

VIRGINIA:

BEFORE THE SIXTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
EDGAR RAWLINGS JONES

VSB Docket No. 05-060-1676

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITHOUT TERMS)

On November 10, 2009 a hearing in this matter was held before a duly convened Sixth District Subcommittee consisting of Michael D. Clower, Esquire, Donald S. Buckless, Lay Member, and William F. Neely, Esquire, presiding.

Pursuant to Part 6, Section IV, Paragraph 13-15.E. of the Rules of the Virginia Supreme Court, the Sixth District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following PUBLIC REPRIMAND:

I. FINDINGS OF FACT

1. At all times relevant hereto, Edgar R. Jones, Esquire, (hereinafter "the Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.

2. In 1992 Ramona Holloway, (hereinafter "the Complainant"), was terminated from temporary employment at the Hampton Veteran's Administration hospital. She thereafter instituted proceedings to have her employment at the Hampton VA hospital restored, and to be placed in a permanent position. Her efforts were unsuccessful.

3. The Complainant sought the assistance of the Respondent, and initially met with him in 1997 to discuss the possibility of bringing an Equal Employment Opportunity complaint. At the initial consultation in 1997 the Complainant provided the Respondent with several boxes

of documents related to the proceedings which had occurred to that date. The Respondent reviewed the materials left in his possession.

4. The Complainant next contacted the Respondent in 1999 and hired him to bring the action they had discussed. At the time the Complainant formally hired the Respondent on October 18, 1999, she paid him \$1000.00 for his services. As the Respondent had already spent several hours reviewing the documents provided by the Complainant in 1997, he considered the \$1000.00 fee to have been earned and therefore did not place the funds in his trust account.

5. In her bar complaint filed on October 21, 2001, the Complainant alleges, *inter alia*, that the Respondent failed to communicate with her regarding the status of her case and failed to diligently prosecute her case.

6. As to communication, the Complainant provided a log of telephone calls to the Respondent's office requesting information regarding the status of her case. She alleges she placed six calls between April 12, 2000 and May 24, 2001, and that the calls were not returned. A timeline prepared by the Respondent's office and submitted with his response to the bar complaint indicates that he either spoke with, called and left messages, or sent correspondence to the Complainant on eight occasions between February 11, 2000 and November 5, 2001.

7. During the course of the representation, the Respondent had difficulty locating the Complainant for significant periods of time. By correspondence to the Complainant dated November 5, 2001, the Respondent requested that the Complainant maintain contact with the Respondent and/or his office. The Respondent did not hear from the Complainant again until July of 2004. He thereafter sent correspondence to the Complainant or left voice mail messages for her on four occasions between July 29, 2004 and December 7, 2004.

8. If this matter were to be heard by a panel of the Sixth District Committee, the bar would not present evidence regarding a violation of DR 6-101 (C) or (D), or Rule 1.4 in response to the Complainant's allegations of failure to communicate regarding the status of the case.

9. As to diligence, during the investigation of this matter by Virginia State Bar investigator O. Michael Powell, the Respondent admitted that he "did not do a good job on this," that the case "got lost in the shuffle" when he moved his office, and that it should not have taken him in excess of five (5) years to determine that the Complainant did not have a viable case.

10. The Respondent informed the Complainant via correspondence dated December 12, 2001 that he would file her case "before the end of this month." He did not do so. He later informed the Complainant via correspondence dated August 13, 2004, that he had filed a case on her behalf, when in fact he had not.

11. The representation terminated when the Complainant's file was made available for retrieval on or about July 29, 2004, and a draft in the amount of \$400 was forwarded to the Complainant by the Respondent on or about August 13, 2004.

## II. NATURE OF MISCONDUCT

Such conduct by Edgar Rawlings Jones constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### **DR 6-101. Competence and Promptness.**

- (B) A lawyer shall attend promptly to matters undertaken for a client until completed or until the lawyer has properly and completely withdrawn from representing the client.

### **DR 7-101. Representing a Client Zealously.**

- (A) A lawyer shall not intentionally:
  - (2) Fail to carry out a contract of employment entered into with a client for professional services[.]

**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.

**RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

- (c) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation[.]

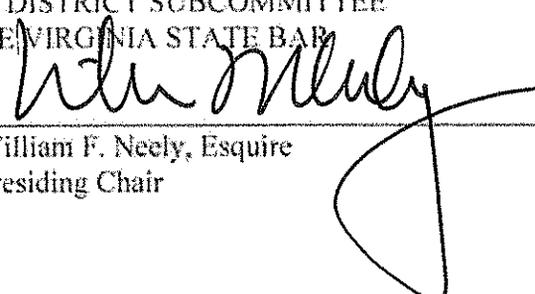
III. PUBLIC REPRIMAND

Accordingly, it is the decision of the subcommittee to impose a Public Reprimand Without Terms and the Respondent is hereby so reprimanded.

Pursuant to Paragraph 13-9.E. the Clerk of the Disciplinary System shall assess costs.

SIXTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By

  
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William F. Neely, Esquire  
Presiding Chair

CERTIFICATE OF SERVICE

I certify that on 19th February, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Reprimand Without Terms) to Edgar Rawlings Jones, Esquire, Respondent, at, PO Box 3696, Williamsburg, VA 23187, his last address of record with the Virginia State Bar.

*Marian L. Beckett*

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Marian L. Beckett  
Assistant Bar Counsel