

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
SHANE LEE JIMISON**

VS B DOCKET NO. 14-031-096182

AGREED DISPOSITION MEMORANDUM ORDER

On December 3, 2014, this matter was heard by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by the Rules of the Supreme Court of Virginia. The panel consisted of Tyler E. Williams, III, Chair, J. Casey Forrester, David R. Schultz, Samuel R. Walker, and Stephen A. Wannall, Lay Member. The Virginia State Bar was represented by Richard E. Slaney, Assistant Bar Counsel. Shane Lee Jimison was present and was not represented by counsel. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Terry Griffith, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Certification, Respondent's Disciplinary Record and any responsive pleadings of counsel,

It is **ORDERED** that the Board accepts the Agreed Disposition and the Respondent shall receive a Two Year Suspension with Terms as set forth in the Agreed Disposition, which is attached to this Memorandum Order.

It is further **ORDERED** that the sanction is effective December 3, 2014.

It is further **ORDERED** that:

The Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Revocation or 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. Respondent shall give such notice within 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Revocation or Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Revocation or Suspension that such notices have been timely given and such arrangements made for the disposition of matters.

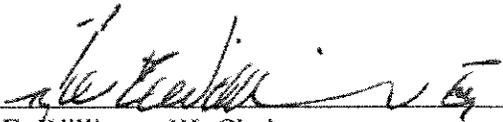
It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of December 3, 2014, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

The Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9 E. of the Rules.

A copy teste of this Order shall be mailed by Certified Mail to Shane Lee Jimison, at his last address of record with the Virginia State Bar: Shane L. Jimison, P.C., 4124 East Parham Road, Second Floor, Richmond, Virginia 23228, and hand-delivered to Richard E. Slaney, Assistant Bar Counsel, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-3565.

ENTERED THIS 4th DAY OF DECEMBER, 2014

VIRGINIA STATE BAR DISCIPLINARY BOARD



Tyler E. Williams, III, Chair

VIRGINIA: BEFORE THE DISCIPLINARY BOARD OF THE VIRGINIA STATE BAR

**IN THE MATTER OF
SHANE LEE JIMISON**

VSB Docket No. 14-031-096182

**AGREED DISPOSITION
(Suspension With Terms)**

Pursuant to the Rules of the Virginia Supreme Court Rules of Court Part 6, Section IV, Paragraph 13-6(H), the Virginia State Bar, by Richard E. Slaney, Assistant Bar Counsel and Shane Lee Jimison, Respondent, *pro se*, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. At all times relevant to this matter, the Respondent, Shane Lee Jimison (Jimison), was an attorney licensed to practice law in the Commonwealth of Virginia.
2. In January 2012, Deidre Anderson (Anderson) hired Jimison to represent her in an uncontested divorce. Anderson and her husband had been separated for over 3 years. Anderson lived in Fredericksburg, Virginia and her husband lived in Norfolk, Virginia.
3. Anderson paid Jimison \$484, the flat fee he quoted for an uncontested divorce. Jimison told Anderson the divorce would take 5 to 6 weeks to complete, assuming her husband would sign a Waiver of Service.
4. Jimison filed a Complaint for Divorce in Henrico Circuit Court on January 12, 2012. He also filed a Notice to Take Depositions of Anderson and a witness and set the depositions for February 20, 2012. In his cover letter to the clerk, he requested service of the defendant/husband at an address in Norfolk.
5. The Norfolk Sheriff's Department returned posted service on January 20, 2012.
6. On May 9, 2012, Anderson emailed Jimison to check on the status of her divorce. Later that day, Jimison replied via email and stated, in part, "I haven't seen anything and that's a good sign. I'm out this week, will check when I get back to the office on Monday to see where we are."

7. Six weeks later, on June 26, 2012, Anderson again emailed Jimison, told him she was going to change jobs and would need information about her spouse, and asked if there was an update. Jimison sent an email to Anderson the same day and stated, "I'm over there tomorrow and will check on it in person."
8. On July 2, 2012, Anderson emailed Jimison again. She wrote, "I am filling out a background check for a federal job and need to know if I am divorced yet." Jimison emailed her, "They didn't have a form in their file for some reason. I sent them another one last week. It should be any day."
9. On or about July 5, 2012, Jimison filed a proposed Final Decree of Divorce, a Notice to take Depositions, and a Notice of Presentation of Decree, and a document entitled "Depositions" in the Henrico County Circuit Court. He had not previously filed any pleadings, proposed orders or other paperwork necessary to finalize the divorce.
10. The "Depositions" were signed by a notary, Kristin Jimison, and contained the following declarations:
 - a. The depositions took place on June 3, 2012 at Respondent's office.
 - b. Anderson appeared in person.
 - c. Witness Kanithia Dykes (Dykes) appeared in person.
 - d. Kristin Jimison was present.
 - e. Jimison was also present.
 - f. Anderson and Dykes waived their signatures and the parties were duly sworn.
11. Anderson and Dykes did not appear in Jimison's office on June 3, 2012. Dykes would testify she lives in Ohio and was never contacted or deposed by Jimison. Anderson would testify Jimison asked her the deposition questions sometime before June of 2012, but the only persons present were herself and Jimison. Jimison would testify he doesn't specifically recall what occurred but has no reason to doubt the anticipated testimony of Dykes or Anderson, and acknowledges he probably didn't depose Dykes and didn't ask Anderson the deposition questions with a notary present.
12. In early September of 2012, Anderson emailed Jimison to ask him if there were "any updates" on her divorce. On September 6, 2012, Jimison replied, "Let me check on this when I'm over there on Monday. I've got yours and another that I was expecting back weeks ago and sometimes when I check on it in person I'm able to get them to move a bit faster." Anderson responded to that email asking, "Why is this taking so long?", and on September 11, 2012, Jimison responded, stating, in part, "Its [sic] in the judges chambers now and in their reviewed pile which is what they said they could do for me when I asked them to step on the gas!"

