interim suspension order pending a hearing by September 30.
40. The Interim Suspension Order was delivered to Respondent's address of record on September 23, 2013.
41. Respondent did not request a hearing or otherwise respond to the Notice of Noncompliance and Request for Interim Suspension.
42. On October 1, 2013, the Board entered an Interim Suspension Order against Respondent based on her failure to comply with the subpoena issued August 7, 2013.
43. On October 1, 2013, the Clerk of the Disciplinary System sent Respondent a copy of the Interim Suspension Order by certified mail to her address of record.

44. The Interim Suspension Order was delivered to Respondent's address of record on October 2, 2013.
45. As part of the investigation of the bar complaint, the bar's investigator asked Respondent why she failed to answer the many communications from the bar, including those sent June 21, July 2, July 10, August 6, August 7 and September 3, 2013. Respondent did not respond to this inquiry.
46. On October 10, 2013, Respondent contacted the Bar to determine how to lift the Interim Suspension Order.
47. On October 10, 2013, Respondent finally contacted Ms. Frey regarding repayment of the \$1,500.00 fee. Ms. Frey received a check from Respondent in the amount of \$1,500.00 on October 23.
48. By e-mail dated October 10, 2013, Ms. Frey stated to Respondent, "I am sorry this got to point. I don't understand what happened. I ask that you also attach your itemized statement with the check. I'd like to put this behind us and just move forward."
49. Respondent responded, "I would like to too. I am refunding your entire amount of \$1,500.00. I wish I could put this behind me, but your complaint prohibits that from happening."
50. On October 10, 2013, Respondent finally responded to the subpoena issued August 7 which requested Respondent's files, records and reports and "all trust account records and operating account records, including cancelled checks, cash receipts journals, cash disbursements journals, subsidiary ledgers, bank statements, deposit tickets and evidence of reconciliations."
51. Respondent submitted four documents in response to the bar's subpoena, and she asserted that these documents were the only responsive documents that she possessed: (1) a November 2012 property settlement agreement between Ms. Frey and her former spouse, executed before Ms. Frey retained Respondent; (2) a copy of Ms. Frey's March 25, 2013 check of \$1,500.00 to Respondent; (3) a redacted operating bank account statement for March 2013 showing the March 28 deposit of the \$1,500.00 from Ms. Frey into Respondent's operating account; and (4) a copy of a reimbursement check to Ms. Frey dated October 10, 2013.
52. Respondent did not produce any trust account records, including cancelled checks, cash receipts journals, cash disbursements journals, bank statements, deposit tickets, or evidence of reconciliations.
53. Respondent also failed to produce a subsidiary ledger or accounting of any kind regarding the fee received from Ms. Frey.

54. Respondent produced no operating account records other than one redacted statement for the month of March 2013 showing that Respondent deposited the \$1,500.00 into her operating account.
55. Respondent failed to deposit client funds in a trust account.
56. Respondent commingled client funds with non-client funds in her firm's operating account.
57. Respondent's conduct in this matter violated Rules of Professional Conduct 1.4(a), 1.15(a)(1), (b)(3)-(5), (c)(2)(i)(ii) (pre-November 2013 amendments), 1.16(d), and 8.1(c).

VSB Docket No. 14-032-097550 Complainant: The Honorable Margaret Deglau

VSB Docket No. 14-032-097766 Complainants: The Honorable James Yoffy and Robert Isaacs, Esq.

I. STIPULATIONS OF FACT

1. On October 1, 2013, Respondent's license to practice law in the Commonwealth of Virginia was administratively suspended because of her failure to comply with a subpoena issued in connection with the investigation of VSB Docket No. 14-032-09605 (Frey) requesting Respondent's file and trust account records for her representation of Ms. Frey.
2. On October 1, 2013, the Clerk of the Disciplinary System sent Respondent a copy of the Interim Suspension Order by certified mail to her last address of record.
3. The Rules of the Sup. Ct., Pt. 6, § IV, Para. 13-12.C. requires that any notice or other writing directed to a Respondent which is required or permitted under the Rules of the Sup. Ct., Pt. 6, § IV, Para. 13 shall be deemed effective and served when mailed by certified mail to Respondent at Respondent's last address of record for membership purposes with the Bar.
4. The Interim Suspension Order was delivered to Respondent's address of record on October 2, 2013.
5. On October 4, 2013, Respondent filed a complaint for divorce on behalf of a client in the Henrico Circuit Court. Also, on October 4, 2013, Respondent propounded discovery and filed a motion for pendent lite on behalf of the same client.
6. On October 4, 2013, Respondent filed pleadings in the Henrico County Juvenile & Domestic Relations Court.

