

**VIRGINIA:**

**BEFORE THE DISCIPLINARY BOARD OF THE  
VIRGINIA STATE BAR**

**IN THE MATTER OF ROBERT JOSEPH HILL, Esquire  
VSB Docket Number 06-053-1229**

**ORDER OF SUSPENSION**

This matter came to be heard on January 26, 2007 before a duly convened panel of the Virginia State Bar Disciplinary Board consisting of Robert E. Eicher, (Chair), William C. Boyce, Jr., W. Jefferson O'Flaherty, Lay Member, David R. Schultz, and Nancy C. Dickenson.

The Virginia State Bar ("VSB" or "Bar") was represented by Seth Guggenheim, Senior Assistant Bar Counsel. The Respondent, Robert Joseph Hill, appeared in person and represented himself. The Chair inquired of each member whether he or she had any personal or financial interest that would impair, or reasonably could be perceived to impair, his or her ability to be impartial in this matter, to which inquiry each member and the Chair responded in the negative.

VSB Exhibits 1 through 6 were received in evidence without objection. The Respondent offered no exhibits.

The Respondent and Bar Counsel announced that the Respondent and the Bar had, on January 16, 2007, reached certain stipulations of fact and of violations of the Rules of Professional Conduct, contained in VSB Exhibit 6, as follows:

1. All facts and allegations set forth in the "Statement of Facts" section of the Certification filed herein are true and accurate, shall be deemed admitted

by the Respondent, and shall be admissible into evidence at the time this matter is heard by the Board as fully as if proven by clear and convincing evidence via the introduction of testimonial and documentary evidence.

2. All exhibits heretofore filed by the Virginia State Bar shall be admitted into evidence in this matter, without objection by the Respondent.
3. The Respondent admits that he has violated those provisions of the Rules of Professional Conduct set forth in the "Nature of Misconduct" section of the Certification filed herein.

### **I. FINDING OF FACT**

1. At all times relevant to the matters set forth herein, Robert Joseph Hill, Esquire (hereafter "Respondent"), was an attorney licensed to practice law in the Commonwealth of Virginia.
2. Ms. Nancy J. Somers (hereafter "Complainant") consulted the Respondent in June of 2005 concerning the possible entitlement to an increase in child support from her former husband. The Complainant paid the Respondent the sum of \$250.00 for the consultation.
3. On July 11, 2005, the Complainant and Respondent agreed that Respondent would issue a subpoena for Complainant's former husband's income records in order to determine if seeking an increase in child support were feasible. It was agreed that the Complainant would pay Respondent the sum of \$500.00 immediately, and that she would pay a like sum once the subpoenaed information was returned.
4. The Respondent told the Complainant that it would take one week to complete the subpoena; the Complainant promptly paid the Respondent, and provided

him with material that Respondent had requested beyond what was provided during the June 2005 consultation.

5. Between approximately July 20, 2005, and the end of August, the Complainant repeatedly called the Respondent and left messages to which he did not respond. The Complainant placed another call to the Respondent one morning in August, 2005, which the Respondent answered. When asked why he had not returned Complainant's earlier phone calls, the Respondent informed her that he was busy and lazy.

6. The Respondent then informed the Complainant that he was having a subpoena sent to her former husband's place of employment and that he would call when he received the information.

7. As of October 4, 2005, when her Complaint was submitted to the Virginia State Bar, the Complainant had heard nothing further from the Respondent.

8. On November 1, 2005, Bar Counsel mailed a copy of the Bar Complaint in this matter to 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.

9. During his interview with a Virginia State Bar Investigator on February 8, 2006, the Respondent stated that he had filed a Motion to Modify Child Support on September 1, 2005, but had failed to notify the Complainant that he had done so.