13. Anderson next emailed Jimison on November 9, 2012, and again asked for an update on her divorce. Jimison emailed her back the same day and told her, "I expect that it's been entered and it didn't get to me. If you don't hear from me by late Tuesday hound me!"
14. Jimison did not get back in touch with Anderson, who waited until the following Wednesday to email him again. On November 19, 2012, he responded, in part, "The proof of service form of the notice to take depositions and notice of presentation of decree never made it to the courts [sic] file.... I'm going to have my private process servers serve this on him at my expense."
15. Anderson emailed Jimison on December 10, 2012, and did not receive a response. She emailed him again on January 9, 2013. He responded later that same day and said "Assistant checked on this. Been finalized, waiting on it to be recorded and then they mail me our copy. They are a few days behind on recording but I'm expecting it any day. Ill [sic] email you a scanned copy of it when it arrives in the mail." In fact, the divorce had not been finalized.
16. Anderson followed up by email on February 5, 2013. Jimison replied to her, "I'm supposed to be in that court tomorrow so if I for [sic] have it yet I'm hoping I can just pick up a copy." She wrote him back on February 7, 2013 and asked the date when the divorce was finalized. Jimison replied, "Assistant says 1-7."
17. On April 10, 2013, Jimison emailed Anderson that "Assistant ordered another copy. It'll be here in a few days. Ill [sic] shoot it to you as soon as I get it."
18. Jimison never produced any final divorce decree and on June 28, 2013 Anderson filed a complaint with the Virginia State Bar.
19. In July 2013, Anderson received a full refund from Jimison, who told her he would still finalize her divorce.
20. Jimison filed a Notice of Presentation of Decree on August 5, 2013, in which he scheduled the entry of the proposed Final Decree for August 14, 2013.
21. On August 14, 2013, Jimison spoke to a clerk who told him he needed (a) affidavits to refresh the depositions and (b) a Certificate of Mailing before a decree could be entered.
22. On August 30, 2013, Jimison responded to Anderson's bar complaint. As an explanation for the delay in completing the divorce, he said "Unfortunately, the Court required that we send a certificate of mailing of the Complaint for Divorce, which I had never been requested to do before despite having done these type [sic] of cases many times before [sic], especially since we was [sic] served with the Complaint. I have since complied

with that request and resubmitted the paperwork for its entry and it should be back at any time.”

23. In fact, Jimison did not comply with the clerk's request for affidavits or updated depositions, or a certificate of mailing.
24. Anderson emailed Jimison on Jan. 21, 2014 seeking to learn the status of her case. Jimison did not respond. Without any final decree, Anderson filed an additional bar complaint on Feb. 10, 2014. As of May 7, 2014, Anderson was still not divorced.
25. In early 2014, Jimison realized he was having difficulties and sought treatment for depression from both Dr. Bobby Nelson and Jim Leffler at Lawyers Helping Lawyers (LHL). In April of 2014 he entered into a treatment and monitoring contract with LHL and continues treatment with Dr. Nelson and monitoring by LHL.

II. NATURE OF MISCONDUCT

Such conduct by the 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.

Rule 3.3 – Candor Toward the Tribunal

(a) A lawyer shall not knowingly

(4) offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.

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;....

III. PROPOSED DISPOSITION

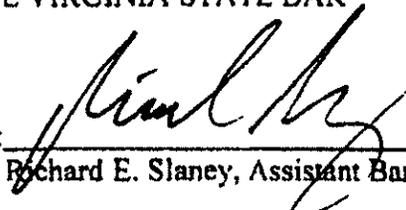
Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of a **Two Year Suspension With Terms** as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. The term with which the Respondent must comply is as follows:

1. Upon return to practice following the two year suspension, Respondent shall be on disciplinary probation for one year. Should the Bar prove any violation of the Rules of Professional Conduct by Respondent occurring during that one year following return to practice, the Respondent agrees that the Disciplinary Board shall impose an additional one year suspension pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-18(O). Any ruling or order issued by a court or other hearing body which contains a finding Respondent violated a Rule of Professional Conduct shall by itself constitute a violation of this term once such ruling or order becomes final.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

THE VIRGINIA STATE BAR

By:


Richard E. Slaney, Assistant Bar Counsel


Shane Lee Jimison, Respondent