7. A pleading filed by an attorney under an administrative suspension is a nullity. It is invalid and without legal effect. *Nerri v. Adu-Gyamfi*, 270 Va. 28, 31, 613 S.E.2d 429, 431 (2005).
8. On October 8, 2013, the Clerk of the Henrico Juvenile & Domestic Relations Court, Rebecca Cone, contacted Respondent regarding her filing in light of the suspension of her license to practice law in the Commonwealth of Virginia effective October 1, 2013.
9. In the October 8 call, Ms. Cone informed Respondent that she filed a pleading while under a suspension. Respondent advised Ms. Cone that her suspension was effective October 1, to which Ms. Cone responded that the Respondent filed a pleading on October 4, after she was suspended. Respondent replied, "I am going to take care of that this week." Ms. Cone then advised Respondent that she would return the documents to Respondent. Respondent asked that Ms. Cone keep the pleadings, but Ms. Cone advised that she had to return the pleadings to Respondent. Respondent then inquired, "what pleadings did I allegedly file?" Ms. Cone advised Respondent as to the style of the case, and Respondent responded that she was "still in disagreement with the bar over all of this." The two ended the call shortly thereafter.
10. Three minutes later Respondent contacted Ms. Cone and stated that she was "only under suspension for juvenile criminal matters."
11. The Interim Suspension Order of Respondent's license to practice law in the Commonwealth of Virginia was not limited to juvenile criminal matters.
12. On October 10, 2013, Respondent complied with the subpoena issued in connection with the investigation of the Frey Complaint, and the Interim Suspension was lifted that date.
13. On October 18, 2013, Respondent contacted Ms. Cone via e-mail stating that she first learned of the bar's suspension of her license on October 10, 2013.
14. As this statement contradicted Respondent's previous statements to Ms. Cone in the October 8, 2013 phone conversation, wherein Respondent advised Ms. Cone that she was aware of the suspension and was still in disagreement with the bar, Ms. Cone reported the matter to the Honorable Margaret Deglau, Chief Judge, Henrico Juvenile and Domestic Relations Court.
15. By letter dated October 23 to Respondent, Judge Deglau detailed her understanding of Ms. Cone's October 8 calls with Respondent and referenced the inconsistency between Respondent's representation to Ms. Cone on October 18 and Respondent's representations to Ms. Cone in the October 8 telephone conversation to the effect that she (Respondent) did not agree with the bar's actions. Judge Deglau further advised that Respondent was removed from the court appointed counsel and guardian ad litem

lists for the Henrico Juvenile & Domestic Relations Court for a period of at least twenty-four (24) months.

16. Ms. Cone notified the bar of Respondent's inconsistent statements and forwarded to the bar the October 23 letter from Judge Deglau to Respondent.
17. By letter dated October 28, 2013, the bar forwarded Judge Deglau's letter to Respondent for response. The letter further informed Respondent that a Bar Complaint (Virginia State Bar Docket No. 14-032-097550) had been filed against her, that the letter constituted a lawful demand for information pursuant to Virginia Rule of Professional Conduct 8.1(c) and that, pursuant to Rule 8.1(c), Respondent had a duty to comply with the bar's lawful demands for information and further that failing to respond in a timely manner could result in the imposition of disciplinary sanctions. The letter further stated that Respondent's response was due within 21 days of October 28.
18. Respondent did not respond to the bar until December 12, 2013. In her response, Respondent asserted that she did not learn of the bar's suspension of her license until October 10 when she was unable to log on to Fastcase. Respondent further stated that during her October 8 calls with Ms. Cone, Respondent was only aware that her eligibility to accept juvenile cases from the Virginia Indigent Defense Commission expired September 6, 2013 because she did not fulfill the Continuing Legal Education requirement.
19. If this matter went to a hearing, Respondent would testify that she believed that Ms. Cone's inquiry regarding her (Respondent's) filing of a pleading while under suspension referred to Respondent's completion of Continuing Legal Education hours to be re-certified for court-appointed juvenile criminal matters. Respondent would further testify that she was unaware of the interim suspension during the October 8 call as she had not yet picked up her mail containing the October 1 Interim Suspension Order.
20. Respondent's conduct in both matters violated Rules of Professional Conduct 5.5(c), and in matter 14-032-097550 Respondent's conduct violated Rule of Professional Conduct 8.4(c).

VSJ Docket No. 14-032-096820 Complainant: Albert D. DelVecchio

I. STIPULATIONS OF FACT

1. Beginning in 2011 Respondent represented Albert D. DelVecchio in collection matters.
2. On May 30, 2013, at Respondent's instruction, Mr. DelVecchio gave Respondent a check in the amount of \$100.00 as an advance filing fee.

