

VIRGINIA:

BEFORE THE THIRD DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR

RECEIVED

JUN 2 2010

IN THE MATTER OF  
VAUGHAN CHRISTOPHER JONES

VSB CLERKS OFFICE

VSB Docket No. 10-033-082001

DISTRICT COMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)

On May 24, 2010, a hearing in this matter was held before a duly convened Third District Committee panel consisting of Margaret McDermid (Lay member), Cullen D. Seltzer, Esquire, Dennis R. Kiker, Esquire, Thomas O. Bondurant, Esquire, Michael S. Huberman, Esquire, William S. Francis, Jr., Esquire, and Karen M. Adams, Esquire, Chair, presiding.

Respondent Vaughan Christopher Jones appeared in person, *pro se*. The Virginia State Bar appeared through its Bar Counsel, Edward L. Davis, Esquire.

The matter proceeded upon the Charge of Misconduct, dated March 25, 2010, setting forth allegations that the Respondent violated Rules of Professional Conduct 1.1, *Competence*, 1.3(a), *Diligence*, 1.4(a), *Communication*, 1.6(a), *Confidentiality of Information*, 1.16(c), *Declining or Terminating Representation*, 5.3(b) and (c), *Responsibilities Regarding Nonlawyer Assistants*, and 8.1(c), *Bar Admission and Disciplinary Matters*.

The Chair polled each member of the hearing panel as to whether they had any personal or financial interest that might affect or reasonably be perceived to affect their ability to be impartial. Upon receiving answers in the negative, and upon the Chair affirming that she had no such interest, the Chair advised the parties of the hearing procedures.

Thereafter, the parties made opening statements, and the panel received the testimony of Oren M. Powell, Terrance Wooten, Alejandra R. Hammack, and the Respondent, who testified as an adverse witness. The panel also received Virginia State Bar Exhibits 2 through 6 without objection. The Panel did not receive Virginia State Bar Exhibit 1 (The Charge of Misconduct)

into evidence. On the Virginia State Bar's motion, the panel took judicial notice of Rule 7A:3 of the Rules of the Supreme Court of Virginia<sup>1</sup>, without objection.

Upon the conclusion of the bar's case, the Respondent moved to strike the bar's evidence, and counsel argued the matter. Upon due deliberation, the panel granted the motion to strike as to Rule 5.3, but overruled the motion with respect to the rest of the Rule violations alleged. Thereafter, the panel received the Respondent's evidence consisting of the testimony of Brian Mangas and the Respondent, who testified in his own behalf. At the conclusion of all of the evidence, the Respondent renewed his motion to strike, which the panel overruled. The parties presented closing arguments, and the panel adjourned to deliberate the Charge of Misconduct.

Upon due deliberation the panel found that the bar proved by clear and convincing evidence violations of Rule 1.3, 1.16, and 8.1 of the Rules of Professional Conduct. The panel then received, as Virginia State Bar Exhibit 7, the Respondent's prior disciplinary record consisting of a Private Reprimand, a Public Admonition without Terms, and a Public Reprimand with Terms. Counsel made argument concerning an appropriate sanction and the panel adjourned to deliberate.

Pursuant to Part 6, Section IV, Paragraph 13-16.Z. of the Rules of the Virginia Supreme Court, the Third District Committee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand with Terms:

**I. FINDINGS OF FACT**

1. At all times relevant hereto, Vaughan Christopher Jones ("Respondent"), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. On September 4, 2009, the Loudoun County Police Department arrested the complainant, Terrence Wooten, on two charges of larceny by false pretenses (fraudulent use of gift cards). One of the charges was a felony and the other a misdemeanor.

3. On September 14, 2009, Mr. Wooten consulted with Mr. Jones by telephone about representing him.
4. Mr. Jones states that he quoted a total fee of \$4,000, with \$1,500 paid up front to get started. Mr. Wooten recalls a fee of \$1,500, but a total of \$4,000 if the case progressed beyond the grand jury.
5. Nonetheless, Mr. Jones never received more than \$1,000 from Mr. Wooten.
6. On October 2, 2009, the Commonwealth's Attorney filed a motion with the Loudoun County General District Court to continue the preliminary hearing from November 17, 2009 to a later date because of the unavailability of one of the Commonwealth's witnesses. The motion was to be heard on October 13, 2009.
7. Meanwhile, Mr. Jones and his staff pressed the complainant to make payment so that Mr. Jones could file a motion to continue the case.
8. On or about October 12, 2009, the complainant paid \$500 to Mr. Jones.
9. By letter, dated October 13, 2009, Mr. Jones made an entry of appearance with the Loudoun County General District Court, indicating that he was retained the day before to represent Mr. Wooten and asking the court to continue the case to one of the available dates provided by Mr. Jones in his letter.
10. The court received the motion the same date, October 13, 2009, and continued the case to December 3, 2009, one of Mr. Jones' available dates.
11. Meanwhile, Mr. Jones' staff continued to ask for payment from Mr. Wooten.
12. Mr. Wooten, however, made no further payment toward the fee until November 11, 2009, when he paid an additional \$500 by providing a credit card number.
13. Mr. Jones' staff was unable to collect any more funds from Mr. Wooten from the credit card or by any other means.
14. Unable to collect any further payment from the complainant, Mr. Jones terminated the representation by letter to Mr. Wooten, dated November 19, 2009. The letter stated that he had filed a Motion to Withdraw with the court.
15. Mr. Jones refunded \$500 of Mr. Wooten's \$1,000 total payment, feeling that his time in the case warranted the remaining \$500.
16. Mr. Jones' motion to withdraw is dated November 20, 2009. In it, Jones certified that he provided a copy to the Commonwealth's Attorney. He did not, however, certify that a copy was provided to his client, and none was.

