

VIRGINIA:

*Before the Virginia State Bar Disciplinary Board*

*In the Matters of*

*JOHN WARREN HART*

*Attorney at Law*

*VSB Docket Nos. 11-021-086720*

*11-021-086858*

*11-021-087568*

*12-021-088557*

*On August 15, 2011, came John Warren Hart and presented to the Board an Affidavit Declaring Consent to Revocation of his license to practice law in the courts of this Commonwealth. By tendering his Consent to Revocation at a time when disciplinary charges are pending, he admits that the charges in the attached Affidavit Declaring Consent to Revocation and attached Exhibit A document are true.*

*The Board having considered the said Affidavit Declaring Consent to Revocation, and Bar Counsel having no objection, the Board accepts his Consent to Revocation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said John Warren Hart be and the same hereby is revoked, and that the name of the said John Warren Hart be stricken from the Roll of Attorneys of this Commonwealth.*

Entered this 16<sup>th</sup> day of August, 20 11

*For the Virginia State Bar Disciplinary Board*

By Barbara S. Lanier  
*Barbara Sayers Lanier, Clerk of the Disciplinary System*

RECEIVED

AUG 15 2011

IN THE MATTERS OF  
JOHN WARREN HART

VSB Docket Nos. 11-021-086720  
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**AFFIDAVIT DECLARING CONSENT TO REVOCATION**

John Warren Hart, after being duly sworn, states as follows:

1. That he was licensed to practice law in the Commonwealth of Virginia on September 25, 1986;
2. That he submits this Affidavit Declaring Consent to Revocation pursuant to Part 6, Section IV, Paragraph 13-28 of the Rules of the Supreme Court of Virginia.
3. That his consent to revocation is freely and voluntarily rendered, that he is not being subjected to coercion or duress, and that he is fully aware of the implications of consenting to the revocation of his license to practice law in the Commonwealth of Virginia;
4. That he is aware that he is the subject of pending disciplinary investigations involving allegations of misconduct, the specific nature of which is set forth in the fact and rule violation stipulations attached hereto as Exhibit "A" and incorporated herein by this reference.
5. That he acknowledges that the material facts upon which the allegations of misconduct are predicated as set forth in the attached Exhibit "A" are true; and
6. That he submits this Affidavit and consents to the revocation of his license to practice law in the Commonwealth of Virginia because he knows that if the disciplinary proceedings based on the said alleged misconduct were brought or prosecuted to a conclusion, he could not successfully defend them.

AND FURTHER AFFIANT SAITH NOT

Given this 12<sup>th</sup> day of August, 2011.

  
\_\_\_\_\_  
John Warren Hart  
Respondent

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Virginia Beach, to wit:

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to  
before me by John Warren Hart on this 12<sup>th</sup> day of August, 2011.

  
\_\_\_\_\_  
Notary Public

My Commission expires: 12/31/2014.



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VSB Docket Nos. 11-021-086720  
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COME NOW the Virginia State Bar, by counsel, and John Warren Hart, *pro se* (“Respondent”), and enter into the following fact and rule violation stipulations with regard to the above-captioned complaints currently under investigation before the Virginia State Bar 2<sup>nd</sup> District Committee, Section I.

FACT STIPULATIONS

1. Respondent was licensed to practice law in the Commonwealth of Virginia in 1986 and remained so licensed at all times relevant hereto.

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2. The complainant, Herbert D. Watson (“Watson”), hired Respondent in October 2009 to represent him in a business dispute. During the course of the representation, Respondent received \$7,500.00 on Watson’s behalf. On December 22, 2009, Respondent deposited the \$7,500.00 into his firm’s business checking account. Respondent subsequently disbursed \$2,000.00 of those monies to Watson and the remaining \$5,500.00 of those monies to himself for his personal use and benefit.

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3. Respondent became trustee of the W. John Parker Irrevocable Trust in 2004. At various times since 2004 utilizing his power and authority as trustee, Respondent disbursed monies of the W. John Parker Irrevocable Trust to himself for his personal use and benefit,

thereby converting and misappropriating those monies, the total amount of which has not been determined by the bar as of the date of this stipulation, but which was at least \$50,000.00.

11-021-087568

4. The complainant, William T. Kinzie ("Kinzie"), hired Respondent to administer the estate of Kinzie's father, Charles C. Pruitt, Jr., who died on February 15, 2010. Kinzie paid Respondent a \$7,500.00 advance fee for administering the estate of Kinzie's father, which Respondent deposited into his firm's business checking account on February 23, 2010 and disbursed to himself prior to earning the monies.

Respondent qualified as Administrator, C.T.A. of the Estate of Charles C. Pruitt, Jr. in the Virginia Beach Circuit Court Clerk's Office on March 10, 2010.

Respondent, in his capacity as Administrator, C.T.A. of the Estate of Charles C. Pruitt, Jr., obtained from the North Carolina Department of State Treasurer Retirement Systems Division a check dated March 18, 2010 made payable to the Estate of Charles C. Pruitt, Jr. in the amount of \$10,000.00, as and for the proceeds of a death benefit payable to the Estate of Charles C. Pruitt, Jr. Respondent deposited those monies into his firm's business checking account and disbursed those monies to himself for his personal use and benefit, thereby converting and misappropriating those monies.

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5. Ellis Hillary Shipp, III ("Shipp"), Executor of the Estate of Ellis Hillary Shipp, Jr. ("Estate") hired Respondent to act as registered agent and counsel for the Estate. During the course of his representation of the Estate, Respondent received monies belonging to the Estate which Respondent deposited into his firm's business checking account. Respondent disbursed at

least \$24,449.60 of monies belonging to the Estate to himself for his personal use and benefit, thereby converting and misappropriating those monies.

RULE VIOLATION STIPULATIONS

11-021-086720

**RULE 1.15 Safekeeping Property**

(a) All funds received or held by a lawyer or law firm on behalf of a client, other than reimbursement of advances for costs and expenses, shall be deposited in one or more identifiable escrow accounts maintained at a financial institution in the state in which the law office is situated and no funds belonging to the lawyer or law firm shall be deposited therein except as follows:

- (1) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution may be deposited therein; or
- (2) funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited therein, and the portion belonging to the lawyer or law firm must be withdrawn promptly after it is due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

**RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law.

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SO STIPULATED:

THE VIRGINIA STATE BAR

By: M. Brent Saunders  
M. Brent Saunders, Assistant Bar Counsel

Date: 7/29/11

John Warren Hart  
John Warren Hart, Respondent, *pro se*

Date: 7-26-11