3. On June 3, 2013 Respondent deposited the \$100.00 filing fee into her operating account.
4. Respondent failed to deposit client funds in her trust account. Respondent states that at that time she was not using her trust account to segregate client funds.
5. Respondent commingled client funds with non-client funds in her firm's operating account.
6. After Mr. DelVecchio tendered the \$100.00 filing fee to Respondent he contacted her numerous times from May to November 2013 to ascertain the status of the filing. Respondent never responded to Mr. DelVecchio's inquiries.
7. Respondent never completed the filing nor did she return the \$100.00 to Mr. DelVecchio.
8. On August 18, 2013, Mr. DelVecchio submitted a bar complaint regarding Respondent's actions.
9. By letter dated August 23, 2013 to Respondent at her address of record, the bar requested that Respondent respond to the bar complaint within 21 days. In the letter, Respondent was advised of her duty under Virginia Rule of Professional Conduct 8.1(c) to comply with the Bar's lawful demands for information not protected from disclosure by Rule 1.6.
10. Respondent did not submit a response to the bar complaint within 21 days, and in fact, provided no response to the bar complaint until November 2013.
11. On September 18, 2013, the bar issued a subpoena *duces tecum* to Respondent for Respondent's file and trust and operating account records relating to her representation of Mr. DelVecchio. The subpoena was sent certified mail to Respondent's address of record.
12. Respondent's deadline to comply with the subpoena was October 9, 2013.
13. Respondent did not comply with the subpoena by October 9, 2013.
14. By letter dated October 16, 2013 sent to Respondent's address of record, the bar advised Respondent that if she did not comply with the subpoena by October 28, the bar would file a Notice of Noncompliance with the Virginia State Bar Disciplinary Board and request suspension of Respondent's license on an interim basis due to Respondent's failure to comply with the subpoena.
15. On November 6, 2013, Respondent responded to the subpoena which requested all of Respondent's "files, records and reports and (2) all trust account records and operating account records, including cancelled checks, cash receipts journals, cash

disbursements journals, subsidiary ledgers, bank statements, deposit tickets and evidence of reconciliations” in her possession, custody, or control relating to her representation of Mr. DeVecchio.

16. Respondent did not produce any trust account records of any kind, including cancelled checks, cash receipts journals, cash disbursements journals, subsidiary ledgers, bank statements, deposit tickets, or evidence of reconciliations.
17. Respondent’s conduct in this matter violated Rules of Professional Conduct 1.4(a), 1.15(a)(1), (b)(3), (c)(2)(i)(ii) (pre-November 2013 amendments), and 1.16(d).

VSB Docket No. 13-032-094660 Complainant: Dennis L. Ratcliffe, Sr.

I. STIPULATIONS OF FACT

1. Respondent represented Dennis Ratcliffe in various matters in 2011 and 2012.
2. Mr. Ratcliffe paid Respondent an advance fee of \$2,000.00 for one representation in 2012.
3. Respondent failed to deposit the advance fee in her trust account.
4. Respondent concedes that the \$2,000.00 was not completely earned when she deposited the \$2,000.00 in her operating account.
5. At the time Respondent represented Mr. Ratcliffe, in 2011 and 2012, Respondent did not use her trust account to segregate and preserve client funds.
6. Respondent did not create or maintain subsidiary ledgers regarding her representation of Mr. Ratcliffe.
7. Respondent’s conduct in this matter violated Rules of Professional Conduct 1.15(a)(1), (b)(3), and (c)(2)(i)(ii) (pre-November 2013 amendments).

II. NATURE OF MISCONDUCT

Such conduct by Respondent 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.

RULE 1.15 Safekeeping Property

(a) Depositing Funds.

(1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts or other place of safekeeping as soon as practicable.

(b) Specific Duties. A lawyer shall:

(3) maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accountings to the client regarding them;

(4) promptly pay or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer that such person is entitled to receive; and

(5) not disburse funds or use property of a client or third party without their consent or convert funds or property of a client or third party, except as directed by a tribunal.

(c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

(2) A subsidiary ledger containing a separate entry for each client, other person, or entity from whom money has been received in trust.
The ledger should clearly identify:

(i) the client or matter, including the date of the transaction and the payor or payee and the means or methods by which trust funds were received, disbursed or transferred; and

(ii) any unexpended balance.

RULE 1.16 Declining Or Terminating Representation

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

RULE 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice of Law

(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

RULE 8.1 Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

(c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6; or

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel, Respondent, and Respondent's counsel, Craig S. Cooley, Esq., tender to the Disciplinary Board for its approval the agreed disposition of a ~~Sixty-~~ ^{Ninety-} Day Suspension of Respondent's license to practice law in the Commonwealth of Virginia as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. PSB

Respondent and her counsel agree that the Respondent cannot and will not appeal this disposition under any circumstances if it is accepted by the Disciplinary Board, and further agree that any Order approving this disposition is **Final and Non-Appealable**.

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

administrative fee.

THE VIRGINIA STATE BAR

By: Renu M. Brennan
Renu Mago Brennan,
Assistant Bar Counsel

Jane K. Eshagpoor
Jane Karen Eshagpoor,
Respondent

Craig Stover Cooley
Craig Stover Cooley, Esq.
Respondent's Counsel