17. Neither the Court nor the Commonwealth's Attorney received a copy of the motion either until 12:44 p.m. the afternoon of the hearing on December 3, 2009, when Mr. Jones' paralegal sent it by facsimile.
18. Mr. Jones did not schedule a hearing to be heard on his motion but withdrew without leave of court, although he was counsel of record by virtue of his letter to the court, dated October 13, 2009, indicating that he had been retained and requesting to continue the case to one of his available dates.
19. By email, dated November 16, 2009, Mr. Jones instructed his paralegal to, "Call Wooten and give him \$500 back and mail letter to court today saying we won't be there." (Emphasis added.)
20. On December 3, 2009, Mr. Jones' staff also provided the court with a copy of Mr. Jones' letter to his client dated November 19, 2009, thereby publishing in the court's file all of Mr. Jones' reasons for terminating the representation, including his problems with collecting unpaid fees from his client.
21. On December 3, 2009, prosecuting attorney Alejandra R. Hammack was looking for Mr. Jones at court when Mr. Wooten approached and related that Mr. Jones said that he would not be coming to court.
22. Mr. Wooten asked Ms. Hammack to continue the case to a later date so that he could hire another attorney.
23. Ms. Hammack consented to the continuance and submitted an appropriate pleading with the court reflecting her agreement to continue the matter. The court continued the case to a later date.
24. The court, therefore, did not address Mr. Jones' absence from court that day, and Ms. Hammack did not learn anything about his motion to withdraw until she returned to the office after court and saw it for the first time, the motion having arrived after she left for court.
25. Mr. Wooten threatened a bar complaint if Mr. Jones did not refund the entire \$1,000, but Mr. Jones declined to do so.
26. On December 2, 2009, Mr. Wooten complained to the Virginia State Bar that Mr. Jones had not done any work on his behalf, refunded only \$500 out of \$1,000 paid, and ignored Wooten's attempts to contact him by telephone because he did not want his case.
27. On December 10, 2009, the Virginia State Bar mailed a copy of the complaint to Mr. Jones with a cover letter demanding a response within 21 days, in accordance with Rule 8.1 (c) of the Virginia Rules of Professional Conduct.
28. Mr. Jones, however, did not respond to the bar complaint. During the bar's investigation, Mr. Jones acknowledged that he did not respond to the complaint, stating that he sent a

copy of his file to Mr. Wooten, and thought that he was complying with the issues in the complaint by doing so. (The complaint, however, sets forth no allegations concerning the case file.)

## II. NATURE OF MISCONDUCT

Such conduct by Vaughan Christopher Jones 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 1.16    Declining Or Terminating Representation**

(c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable rules of court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

### **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 certification 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 admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6; or

## III. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the committee to offer the Respondent an opportunity to comply with certain terms and conditions, compliance with which will be a predicate for the disposition of a Public Reprimand with Terms of this complaint. The terms and conditions are:

1. No later than thirty (30) days from the date of this hearing, or by June 23, 2010, the Respondent will identify a mentor approved by the Virginia State Bar who is willing to review and make written recommendations concerning the Respondent's law office management practices and procedures to aid in the Respondent's future compliance with the Rules of Professional Conduct.