10. He further advised the investigator, among other things, that he would contact the Complainant for an agreeable hearing date for the motion; that he would have a subpoena issued for the Complainant's former husband's financial records once the Respondent had a docketed case; that he could not have a subpoena issued until he had a docketed case; and that he would reimburse the Complainant the sum of \$500.00 due to the delay and his lack of communication with her.

## **II. DISCIPLINARY RULE VIOLATIONS**

### **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 1.2 Scope of Representation**

- (a) A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (b), (c), and (d), and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by a client's decision, after consultation with the lawyer, whether to accept an offer of settlement of a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive a jury trial and whether the client will testify.

### **RULE 1.3 Diligence**

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1. 16.

- (c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.16 and Rule 3.3.

**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.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

**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 verification 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 admission or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6[.]

**III. DISPOSITION**

Upon consideration of the foregoing, and argument of Bar Counsel and the Respondent, the Board recessed to deliberate. After deliberation, the Board reconvened and stated it had found by clear and convincing evidence that the Respondent had violated the following Rules of Professional Conduct: Rule 1.1 Competence, Rule 1.2 Scope of Representation, Rule 1.3 Diligence, Rule 1.4 Communication and Rule 8.1 Bar Admission and Disciplinary Matters.

Thereafter the Board received evidence of aggravation and mitigation from the Bar and the Respondent, including the Respondent's prior disciplinary record as VSB Exhibit 7, admitted without objection, consisting of two prior public reprimands for violations of Rule 1.3 Diligence, Rule 1.4 Communications, and Rule 8.1 Bar

Admissions and Disciplinary Matters. The Respondent offered a draft report from a law office management consultant, which was admitted without objection as Respondent's Exhibit 1, relating to the terms imposed in a prior disciplinary proceeding. The Board found the report to be not relevant in this proceeding. Following argument by Bar Counsel and the Respondent, the Board recessed to deliberate what sanction to impose upon its findings of misconduct by the Respondent.

After due deliberation the Board reconvened and the Chair announced that, based upon the Respondent's prior disciplinary record exhibiting a course of continuing disregard for compliance with the Rules of Professional Conduct, the Board has determined to impose a sixty day suspension effective February 5, 2007. Accordingly, it is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia be and hereby is SUSPENDED for a period of sixty (60) days effective February 5, 2007.

It is further ORDERED, pursuant to the provisions of Part Six, Section IV, Paragraph 13.M of the Rules of the Supreme Court of Virginia, that the Respondent shall forthwith give notice, by certified mail, return receipt requested, of the suspension of his license to practice law in the Commonwealth of Virginia to all clients for whom he 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 his care, in conformity with the wishes of his clients. The Respondent shall give such notice within 14 days of the effective date of the order, and make such arrangements as are required herein within 45 days of the effective date of this order. The Respondent shall furnish proof to the Bar within 60 days of the effective date of the order

that such notices have been timely given and such arrangements for disposition of matters made. Issues concerning the adequacy of the notice and the arrangement required herein shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of revocation or suspension for failure to comply with these requirements.

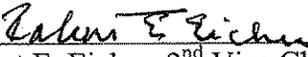
It is further ORDERED that a certified copy of this order shall be served by the Clerk of the Disciplinary System upon the Respondent, Robert Joseph Hill at P.O. Box 190, Fairfax, Virginia 22038, his address of record with the Virginia State Bar and to Seth Guggenheim, Senior Assistant Bar Counsel at 100 N. Pitt Street, Suite 310, Alexandria, Virginia 22314.

The court reporter who recorded these proceedings is Dorothy J. Lewis of Chandler & Halasz, Registered Professional Reporters, Post Office Box 9349, Richmond, Virginia 23227, (804) 730-1222.

Pursuant to Part 6, Section IV, Paragraph 13.B.8(c) of the Rules, the Clerk of the Disciplinary System shall assess costs.

Entered this the 7<sup>th</sup> day of February, 2007.

The Virginia State Bar Disciplinary Board

  
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Robert E. Eicher, 2<sup>nd</sup> Vice Chair