

VIRGINIA:

BEFORE THE FIFTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
JOHN PAUL FOREST, II

VSB Docket No. 14-052-096717
VSB Docket No. 14-052-097153

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On November 4, 2015 a meeting was held in this matter before a duly convened Fifth District Subcommittee consisting of Brian Mitchell Hirsch, Esq., Michael Mackert, and David Edward Roop, Jr., Esq. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Elizabeth K. Shoenfeld, Assistant Bar Counsel, and John Paul Forest, II, Respondent, *pro se*.

WHEREFORE, the Fifth District Subcommittee of the Virginia State Bar serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. At all relevant times, John Paul Forest, II ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.

Facts Relating to VSB Docket No. 14-052-096717 (Complainant Joseph P. Quigg)

2. Joseph P. Quigg retained Respondent to represent him in litigation involving the alleged fraudulent sale of real estate.
3. In April 2013, Respondent notified Mr. Quigg that mortgage-holder Bank of America was interested in settling his case.
4. Mr. Quigg prepared a settlement proposal and sent it to Respondent.

5. Between April 25, 2013 and June 5, 2013, Mr. Quigg attempted to contact Respondent multiple times via office phone, cell phone, e-mail and text message. Respondent did not reply to Mr. Quigg or otherwise communicate with Mr. Quigg.
6. Mr. Quigg also contacted a partner in Respondent's law firm to request a response from Respondent. Respondent still did not reply to Mr. Quigg.
7. Because Respondent was not communicating with him about the case, Mr. Quigg hired new counsel, Stephen Cochran.
8. Between June 5, 2013 and July 8, 2013, Mr. Cochran attempted to contact Respondent at least three times to request Mr. Quigg's file and that Respondent call him. Respondent never replied to Mr. Cochran or communicated with Mr. Cochran about Mr. Quigg's case.

Facts Relating to VSB Docket No. 14-052-097153 (Complainant Stuart L. Brower)

9. Stuart L. Brower also retained Respondent to represent him in litigation involving the alleged fraudulent sale of real estate.
10. Between May 2013 and September 2013, Mr. Brower made several attempts to contact Respondent by telephone and email. Respondent did not reply to Mr. Brower.
11. Respondent has not contacted Mr. Brower since May 2013. Respondent told a VSB Investigator that he believed he no longer represented Mr. Brower.
12. On September 18, 2013, Mr. Brower filed a bar complaint against Respondent. In his bar complaint, he stated that he was Respondent's client.
13. On September 23, 2013, the VSB sent a copy of the bar complaint to Respondent and offered him the opportunity to respond. Respondent did not respond to the VSB. Respondent also did not contact Mr. Brower in response to the bar complaint.
14. On August 20, 2014, during an interview with a VSB Investigator, Respondent said that he believed Mr. Brower had retained new counsel and that he would contact Mr. Brower to determine whether that was the case.
15. In fact, as of the August 20, 2014 interview, Mr. Brower had not retained a new lawyer and Respondent provided no evidence to the effect that he had terminated his representation of Mr. Brower.
16. As of November 19, 2014, Respondent had not contacted Mr. Brower, and Mr. Brower had not retained a new lawyer.

II. NATURE OF MISCONDUCT

Such conduct by Respondent 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.

III. PUBLIC REPRIMAND WITH TERMS

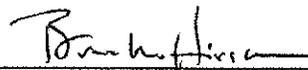
Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The terms are:

1. Respondent shall create and implement a written office policy mandating regular and informative communications to clients of information affecting their cases, including but not limited to (a) the mailing to clients of copies of all pleadings and court orders to clients upon receipt (if the document is generated by another) or upon mailing (if the document is generated by Respondent), and (b) meeting with clients in person or by telephone to discuss progress on the matter being handled for the client and to respond to status inquiries. Respondent shall obtain written acknowledgment from all his staff indicating receipt and understanding of this written office policy.

If the terms are not met by January 1, 2016, pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia, the District Committee shall hold a hearing and Respondent shall be required to show cause why a Certification for Sanction Determination should not be imposed. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed.

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.

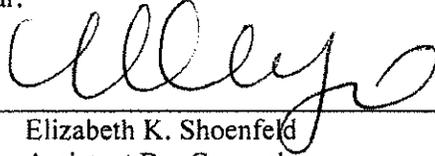
FIFTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



Brian Mitchell Hirsch
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on Nov 10, 2015, a true and complete copy of the Subcommittee Determination (Public Reprimand with Terms) was sent by certified mail to John Paul Forest, II, Respondent, at 11350 Random Hills Rd Ste 700, Fairfax, VA 22030, Respondent's last address of record with the Virginia State Bar.



Elizabeth K. Shoenfeld
Assistant Bar Counsel