- a. The Respondent shall promptly inform Bar Counsel Edward L. Davis, Suite 1500, 707 East Main Street, Richmond, VA 23219-2800, in writing when he has obtained a mentor, and seek the bar's approval of the mentor.
- b. The mentor shall review all of the Respondent's law office management practices and procedures in general. (The Bar Counsel will furnish suggested questions to the mentor.) In the event the mentor determines that the Respondent has practices and procedures in place so as to aid in his future compliance with the Rules of Professional Conduct, the mentor shall so certify in writing to the Respondent and to the Bar Counsel's office at the Virginia State Bar.
- c. The Respondent shall be responsible for ensuring that the mentor furnishes this writing to the Bar Counsel's office no later than July 23, 2010.
- d. In the event the mentor determines that the Respondent's law office practices and procedures are deficient, such that in the mentor's opinion, the Respondent may likely commit future violations of the Rules of Professional Conduct, the mentor will make such report to the Bar Counsel's office by July 23, 2010, and the Respondent shall be responsible for ensuring that the mentor does so by the deadline provided.
- e. Following the date the mentor issues his or her written statement of the measures the Respondent must take to institute such measures; the Respondent shall institute such measures by August 23, 2010.
- f. The Respondent shall grant the mentor access to the Respondent's office after August 23, 2010, to determine whether the Respondent has instituted such

measures. The mentor shall, by September 23, 2010, certify in writing to the Bar Counsel's office and to the Respondent either that the Respondent has instituted the recommended measures by the August 23, 2010 deadline, or that he has failed to do so. The Respondent shall be responsible for ensuring that the mentor furnishes this report to the Bar Counsel's office by the deadline provided.

- g. The Respondent's failure to conform his law office management practices and procedures of the mentor's recommendations by the August 23, 2010 deadline shall be considered a violation of the Terms set forth herein.
- h. If, by June 23, 2010, the Respondent has not found a mentor suitable to the Virginia State Bar who is willing to do the work set forth above in (1), the Respondent shall promptly, at his own expense, engage Sensei Enterprises, Suite 225, 3975 University Drive, Fairfax, Virginia 22030, (703) 359-0700, to do so instead within the time periods stated above in (1).

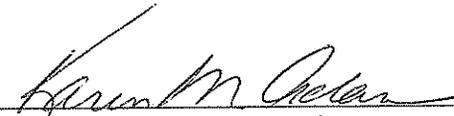
- 2. In addition to the terms outlined above in (1) and (2), the Respondent shall attend ten (10) additional hours of Continuing Legal Education every year for the next three years in the areas of law office management and ethics for no annual CLE credit. The Respondent shall certify his attendance at the CLE courses in writing to the Bar Counsel's office beginning November 1, 2010 and each year thereafter.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, the terms and conditions are not met by the dates specified, the district committee shall impose a Certification for Sanction Determination to the Virginia State Bar Disciplinary Board pursuant to Part Six, Section IV, Paragraph 13-16.CC of the Rules of the Virginia Supreme Court.

The Court Reporter who transcribed these proceedings is Valerie May, RPR, of Chandler & Halasz Court Reporters, Post Office Box 9349, Richmond, Virginia 23227, (804) 730-1222.

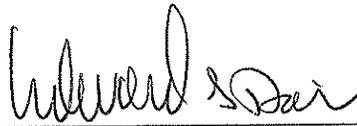
Pursuant to Part Six, Section IV, Paragraph 13-9.E. of the Rules of the Virginia Supreme Court, the Clerk of the Disciplinary System shall assess costs.

THIRD DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR

By   
Karen Meriwether Adams  
Chair

CERTIFICATE OF SERVICE

I certify that on the 30 day of June, 2010, I caused to be mailed by Certified Mail, Return Receipt Requested, a true copy of the District Committee Determination (Public Reprimand with Terms) to Vaughan Christopher Jones, Respondent, at Johnson Jones LLP, 1622 West Main Street, Richmond, VA 23220, Respondent's last address of record with the Virginia State Bar.

  
Edward L. Davis  
Bar Counsel

<sup>1</sup> RULES OF THE SUPREME COURT OF VIRGINIA, Part Seven A, General District Courts - In General RULE 7A:3 Counsel. -- When used in these Rules, the word "counsel" or "attorney" includes a partnership, a professional corporation or an association of members of the Virginia State Bar practicing under a firm name. "Counsel of record" in any case includes an attorney who has signed a pleading in the case or who has notified the clerk or judge that the attorney appears in the case and shall also include a party who appears in court pro se. Except as provided in §16.1-69.32:1, counsel of record shall not withdraw from a case except by leave of court with such notice as the court may require to the client of the time and place of a motion for leave to withdraw.

Title 16.1 Courts Not of Record, Chap. 4.1 District Courts, §§ 16.1-69.1 — 16.1-69.58  
Art. 3 Administration and Supervision of the District Courts, §§ 16.1-69.30 — 16.1-69.36§16.1-69.32:1.  
Substitution of counsel. — Except in case of court-appointed counsel, no rule of court shall be made or construed so as to preclude substitution of counsel in civil and criminal cases in the district courts, nor shall any order or appearance in person, be required, to relieve original counsel of his duties in any such case. It shall be sufficient that new counsel represents to the court that the substitution is made pursuant to agreement by the parties represented and original counsel. (1980, c. 434.)