

received

VIRGINIA:

BEFORE THE FIFTH DISTRICT--SECTION III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

VSB CLERK'S OFFICE

IN THE MATTER OF ROBERT JOSEPH HILL, ESQ.
VSB Docket # 05-053-3814

SUBCOMMITTEE DETERMINATION
PUBLIC REPRIMAND, WITH TERMS

On September 19, 2006, a meeting in this matter was held before a duly convened Fifth District--Section III Subcommittee consisting of Dennis Robert Carluzzo, Esq., Mr. Paul C. Moessner, lay member, and Kristina Keech Spitler, Esq., presiding, to review an Agreed Disposition reached by the parties.

Pursuant to the provisions of the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶13.G., the Fifth District--Section III Subcommittee of the Virginia State Bar accepts the proposed Agreed Disposition and hereby serves upon the Respondent the following Public Reprimand, with Terms, as set forth below:

I. FINDINGS OF FACT

1. At all times relevant to the facts set forth herein, Robert Joseph Hill, Esq. (hereafter "Respondent"), was an attorney licensed to practice law in the Commonwealth of Virginia.
2. The Respondent represented a client (hereafter "Complainant") in a divorce suit. A final decree of divorce was entered in October of 1999 by the Fairfax County, Virginia, Circuit

Court. The decree incorporated the provisions of written property settlement agreement reached by the parties.

3. Under the settlement reached between the Complainant and her husband, it was necessary that the Circuit Court enter a "Qualified Domestic Relations Order" (QDRO) as a condition of Complainant's receipt of her share of her husband's retirement benefits.

4. On March 25, 2005, the Complainant notified the Virginia State Bar that despite her numerous calls placed, and letters sent, to the Respondent regarding the QDRO, and despite his promises to the Complainant that he would do so, the Respondent failed to file a QDRO with the Circuit Court.

5. Assistant Intake Counsel wrote to the Respondent concerning the Bar Complaint on March 28, April 12, and April 20, 2005, to which letters the Respondent made no response. On May 12, 2005, Assistant Bar Counsel Seth M. Guggenheim mailed a copy of the Bar Complaint to the Respondent, with a letter containing the following text:

I am conducting a preliminary investigation to determine whether the enclosed complaint should be dismissed or referred to a district committee for a more detailed investigation. Pursuant to Rule of Professional Conduct 8.1(c), you have a duty to comply with the bar's lawful demands for information not protected from disclosure by Rule 1.6. **As part of my preliminary investigation of the complaint, I demand that you submit a written answer to the complaint within 21 days of the date of this letter. Send me the original and one copy of your signed answer and any attached exhibits.**

The Respondent failed to submit a written answer to the Bar Complaint within the twenty-one (21) day period referred to in the letter, or at any time thereafter.

6. The Bar Complaint was referred to a Virginia State Bar investigator who left telephone messages for the Respondent on June 17, 22, 24, and 30; July 11, 14, 18, and 19; and August 2, 2005. The Respondent failed to return any of the investigator's calls. Thereafter, Bar Counsel left a message for the Respondent instructing him to contact the investigator, which the Respondent eventually did.

7. As of the time of his interview with the Virginia State Bar investigator on August 17, 2005, the Respondent had neither filed any motion with the Circuit Court for entry of the QDRO nor served the Complainant's ex-husband with any notice of such a motion.

II. NATURE OF MISCONDUCT

The Subcommittee finds that the following provision of the Rules of Professional

Conduct has been violated:

✓ **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.

RULE 8.1 Bar Admission And Disciplinary Matters

✓ An applicant for admission to the bar, or a lawyer in connection with a bar admission application, in connection with any certification required to be filed as a condition of maintaining or renewing a license to practice law, 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[.]

III. PUBLIC REPRIMAND, WITH TERMS

Accordingly, it is the decision of the Subcommittee to offer the Respondent an opportunity to comply with certain Terms, compliance with which shall be a predicate for the disposition of this complaint by imposition of a PUBLIC REPRIMAND, WITH TERMS. The Terms are as follows:

1. The Respondent shall, within thirty (30) days following issuance of this Determination, engage the services of his choice of one of the following law office management consultants:

Kathleen M. Uston, Esquire
127 South Fairfax Street, #152
Alexandria, Virginia 22314
Phone: (703) 683-0440

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 Seth M. Guggenheim, 100 North Pitt Street, Suite 310, Alexandria, Virginia 22314, in writing, that he has engaged the law office management consultant as required herein, and shall identify which consultant he has engaged. 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 Respondent of information

concerning this matter).

3. The consultant shall review all of 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, and the means of communication with clients. In the event the consultant determines that 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 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 Respondent must take to improve his practices and procedures.

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

5. The consultant shall be granted access to Respondent's office following the passage of the sixty (60) day period to determine whether 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. 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 furnished by Respondent to the Virginia State Bar that the all of the Terms set forth above have been complied with, in full, a Public Reprimand, with Terms, shall then be imposed. If, however, Respondent violates any of the Terms set forth herein, then, and in such event, the Committee shall, as an alternative disposition to a Public Reprimand, with Terms, certify this matter to the Virginia State Bar Disciplinary Board for Proceedings Upon Certification for Sanction Determination pursuant to Part 6, §IV, ¶ 13.I.4. of the Rules of the Supreme Court of Virginia.

IV. COSTS

Pursuant to Part Six, § IV, ¶ 13.B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

**FIFTH DISTRICT - SECTION III SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

By 
Kristina Keech Spitler, Esq.
Chair/Chair Designate

CERTIFICATE OF SERVICE

I certify that I have this 26th day of September, 2006, mailed a true and correct copy of the Subcommittee Determination (PUBLIC REPRIMAND, WITH TERMS) by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the Respondent, Robert Joseph Hill, Esquire, at P. O. Box 190, Fairfax, Virginia 22038, his address of record with the Virginia State Bar.



Seth M. Guggenheim
Assistant Bar Counsel